

CHAPTER-V

Ambedkar's Fights For Human Rights

In the Hindu society caste plays an important part. Being an Untouchable, Ambedkar had to face social ostracism and isolation. Early in life he realised that a large section of his countrymen had been denied of their legitimate rights by the oppressive social customs. Equipped with an almost encyclopedic knowledge of human society in general and Hindu society in particular, he started the task of reconstructing Hindu society; on the one side he criticised the society, and on the other he suggested its reorganisation. He came to the conclusion that a democratic society in India could be established only when the Untouchables and other weaker sections of society would be given the opportunity to enjoy the basic human rights. Here is a graphic picture of the plight of the Untouchables in his own words as given below :

“The Hindu society insists on segregation of the quarters of the Untouchables. The Hindu will not live in the quarters of the Untouchables and will not allow the Untouchables to live inside Hindu quarters. This is a fundamental feature of untouchability as it is practised by the Hindus. It is not a case of social separation, a mere stoppage of intercourse for a temporary period. It is a case of territorial segregation and of a cordon sanitation putting the impure inside a barbed wire, into a sort of a cage. Every Hindu village has a ghetto. The Hindus live in the village and the Untouchables in the ghetto.”¹

Ambedkar concluded that no where except in India there existed permanent segregation camp and there had never been the case of a people treating a section of their own people as permanent and hereditary slaves. Untouchability was a unique phenomenon unknown to humanity except the Hindus. He proved by illustrating the condition of the Untouchables during the period of the Peshwas.² The Untouchables had been denied the social and Civic rights because they were not considered even as citizen. Even an Untouchable saint, whose remains lay buried in the premises of the temple of Vithoba at Pandharpur, was denied the right to worship the idol inside the temple. The social and economic disabilities of the Untouchables remained

unaltered even during the British rule which provoked him to remark that the British Government was deliberately adopting a policy of indifference.³

Neglect of Depressed Classes by the British.

Ambedkar studied the problems of the Untouchables from all perspectives and concluded that the British Government had been mainly responsible for their abject poverty. The Government indirectly enunciated the intellectual renaissance of India and sowed the seeds of European Civilization based on liberty, equality and fraternity and also established a common system of law. The British Government improved roads, constructed canals on scientific principles, effected transportation by rail, contrived to carry letter by penny post and flashed messages lightening, stabilised currency, regulated weight and measures, as well as advanced the study of philosophy, geography, astronomy and medicine. According to Ambedkar, all these innovative steps were meant to regenerate the people. But they failed to redress the social wrongs.⁴

Even with an impartial view to British rule in India Ambedkar realised the need for *Swaraj* because, freedom of the country would accelerate social reforms for justice. G. K. Gokhale coined the word *Swaraj* and Ambedkar's ideas compared favourably with it. About the British Government wrote Ambedkar "it is the costliest Government in the world." (The) cost is too great for the maintenance of law and order in this country. There is one thing that must appeal to you and that is the poverty of the people. In his words —

"In the first quarter of the nineteenth century when the British rule in India had become an established fact, there were five famines with an estimated loss of 1,000,000 lives. During the second quarter of the century there were two famines with an estimated mortality of 400,000. During the third quarter there were six famines with a recorded loss of life of 5,000,000. And during the last quarter of the century what do we find? Eighteen famines with an estimated mortality which reaches the awful total of 15,000,000 to 26,000,000. And this does not include the many more millions (over 6,000,000) in a single year kept alive by Government doles. Gentlemen, what must be the cause of this? In plain terms the cause is the deliberate policy pursued by the British in the government of this country. The aim of the British Government all along has been to discourage the growth of trade and industry in this country."⁵

Ambedkar had his unequivocal demands for *Swaraj* and outright condemnation of the

British Government . But some eminent leaders like Subhas Chandra Bose criticised him thus: "Ambedkar has had leadership thrust upon him by a benign British Government, because his services were necessary to embarrass the nationalist leaders."⁶ However , the truth was otherwise ; and Ambedkar explained his standpoint as follows:

"It was due to the reason that , a patriot and a nationalist in India is one who sees with open eyes his fellowmen treated as being less than man. But his humanity does not rise in protest. He knows that men and women for no cause are denied their human rights. But it does not prick his civic sense to helpful action. He finds whole classes of people shut out from public employment. But it does not rouse his sense of justice and fair-play. Hundreds of evil practices that injure man and society are perceived by him. But they do not sicken him with disgust. The patriot's one cry is power and more power for him and for his class. I am glad , I do not belong to that class of patriots. I belong to that class which takes its stand on democracy and which seeks to destroy monopoly in every shape and form. Our aim is to realise in practice our ideal of 'one man', ' one value' in all walks of life - political, economic and social."⁷

Resistance to Indian National Congress

Ambedkar gave only conditional co-operation with the leaders of the Indian National Congress. The reason was that Gandhi was willing to give political guarantees to the Muslims and the Shikhs, but reluctant to concede them to the Depressed Classes. Ambedkar did not support the Civil Disobedience Movement started by Gandhi as this Movement was extremely inopportune and it rejected the method of peaceful negotiations provided by the Round Table Conference. The British Government had used the Depressed Classes (Untouchables) only as an excuse for its continued existence. The Hindus claimed them only to appropriate their rights. The Mohammedan refused to recognise their separate existence , since they feared that their privileges might be curtailed by their admission. In this context , the Untouchables had been depressed by the Government, suppressed by the Hindus and disregarded by the Muslims. There was a condition of slavery and so Ambedkar made it his mission to make the Untouchables conscious of their slavery. The British Government did not stop the squeezing of the masses by the landlords and exploitations of labourers by the capitalists. And the British Government did not intervene because it was afraid that it would give rise to resistance. Besides , the British Government owing to pressure of the Congress failed to come out of hesitancy in granting politi-

cal rights to the Untouchables. And Ambedkar concluded that the British Government could never settle the social problem effectively. He thundered :

“Before the British you were in the loathsome condition due to your untouchability. Has the British Government done anything to remove your untouchability? Before the British you could not draw water from the village well. Has the British Government restored to you the right to the well ? Before the British you could not enter temple. Can you enter now ? Before the British you were denied entry into the Police Force? Does the British Government admit you in the Force? Before the British you were not allowed to serve in the military. Is that career now open to you? Gentlemen, to none of these questions can you give an affirmative answer. Those who have held so much power over the country for such a long time must have done some good. But there is certainly no fundamental alteration in your position.”⁸

Ambedkar quoted the definition of ‘slave’ as given by Plato, as applicable to the Untouchables of India . According to Plato a slave is one who accepts from another the purposes which control his conduct. In this light Ambedkar pointed out that the Untouchables had been treated as slaves because— “(i) They were so socialised as never to complain of their low state; (ii) they never dreamt of trying to improve their lot, by forcing the other classes to treat them with the common respect; (iii) the idea that they had been born to their lot was so ingrained in their mind that it never occurred to them to think that their fate was anything so irrevocable ; (iv) nothing would ever persuade them that men are all made of the same clay , or that they have the right to insist on better treatment than that meted out to them.”⁹

Ambedkar described the state of slavery of the Untouchables and denial of human rights to them while giving evidence before the Reforms Committee, (Franchise), (Southborough Committee), on 27 January 1919. He said :

“The exact description of the treatment cannot be attempted. The word ‘Untouchable’ is an epitome of their ills and sufferings. Not only has untouchability arrested the growth of their personality but it comes in the way of their material well-being . It has also deprived them of certain civil rights. For instance in Konkan the Untouchables are prohibited from using the public road. If some high caste man happens to cross him he has to be out of the way and, stand at such a distance that his shadow will not fall on the high caste man. The Untouchable is not even a citizen. Citizenship is a bundle of rights such as personal liberty, personal security, right to hold private property, equality before law, liberty of conscience, freedom of opinion, speech, right of assembly, right of representation in a country’s Government and right to hold office under the State. The British Government by gradual growth may be said to have conceded these rights at least in theory to its Indian subjects.

“The right of representation and the right to hold office under the State are the two most important rights that make up citizenship. But the untouchability of the Untouchables put these rights far beyond their reach. In a few places, they do not even possess such insignificant rights as personal security. These are the interests of the Untouchables. And as can be easily seen they can be represented by the Untouchables alone. They are distinctively their own interests and none else can truly voice them. A free trade interest can be voted by a Brahmin, a Mohamedan or a Maratha equally well. But none of these can speak for the interests of the Untouchables because they are not Untouchables. untouchability constitutes a definite set of interests, which the Untouchable alone can speak for. Hence it is evident that we must find the Untouchables to represent their grievances which are their interests, and secondly, we must find them in such numbers as will constitute a force sufficient to claim redress.”¹⁰

The conditions of the Untouchables during British rule presented dismal picture of decay, degradation and demoralisation. Even the social reform movements like the *Brahma Samaj*, the *Prarthama Samaj*, the *Arya Samaj* did not egg on the amelioration of the condition of the Untouchables. The goal of these social reform movements was to solve the problems like dowry, *sati*, widow remarriage, child marriage and the like. But none of these sought to solve the vexed questions of the Untouchables. According to Ambedkar it was a class struggle between touchable majority and the Untouchable minority. The solution of the problems of untouchability lay in securing for the Untouchables liberty and equality as denied by the Touchables.

In this context the Untouchables became the bounden slaves of Hindu society. They remained as hewers of wood and drawers of water. Their condition was worse than that of the Negroes of America. The later were denied equal protection by law. Thus they did not have free access to the coaches reserved for the Whites in trains and buses. This discrimination was based on the principle of “Separate but Equal”, notwithstanding the provisions of the Fourteenth Amendment to the Constitution of the United States. The condition of the Negroes, in the opinion of Ambedkar, was certainly better than the condition of the Untouchables. He pithily pointed out the differences between the slavery of the Negroes and the untouchability of the downtrodden.¹¹

Seminal Ideas of Rights.

Ambedkar had been thinking of the rights to be conferred on the Untouchables in the Constitution to be framed for them. These are now incorporated in Part III relating to Fundamen-

tal Rights and Part IV relating to Directive Principles of State Policy. But the seminal ideas had already been given to the Minorities Committee of the Round Table Conference in November, 1930. He stipulated the terms and conditions on which the oppressed Minority would accept a majority rule in independent India. And these are noted in a Scheme of Political Safeguards for the Protection of Depressed Classes in the future of a self - Governing India.

The first condition related to “equal citizenship” having two parts - (1) Fundamental Rights and (2) to abolish the immunities and exemption enjoyed by the executive officers by virtue of sections 110 and 111 of the Government of India act 1919 and their liability for executive action was to be made co-extensive with what it had been in the case of European British subjects. Regarding Fundamental Right his observations were as follows:

“All subjects of the state in India are equal before the Law and possess equal civic rights. Any existing enactment, regulation order, customs or interpretation of law by which any penalty , disadvantage , disability, is imposed upon or any discrimination is made against any subject of the state on account of untouchability shall, as from the day on which this Constitution comes into operation, cease to have any effect in India.”¹²

The second condition related to “Free enjoyment of Equal Rights”. Mere declaration of equal rights was of no avail. It was necessary that they should have to be protected by adequate pains and penalties from interference by the orthodox society in the enjoyment of these declared rights. To this end provision should have to be made for being added to part XI of the Government of India act 1919 dealing with offences, procedure and penalties. Obstruction by orthodox individuals was not the only menace to the Depressed Classes. Commonest form of obstruction was the social boycott . And this social boycott had been invented for the suppression of the Depressed Classes . To overcome the social boycott it was necessary that social boycott should be made an offence punishable by law. To this end Ambedkar defined the offence of boycott and prescribed punishment for boycotting . He also prescribed punishment for instigating or promoting a boycott and also for threatening a boycott.

The third condition related to protection against discrimination and this should have to be incorporated in the constitutional laws of India. The fourth condition related to adequate repre-

sentation in the legislatures. Ambedkar emphasised that the Depressed Classes must be given sufficient political power to influence legislative and executive action for the purpose of securing their welfare. They should have to be given the right to adequate representation in the legislatures in the country – Provincial and Central. Besides, they should have to be given the right to elect their own men as their representatives, (a) by adult suffrage, and (b) by separate electorates for the first ten years and thereafter by joint electorates and reserved seats, it being understood that joint electorates should not be forced upon the Depressed Classes against their will unless such joint electorates were accompanied by adult suffrage.

The fifth condition related to adequate representation in the services. The Depressed Classes suffered enormously in the hands of the high caste officers who had monopolised the Public Services by abusing the Law or by misusing the discretion vested in them in administering it to the prejudice of the Depressed Classes and to the advantage of the caste Hindus without any regard to justice, equality or good conscience. The remedy lay in destroying the monopoly of the caste Hindus and providing for adequate share of the Depressed Classes in the services. To this end necessary enactment should have to be made as part of the constitutional law. The sixth condition related to redressal against prejudicial action or neglect of interest. And the provision of their protection should have to be incorporated in the Constitution of India.

The seventh condition related to “special departmental care”. The helpless and hapless condition of the Depressed Classes was entirely due to the dogged and determined opposition of the orthodox population which would not allow the Depressed Classes to have equality of status or equality of treatment. It is not enough to say that the Depressed Classes were poverty-stricken or that they were a class of landless labourers. It may be noted here that the poverty of the Depressed Classes had been largely due to the social prejudices, in consequence of which many an occupation for earning a living was closed to them. To secure remedy it was necessary that the constitutional law should have to be imposed upon the Government of India a statutory obligation to maintain at all times a department to deal with their problems by the edition of a section in the government of India Act 1919. The eighth condition related to “Depressed Classes and the Cabinet.” The Depressed Classes should have to have the power to influence governmental

action by having seats in the legislature. Also it was desirable that they should have to have the opportunity to frame the general policy of the government . This they could do only when they would find a seat in the cabinet. To this end an obligation should have to be placed in the “Instrument of instructions” on the Governor and the Governor-General to endeavour to secure the representation of the Depressed Classes in his cabinet.¹³

Efforts to raise the level of Education and Culture

Ambedkar’s slogan was “Tell the slave that he is a slave and he will revolt against his slavery.” This had a telling effect that it generated a consciousness in the minds of the Untouchables and the down-trodden about their plight so that they would exhort themselves to secure their human rights. Ambedkar started educational and social institution and journals and also launched a movement of *Satyagraha*. On March 9, 1924 he called a meeting of the social workers from among the Untouchables and others at the Damodar Hall and established the *Bahiskrit Hitkarini Sabha*. Sir Chimanlal Hiralal Setalbad L. L. D. was made president . The vice - president were Mr. Meyer Nissim, J. P., Mr. Rustomji Jeenwala, V. P. Chavan and Mr. B. G. Kher, Solicitor. The chairman of the Managing Committee was Ambedkar , the Secretary was Mr. Shivtarkar and the Treasurer was Mr. N. T. Jadhav.

The aims and objectives of the *Bahiskrit Hitkarini Sabha* were – (a) to promote the spread of education among the Depressed Classes by opening hostels and by employing such other means as may seem necessary or desirable; (b) to promote the spread of culture among the Depressed Classes by opening libraries, social centres and classes or study circles; (c) to advance and improve the economic condition of the Depressed Classes by starting the industrial and agriculture schools; and (d) to represent the grievances of Depressed Classes.¹⁴ Ambedkar carried on ceaseless struggle to make the Untouchables conscious of their self-respect and the need for self-elevation. In one of his speeches he cried out —

“My heart breaks to see the pitiable sight of your faces and to hear your sad voices. You have been groaning from time immemorial and yet you are not ashamed to hug your helplessness as an inevitability. Why did you not perish in the pre-natal stage instead? Why do you worsen and sadden the picture of sorrows, poverty, slavery and burdens of the world with

your deplorable, despicable detestable and miserable life? You had better die and relieve this world if you cannot rise to a new life and if you cannot rejuvenate yourselves. As a matter of fact it is your birth-right to get food shelter and clothing in this land in equal proportion with every individual high or low . If you believe in living a respectable life , you believe in self-help which is the best help!"¹⁵

Ambedkar tried to rouse the Untouchables from their slumber when they had been kicked by the caste Hindu people . He wanted to change this mentality. He therefore gave them the clarion call to rise up. He wanted to change the code of conduct forced on them. He said: "If you do not change, then it will be quite impossible for us to fight against the old circumstances. Don't believe in time. Don't believe in accidents and coincidence. Believe that man is the creator of history, and he can come out successful, notwithstanding the old circumstances."¹⁶

Ambedkar laboured to build up organisations like the *Bahiskrit Hitkarini Sabha*, *Bhartiya Bahiskrit Samaj Sevak Sangha*, *Samaj Samata Mandal*, *Samata Sainik Dal* and the like so as to educate down-trodden to organise and agitate for the realization of their basic rights. Through the *Bahiskrit Hitkarini Sabha*, he started High Schools and hostels for the Untouchables. He established the *Bhartiya Bahiskrit Samaj Sevak Sangh*, the moto of which was. 'read, read out and hear; understand, realise, and give realization.' Through this Association , he made Mahar community realise that they should fight for the abolition of Mahar *Watan*. According to him, Mahar *Watan* created 52 rights but in fact the 52 rights were not rights but 52 kinds of shackles of slavery. He wanted to abolish the Mahar *Watan* and therefore on 19 March 1928, when he was an M.L.C. he prepared a Private Bill and introduced it in the Bombay Legislative Council. The object of the Bill was as follows: (i) The wages should be paid according to the work done by the *Watandars* but the wages should not be decided and fixed according to the status of the *Watandar*. It must be based on the contract procedure. (ii) The *Watandars* must be allowed to exchange their *Watandari* permit. (iii) It should not be hereditary. (iv) Those who were called *Bahutas*, their wages were to be levied as taxes on the village community. (v) The *Watandar* should not be made to work as a permanent servant of the village *Sarpanch* and Patils. (v) The *Watandars* must be assigned particular duties."¹⁷

Ambedkar tried to transform the Depressed Classes into a political army and pressed their

political claims which were conceded in the Government of India Act. 1935 in the form of special representation of the Backward Classes . The 1919 Act laid down that the elected members should be less than 70% and the official members not less than 20% . In 1926 the composition of the legislature of all provinces taken together was as follows: “ 14.5 percent officials, 8.6 percent non-officials nominated to represent Aborigines, Backward Tracts, Depressed Classes, Anglo-Indians, Labour, etc., 9.9 percent elected members representing special interests and Industry, etc., and 67 percent elected members returned through territorial constituencies.”¹⁸

The name ‘Depressed Classes ‘ was not liked by Ambedkar . He stated thus on November 4, 1931 as follows : “It is degrading and contemptuous, and advantage may be taken of this occasion for drafting the new constitution to alter for official purposes the existing nomenclature. We think that they should be called ‘Non-Caste Hindus’, ‘Protestant Hindus’, or ‘Non-Conformist Hindus’, or some such designation , instead of ‘Depressed Classes’”. We have no authority to press for any particular nomenclature. We can only suggest them and we believe that if properly explained the Depressed Classes will not hesitate to accept the one most suitable for them”.¹⁹

In this context the Depressed Classes as cited in the Govt. of India Act 1919 became known as the Scheduled Caste in the Government of India Act 1935 as well as in the Constitution of India 1950. The movement launched by Ambedkar to inspire the Depressed Classes to fight for their rights gradually gained momentum . This may be illustrated by the Mahar Satyagraha for drinking water and the Nasik Satyagraha for entry into the temple. Ambedkar said:

“Nobody can remove your grievances as well as you can and you cannot remove these unless you get political power into your(own) hands...We must have a government in which men in power will not be afraid to attend the social and economic code of life which the dictates of justice and expediency so urgently call for . This role the British government will never be able to play. It is only a government which is of the people, for the people and by the people , in other words, it is only the *Swaraj* Government that will make it possible.”²⁰

Major Landmarks in the Political Struggle of the Untouchables.

The Act of 1919 recognised for the first time in Indian history, the existence of the Depressed Classes. Among the fourteen non-official Members nominated by the Governor-General

to the Central Legislative Assembly, one was the representative of the Depressed Classes. In the Provincial legislatures the Depressed Classes were represented by 4 nominations in the Central Provinces, two in Bombay, two in Bihar and one each in Bengal and the United Provinces. In Madras ten members were nominated to represent nine specified Depressed Classes. In Bombay 4 members were nominated. They had to avail themselves of the experience of the legislature by rotation, since there were only 2 seats allotted to the Depressed Classes. Accordingly Shri Gholap, Shri Nikalji, Dr. Solanki and Ambedkar were nominated.

In his thesis *The Evolution of Provincial Finance in British India*, Ambedkar criticised the attitude of the British Government in repressing the National Movement of India and manifested his patriotic fervour throughout the book. Ambedkar was alive to the happenings in Maharashtra. During this period the rights of Indian citizens were totally suppressed by the British Government. Freedom of discussion and of meeting was slowly being extinguished; complaints, protests, and appeals made in regard to these rights were dubbed as seditious murmurings; and champions of these rights and freedom were denounced by the Government as sedition mongers. This gave rise to a wind of discontent and volcanic political unrest and was roaring forth with unprecedented vigour. This kind of repression must have agitated the mind of Ambedkar. Tilak's provocative deportation to Mandalay, Savarkar brothers' revengeful transportation to the Andamans, imprisonment of several other leaders and editors, and the death of some of the patriotic youths on the gallows smote the heart of Maharashtra so violently that after the deportation of Tilak and transportation of Savarkar a period of deluge reigned over Maharashtra. He being a liberal and true patriot could not remain unaffected by these tragic happenings.²¹

Eighteen Depressed Classes Associations gave evidence before the Simon Commission and placed their memorandum before it. Sixteen of them pleaded for separate electorates for the Depressed Classes. On behalf of the *Bahiskrit Hitkarini Sabha*, Ambedkar submitted a memorandum to the Commission and demanded joint electorate with the reservation of seats for the Depressed Classes.²² The *Bahiskrit Hitkarini Sabha* demanded 22 out of 146 in the Bombay Legislative Council. It was opposed to the principle of nomination and it insisted upon the

extension of the principle of election to the Depressed Classes. It is said that they needed political education and since *ministership* was a very important privilege they should have a place in the Cabinet.²³ Besides, the *Sabha* demanded that the education of the Depressed Classes should be the first charge on the revenue of Provinces and claimed the right of the Depressed Classes to the recruitment in the Army, Navy and police.

The first Round Table Conference in 1930 was a follow up to the recommendation of the Simon Commission to consider proposals for constitutional reforms in India. Ambedkar received an invitation to attend it in September 1930. The India National Congress had boycotted the Simon Commission and also the first Round Table Conference. In the first Plenary Session of the Round Table Conference Ambedkar made an important statement, clarifying his political stand vis-à-vis the British Government and the Hindu majority and his demands on behalf of the Depressed Classes. The British Government had not been able so far to change the social status of the Untouchables and ensure their entry into Hindu temples or into the Police force or Military. In fact the British Government had accepted the social arrangements as it found them. No one could remove the grievances of the Untouchables, he reiterated, as satisfactorily as they themselves could. They could do nothing unless the Untouchables had a share in power in self governing India. It was only in a *Swaraj* constitution that they could stand and have chance of getting the political power into their own hands, without which there could be no salvation for them. However, he could not assume that the interest of the Depressed Classes would be safe only with the coming of *Swaraj* unless the Depressed Classes had a share in political power. And this could be ensured by devising a constitution taking into account the hierarchical character of Indian society and the need for the representation of varied interest in new political structures. But there was a risk that, even in the new set up, the interest of the Depressed Classes might suffer : “ We are prepared to take the inevitable risk of the situation in the hope that we shall be installed, in adequate proportions, as the political sovereigns of the country along with our fellow countrymen. But we will consent to that on one condition that the settlement of problems is not left to time.”²⁴

The second Round Table Conference in London started its meetings on September 7, 1931. Gandhi joined the Conference and arrived in London on September 12. He put forward a demand for complete independence of India. The principal question for consideration by the Conference related to Communal problems. No unanimous decision could be arrived at on the subject. The Muslims, the Untouchables and the Depressed Classes among the Hindus, the Anglo-Indians and the Indian Christians put forward a joint proposal which was not acceptable to the Hindus and the Sikhs. Gandhi protested strongly against the recognition of the Depressed Classes as a separate community with a right of franchise as such. Ambedkar proposed a joint electorate for the Depressed Classes along with the other Hindus with the reservation of seats for them in the legislatures. Gandhi objected to this. Somebody then proposed that the matter be left to the decision of the British Government. The British Prime Minister enquired if the delegates present were prepared to accept his decision and so to send him a written request to that effect. The majority of ten delegates signed a written request to him in that regard.

The second Conference ended on December 11, 1931. Nothing much came out of this barring the formulation of certain procedural matters in connection with the implementation of the decisions of the first conference. Gandhi returned to India on December 28 and admitted that he had come back empty handed. On August 17, 1932 Ramsay Macdonald the British Prime Minister made the declaration of his decisions as follows : (i) Muslims , Sikhs and the Europeans in India will form separate electorates for the purpose of elections but the communities concerned may change the arrangement if they so desired after the lapse of ten years. (ii) The Hindus will vote for candidates contesting seats in the legislatures that will be reserved for them but some of these seats will again be reserved for the Depressed Classes who will form separate electorates for returning their candidates.²⁵

In a Supplementary Memorandum on the claims of the Depressed Classes for Special Representation B. R. Ambedkar and Rao Bahadur R. Srinivasan felt the necessity of defining the Depressed Classes (the definition had already been given earlier). However, they made it clear what special Representation meant in the following words : (i) That the Depressed Classes

shall not only lose the right to their own separate electorates, but they shall also have the right to be represented by their own men. (ii) That in each Province the Depressed Classes shall be strictly defined as meaning persons belonging to communities which are subjected to the system of untouchability of the sort of prevalence therein and which are enumerated by name in a schedule prepared for electoral purposes.²⁶

The third Round Table Conference was just a piece of window-dressing. It was intended to be a Conference of equals for the purpose of defining the principles of constitution. Its composition was changed, Jinnah was left out. The Indian states had little interest in the proceedings and the Princes abstained. The Conference sat from November 17 to December 24, 1932. After the close of the Conference, the Government published a White Paper on March 15, 1933, giving a complete outline of constitution. Meanwhile the joint Parliamentary committee of both the Houses (Lords and Commons) was appointed in April, 1933 with Lord Linlithgo as Chairman. On the basis of its Reports a bill was prepared and introduced on December 19, 1934. It was carried by large majority and the Royal assent was given on August 4, 1935, and this became the Government of India Act 1935.

It has already been noted that the Prime Minister of England announced his decision known as Communal Award on August 18, 1932. At this Gandhi wrote to the Prime Minister that he would start a Fast unto death from September 20, unless the proposal for a separate electorate for the Depressed Classes was dropped. Nothing happened and the Fast was begun on September 20. The Fast created a great stir all over the country. The excitement created by the Civil Disobedience Movement and the resultant repression and harassment of thousands of Satyagrahis at the hands of the Government were all pushed to the background under the weight of the vociferous demand that Gandhi's life be saved at any cost. And the only way to do this was to come to some sort of understanding with the Depressed Classes. The Hindu leaders met in a Conference with Ambedkar, the leader of the Depressed Classes. Subsequently a settlement was reached on September 25, 1932 and this came to be known as the Poona Pact. Gandhi broke his fast on September 26, 1932. Ambedkar stated thus :

“As to myself, it is no exaggeration to say that no man was placed in a greater and graver dilemma than I was then. It was a baffling situation. I had to make a choice between two different alternatives. There was before me the duty, which was owed as a part of common humanity, to save Gandhi from sure death. There was before me the problem of saving for the Untouchables the political right, which the Prime Minister had given them. I responded to the call of humanity and saved the life of Mr. Gandhi by agreeing to alter the Communal Award in a manner satisfactory to Mr. Gandhi. This agreement is known as the Poona Pact.”²⁷

The principal terms of settlement were as follows: “(i) A total of 148 seats in the provincial legislative assemblies shall be reserved for members of the Depressed Classes instead of 71 seats as previously decided. (ii) In the Central legislature 18% of the seats meant for representatives from the British Indian territories shall be reserved for the Depressed Classes. (iii) For every seat reserved for the Depressed Classes, four candidates shall first be selected by the Depressed Class voters only and subsequently out of these four one shall be elected on the strength of votes cast by all Hindu voters of that Constituency.”

To introduce “fast” into politics is not a political act but a kind of coercion on the political opponent. Hence Gandhi’s action cannot be defended at all. On this Jawaharlal Nehru, a firm devotee of Gandhi severely criticised and condemned Gandhi’s imprudence, and the mixing of politics and religion in tackling political questions. Nehru concluded thus: “I felt angry with him when Gandhi would rely on religion and his own intuition and repeatedly invoke the name of God for solution of a political problem. God was said to have given him the direction not only to start the fast but also when to start it. What a terrible example to set.”²⁸

Subahas Chandra Bose (Netaji) also commented on Gandhi as follows: “The Mahatma (Gandhi) has failed, because he had to play a dual role in one person — the role of the leader of an enslaved people and that of a world - teacher, who has a new doctrine to preach. It is this duality which made him at once the irreconcilable foe of the Englishman, according to Mr. Winston Churchill, and the best policeman of the Englishman according to Miss Ellen Wilkinson ...But India’s salvation will not be achieved under his (Gandhi’s) leadership”.²⁹

Gandhi undertook the ‘fast unto death’ was motivated. And Ambedkar’s comments on this are illuminating and these are noted thus : “ The story of this fact (fast unto death) has been

told by Mr. Pyarelal in a volume which bears the picturesque and flamboyant title of *The Epic Fast*. The curious may refer it. I must, however, warn him that it is written by a Boswell and has all the faults of a Boswellian ... Suffice it to say that although Mr. Gandhi declared a fast unto death, he did not want to die. He wanted very much to live.”³⁰

In his reply to Gandhi's letter dated August 18, 1932, addressed to the Prime Minister of England, Ramsay Macdonald, the latter showed in his letter dated September 8, 1932, addressed to Gandhi the motive of Gandhi to deprive the Depressed Classes of their right to choose their own candidates. In his words —

“As I understand your attitude, you propose to adopt the extreme course of starving yourself to death not in order to secure that the Depressed Classes should have joint electorate with other Hindus, because that is already provided, nor to maintain the unity of Hindus, which is also provided, but solely to prevent the Depressed Classes, who admittedly suffer from terrible disabilities today, from being able to secure a limited number of representatives of their own choosing to speak on their behalf in the legislature which will have a dominating influence over their future.”³¹

As already noted Ambedkar was not happy with the Poona Pact. He had to accept it under pressure from the caste Hindus to save the life of Gandhi. The Poona Pact was accepted by Gandhi and given effect to by Government by embodying it in the Government of India Act 1935. The Pact, however, had produced different reactions in different peoples. The Untouchables were sad. They had every reason to be. There were, however, people who did not accept this. They never felt to point out that the Poona Pact gave the Untouchables larger number of seats than what was given to them by the Prime Minister of England in his Communal Award. It is true that the Poona Pact gave the Untouchables 148 seats — Madras 30; Bombay with Sind 15; Punjab 8 ; Bihar and Orissa 18 ; Central Provinces 20; Assam 7; Bengal 30; United Provinces 20 — while the award had only given them 78. But to conclude from this that the Poona Pact gave them more than what was given by the Award is to ignore what the Award had in fact given to the Untouchables.³²

The Communal Award gave the Untouchables two benefits, as pointed out by Ambedkar. These were - (i) a fixed quota of seats to be elected by separate electorate of Untouchables and to be filled by persons belonging to the Untouchables; (ii) double vote, one to be used through

separate electorates and the other to be used in the general electorates. Now, if the Poona Pact increased the quota of seats for the Untouchables it took away the right to the double vote given them by the Communal Award. This increase in seats can never be deemed to be a compensation for the loss of the double vote. The second vote given by the Communal Award was a priceless privilege. Its value as a political weapon was beyond reckoning.

It may be noted here that the voting strength of the Untouchables in each constituency was one to ten. With this voting strength free to be used in the election of caste Hindus, the Untouchables would have been in a position to determine, if not to dictate, the issue of the General Election. No caste Hindu candidate could have dared to neglect the Untouchables in his constituency or be hostile to their interest, if he was made dependent upon the votes of the Untouchables. With the Poona Pact the Untouchables were given a few more seats than were given to them by Communal Award. And this was all that they gained. If the Communal Award with its system of double voting had remained, the Untouchables would have had a few seats less, but every other member would have been a member for the Untouchables. The increase in the number of seats for the Untouchables was no increase at all and was no recompense for the loss of separate electorate and the double vote.³³

The announcement of August 8, 1940 was a response of the British Government to the demands of the Muslim League. It was originated by the idea of Pakistan. It may be noted in this connection that the Muslim leader Syed Ahmed strengthened Islamic separatist idea in the second half of the 19th Century. In the session of the Muslim League held in Allahabad in December 1930, the President Iqbal Ahmed demanded a separate Muslim State in India. According to him a separate State either independent or as a part of the British Dominions should be carved out of Muslim majority Provinces— Punjab, Sind, Beluchistan and North West Frontier Province (N.W.F.P.)³⁴

During the session of the Round Table Conference in London, Rahamat Ali, a student of the Cambridge University proposed to the Muslim leaders assembled the formation of a separate Muslim State comprising (1) Punjab, (2) Afghan i.e., N.W.F.P., (3) Kashmir, (4) Sind, and (5)

Beluchistan in all which the Muslims were in a majority. Further he proposed that the first letters in the names of the first four Provinces (P.A.K.S.) and the last portion (STAN) of the name of the fifth Province be taken together to give the name Pakistan to the new State. In support of his proposal he contended that the Hindus and the Muslims form two separate Nations with fundamental differences in their religion, culture, history, tradition, literature, economic system, law of inheritance and system of marriage. Besides, Hindus and Muslims do not inter-dine ; there was no inter-marriage between them ; and Muslims have their own calendar, have a diet and dress different from those of the Hindus. In 1933 some students of Cambridge joined together to start what was called the "Pakistan National Movement" with Rahamat as its President. On January 8, 1933 an eight-page pamphlet in English was published with the caption, "Now or Never", which propagated the idea of Pakistan. The word "Pakistan" came to be used for the first time in that pamphlet. "Pak" means pure and "Pakistan" the land of the pure. At the time the Muslim leaders in London did not attach much importance to Rahamat's proposal.³⁵

In the Lahore Session of the Muslim League a resolution in support of the demand for Pakistan was passed on March 24, 1940. The argument in support of the resolution advanced by Jinnah in his Presidential address did not differ much from the two Nation theory of Rahamat Ali. Incidentally, it may be mentioned here that Ambedkar wrote at that time a book named *Thoughts On Pakistan* (1940), subsequently re-named as *Pakistan or Partition*. In this connection mention may be made of Jawaharlal Nehru visiting M. A. Jinnah over the controversy relating to Pakistan. On Nehru's query, Jinnah referred him to Ambedkar's book. Dhananjay Keer has eulogised Ambedkar's book in the following words: "Thoughts on Pakistan is a masterpiece in which learning and thinking are blended and displayed at their highest order. It is entrancing in its magic, intriguing in its construction, terse in its style, and provocative in its manner. It is a model in scientific propagation!"³⁶

The main resolution on the formation of Pakistan was moved in the Lahore Session of the Muslim League by the chief Minister of Bengal, Fazlul Hoq. The resolution ran thus: "The contiguous geographical units should be partitioned in such a way that the North Western and Eastern parts of India where the Muslims are in a majority should form more than one indepen-

dent State and the units comprised in these States should be independent and sovereign.”³⁷

The Lahore resolution was subsequently endorsed by the Government of India . On August 8, 1940, the Governor General issued a Proclamation which inter-alia, ran thus: “ It is needless to say that the British Government would not entrust the administration of India to a party in the face of objection by a large and powerful element in the national life of India which is not prepared to accept its authority. The Government of India is not prepared to force such an unwilling element to accept the authority of that party.”³⁸

The implications of the Governor-General’s declaration dated August 18, 1940 was pregnant with significance for the future of the country. The declaration implied that if the Muslims did not agree to live under the domination of the Hindus, the British Government would not be prepared to leave the country by relinquishing the administration to the Hindus. The situation that emerged was that without the concurrence of the Muslims no arrangement for transfer of power could be made. In other words, Jinnah became the arbiter of the shape of the administrative set up that was to come. Thus was led the foundation of Pakistan. The only change in the labour resolution subsequently underwent was that in the Muslim majority areas of India, instead of a number of sovereign states, one sovereign state of Pakistan comprising the same was substituted. In other words in place of India being split up into a number of small states, it was decided to partition it into two States— Hindusthan and Pakistan. In fact the scheme of Pakistan followed the logic of Ambedkar in his book *Pakistan or Partition*.³⁹ The implication of the Muslim League’s demand for Pakistan had a certain affect on the position and aspiration of the Depressed Classes. The logic was that if because of exclusiveness between the two communities the Muslims could not stay in one country with the Hindus , then on the same ground at least without administrative assurance and constitutional safe-guard for reservation the Depressed Classes had reasons not to able to trust the congress leadership which mainly belonged to the high-caste Hindus and who actually exploited the Depressed Classes all through the ages had gone by. The demand for Pakistan, therefore, gave an warning to the Depressed Classes for their assertion of socio-religious and political rights.

The impact of the Second World War (1939 - 1945) led the British Government to change its policy towards India. Japan had declared war against England on December 6, 1941 and started bombing Rangoon on January 28, 1942. The Japanese captured Singapore on February 15 and on March 7 the British army began to retreat from Rangoon. Burma (Myanmar) fell to Japanese army on May 15 and the Japanese army started its march towards India. The first Japanese bombs fell on Calcutta on December 20, 1942. From the beginning of the year 1942, thousands of Indians in Burma had taken the hills and forests on foot in their attempt to reach Bengal. At this juncture, under pressure from President Roosevelt of America the British Prime Minister Churchill sent to India Mr. Stafford Cripps, a minister of his cabinet with mission to arrive at an understanding with the political leaders of India. Cripps arrived at Delhi on March 23, 1942. Earlier a special India Committee of the cabinet was set up by Churchill under the chairmanship of Attlee, with the Secretary of State Vicount Simon, Sir John Anderson, Sir Stafford Cripps and Sir Jammes Crigg as members. Churchill's announcement of the decision to send Sir Stafford Cripps out to India was made in the House of Commons on 11 March 1942. And Cripps came to Delhi armed with the British Governments' draft declaration, on the basis of which he was to conduct negotiations with the leaders of Indian political parties and communities. The first two or three days were spent in preliminary talks with the Viceroy, members of his Executive Council and other official advisers. Thereafter Sir Stafford Cripps proceeded to interview the leaders of various political groups and communities. Gandhi attended in his personal capacity. The political leaders included Azad and Nehru, Jinna as representative of the Muslim League, Sir Sikandar Hyat Khan, Fazlul Hoq, Savarkar and other members of Hindu Mahasabha, Ambedkar and M. C. Raja of the Depressed Classes, representative of the Sikhs, the India Christians, Anglo-Indians and Europeans as well as representatives of the Indian states.⁴⁰

Sir Stafford made it clear that his "scheme goes through as a whole or is rejected as a whole." The terms of the declaration were as follows:

(a) Immediately upon cessation of hostilities steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(b) Provision shall be made, as set up bellow, for the participation of Indian States in the Constitution - making body

(c) His Majesty's Government undertakes to accept and implement forthwith the constitution so framed subject only to: (i) The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession, if it so decides. With such non-acceding provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrive at by a procedure analogous to that here laid down. (ii) The signing of a treaty, which shall be negotiated between His Majesty's Government and the constitution-making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities, but will not impose any restriction on the power of Indian union to decide in future its relationship to other member states of the British Commonwealth. Whether or not an Indian state elects to adhere to the constitution, it will be necessary to negotiate revision of its treaty arrangements so far this may be required in the new constitution.

(d) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities: Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of provincial legislatures shall ; as a single electoral College, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall have about one-tenth of the number of the Electoral College. Indian states shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British-Indian members.

(e) During the critical period which now faces India and until the new constitution can be framed His Majesty's Government must inevitably bear the responsibility for, and retain the

control and direction of, the defence of India as part of their world war effort ; but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desires, and invites, the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help to the discharge of a task which is vital and essential for the future freedom of India.”⁴¹

Gandhi's policy was one of 'total pacifism' and he described Cripps' declaration as a 'Post - dated Cheque'. The Hindu Mahasabha rejected the long-term plan on the ground that the option given to the provinces to stay out of the Union would destroy the unity of the country. The Sikhs also protested. They said: "we shall resist by all possible means separation of the Punjab from the All India Union. The Depressed Classes denounced the scheme for its failure to provide the necessary safeguards for them. In their words: " we are all of us absolutely convinced that the proposals are calculated to do the greatest harm to the Depressed Classes and are sure to place them under an unmitigated system of Hindu rule." Other political parties including the Muslim League were also not prepared to accept the proposals as they stood.

There was exchange of views on the Defence Department. Sir Stafford Cripps had written to Azad on April 1, 1942 suggesting that he would ask the Commander-in-Chief to meet him and Nehru in order to explain to them the technical difficulties of the situation connected with the defence proposals. The Indian leaders saw the Commander-in-Chief on 4th April. It was clear that there would be an Indian defence member, in addition to the Commander-in-Chief who would continue to be the Supreme Commander of the Armed Forces in India. The leaders were anxious to secure and assure that an Indian defence member would have reasonable status and to be able to function effectively. On this point Sir Stafford Cripps after consulting His Majesty's Government wrote on 7th April to both Azad and Jinna as follows :

"I am therefore authorised to propose to you as a way out of the present difficulties that
(a) the Commander-in-Chief should retain a seat on the Viceroy's Executive Council as War Member and should retain his full control over all the war activities of the armed

forces in India subject to the control of His Majesty's Government and the War cabinet, upon which body a representative Indian should sit with equal powers in all matters relating to the defence of India. Membership of the Pacific Council would likewise be offered to Representative Indian. (b) An Indian representative member would be added to the Viceroy's Executive, who would take over those sections of the Department of Defence which can organisationally be separated immediately from the Commander-in-Chief's War Department and which are specified under head (I) of the annexure. In addition, this member would take over the Defence Co-ordination Department which is at present directly under the Viceroy and certain other important functions of the Government of India which are directly related to defence and which do not fall under any of the other existing departments, and which are specified under head (II) of the annexure.

Annexure

(I) Matters now dealt with in the Defence Department which would be transferred to a Defence Co-ordination Department: (a) Public relations; (b) Demobilisation and post-war reconstruction; (c) Petroleum officer, whose functions are to calculate the requirements of, and make provision for, all petroleum products required for the Army, Navy, and Air Force, and for the civil departments, including storage and distribution; (d) Indian representation on the Eastern Group Supply Council; (e) Amenities for, and welfare of, troops and their dependants including Indian soldiers' boards; (f) all canteen organisations; (g) certain non-technical educational institutions, e.g. Lawrence schools, K.G.R.I.M. schools, and the Prince of Wales' Royal Indian Military College; (h) Stationary, printing and forms for the Army; (i) Reception, accommodation, and social arrangements for all foreign mission, representatives and offices.

(II) In addition the Defence Co-ordination Department would take over many major questions bearing directly on defence but difficult to locate in any particular existing departments, examples are denial policy, evacuation from threatened areas, signals co-ordination, economic warfare."⁴²

The Congress rejected the proposal. At this stage a new factor entered in Cripps' negotiation. Col. Louis Johnson, the special representative of the President of America arrived in India with a watching brief. Cripps took advantage of his presence in Delhi and asked him to help him in disentangling the naughty defence problem.

Johnson produced a new formula, which Cripps approved with some minor modifications. According to this formula an Indian would be appointed in charge of Defence, but he would delegate powers to the Commander-in-Chief as the war Member of the Executive Council who would control the war operations and the armed forces and would be responsible to the General Head Quarters, the Naval Head Quarters, and the Air Head Quarters. The Defence would be in charge of all other matters in the Defence Department as well as the Defence co-

ordination Department ; and in the event of any new function falling to be discharged or any dispute arising as to the allocation of functions it would be decided by His Majesty's Government.⁴³

The new formula was shown to Nehru who had suggested some minor changes. However, the Viceroy was not shown this and he protested. He refused to accept any responsibility for it. Churchill, the Prime Minister of England then warned Cripps not to commit the Government in any way. The War Cabinet communicated their views on the formula to Cripps on April 9: "It is essential to bring the whole matter back to Cabinets' plan which you (Cripps) went out to urge, with only such modifications as are agreed to be put forward."⁴⁴ It further questioned him (Cripps) regarding the significance of the phrase National Government.⁴⁵

In this context the hopes Cripps raised of establishing immediately a National Government could not be fulfilled. Nor did the Congress already reject the new formula about defence Cripps-Johnson formula — different from the original formula and Cripps had to retrace his steps. However, he urged upon the Congress leaders to accept this scheme. But that was not to be. As a result the conflict of opinion between the Congress and the British Government led inevitably to the failure of the Mission which was wounded as Cripps left India on April 12, 1942. Hodson having first hand information about the Mission and its working gives the cause of failure thus:

"The fault clearly lay with Sir Stafford in negotiating on such an issue to a point of vital commitment without the clearest understanding with the Viceroy. (The busy body Col. Johnson obviously made matters worse). But the blame did not rest with him alone; for the War cabinet, especially the India Committee, made a fundamental mistake, strange in a body so experienced, when they sent an emissary to promote a policy in India which had not been fully agreed with the Viceroy, though he would to carry out."⁴⁶

Cabinet mission plan, 1946

Soon after the World War II the general election in Britain changed its Government. The election resulted in a resounding victory for the labour party, the first time that the party had been able to secure a clear majority in the House of Commons. Churchill's caretaker Govern-

ment gave place to a Labour Government , with Clement Attlee as Prime Minister and Lord Pethick Lawrence as Secretary of State for India. Nationalist opinion in India acclaimed the Labour Party's success with jubilation. In a cable to Attlee, the Congress President said: "Hearty congratulations to the people of Great Britain on the results of the election which demonstrate the abandonment of the old ideas and acceptance of a new world." There was less enthusiasm among members of the Muslim League ; but on the whole, the new British Government was welcomed by India with friendliness and goodwill. The expected surrender of Japan was accelerated by the first atom bomb dropped on Hiroshima on 6 August, 1945, and on the 15th of that month Victory over Japan was celebrated all over India.⁴⁷

His Majesty's Government thought that the situation demanded a different approach. It proposed sending a Mission of Cabinet Ministers— , of whom the secretary of State was one — to conduct, in association of the Viceroy, negotiations with Indian leaders. They welcomed the proposal, but he pointed out that the Mission would have to stay in India till a satisfactory decision had been reached. On 19th February, 1946 Lord Pethick Lawrence in the House of Lords and Prime Minister Attlee in the House of Commons made a simultaneous announcement that in view of the paramount importance, not only to India and the British Commonwealth , but to the peace of the world and, of a succesful outcome of discussions with leaders of Indian opinion, His Majesty's Government had decided to send out to India a special Mission consisting of three Cabinet Ministers to seek, in association with the Viceroy, an agreement with the Indian leaders on the principles and procedure relating to the constitutional issue. The members of the Mission would be Lord Pethick Lawrence, Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and A. V. Alexander, first Lord of the Admiralty.⁴⁸

There was a debate in the House of Commons on 15 March on the Cabinet Mission's visit to India. Intervening in the debate, Attlee said that the tide of nationalism was running very fast in India and that it was time for clear and definite actions. The Cabinet Mission was going to India in a possible mood. The temperature of 1946 was not the temperature of 1920, 1930 or even 1942. His colleagues were going to India with the intention of using their utmost endeavours

to help her to attain freedom as speedily and as fully as possible. What form of Government was to replace the present regime was for India to decide, though he hoped that India would elect to remain within the British Commonwealth. In conclusion he said, "we are mindful of the rights of the minorities and the minorities should be able to live free from fear. On the other hand, we cannot allow a minority to place their veto on the advance of the majority."⁴⁹

The above statement of the Prime Minister of England evoked criticism from Jinna. He protested that the Muslims were not a "minority" but a "nation" and that it was futile to expect cooperation from the Muslim League. Nehru, on the other hand, however noticed a change in the tone and approach of Attlee's speech. Other political parties also welcomed the visit of the Cabinet Mission and offered their co-operations. The Mission arrived Delhi on 24th March, 1946. Unlike the procedure adopted at the time of the visit of Cripps in 1942, the Viceroy was to be not merely a consultant, but an effective partner in the efforts of the Cabinet Mission to find a solution of the Indian problem. The Mission went on interviewing the political leaders like Azad, Jinna and others. The case of the Sikh community was presented by Master Tara Singh, Giani Kartar Singh and Harnam Singh as well as by Valdev Singh. Ambedkar was interviewed on behalf of the Scheduled Caste Federation. As regards the Scheduled Castes in the Constituent Assembly, he said that he did not want a Constituent Assembly at all. The reason was that it would be dominated by the Caste Hindus and the Scheduled Castes would be no more than a small minority which would always be out voted.

His own proposal was that the tasks envisaged for the Constituent Assembly should be divided into two classes, namely (a) constitutional questions properly so called, for example, the relations between the legislature and the Executive and their respective composition and function; and (b) communal questions. Matters under (a) should be referred to a commission presided over by an eminent constitutional lawyer from Great Britain or the U. S. A. The other members should be two Indian experts and one representative each of the Hindu and Muslim communities. The terms of reference should be the Government of India Act, 1935 and the commission should be required to recommend the changes to be made in the Act. Matter under (b) should be referred to a conference of the leaders of the different communities. In case the

conference failed to arrive at an agreed solution. His Majesty's Government should make an award.⁵⁰

Ambedkar claimed that before they left, the British must ensure that new constitution guaranteed to the Scheduled Castes the elementary human rights of life, liberty and the pursuit of happiness, and that it restored their separate electorates and gave them the other safeguards which they demanded. The Secretary of State suggested that Indian politics had been dominated by two issues, the question of winning independence from British rule and the Hindu - Muslim problem. Once these were out of the way, party divisions would probably be on economic issues. Surely the Schedules Castes would have a better chance of securing their rights by allying themselves with the left wing than by relying on the British, who were about to hand over power. Ambedkar reiterated that so long as there were joint electorates, Scheduled Caste voters would be so few that Hindu candidates could safely ignore their wishes. Caste Hindus would never support Scheduled Caste candidates. Separate electorates were fundamental ;without them the scheduled castes would never have their own representatives.⁵¹

The Constituent Assembly

A notable feature of the Indian Constituent Assembly was the number of transformations it was subjected to in the course of its career between July-August 1946, when it was first elected and to November 1949, which marked the end of its complicated tasks. In the first stage the election of representatives was from the territories then known as British India, and the Indian States. In the setting up of the Constituent Assembly, the suggestions of the Cabinet Mission, as outlined in its statement of May 16, 1946 were faithfully adopted. Having rejected the method of election by adult franchise — though seemed most satisfactory for the framing of the constituent Assembly but for unacceptable delay in executing such a process, the Cabinet Mission concluded that the only practicable course was to utilise the recently elected Provincial Legislative Assemblies as the electing bodies. The fairest and most practical plan according to the Cabined Mission would be : (a) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for

representation by adult suffrage; (b) to divide this provincial allocation of seats between the main communities in each province in proportion to their population; (c) to provide that the representatives allotted to each community in a Province would be elected by the members of that community in its Legislative Assembly.⁵²

By the end of July the elections to the Constituent Assembly were over. The Cabinet Mission recognised only three major communities in India : General , Muslims and Sikhs. The 292 seats were divided into these sections, A, B and C. In section A (group of provinces of Madras, Bombay, Orissa, U. P., C. P. and Bihar) the Congress won 162 general seats and 2 Muslim seats, the Muslim League 19 seats, and the Independent 1. In section B (Punjab, NWP Provinces , Sind and Baluchistan) the Muslim League secured 19 seats, the Congress annexed 7 general and 2 Muslim seats, Unionist Party 3, the Independent 1. In section C (Bengal and Assam) the Congress Obtained 32, the Muslim League 35, the Communists 1, the Scheduled Castes Federation 1, and the Krishak Praja Party 1. The total number of the Congress members was 201 and of the Muslim League 73, of the Independants 8 and of the other parties 6. The Congress won all the general seats except 9, the League all the Muslim seats except.⁵³

While the elections were proceeding the Viceroy formed a new care-taker Government which was sworn on July 4. Since the situation had worsened, he realised the importance of installing a popular Government consisting of leaders of the political parties. He wrote letters to Nehru and Jinna. He proposed to form a Government consisting 14 members — 6 members (including 1 scheduled caste representative) to be nominated by the Congress ; 5 members to be nominated by the Muslim League; and 3 representatives of the minorities nominated by the Viceroy. The portfolios would be equitably distributed after finalisation of nominations. Nehru accepted the Viceroy's invitation of the 6th August and on August 13 wrote to Jinna inviting his co-operation in the task of forming an interim government. The two leaders met in Bombay on August 15. But Jinna declined to co-operate with the Congress. On 14 August Jinna issued a statement explaining the purpose of Direct Action Day Celebration on the 16 August as announced by the Muslim League. Rioting took place in Calcutta and the mad fury continued for 4 days starting from August 16. The city began to return to normal life by August 20. The casu-

alties could not be estimated accurately. Hodson gives the figure of 5000 killed and 15,000 seriously injured in Calcutta. On 24th the new government was announced with 12 members. On September 2 the new government took over. On October 13 Jinnah informed the Viceroy that the Muslim League would join the Government with 5 members including 1 member named Jogendranath Mandal from the Scheduled Caste. The Congress had already included Jagjiban Ram from the Scheduled Castes.⁵⁴

So far as the Indian states were concerned their representatives numbered 93. The total membership was of 389 members. Meanwhile Constitution-making was in operation. There were 7 members of the Drafting Committee. Meanwhile on the advice of Gandhi Jawaharlal Nehru invited Dr. B.R. Ambedkar as one of the members of his Cabinet after the partition of India into India and Pakistan. Ambedkar remained in the Indian Cabinet. Ambedkar thought that he would be best able to serve the interest of the Scheduled Castes by joining the Drafting Committee of the constitution as well as Government. The 7 members of the Drafting committee were as follows — K. M. Munshi and T. T. Krishnamachary (Congress members); Muhammed Saadulla (Muslim League); B. R. Ambedkar; Alladi Krishnaswamy Aiyar; N. Madhava Rao; and D. P. Khaitan (Independent). Dr. B. R. Ambedkar was elected chairman of the Committee and he piloted the Constitution with remarkable skill and ability. He remarked on his election “I had not the remotest idea that I would be called upon to undertake more responsible functions. I was therefore greatly surprised when the Assembly elected me to the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its Chairman.”⁵⁵

A Draft Constitution was prepared. Thereafter it was revised by the Drafting Committee. The Constituent Assembly began the clause by clause consideration of the Draft Constitution from November 15, 1948 and it was concluded on October 17, 1949. The Draft Constitution, with the amendments adopted by the Assembly, was then referred again to the Drafting Committee with instructions to carry out such renumbering of the Articles, such revisions of punctuations and such revisions and completion of the marginal notes as might be necessary, and to recommend such formal or consequential or necessary amendments to the Constitution as might be required. The Draft Constitution as revised by the Drafting Committee contained 395 Articles

and 8 Schedules. It was then submitted to the President of the Constituent Assembly on November 3, 1949. In this Draft, where words were substituted or new words inserted, they were indicated in italics and where words were omitted such omission was indicated by asterisks.

Apart from the editions, deletions and amendments incorporated in this revised Draft, the Drafting Committee gave notice of some further amendments. Other members of the Assembly also gave notice of the amendments. All these amendments were considered by the Assembly on November 14, 15 and 16, and they were put to vote on November 16. The Constituent Assembly took up the third reading of the Constitution on November 17, 1949, on a motion by Ambedkar "that the Constitution as settled by the Assembly be passed." The discussion on the motion concluded on November 26 and the motion was put to vote and adopted amidst prolonged cheers.⁵⁶

Ambedkar made the concluding speech on November 25, 1949.⁵⁷ He in his speech looked back on the work of the Constituent Assembly remarked that it continued for 2 years 11 months and 17 days since the Assembly met on 9th December, 1946. The Assembly held 11 sessions, of which the first 6 were spent in passing the Objective Resolutions and on the considerations of the Reports of Committees on Fundamental Rights, on Union Constitution, on Union Powers, on Provincial Constitution, on Minorities and on the Scheduled Areas and Scheduled Tribes. The 7th, 8th, 9th, 10th and the 11th sessions were devoted to the consideration of the Draft Constitution. These 11 sessions of the Constituent Assembly consumed 165 days. Out of these the Assembly spent 114 days for the consideration of the Draft Constitution.

The Drafting Committee was elected by the Constituent Assembly on 29th August 1947. It held its first sitting on 30th August. Since then it sat for 141 days during which it was engaged in the preparation of the Draft Constitution. The Draft Constitution as prepared by the constitutional Advisers as a text for the Drafting Committee to work upon, consisted of 243 Articles and 13 Schedules. The first Draft Constitution as presented by the Drafting Committee to Constituent Assembly contained 315 Articles and 8 Schedules. At the end of the consideration stage, the number of Articles in the Draft Constitution increased to 386. In its final forms,

the Draft Constitution contained 395 Articles and 8 Schedules. The total number of amendments to the Draft Constitution tabled was approximately 7635. Of them, the total number of amendments actually moved in the House were 2, 473.

The Constitution outlined above was to come into force on 26th January 1950. Ambedkar expressed his unhappiness in these words :

“On the 26th January 1950, we are going to enter into a life of contradiction. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of ‘one man one vote’ and ‘one vote one value’. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of ‘one man one value’. How long shall we continue to live this life of contradiction? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.”

The Constitution of India, 1950

At the time of Constitution framing there were three revolutions— Political, Social and Economic. It was not possible at the time to give effect to the three revolutions simultaneously. As a result the Constitution paid attention to the Political aspect and the constitution was framed on the basis, namely ‘one man, one vote’ and ‘one value’. And this purpose was served immediately with the framing of the Constitution which came into effect on 26th of January, 1950. The socio-economic aspects have been embodied in part IV of the Constitution relating to the Directive principles of State Policy, while part III related to the Fundamental Rights of the citizens. Granville Austin⁵⁸ has described Parts III and IV relating to the Fundamental Rights and Directive Principles of State Policy as “the conscience of the Constitution.”

In this context a question arises as to the kind of Constitution that India has. Here the “ontological” classification of constitutions as devised by Karl Lowenstein⁵⁹ is helpful. According to him Constitution may be divided into three categories - Normative ; Nominal ; and Semantic. The first focuses on “the concordance of the reality of the power process with the norms of the Constitution”. A normative Constitution is valid in the legal sense and it must be faithfully

observed by all, so as to make it integrated into the State and Society. The two main norms are the social and economic developments or transformations. And these norms are to govern the political process — the power process is to adjust itself to the norms. The Constitution is like a suit that fits and is actually worn. Normativity, however, cannot always be taken for granted. There are cases where Constitutions are not for granted. There are cases where constitutions are not lived up to in practice. They lack “existential reality” and are called nominal. A nominal Constitution implies that the existing socio-economic conditions in India militate, for the time being, against the complete concordance of the constitutional norms with the exigencies of the power-process. Its primary goal is educational with the object of becoming fully normative. The suit for the time being hangs in the closet to be worn when the national body politic has grown into it. Finally, there is the situation where the constitution is applied and activated, but its “ontological reality” is nothing but the finalization of the existing location of political power for the exclusive benefit in the interests of the powers that be. This pattern is called the semantic constitution— it is not an honest suit at all but merely a cloak or a fancy dress.⁶⁰ It is unfortunate that part IV of the constitution relating to the socio-economic transformation still remains to be implemented. As a result, the Indian Constitution remains ‘nominal’ but has not become ‘normative’.

The Fundamental Rights of the Constitution are, in general, those rights of citizens or those negative obligations of the State not to encroach on individual liberty, that have become well-known since the late eighteenth century and since the drafting of the Bill of Rights of the American Constitution - for the Indians, no less than other peoples, become heir to this liberal tradition. These rights in the Indian Constitution are divided into seven parts : the Right of Equality, the Right of Freedom, the Right against Exploitation, the Right to Freedom of Religion, Cultural and Educational Rights, and the Right to Constitutional Remedies. The Right to Property has been made Article 300A by means of Forty fourth Amendment of the Constitution in 1978. The Right lay down that the State is to deny no one equality before the law. All citizens are to have the right to freedom of religion, assembly, association, and movement. No person is to be deprived of his life, liberty, or property, except in accordance with the law. Minorities are

allowed to protect and conserve their languages, script, and culture. And various means are provided whereby the citizen can move the supreme court and other courts for the enforcement of the Fundamental Rights.⁶¹ It may be pointed out in this connection that the Backward Classes including the Scheduled Castes and Scheduled Tribes have been conferred the special privilege of Reservations in respect of education and employment by Article 15 (4) and 16(4). These are Fundamental Rights.

In the Directive Principles, however, one finds an even clearer statement of the social revolution. They aim at making the Indian masses free in the positive sense, free from the passivity engendered by centuries of coercion by the society and by nature, free from the abject physical conditions that had prevented them from fulfilling their best selves. To do this, the state is to apply the precepts contained in the Directive Principles when making laws. These principles are not justiciable, a court cannot enforce them, but they are to be, nevertheless, 'Fundamental in the governance of the Country'. The essence of Directive Principles lies in Article 38, which runs as follows: ". . . The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social economic, and political, shall inform all the institutions of the national life."⁶²

Moreover Article 46 of the Directive Principles of State Policy provides for the promotion of educational and economic interest of Scheduled Castes, Scheduled Tribes, and other Weaker Sections of society, and their protection from social injustice and all forms of exploitation.

The Indian Constitution provides for a Federation of 28 States and 7 Union Territories. India is an indissoluble Union of dissoluble States and Territories as contrasted with the U.S. Federation, which is an indissoluble union of indissoluble states. The Indian federation contains a Federal Structure with bias towards the Centre. And the Indian Constitution contains in epitome the natures of polity and the rights conferred on the citizens. The polity is "A sovereign Democratic Republic." Subsequently two adjectives "Socialist" and "Secular" were inserted in the Preamble by the 42nd Amendment of the Constitution in 1976. An idea of these may be had from the Constitution (45th Amendment) Bill, 1978. Clause 44 of the Bill sought to insert in Article 366 a definition of the two terms as follows: "(i) the expression 'Republic', as

qualified by the expression 'Secular', means a republic in which there is equal respect for all religion; and (ii) the expression 'Republic', as qualified by the 'Socialist', means a republic in which there is freedom from all forms of exploitation, social, political and economic."

The adjective 'Democratic' means that the political process proceeds on the principle of 'one man, one vote'. And this has been declared a 'basic feature' of the Constitution by the Supreme Court in the case of *Kesavananda Bharati Vs the State of Kerala*.⁶³ And the 'basic feature' of the Constitution means that it cannot be amended in exercise of the power under Article 368 of the Constitution.

The Rights conferred are 'justice, liberty, equality and fraternity'. The Preamble to the Indian Constitution so much impressed Ernest Barker that he has quoted the Indian Preamble in the preface to his book *Principles of Social and Political Theory* (Reprint, 1965) and observed thus :

"It seemed to me, when I read it, to state in a brief and pithy form the argument of much of the book; and it may accordingly serve as a key note. I am the more moved to quote it because I am proud that the people of India should begin their independent life by subscribing to the principles of a political tradition which we in the West call Western, but which is now something more than Western."

Referring to his own personal decision in the matter, Ambedkar said that unfortunately for him he was born a Hindu Untouchable. It was beyond his power to prevent that, but he declared that it was within his power to refuse to live under ignoble and humiliating conditions, 'I solemnly assure you that I will not die a Hindu', he thundered.⁶⁴ In fact the stigma of untouchability affected Ambedkar so much that he spoke of Tilak's struggle for Independence in a new light as follows :

"If Tilak had been born amongst the Untouchables, Ambedkar proceeded, he would not have raised the slogan 'Swaraj is my birth right, but he would have raised the slogan 'Anihilation of untouchability is my birth right.'"⁶⁵

As a result the Indian Constitution inserted in Article 17 "Abolition of Untouchability" thus "Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law."

To implement the above Constitutional Mandate the Protection of Civil Rights Acts 1955 was passed. Under Section 7(1)(c) of the Act , thread - bearing has been made a punishable offence. Thus Ambedkar's life-long efforts in abolishing untouchability saw the light of the dawn, though in history he has not been given the credit due to him.⁶⁶

The Constitution of India is supposed to have been drafted by 7 members of the Drafting committee of which Dr. B. R. Ambedkar was the Chairman . But the entire burden of the drafting fell on Ambedkar — because of reasons given by one of his colleagues T. T. Krishnamachari as noted below :

“ The House is perhaps aware that of the seven members nominated by you, one had resigned from house and was replaced . One had died and was not replaced . One was away in America and his place was not filled up, and another person was engaged in State affairs, and there was a void to that extent . One or two people were far away from Delhi and perhaps the reasons of health did not permit them to attend. So it happened ultimately that the burden of drafting this Constitution fell upon Ambedkar and I have no doubt that we are grateful to him for having achieved this task in a manner which is undoubtedly commendable.”⁶⁷

The Hindu Code⁶⁸ and the Uplift of Women.

In 1941, a committee under the chairmanship of B.N.Rao was set up and thereafter, Hindu Code Bill was drafted. But Ambedkar transformed it. It shocked the reactionary elements. Tradition and modernity were at loggerheads; learning was pitted against revolutionary intellect. On the one side was Manu and on the other side was Ambedkar. On 11 January, 1950 he addressed the second session of Siddharth College Parliament in Bombay and declared that it would be wrong to describe the Hindu Code Bill as either radical or revolutionary. He stated that the new Republican Constitution of India had directed the preparation of the Civil Code for the benefit of the country. Article 44 provided a uniform civil code for the citizens: “The state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.” He explained that the modifications proposed had been based on the Hindu *Shastras* and *Smritis*. Thus property was governed by the *Dayabhag* system; the child belonged to father's caste under *Pitrisavarnya*; divorce was supported by Kautilya and *Parashara Smriti* ; and Women's rights to property were supported by *Brihaspati Smriti*. Ambedkar introduced the Hindu Code Bill on

5th February 1951. ⁶⁹ Replying to the objections raised, Ambedkar said that the Hindu Code should be uniform throughout India. With regard to the Sikh's objection he observed :

“ The application of the Hindu Code to the Sikhs, Buddhists and Jains was a historical development , and it would be too late, sociologically to object to it. When the Buddha differed from the *Vedic* Brahmins he did so only in matters of creed, left the Hindu legal frame work intact. He did not propound a separate law for his followers. The same was the case with Mahavir and ten Sikh Gurus. The Privy Council had as early as in 1830 laid down that the Sikhs were governed by the Hindu laws.” ⁷⁰

The Hindu Code consisted of four Acts— (i) The Hindu Marriage Act, enacted in May 1955; (ii) The Hindu Succession Act in June 1956; (iii) The Hindu Minority and Guardianship Act in August 1956 and (iv) The Hindu Adoptions and Maintenance Act in December, 1956.

Main Provisions

The Marriage Act, 1955 :

The following fundamental changes are made : (i) Monogamy is enforced as a rule of law [sec 5(I)] and bigamy punishable u/s 17 of the Act. (ii) A Hindu Marriage is extended to Buddhists, Jains and Sikhs as well. (iii) The conditions and requirements of a ceremonial marriage are simplified . And Sec 8 provides for registration as well. (iv) Relief by way of judicial separation (sec.10) declaration of nullifying of marriage (Sec 12/12), divorce (Sec 13) and divorce by mutual consent (Sec. 13B) are permitted under the Act.

These changes are revolutionary. Marriage is not entirely a 'sacrament' as was formerly, but union of one man with one woman to the exclusion of all others by way of solemnisation of the customary rites and ceremonies of either party essential for a marriage. And such a marriage exists directly, creates a relation and a status imposed by law and not by contract.

The Hindu Succession Act, 1956

The following reforms are made: (i) It lay down a uniform system of inheritance for the whole country and enacts simple rule relating to succession to property. (ii) Male and female are treated as equals in matter of inheritance (Sec. 8, Schedule) (iii) Any property possessed by a female Hindu is held by her as her absolute property (Sec. 14) (iv) A murderer is disqualified from inheriting the property of the person murdered (sec 25).

The Hindu Minority and Guardianship Act, 1956

This Act shall be in addition to, and not in derogation of, the Guardianship and wards Act, 1890. It aims at amending and codifying certain parts of the law relating to minority and guardianship among Hindus. The main changes are noted below : (i) The natural guardian has not in the matter of disposal of the minor's immovable property, any power larger than those conferred on a guardian appointed or declared by the 1890 Act. The limitations are in *pari materia* with those of sec. 29 of that Act. (Sec 8 of the present Act). (ii) A Hindu father is empowered to appoint a testamentary guardian of his minor children in respect of that person and property (Sec 9). The mother can do so in case the father had predeceased the mother. (iii) The power of the defacto guardian is abrogated (Sec. 11). (iv) The Minor's welfare is of paramount consideration (Sec 13) and a 'minor' is defined u/s 4 (a) of the Act as a person who has not completed the age of 18 years.

The Hindu Adoption and Maintenance Act, 1956

This enactment has provided a uniform law on the subject throughout India. The main features of the Act are as follows : (i) Women are treated as in equalijura. Boys and girls may be adopted and a widow can now adopt a son or daughter to herself in her own right (sec 8/10) (ii) Where both the parents are dead or disabled , the testamentary guardian or a guardian appointed or declared by the Court can now give the word in adoption with the priorsanction of the Court, which can be given only for the minor's welfare (sec 9). (iii) A Hindu - male or female is now to maintain his or her legitimate or illegitimate children and aged or infirm parents (sec 20). (iv) A Hindu has to maintain his 'dependants' as listed in sec.21 Undr sec 22, a dependant of a male or female deceased Hindu, who has not obtained any share in the estate of the deceased , is entitled to claim maintenace from those who take the estate.⁷¹

Commentary

The significance of the Hindu code was stated by Ambedkar (in the 14th volume of His writings and speeches) thus : "No law passed by the Indian Legislature in the past or likely to be passed in the future can be compared to it (Hindu Code) in point of its significance . To leave inequality between class and class , between sex and sex which is the soul of Hindu society,

untouched and to go on passing legislation relating to economic problems is to make a force of our Constitution and to build a palace on a dung heap. This is the significance I attached to the Hindu Code.”

The Hindu Code Bill was introduced by Dr. B.R. Ambedkar in the Constituent Assembly on 11, April 1947. The Bill was moved for referring to the Select Committee on 9th April 1948. This was followed by debate which continued by more than four years and still remained inconclusive. In the words of Ambedkar, it was killed and it died unwaved and unsung. This was probably the largest discussion on any single Bill in the free India's Parliament. Ambedkar felt that the Government and the Party in power i.e., Congress were not eager to clear the Hindu Code. He, therefore, tendered his resignation on 27th September 1951 to the prime minister Pandit Jawaharlal Nehru but continued to participate in the Parliamentary debates till 10th October, 1951 at the request of the Prime Minister. In his letter he expressed that he attached greatest importance to the Hindu Code Bill and would be prepared to undergo any strain on his health to get the Bill through. He wanted the Bill to be taken-up on top priority basis on 16th August and be finished by the 1st September, 1951. However, the opponents of the Hindu Code continued obstructive tactics and delayed the passing of the Bill. Ambedkar ultimately submitted his statement of resignation on 10th October and left the House in anguish.⁷²

It is unfortunate that Ambedkar, author of the Hindu Code Bill failed to pass it because of the conservative reactionaries including Sardar Patel. Subsequently it was passed in the absence of the author of the Bill. The Bill was a part of social engineering via law. It was a revolutionary measure. Some hold the view that Pandit Nehru was more western than Ambedkar. But the failure of the Hindu Code Bill as sponsored by Ambedkar gives a lie direct to the above statement. It shows clearly that Ambedkar was more western than Pandit Nehru.

The Uplift of Women

B.R. Ambedkar tried to uplift the women folk of the country. To this end he addressed in 1942 at Nagpur the Depressed Classes Women's Conference held under the presidentship of Mrs. Sulochanabai Dongre of Amraoti. He believed in Women's organisation. He knew what

they would do to improve society if they were convinced. According to Ambedkar the progress of a community is to be judged by the degree of progress achieved by women. And he was convinced that women had made progress. In his address to the Conference he stated as follows:

“Learn to be clean. Keep from vices. Give education to your children . Instil ambition into them . Inculcate in their minds that they are destined to be great. Remove from them all inferiority complex. Do not be in a hurry to marry. Marriage is a liability. You should not impose it upon your children unless they are financially able to meet the liabilities arising from marriage. Those who will marry will have to keep in mind that to have too many children is a crime. The paternal duty lies in giving each child a better start than its parents had. Above all, let every girl who marries stand by her husband, claim to be husband’s friend and equal, and refuse to be his slave. I am sure if you follow this advice, you will bring honour and glory to yourselves.”⁷³

The conference indicated the extent of awakening among the women of the down-trodden classes. It was a tribute to such leaders as Mrs. Indirabai Patil and Mrs. Kirtibai Patil. The Women’s Conference demanded abolition of polygamy and urged the installation of pensions as well leave with pay for women workers. Addressing the *Samata Sainik Dal Conference* held under the Presidentship of Sardar Gopalsing O. B. Ambedkar observed that he had love for the principle of non-violence. But he distinguished between non-violence and abject surrender. The volunteers had been warned that a man should not live a life of surrender, servitude and helplessness. Ambedkar believed with the Saint Tukaram that destruction of the wicked was also a form of non-violence. It is true that love and kindness towards all creatures formed a part of the principle of non-violence . And to destroy all evil-doers also formed the principal element in the doctrine of *ahimsa*. It is to be remembered that without the above element, *ahimsa* was an empty shell, a beatitude. *Shakti* (strength) and *shila* (character) should be the ideal. All these applied to men and women alike.

On his return from Nagpur, Dr. Ambedkar attended the last series of receptions held by the Depressed Class women of the then Bombay under the Presidentship of Mrs. Donde. He advised educated girls not to go in for marriage with the young men of higher classes. In the end, he expressed satisfaction that women of the Depressed Classes, specially the Mahar ladies, were more advanced from the view point of politics than the Maratha, Bhandari or Agari women.⁷⁴ It may be noted in this connection that the Hindu Code has done much for the women as discussed already.

Notes and References

1. Ambedkar B.R., *The Untouchables*, (New Delhi, 1948), Amrit Book Company, P.22.
2. Gupta C.B. *The Harijan in Rebellion : Case For the Removal of Untouchability*, (Bombay, 1934), D.B. Taraporewala Sons & Co., Pp. 11-12
3. *Ibid.*
4. Lokhande, G.S., *Bhimrao Ramji Ambedkar : A study in Social Democracy*, (New Delhi, 1982), Intallectual Publishing House, Pp.157-59.
5. *Presidential Address*, All India Depressed Classes Conference, First Session, Nagpur, 8-9, August, 1930. as cited in C. B. Khairmode, *Dr. Ambedkar's Biography*, (Bombay, 1966), Dr. Ambedkar Education Society, vol.IV., Pp. 48-49.
6. Bose, S.C., *The Indian Struggle (1920-194)* in Sisir K. Bose (ed.), *Netaji Collected Works*, (Calcutta, 1981), Netaji Research Bureau, Netaji Bhawan, vo..II, P.34.
7. *Speech before the Round Table Conference*, (12-11-1930 to 19-1-1931), First Session, Proceedings, Pp.438-441.
8. *Presidential Address*, All India Depressed Classes Conference, First Session C.B. Khairmode, *Op.cit* P.48-49.
9. Ambedkar, B. R., *What Congress and Gandhi Have Done to Untouchables ?* (Bombay, 1945), Thacker and Company Ltd., P. 194.
10. As cited in Khairmode, C.B., *Op. cit.*, vol.1. Pp.110-111.
11. Clemens, Hollitz and Gardner, *The American Negro*, (Mehra Hill, 1965), Webster Division, Pp.24-25
12. Moon, V. (ed.), *Dr. Babasaheb Ambedkar Writings and Speeches* (Bombay, 1982), Education Department, Govt. of Maharashtra vol.2. P.546.
13. *Ibid.* Pp. 546-554.
14. *Bahaiskrit Hitkarini Sabha*, Rules of constitution, P.1
15. Keer, D., *Dr. Ambedkar : Life and Mission*, (Bombay, 1981), Popular Prakashan Private Limited, P.60
16. Lokhande, G.S., *Op.cit.*, P. 172
17. *Ibid.* Pp. 173-174
18. Gwayer, Sir M. and Appadorai, A., *Speeches and Documents on the Indian Constitution (1921-1947)*, (? 1957), O.U.P., vol.1., Introduction. P.XXX.
19. Moon, V., *Op.cit.*, vol.9, P. 306.
20. Das, Bhagwan (ed.), *Thus Spoke Ambedkar*, (Jalandhar, 1963), Bhim Patrika Publication, vol.1, P.67.
21. Keer, D., *Op.cit.*, (1964., Pp. 32-33
22. *Indian Statutory Commission* (Simon), 1928, vol. XVI, Pp. 37-47.
23. Keer, D., *Op.cit.*, P. 116.
24. Moon, V., *Op.cit.*, vol. 9, P. 506.
25. Majumdar, R.C., *History of Modern Bengal (1905-1947)*, (Calcutta, 1981), G. Bhardwaj and Co., Pp. 308-309.
26. Moon, V., *Op.cit.*, vol. 2., P-671
27. Ambedkar, B.R. *Poona Pact*, (Jalandhar, 1982), Buddhist Publishing (P) Ltd, p.79.
28. Majumder, R.C. *Op.cit.*, Pp. 311-312
29. Bose, Sisir K. *Op.cit.*, vol.II., Pp. 330-333
30. Ambedkar B.R., *Op.cit.*, P.78.
31. *Ibid.* Pp. 75-76.
32. *Ibid.* Pp. 81-82.

33. *Ibid.* Pp.82-83.
34. Majumdar, R.C. *Op.cit.*, Pp. 410-411.
35. *Ibid.* Pp.411
36. Keer, D., *Op.cit.*, Pp. 335-336
37. Majumdar,R.C. *Op.cit.*, P. 412.
38. *Ibid.* P. 413.
39. *Ibid.*
40. Menon, V.P., *The Transfer of Power in India*, (Calcutta, 1968), Orient Longmans Ltd., Pp. 121-122.
41. *Ibid.* Pp. 123-124.
42. *Ibid.* Pp.126-127.
43. Chand, T., *History of the Freedom Movement in India*, (New Delhi, 1983), Govt. of India, vol.4 Pp. 349-350.
44. Mansergh, N./ Lumby, E.W.R. (ed.), *The Transfer of Power (1942-47) : Cripps Mission*, (London, 1970), Cambridge University Press), vol.I P. 707.
45. Chand, T., *Op.cit.* P. 350.
46. Hodson, H.V., *The Great Divide* , (Karachi 1969, Reprint 1977), Oxford University Press, P. 103.
47. Menon, V.P., *Op.cit.*, P. 218
48. *Ibid.* P. 236.
49. *Ibid.* P. 237.
50. *Ibid.* Pp. 245-246
51. *Ibid.* P. 246.
52. Rao, B.S., *The Framing of India's Constitution : A Study* , (New Delhi, 1968), Indian Institute of Public Administration, P. 93
53. Chand, T., *Op.cit.*, P. 480.
54. *Ibid.* Pp. 481-488
55. *C.A. Debate*, vol XI, Pp. 973-974.
56. Rao B.S., *Op.cit.* vol.IV. Pp. 745 & 935.
57. *C.A. Debate*, vol. XI, Pp. 972-981.
58. Austin, G., *The Indian Constitution : Cornerstone of a Nation*, (Oxford, 1966), Clarendon Press, P. 50.
59. Lowenstein, K., *Political Power and Governmental Process*, Pp. 144-150, as cited by Leslie Wolf-Philips in his, *Comparative Constitutions*, (London, 1972), The Macmillan Press Limited, P.31.
60. Biswas, Dr. A. R., *Dr. B.R. Ambedkar On the Constitutional Reservation As the Cure-All For Casteism*, (Calcutta, 1991), Mahamilan Sanga, Pp. 6-7.
61. Austin, G., *Op.cit.*, Pp. 50-51.
62. *Ibid.* Pp. 51-52.
63. A.I.R. 1973. SC. 1461. (Pp. 1535, 1603, 1648, 1860)
64. Keer, D., *Op.cit.*, P. 253.
65. *The Bahiskrit Bharat Editorial*, 29 June, 1927.
66. Keer, D., *Op.cit.*, P. 393
67. Moon. V., *Op.cit.*, vol.13, Forward by K. R. Narayanan, Vice President of India (quoted).
68. Biswas, Dr. O., *A Phenomenon Named Ambedkar*, (Delhi, 1998), Blumoon Books, Pp. 86-87
69. Keer, D., *Op.cit.*, Reprint (1981), Pp. 417-418.
70. *The Times of India*, 7th February, 1951.
71. Biswas, Dr-O., *Op.cit.*, Pp. 122-124.
72. Moon, V., *Op.cit.*, vol.14, Part-I, Editorial, Pp. IX-X
73. Keer, D., *Op.cit.*, P. 352
74. *Ibid.* P. 353.