

1st February, 1934

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

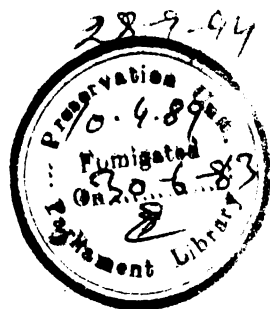
Volume I, 1934

(24th January to 16th February, 1934)

SEVENTH SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1934**



NEW DELHI
GOVERNMENT OF INDIA PRESS
1934

Legislative Assembly.

President :

THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

Deputy President :

MR. ABDUL MATIN CHAUDHURY, M.L.A.

Panel of Chairmen :

SIR ABDUR RAHIM, K.C.S.I., KT., M.L.A.

MR. K. C. NEOGY, M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

MR. N. M. JOSHI, M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A

Committee on Public Petitions :

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman.*

MR. K. C. NEOGY, M.L.A.

SIR HARI SINGH GOUR, KT., M.L.A.

MR. T. R. PHOOKUN, M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 1st February, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

CONTINUANCE OF THE FIVE PER CENT. CUT IN PAY.

Sir Leslie Hudson: In view of the fact that the Standing Finance Committee for Railways has to consider the Railway Budget on February the 2nd, can Government now make any statement as to its policy as regards the continuance of the cut in pay?

The Honourable Sir George Schuster: The Government of India, after most careful consideration, have been forced to the conclusion that the conditions which made it necessary to continue the cut in pay throughout 1933-34 at the rate of five per cent. have not improved sufficiently to make it possible for them to recommend the final removal of the cut in the next financial year and they, therefore, propose, after consultation with the Secretary of State, to provide for the continuance of the temporary cut at this rate for a further year, that is to say, on pay earned up to the 31st March, 1935. In making this announcement, the Government of India wish to repeat and emphasise their intention that the remission of the cut in pay should be the first measure to be undertaken when any improvement of their budgetary position justifies a relaxation of the various exceptional measures which have had to be taken since September, 1931.

THE ABOLITION OF CAPITAL PUNISHMENT BILL.

PETITIONS LAID ON THE TABLE.

Mr. Gaya Prasad Singh: (Muzaffarour cum Champaran: Non-Muhamadan): Sir, under Standing Order 78, I beg to present nine petitions as per statement laid on the table relating to the Bill to abolish the punishment of death for offences under the Indian Penal Code which was introduced in the Legislative Assembly on the 24th March, 1933, by me. I may add that these petitions are in favour of the abolition of capital punishment and are signed by 150 Fellows of the Theosophical Society.

STATEMENT.

Petitions relating to the Bill to abolish the punishment of death for offences under the Indian Penal Code which was introduced in the Legislative Assembly on the 24th March, 1933.

Number of signatories.	District or Town.	Province.
150	..	—

THE UNTOUCHABILITY ABOLITION BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): Further consideration of the following motion moved by Rao Bahadur M. C. Rajah on the 5th September, 1933:

"That the Bill to provide for the abolition of untouchability among the Hindus be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Diwan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddi, Mr. S. C. Mitra, Mr. B. V. Jadhav, Mr. B. Rajaram Pandian, Captain Rao Bahadur Chaudhri Lal Chand, Rai Bahadur Kunwar Raghbir Singh, Rao Bahadur S. R. Pandit, Mr. R. S. Sarma and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Also further discussion of the two amendments moved by Mr. R. S. Sarma* and Raja Bahadur G. Krishnamachariar† on the 5th September, 1933, and the 25th January, 1934, respectively.

Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, my friend, the Leader of the Centre Party, Raja Bahadur Krishnamachariar, assisted by that scholar and great student of Manu, Pandit Sen, spoke as though:

"We are the men and wisdom shall die with us
And none of the good old Vedas vie with us."

Sir, Pandit Sen quoted the Smritis, forgetting the accretions, forgetting the enormous interpolations that have crept into the Smritis. I shall mention the name of a great Bengali to whom even Pandit Sen owes respect, Swami Vivekananda.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadian Rural): Only partial respect.

Mr. C. S. Ranga Iyer: I am very sorry to hear that he owes him only partial respect. What he means is "I owe him true, wholesale respect, though I partially differ from him or partially agree with him", for, no Bengali, not even Pandit Sen, will owe partial respect to a great Bengali like Swami Vivekananda, a universally respected man. (Interruption by Pandit Sen.) Swami Vivekananda used to say that when the Srutis and the Smritis differ, reject the Smritis without mercy. I would ask Raja Bahadur Krishnamachariar, who questioned whether we knew any Sanskrit at all and then told us in the same breath paradoxically that, we knew some Sanskrit, but not so well as to understand the implications of the Sanskrit language, whether he has heard the name of a great Sanskrit authority, a much greater scholar than Raja Bahadur Krishnamachariar himself, the great Rishi Dayanand Saraswati. I do not know if the Raja Bahadur has read the Satyarth Prakash.

Raja Bahadur G. Krishnamachariar: (Tavioire cum Trichinopoly: Non-Muhammadian Rural): Oh, yes. I have.

Mr. C. S. Ranga Iyer: He has read it and, therefore, he ought to know that the Vedas make no sanction of any kind whatever for this practice of untouchability.

Raja Bahadur G. Krishnamachariar: That is what Mr. Dayanand says.

*"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934."

†"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st August, 1934."

Mr. C. S. Ranga Iyer: As the Raja Bahadur admits, that is what this great scholar says. He cannot accuse Swami Dayanand Saraswati of a lack of knowledge of either the Vedas or of Sanskrit. If that is what Dayanand Saraswati says, that is sufficient for my purpose. Sir, the Vedas make no sanction whatever for untouchability and here are our Shastrabadins quoting Smritis

Pandit Satyendra Nath Sen: You are quite misinformed.

Mr. C. S. Ranga Iyer: . . . forgetting the interpolations and accretions, forgetting the trend of the times, trampling under foot even the tradition set up by Bhagwan Rama Chandra. Raja Bahadur Krishnamachariar, with his respect for the Ramayana and the Mahabharata, said that he would not treat them as mythology. I ask him, is he not aware that Rama once ate the *jhoota* fruit, the fruit that was already tasted, the polluted fruit, the half eaten fruit from the hands of an untouchable woman?

Pandit Satyendra Nath Sen: It does not occur in Valmiki's Ramayana. Where do you get this.

Mr. C. S. Ranga Iyer: Pandit Sen says that it does not occur in Valmiki's Ramayana and when I say to him that some of these quotations that he makes from the Smritis do not occur in the Vedas, he says something different. What the Honourable Member quoted was not from the Vedas, but from the Smritis.

Pandit Satyendra Nath Sen: I quoted from the Vedas also on the last occasion.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member should be allowed to proceed without interruption.

Mr. C. S. Ranga Iyer: The Raja Bahadur pleaded for a certain amount of tolerance for Pandit Sen. He said we were so intolerant. I was listening with a certain amount of interest to what Pandit Sen was saying, but I know the orthodox people are not even tolerant. They are too austere, because they are too harsh or they are harsh, because they are austere. Sir, the wind that has been blowing yesterday and today is less unkind than orthodoxy. They could at least have taken off their turbans to His Excellency the Viceroy or the Governor General, but the Raja Bahadur, instead of expressing gratitude to His Excellency the Viceroy for sanctioning this Bill in the manner in which he sanctioned it, says: "Why did you sanction it at all?" Sir, the Government of India were really and honestly playing the game of orthodoxy and putting obstacles in the way of our Bill passing into the Statute-book. I have a deep quarrel with the Government of India and its legal advisers, including my esteemed friend, the Honourable the Law Member, Sir Brojendra Mitter. I believe the Governor General acted on the advice of the Law Member and the Law Member must have told him what he probably may tell us today on the floor of the House. Instead of expressing gratitude to the Law Member and to the Governor General for blocking legislation in the Provincial Councils, here is an Honourable gentleman, belonging to the orthodox society, expressing the usual ingratitude. Why did the Government of India block legislation, may I

[Mr. C. S. Ranga Iyer.]

ask, in the Provincial Legislature, the Council of Madras? We did not want to introduce a Temple Entry Bill to which reference was made by Raja Bahadur Krishnamachariar in this House. We did not want to see again this Untouchability Bill in this House. Sir, the one province in India today where untouchability obtains in its most acute form is the Province of Madras. (*Cries of "Shame, Shame"*.) We wanted to bring this Bill into the Madras Legislative Council; we begged, we pleaded, we remonstrated that the public opinion of Madras was on our side. But here is an autocratic Government, irresponsive to public opinion, brushing aside the demand and putting obstacles in our righteous way of passing a legislation of this kind in the Provincial Council. They are talking of provincial autonomy; provincial autonomy is in the air, it is on the horizon, it is almost on the Statute-book, and here, is a Government unwilling to move with the times, unwilling to act as if provincial autonomy has come or is coming. On the contrary, they will even probably put obstacles in the way of provincial autonomy working. Surely a Provincial Council can do, at least in matters deeply affecting the province, things that lie within its own province? I want to know why did the Government of India play into the hands of the orthodox diehards and block legislation being brought into the Madras Provincial Council. Sir, the Government have been grossly unfair in this matter. I want to know—did they want to shelter the non-Brahmin movement in Madras, because the non-Brahmin leaders are deeply committed to the abolition of untouchability, though, in their private lives, the caste non-Brahmins are as great diehards as Pandit Satyendra Nath Sen or Raja Bahadur Krishnamachariar? They do not want to do away with untouchability.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): I repudiate that charge.

Mr. C. S. Ranga Iyer: That may not be true of the non-Brahmins of Bombay. Or that may be true of the non-Brahmins of Bombay *minus* the Honourable gentleman who interrupted me just now, but I was dealing with the non-Brahmins of Madras. He may repudiate that charge, but he is ignorant: he does not understand what obtains in the province of Madras. I say that the caste non-Brahmins do not admit Pariahs into their household. They admit dogs, but not the untouchables; they keep dogs, but they do not keep untouchable servants. They talk a great deal that the depressed classes are part of the non-Brahmins, that the non-Brahmin movement means to elevate the depressed classes, but had this legislation been brought into the Madras Council, the non-Brahmin movement would have broken up after its passing through the Provincial Council like a shot or been defeated and divided after failure to pass it. The non-Brahmins were on their trial, and this British autocracy in India has been a friend of the non-Brahmin movement. Any one, who reads the evidence given before the Joint Committee after the Montagu-Chelmsford Report was published and before the Reforms Bill was introduced in Parliament, will know that the bureaucratic British Government in India was a friend of the non-Brahmin movement. Lord Sinha's close cross-examination of some of the European representatives, formerly Members of the Madras Government, shows that their hand was deep in that movement.

Raja Bahadur G. Krishnamachariar: Sir Arthur Knapp.

Mr. C. S. Ranga Iyer: Hear, hear, and he had to eat humble pie. He started by saying that "we had no hand in that movement", but he admitted that he wrote the whole case for breaking up the communal peace in Madras. It is on record. And this non-Brahmin Government, this bureaucratic British Government, invariably unjust to the reformers, what did it do? Lest the non-Brahmins should be shown up,—though it was a non-Brahmin, formerly a Minister, a highly respected man, who does not believe in untouchability, who brought forward this Bill, my old friend, Dr. Subbaroyan—it would have shown up the non-Brahmin movement if it had been moved in the Madras Council—the Provincial Government intrigued with the Government of India and prevented the introduction of this measure in the Madras Legislative Council! Sir, it is the worst form of bureaucratic intrigue and bureaucratic injustice. Sir, supposing on the contrary it was apprehended that the non-Brahmins would pass that legislation through the Madras Legislative Council, then the Government did not want to interfere with "ancient customs"! They did not want a Legislature which they have introduced to interfere with "ancient usage"! Why then go through the farce and formality of these Legislatures? Who ever wanted to make this an all-India question? I ask my Honourable friend, Sir Brojendra Mitter, does untouchability obtain in Bengal? No. Bengal is a province which does not consist of myriads of misrepresentative men like Pundit Satyendra Nath Sen, but of wholly representative men like my friend, Sir Brojendra Mitter. (Hear, hear.) He does not believe in untouchability. The Bengali young men do not believe in untouchability, they do not believe in unapproachability. Does untouchability, again, I ask, prevail in Assam? Read the Census Report and you will find that it does not prevail in Assam.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muham-
madan): Neither in Bihar.

Mr. C. S. Ranga Iyer: Neither, as my friend, Mr. Gaya Prasad Singh, who truly represents Bihar, has added, does it obtain in Bihar. In the Punjab, you do not hear about it. It is known in the Madras Presidency in its worst form: and when an *ex*-Minister of the Madras Government comes forward to legislate on that matter in the Local Council, here is the Government of India which says: "You have no right of legislation"—this from a Government of India which is committed to provincial autonomy. Why, I ask, did not the Governor General give his sanction to Dr. Subbaroyan's Bill and the Legislature of Madras the right of legislating on this matter? It is the Government of India that wanted to place Himalayan obstacles in our way so that the social reformer may not have the power or the opportunity of effecting this social reform.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): May I know whether the Honourable Member would be willing to agree that the Bill should be made applicable only to Madras instead of to other provinces?

Mr. C. S. Ranga Iyer: Sir, I would even now agree to withdraw this Bill. My friend, Mr. M. C. Rajah, will withdraw this Bill and I will withdraw the Temple Entry Bill if tomorrow the Governor General is willing to allow the Madras Government to deal with this matter and to sanction the introduction of these Bills in the Madras Legislative Council. (Hear, hear.) Then, my Bengali friends would not be so upset. I respect the

[Mr. C. S. Ranga Iyer.]

feelings of orthodox people like Mr. Amar Nath Dutt. He is angry with us. I respect the feelings of Pandit Satyendra Nath Sen. He is angry with us. But they must be angry with the Governor General for making it an all-India issue. They should be angry with the Honourable the Law Member for having advised the Governor General to make it an all-India issue.

An Honourable Member: What about Bombay?

Mr. C. S. Ranga Iyer: And Bombay orthodoxy would also have been similarly grateful to us had the Governor General not made it an all-India issue.

Mr. N. M. Joshi (Nominated Non-Official): We would like to have this Bill.

Mr. C. S. Ranga Iyer: My friend says he would like to have such a Bill here though he was not even a signatory to it. We collected signatures so that we might get a place in the ballot, and here is an Honourable gentleman who says he would like this Bill, but who introduces Bills only about his pet propaganda.

There is another aspect under which I must deal with the subject and that is the economic one. My friend, Raja Bahadur Krishnamachariar, stated that it was an economic question. He quoted one Peter Paul Pillai, who wrote articles probably in the *Hindu* of Madras when Mr. Krishnamachariar was in his teens. Young Krishnamachariar was fed on those articles when he was a student in the college. He said unto himself, with some satisfaction, here is a great writer, a great authority who does not want to do away with ancient customs. All that he wanted was just to uplift the depressed classes economically.

Raja Bahadur G. Krishnamachariar: Himself a depressed class man.

Mr. C. S. Ranga Iyer: Yes, himself a depressed class man. Surely it was 50 years ago and young Krishnamachariar grew up. Krishnamachariar became a great man, he became a greater man and became one of the greatest lawyers of India. Today he is the Leader of a great and growing Party in this House. Raja Bahadur Krishnamachariar forgot that as he grew, with him grew the economic prosperity of the depressed classes, so much so that what would not have happened when he was a young man has happened today. He has embraced Mr. M. C. Rajah on the floor of this House. That is what the economic condition of the depressed classes has led to. In this Assembly Mr. M. C. Rajah is his friend, neighbour, philosopher and guide. But when Mr. M. C. Rajah goes back to the Madras Presidency and when Raja Bahadur Krishnamachariar goes back to his beautiful Srirangam presided over by that diety Sriranganadan, what happens? Mr. M. C. Rajah will not be admitted to the drawing room of Raja Bahadur Krishnamachariar. Is it not a fact? I want a straight answer from the Raja Bahadur.

Raja Bahadur G. Krishnamachariar: It is absolutely true.

Mr. C. S. Ranga Iyer: And he has given his whole case away. Economic betterment and economic uplift do not lead to the removal of social disadvantages and yet he said in his own speech, which I not only listened

to with great interest, but read with greater pleasure. Do away with these economic disadvantages and improve their economic condition, and then, he added, "their social disabilities will disappear".

Raja Bahadur G. Krishnamachariar: Not by asking them to dinner.

Mr. C. S. Ranga Iyer: Not by asking them to dinner, I admit, but at least by permitting them to your drawing room for having a conversation about your party politics.

Raja Bahadur G. Krishnamachariar: Wait, it will all come.

Mr. C. S. Ranga Iyer: I know it will all come. Even orthodoxy cannot prevent what is coming. Our orthodox friends have to move with the times, and it is to make them move with the times that I have brought forward and my friend, Mr. M. C. Rajah, has brought forward this eminently necessary piece of legislation.

Then, Sir, there was the religious aspect on which the Raja Bahadur expatiated. There was also the social aspect and, therefore, he not only quoted religious books in abundance, but he also quoted travellers who came to this country several hundred years ago. He quoted Meghasthenes and Fahien and he said that they found untouchability in existence in this country. Why remove it when it is so old?

Raja Bahadur G. Krishnamachariar: I did not say that. What I said was that the great Mahatma said that Hinduism was going to be ruined if this untouchability had not been removed. I said that it had been in existence for 2,000 years and we have not been ruined.

Mr. C. S. Ranga Iyer: It is 2,000 years old and these orthodox people must not talk Hinduism into ruin. And that is exactly what they are doing. Two thousand years ago, Meghasthenes and Fahien also found *Sati* in this country and a representative, sent to London on behalf of the Sanatanist movement, wanted *Sati* to be revived.

Raja Bahadur G. Krishnamachariar: No, no; he did not want it; that is not the correct representation of what he said.

Mr. C. S. Ranga Iyer: He wanted *Sati* to be revived, because he said it was divine. What he condemned was not *Sati*, but *Asati*. (*A Voice*: "You condemn *Asati*.") I condemn the practice of *Sati* by whatever name you may call it. I condemn the burning of women on the funeral pyre of their husbands. Whatever your term for it may be, Meghasthenes found it in existence. He probably applauded some of these noble women who went and sacrificed their lives when their husbands passed away. In spite of the applause that the foreign observer had given, *Sati* has been abandoned and has been made illegal. I want that untouchability should not have the support of law.

Raja Bahadur G. Krishnamachariar: May I tell my Honourable friend, as a matter of information, that Pandits of Navadwip and Southern India were strongly in favour of the abolition of *Sati* and submitted a petition to Lord William Bentinck.

Mr. C. S. Ranga Iyer: Even on the question of untouchability, the Mahatma has Pandits on his side, and Śwami Vivekananda was greater than a Pandit. I shall come to the Pandits presently. There are Pandits and Pandits. Do you know what Shri Rāmkrishna Paramahansa used to say to whom Pandits take off their turbans, because they do not wear hats. Reminded of some of the book—learned Pandit he used to say: “The vulture soars high into the sky, but its eye is directed on a piece of rotten carrion on the face of the earth”. Let us examine the lives of some of these Pandits. Are not their children going to the offices and taking up jobs under a *mlechchha* Government? Talk not of Pandits’ precepts. I will judge them by their practice. What did Śwami Vivekananda say? I am quoting from memory. He said: “Was there ever a sillier thing in the world than what I witnessed in the Malabar country?”—Mr. Thampan’s country and my own—“The poor pariah is not allowed to walk through the streets, but if he changes his name to some hotch-potch Christian or Muhammadan name, it is all right. What does this show but that the Malabaris are lunatics and their homes so many lunatic asylums”. He said in unspeakable sorrow: “Their religion is the kitchen and their God is the cooking pot”. They say: “I am holy; do not touch me”. This do-not-touchism is passing for Hinduism. My friend, the Raja Bahadur, quoted Sir James Fitz James. He quoted from a speech of his when the Civil Marriage Bill was being discussed. He said that for people who do not belong to Hinduism except in name and who do not accept some of the injunctions of the religion, not even the British Government can legislate. We do not want the British Government to legislate for us. We want the British Government to stand aside and allow us to legislate for ourselves. This is a non-official Bill. If Sir James Fitz James were present here today, he would have said something with which public opinion is in agreement. He would have said: “We only said that British Government cannot legislate; it is good that Indians themselves have come forward to legislate for their people”.

Raja Bahadur Krishnamachariar was very very angry indeed with Mahatma Gandhi. He said: “He changes like the needle; he changes like the moon; he is a quick-change artist; he is so inconsistent”. I do not know what the Raja Bahadur really meant. He has reason to be angry, but he has no right to charge the Mahatma so far as this question of untouchability is concerned, with any inconsistency. Right from the beginning of his life, the Mahatma was not a believer in untouchability and in the eveing of his life he has taken up this subject in right earnest. Let us hope that he will adhere to this movement against untouchability, the removal of which is greater than Swaraj itself.

Raja Bahadur G. Krishnamachariar: The inconsistency consists in this. First coming to the Satanic Legislature and then asking it to thrust down the throat of orthodox people his own fad.

Mr. C. S. Ranga Iyer: I am glad he did not accuse the Mahatma of being inconsistent so far as leading the untouchability movement is concerned, and I shall presently show that the Mahatma is wholly consistent when he asks this Legislature to legislate on the question of untouchability. He did not ask us to fight the battle against repression. He did not ask us to put questions about political prisoners, he did not ask us to help his political movement from within, because, for the purpose of politics, he boycotted this Legislature, but he asked us to legislate not for him, for our condemned people, and he has a right to ask us that. I hope that the

Mahatma will also lift the ban on the Legislatures, so that, instead of the country being the storm-centre, the storm-centre will be transferred to the floor of the House. That is not inconsistency, that is moving with the times. The Raja Bahadur is too consistent, for orthodoxy sticks in the mud. (Laughter.) He and his adherents are unwilling to keep abreast with the currents and the movements of modern life. They will go back to 4,000 years ago, but not farther, not to the Vedas.

Raja Bahadur G. Krishnamachariar: Not to the currents and backwaters of life which led to the European war.

Mr. C. S. Ranga Iyer: The Raja Bahadur stated that no religious questions should be taken up on the floor of the House. Perhaps I was wrong. I apologise for having accused him,—I did not mean him, but orthodoxy—but if I included him, I am sorry to have called him a stick in the mud, for he is far from that. He first said that we should not legislate here on religious matters. He rose to a point of order. You, Sir, ruled otherwise and, like a good lawyer that he is, he bowed to the point of order and agreed presently that we could not only legislate on religious matters, but we can do it in right earnest, adding: "I will sit quietly provided you get a mandate from our people."

Raja Bahadur G. Krishnamachariar: *Vis major.*

Mr. C. S. Ranga Iyer: However, that mandate is visible to us. That mandate can be seen in the shape of funds and jewels that Mahatma Gandhi is getting from the people. The Raja Bahadur was very very angry that the young girls should part with their jewels for Gandhi's movement. But if young girls and young men subscribe to a movement and part with what is precious to them, that is proof of their sincerity and their earnestness. The younger generation does not want this untouchability, it wants to do away with it. It is the old men that stand in their way.

Raja Bahadur G. Krishnamachariar: Witness the Bengal youths.

Mr. C. S. Ranga Iyer: Witness the Bengal youths, says he. I say witness them. If the Honourable Sir Brojendra Mitter will place on the table of this House all the invitation cards that he gets from Bengal for marriages, the Raja Bahadur will find that the Bengal youth is prepared to give a lead in social reform to the whole of India and then my Honourable friend, the Raja Bahadur, cannot say in contempt "witness the Bengal youths". The Bengal youth has broken down the barriers of exclusion in society, the Bengal youth has improved religion and has elevated religion to its pristine purity, the purity of the Vedas. Condemn the Bengal youth!

Raja Bahadur G. Krishnamachariar: I did not speak of them with contempt. I said they say bring your movement to its proper mooring.

Mr. C. S. Ranga Iyer: Youth commands the future, and if the younger generation will have their way, untouchability will be washed away. We want to help the youth of this nation, we want to abolish what is weakening the Hindu society and the Hindu religion. The Raja Bahadur said: "Why should these reformers not class themselves into a new class, why should they attack religion, why should they attack society?" Had Martin Luther

[Mr. C. S. Ranga Iyer.]

accepted the advice of the Raja Bahadur, probably he would have died unknown instead of broadening Christianity into what we find it today. We have a right to reform religion, to reform society, to purge religion of its impurities, the accumulated impurities from the days of the Smritis. Who was Swami Dayanand Saraswati? Who was Ramanuja? Who was Sankara? Who was Madhavacharya? Who was Chaitanya? Who was Vivekananda and who was Ramakrishna Paramahansa, a brilliant galaxy of stars of the first magnitude? Who were they? All social reformers and religious teachers. For, the beauty of our religion is, it embraces not only society, but life itself and, therefore, if you want to reform society, you have also to reform religion-in-practice. The Raja Bahadur also said: "If supposing you reform, what will happen? I, a Brahmin, sitting on the banks of the sacred Cauvery river or some other river, will be prevented or at any rate distracted from performing my religious observances by these untouchables splashing water upon me". May I ask, have the untouchables splashed water upon any Brahmin in any part of India willingly or unwillingly? My Honourable friend did not give any instance.

Raja Bahadur G. Krishnamachariar: With your help they will do it now.

Mr. C. S. Ranga Iyer: I hope they will make it impossible for the Brahmins and the caste non-Brahmins to perform their Pujas on the banks of rivers if these people will stand in the way of the untouchables exercising their rights and privileges to which they are entitled in Hindu society and according to the Hindu religion. (Hear, hear.) But they will not do it with my help or without my help. My Honourable friend, the Raja Bahadur, is representing the untouchables as mean. No, Sir, the untouchables, the poor depressed classes have been ridden by so much worship that even if the Raja Bahadur should ask them to throw water upon him, they will not do so. Stand back from these blasphemous attacks on the poor untouchables. The untouchables feel, as Mr. Srinivasan, whom the Raja Bahadur quoted, himself an untouchable, said "The untouchables themselves do not want that untouchability should be removed". They love their chains. Themselves and the chains of ages have grown friends and they do not want to break those chains. We want to break them. We want to do *prayashchit* for the sins of our ancestors, we want to elevate this nation from its position of untouchability. We are unfit for freedom, we are unfit for social intercourse and equality with other nations, and unless we abolish this untouchability, we have no right to stand upon a foreign platform and say: "we want our country to be free" because the foreigner points out "have you not got 45 millions of untouchables in your own land?" I love my country, to me my country is greater than my religion and I will say, bury religion in the bowels of the earth if religion stands in the way of the release of these people from the chains of superstition. (Applause.) Religion is blasphemy when it says that 45 millions of people must be treated as dogs and worse than dogs. The Raja Bahadur can have a dog in his drawing room, but he cannot have an untouchable, and that, in the name of religion. It is not religion, Sir, but it is inhumanity. It is not the religion of the Vedas as I understand it. It is not the religion of the Vedas as Swami Dayanand Saraswati interpreted it, it is not the religion of the Vedas as Ramanuja taught, for did not Ramanuja say: "Be not salvation with the low, to hell and misery you go".

It is all well and good for the Raja Bahadur to stand up and mislead this House in the name of caste, tyrant custom that eats up sense.

Raja Bahadur G. Krishnamachariar: Would my Honourable friend accept what Ramanuja said about his favourite people. Will my Honourable friend accept the authority of Shankara? In his *Bhashya* on the *Brahma Sutas* in the Chapter headed "*Apa Sudra Adhikarana*", he says "they are walking *smasanas*". Let my friend read what Shankara says. It is not I that tell him so.

Mr. C. S. Ranga Iyer: Shankara was walking in the neighbourhood of a *smasana*, the *smasana* of Harishchandra in the Holy Kashi. When an untouchable was walking by the side of Shankara, what did the untouchable say and what did Shankara say in reply? The Raja Bahadur must not try to mislead me. I understand something of my religion.

Raja Bahadur G. Krishnamachariar: Have you read this *Bhashya*?

Mr. C. S. Ranga Iyer: I would ask him also to go and interpret the *Bhashya* in the light of the Vedas and then he will understand that untouchability is not approved. He talks of Shankara. I would ask him to read Shankaracharya's *Advaita* philosophy, and if he reads it, if he understands that philosophy, and if he understands the interpretation of that philosophy by Shankara, he will speak of the oneness of mankind; he will speak of the fraternity and the equality and the divinity of mankind and not try to say that unless they cross the fire, unless every untouchable is like Nanda, he will not carry him on his shoulders, but he would rather admit a prostitute or Brahmin or caste non-Brahmin blackguard or rascal into the precincts of the temple. A Brahmin or a non-Brahmin caste Hindu can be a rascal, he can be a thief, he can be a villain, he can be a murderer, but a religious-minded untouchable cannot enter the Brahmin street, much less into the temple. It is ridiculous for a learned and educated man to talk in that strain in these times when religion is finding itself. It is certainly. . . .

Raja Bahadur G. Krishnamachariar: Education does not consist in calling your fathers fools; we will have wiser sons who will repeat the compliment to us.

Mr. C. S. Ranga Iyer: I agree; education does not consist in calling your fathers fools, and I do not want that these gentlemen should in actual practice treat the Vedas as foolish, the Vedas which do not preach or allow the practice of untouchability. From their fathers I want them to go to their forefathers, the originators and the progenitors of the Hindu religion. I want them to go far back, instead of wallowing in the mud of *Smritis*. And then he talked of education, he mentioned education even now. What is education and what is religion? Religion is the manifestation of the divinity already in man. And the Kingdom of God is within you, say the Vedas. Manifest that kingdom within you. It was Swami Vivekananda's interpretation of religion as "the manifestation of divinity already in man". And what is education? We are like marble in a quarry, and every ornamental spot and vein in the body is brought out by education. I want people to be educated either on the western or, at any rate, on eastern lines. But some education, not this purblind persistence in a melancholy age-old habit. In the name of custom they are clinging to this corpse of untouchability. Its stink has become unbearable, the corpse has got to be cremated.

Pandit Satyendra Nath Sen: Since when?

Mr. C. S. Ranga Iyer: It has been unbearable for years.

Pandit Satyendra Nath Sen: Since September before last?

Mr. C. S. Ranga Iyer: No. Why did Buddha take up arms against Hindu religion as practised? Was it in September before last?

Pandit Satyendra Nath Sen: Was Buddha successful in his mission?

Mr. C. S. Ranga Iyer: Buddha was successful in his mission, so successful indeed that every Hindu calls him an *Avatar*. And his success has gone even further than India. China and Japan have accepted Buddhism, while Buddhistic missions

Raja Bahadur G. Krishnamachariar: I wonder whether my friend has read Japanese history during Buddha's period. A class of people still exists there who are the most untouchable class, and yet Japan has become a very great Empire and have their own political rights. Has my friend looked into Japan's ancient history?

Mr. C. S. Ranga Iyer: If my friend reads Japanese history, he will find the part that Buddhism has played in it and he should also read Hindu history, because I am more concerned with India than with Japan whether in commercial or in religious matters. I would ask him to read Hindu history and the part that Buddha played in the annihilation of untouchability and unapproachability. He shook the foundations of Hindu superstition. And after achieving his purpose, Buddhism migrated abroad leaving the Vedas in all their sacred purity. That is where Buddha left Hinduism. It is true that Shankara followed Buddha, but Shankara's *Advaita* philosophy again accepted Buddhism. At any rate Buddhism in practice is really *Advaita* philosophy, and even the Raja Bahadur cannot deny that. What is really his argument? Custom and habit. Here I will present him,—because he has a weakness for English poets,—with two quotations:

"Ill habits gather by unseen degrees,
As brooks make rivers and rivers run to seas."

And today the Mahatma has taken up arms against the sea of untouchability and hopes, by opposing, to end it.

As for custom,

"Ill customs by degrees to habits rise,
Ill habits soon become exalted vice."

And that is why the Smritis grew to their present bulk from the original Smritis and that is again why we are tenaciously clinging to the vice of untouchability.

And now I come to the question again of economic uplift. My father in his estate had a "brahmin untouchable", because there is a class among untouchables called *Ezhavas* who are Brahmins among untouchables, as his *kudian* or tenant. This *kudian*, a very humble man, became a very wealthy man, but still, as my father's tenant, Sir, double the distance between you and me used to be the distance between my father and his *kudian* while they were discussing the affairs of the fields and the farm.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Not so much as that.

Mr. O. S. Ranga Iyer: I am talking of what happened when I was a young man. I know the distance has dwindled now.

Pandit Satyendra Nath Sen: Then why all this fuss?

Mr. O. S. Ranga Iyer: To help the distance to dwindle still, to help my friends to raise their voices like a grasshopper. (Laughter.) And, then, again, we have in Malabar the *Thiyas*. The *Thiyas* are an economically uplifted community and their girls and boys are educated. They are over-educated, they are Anglicised. But they cannot go to the Raja Bahadur's temple unless he gets a mandate from his *Bhagwan* to carry them on his shoulders. They are too good to ride on an old man's back. They would rather enter the temple as the Raja Bahadur himself enters the temple, they would exercise their rights as the Raja Bahadur himself exercises his rights as a free born citizen. Sir, he quoted Pandit Madan Mohan Malaviya, who said that no force or compulsion should be used, but resort should be had to peaceful persuasion. Sir, is there anything more peaceful in this world than this docile Assembly? And is there any one more persuasive in this House than the Raja Bahadur's own Secretary? We are really resorting to peaceful persuasion. (Laughter.) And he again quoted the Mahatma as having said somewhere, I think he said at Raipur, that "if you do not abolish untouchability voluntarily, force will be resorted to". He said, is this not a violation of the Bombay Conference resolution? In the first place, he cannot accuse the Mahatma of having violated that resolution, for, the very fact that the Mahatma is touring the country has proved that he is resorting to peaceful persuasion.

Raja Bahadur G. Krishnamachariar: After inciting you to bring this Bill here.

Mr. O. S. Ranga Iyer: That, again, is peaceful persuasion. It is peaceful incitement. (Laughter.) And if he reads the words that he quoted he will find that the Mahatma refuses at a later stage to treat the Bombay Conference resolution as the laws of the Medes and he would like to alter it. His words are these: "If you do not abolish untouchability voluntarily"—the emphasis is on these two words "if" and "voluntarily".—"I will resort to force". Why not? If a minority is to block the path, why not resort to force? Either the force of law as we are resorting to here or the force of Satyagraha, the soul force, the force of God in man which even the Raja Bahadur will be compelled to respect as he respected Mahatmaji's fast. . . .

Raja Bahadur G. Krishnamachariar: Not Chauri Chaura; not that kind of soul force.

Mr. O. S. Ranga Iyer: and soul force will succeed in the task of removing untouchability, because its object is to melt your hearts. I know even the orthodox people have a heart: only the superstition clouding their minds from the Vedas has got to be removed: it is suffocating their hearts. The Raja Bahadur quoted Rajagopalachari. I wish he had completed the quotation. I miss Rajagopalachari today. He was

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watching our debate from the gallery on a former occasion: today he is watching this debate through the loopholes of his unfortunately enforced retreat; and if he had quoted from that pamphlet, he would have found that what Rajagopalachari wants is to take away the support of law for upholding something really unlawful, namely, untouchability, and certainly inhuman.

The Raja Bahadur quoted Sir Thomas Strange. Sir Thomas Strange was a great man, of whom he spoke almost with a certain amount of, shall I say, lightness of heart—I shall not say disregard. Sir Thomas Strange was a highly respected Judge of the Madras High Court: he was honoured by his contemporaries. I know from family conversations he was honoured by my grandfather, himself a Judge, a great friend of Sir Thomas Strange. The Raja Bahadur quoted Sir Thomas Strange as having said: "Oh, this Hindu society is a mass of confusion. You can never reconcile one dictum of the Hindu law with another". Is it not true? Is not this Hindu society a mass of endless confusion? Can you not quote one book contradicting another? He says "Sir Thomas Strange has been exploded": but the Hindu society is exploding itself: it lives through a series of explosions and, were there not these explosions, Hindu society would have died. He said "old institutions are dying out", and he condemned the extraordinary system of education. Whether the system is extraordinary or ordinary, he has got to reap the consequences of that system. Old institutions must die if they will not live through change:

"The old order changeth yielding place to new;
And God fulfils himself in many ways,
Lest one good custom should corrupt the world."

Here it is a case of one bad custom corroding the soul and degrading society. If he wants old institutions to live, let them change with the times. He said "untouchability is part of eternity": probably he wants it to live through time! But surely untouchability is not part of eternity: as it had its origin in some selfishness, vanity and conceit of high-caste people, both Brahmins and non-Brahmins, so must it have an end; every affliction has a termination.

Sir, I have done. I hope this Bill will be taken to the Select Committee and discussed. I do not want circulation; it is a clever trick of the Government to join hands with orthodoxy to circulate and circulate, like "promise, pause, prepare, postpone and end by letting things alone". But Hinduism and Hindu society are today no longer things which can be ignored; we want to unify our community by purifying our religion; and neither Raja Bahadur Krishnamachariar nor all the bureaucratic reactionaries sitting on the Treasury Benches can stand between us and the light of the world. (Applause.)

The Honourable Sir Brojendra Mitter (Law Member): Sir, a great deal of learning has been displayed and a great deal of heat has been generated in the course of this debate

Mr. N. M. Joshi: It is a cold day, Sir.

The Honourable Sir Brojendra Mitter: Unfortunately the legal aspect of the Bill has been completely ignored. I propose to examine the Bill

from the legal stand-point, so that, if the Bill goes into circulation, the attention of persons, who will consider it, may be specifically drawn to the points which I raise.

The Preamble says in effect that social customs and usages have imposed disabilities on certain classes of Hindus, commonly known as depressed classes, that in certain matters these disabilities have been legally recognised by Courts in the adjudication of rights and duties—and that these disabilities are repugnant to modern conditions and, therefore, they should no longer be recognised or enforced, but should be discouraged. According to the Preamble, the source of the disabilities is custom and usage; and the wrong which is sought to be remedied is the recognition and enforcement of the disabilities by Courts. I may say at the outset that amongst Hindus custom and usage have the force of law. The first point which occurs to me is that there is no indication in the Preamble, or, for the matter of that, in the Statement of Objects and Reasons or in the body of the Bill, as to what the disabilities are. Some disabilities have been mentioned in the course of the debate, but we are not considering the debate, we are considering the Bill. What are the disabilities we are asked to remove? The Bill throws no light on that point. We are told that disabilities have arisen from custom and usage. What customs? No indication has been given in the Bill as to what the customs referred to are. Are they territorial customs or are they tribal customs? Are they class customs or family customs? What are the customs we are dealing with? The Preamble says "disabilities arising from customs", and we are asked to take steps to have these unknown disabilities arising from unknown customs removed. We know that Hindu Law in different parts of India is not the same. There are at least four different schools of Hindu Law, and these four different schools of Hindu Law have arisen from various sources. One of the sources is commentaries; another source is custom which has the force of law. We are asked to remove disabilities arising from customs. No differentiation is made between the different schools of Hindu Law or how much of Hindu Law in any school is based on texts or how much is based on custom. We are not told which portion of the custom has to be removed and what the effect of such removal would be on the rest of the law prevalent in that province. On these questions, the Bill throws no light; nor do the Statement of Objects and Reasons, nor the speeches which have hitherto been made. You remove a certain part of the law. What is the bearing of that removal on the rest of the law? Unless you get a complete picture, you cannot deal with parts in this haphazard fashion. You take away one brick from an arch—what will be the effect of the removal of that one brick upon the whole arch? You have to see to that. Therefore, Sir, before the House accords its sanction to this Bill, the House must know what it is doing. It is not a matter of enthusiasm only. Law reform, reform of personal laws, personal laws which have existed in this country for centuries, is the business of experts, and not the business of mere enthusiasts

Mr. N. M. Joshi: Is it not the business of the legislators?

The Honourable Sir Brojendra Mitter: It is the business of legislators, but legislators must be guided by experts, and that is why,
 12 NOON. whenever any serious piece of legislation is undertaken, an expert Committee is usually appointed to go into the matter, examine it from all aspects and make recommendations, and those recommendations form the foundation of a serious Bill

Mr. G. S. Ranga Iyer: Why not bring your experts to the Select Committee for the benefit of laymen?

The Honourable Sir Brojendra Mitter: I shall deal with that presently. This Bill is so vague and indefinite in its scope, in its effect, that no amount of expert assistance can improve it, because we do not know what the Bill means. That is my point. I am analysing this Bill,—I am going to show that in its Preamble as well as in its operative part, it is so loose and nebulous that we do not know what we are dealing with.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Why can't this indefiniteness be made definite?

The Honourable Sir Brojendra Mitter: The Preamble is restricted to what has been termed the custom of untouchability. We have heard descriptions of untouchability. Mr. Ranga Iyer gave us a picture. We have got some vague general ideas,—some people are treated as untouchables, they are not allowed to touch people or to go into the drawing room of the Raja Bahadur, and so on, but these are all general descriptions. When we are legislating, we ought to be definite, we ought to be precise in our ideas. That is my point. In the body of the Bill the custom sought to be removed is restricted to what has been termed the custom of untouchability, but when you turn to the Statement of Objects and Reasons, what do you find? "The custom of segregation of certain classes as outcastes and untouchables." Sir, if the classes whom custom has outcasted are to be brought back into caste, into what caste does the Bill say they are to be brought? We know the Hindu social order is based upon four castes. The Bill is silent on the point as to the caste which is to be assigned to the people who, under the provisions of this Bill, will cease to be outcastes?

An Honourable Member: Mr. Rajah's caste.

The Honourable Sir Brojendra Mitter: Sir, one or other of these castes must surely be assigned to the people whom you are bringing back into caste. I doubt whether the author of the Bill ever applied his mind to this aspect of the case.

Mr. N. M. Joshi: We are all against caste.

The Honourable Sir Brojendra Mitter: Sir, it is not a fanciful difficulty by any means. In the Statement of Objects and Reasons, I find the disabilities referred to are "social and other" disabilities. Now, here again there is the use of loose expressions like social and other disabilities. What are these other disabilities?

An Honourable Member: Marriage.

The Honourable Sir Brojendra Mitter: Do these "other disabilities" include legal disabilities?

Mr. N. M. Joshi: May be.

The Honourable Sir Brojendra Mitter: It is well known that the personal laws of Hindus provide different rules for different castes with

regard to almost all their social institutions like adoption, marriage, inheritance, maintenance. In all these different branches of Hindu Law, you will find that the law differs according to the caste. I will give the House one or two illustrations. Take the case of adoption. A Brahmin may not adopt his sister's son, whereas a Shudra may. In the case of marriage, Brahmins have to perform certain ceremonies which are not incumbent upon Shudras. Different ceremonies, different rites, different rituals are prescribed for different castes. In the matter of inheritance and in the matter of maintenance, the law differs according to caste. Sir, when I was talking of the differentiation of castes and when I was talking of an outcaste ceasing to be an outcaste, it at once became a material question as to the caste you were going to ascribe to the person who ceased to be an outcaste. This Bill gives no indication whatsoever on that point.

I think my friend, Mr. Joshi, interrupted me and said—we are out to abolish all castes. Is that the scope of the Bill? The scope of the Bill, as I find it, is to remove certain disabilities and to remedy the wrongs which the Courts have done in recognising customs. Does that go to the length of removing all castes? Sir, the caste system, good or bad, is the foundation of the Hindu social order. Is it intended by this Bill that this Assembly is called upon to remove all castes and to subvert Hindu society as it is now constituted?

Mr. D. K. Lahiri Choudhury (Bengal Landholders): Even Government wish to maintain the caste system.

The Honourable Sir Brojendra Mitter: Is that the intention of the Bill?

Mr. N. M. Joshi: It is a step.

The Honourable Sir Brojendra Mitter: Sir, a supporter of the Bill, a friend of mine, with whom I discussed this matter and to whom I pointed out the vagueness of the Bill, its implications, its want of provisions, told me: "Why do you submit the Bill to a legal microscope? Do not examine it so closely; all we want is that there are certain disabilities with regard to public wells, roads, temples, schools, and so on, from which the untouchables suffer, and it is these disabilities which we want to have removed". I can well understand that, and that was, if you will allow me to mention it, the scope of the Bill which you introduced in this House about three years back. Here I have a copy of that Bill. That was definite enough. What was sought to be done was, first, to remove certain disabilities with regard to sharing the benefit of religious or charitable trusts,—and, secondly, disabilities with regard to sharing the benefit of a convenience, utility or service dedicated to or maintained or licensed for the use of the general public. One can well understand a definite, clear-cut disability which is sought to be removed. Is this that Bill? Here you are to remove all disabilities which arise from customs. What does it mean? The words, in the Statement of Objects and Reasons, "social and other disabilities" cover much larger ground than mere civic disabilities which your Bill wanted to deal with. Even according to the narrow construction which my friend put to me that it is civic disabilities like disabilities with regard to temples, roads, wells, schools, etc., which it is the intention of the Bill to remove, there are formidable difficulties which ought to be considered before the House can be called upon to accord its sanction to the provisions of an indeterminate

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Bill like this. I need not read clause 2 of the Bill, but I shall refer to one or two passages. What is sought by this clause to be removed is penalty, disadvantage, disability or discrimination—based upon the fact of a person belonging to an untouchable class. In this clause, these penalties, disadvantages, disabilities and discriminations are traced to three sources. The clause says: “Notwithstanding anything contained in any existing enactment, regulation or order”—that is the first source. The second source is “notwithstanding any custom or usage”, and the third is “interpretation of law”. Let me examine these three sources. Take the first one. Is there any indication either in the Statement of Objects and Reasons or in the Bill or in the eloquent speeches that have been made here as to what the enactments are which we are seeking to repeal, as to what the regulations are, or what the orders are? None whatsoever. What does an enactment mean? Enactment is, shortly speaking, law. What is the law, in what year was it passed, who passed it, is it law as laid down in the text books of the Hindus, is it law promulgated at the time of the East India Company, or since the Crown assumed charge? What law?

Mr. C. S. Ranga Iyer: Several judgments in certain cases when the untouchables entered the villages of Brahmins in Malabar.

The Honourable Sir Brojendra Mitter: That is neither an enactment, nor a regulation, nor an order. That comes under the third source, that is, interpretation of law. I have not overlooked that. I am now on the first source that is existing enactments, regulations and orders. We are asked to get round some existing enactments, some existing regulations, some existing orders. This is the second or third day we are debating this Bill. Has any Member of this House at the present moment got any idea as to what existing enactment we are asked to amend or what existing regulation we are asked to repeal or what existing order is so oppressive that it must go? We do not know. We are asked just to rush like a bull into a china shop. . . .

Mr. C. S. Ranga Iyer: The law that prevents an untouchable from entering a temple.

The Honourable Sir Brojendra Mitter: What is that law? When was it passed?

Mr. C. S. Ranga Iyer: The law that exists.

The Honourable Sir Brojendra Mitter: What is the name of that Statute? When was it passed?

Mr. C. S. Ranga Iyer: The Honourable Member ought to know that if an untouchable were to enter a temple of the Raja Bahadur, he would be put into prison. Under what law he ought to know.

The Honourable Sir Brojendra Mitter: Sir, there is no such law, so far as I am aware; and in the absence of any information given by any supporter of this Bill in this House, in the absence of any references given to me, I am entitled to presume that no such law, enactment, regulation or order exists. And before I give my vote in favour of the Bill, I should like to know what law I am called upon to repeal. I now come to the second of the sources—custom and usage.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): As regards the last question, is there not a law of trespass when a man enters into the temple of another?

The Honourable Sir Brojendra Mitter: I should like either Mr. Mitra or Mr. Ranga Iyer to inform me under what section of what Code an untouchable going to a particular place can be prosecuted for trespass. I get no information whatsoever. My complaint is that we get no information either from the Statement of Objects and Reasons or from the Bill or from any of the passionate speeches which have been made in this House. Before I can answer my Honourable friend's question, I should ask him to give me reference to the particular section of the particular Code.

Mr. S. C. Mitra: Criminal trespass is under the criminal law.

The Honourable Sir Brojendra Mitter: Are we called upon to amend any section of the Penal Code? Is that the intention of this Bill?

Mr. C. S. Ranga Iyer: No. The intention of the Bill is just to create a law which will stand against the lawless law of custom and usage.

The Honourable Sir Brojendra Mitter: That is journalese; that is not argument.

[At this stage Diwan Bahadur Harbilas Sarada rose in his seat.]

I do not give way. The next source is custom and usage. I have referred to the wording of the Bill and the wording in the Statement of Objects and Reasons where customs and usages are vaguely referred to. Are these customs and usages based upon religion, or are they independent of religion? I do not know. The Bill throws no light on it.

In this connection, take the question of temple entry. I am not evading any point. Take the question of temple entry. I shall assume that by custom a person, who belongs to an untouchable class, is not entitled to enter a public Hindu temple. Just examine it for a single moment. According to books, which Hindus hold in veneration, meticulous provision has been made for the admission of people belonging to different castes to different parts of the temple. For instance, a Brahmin can enter the innermost shrine of a temple. A Shudra may go up to a certain point in the temple, but may not go into the innermost shrine. That is laid down in what the Hindus regard as sacred books regulating worship in temples and entry into temples. Now, suppose by this Bill you remove the disability from a person belonging to the untouchable class, he is to be under no disability whatever so far as temple entry is concerned. Is he entitled straightaway to go into the innermost shrine which none but a Brahmin may enter, either according to the sacred books of the Hindus or according to custom,—it is immaterial for the purpose of my present argument which. You want to remove the disabilities of the untouchable. Either by the law of the Hindus or by the custom of the Hindus, people belonging to different castes have access to different parts of the temple. When this disability is removed from the untouchable, is he to have the right of the Brahmin to enter the innermost shrine or is he to have only so much right as a Kshatriya enjoys or a Vaishya or a Shudra enjoys. What is it that is contemplated by this Bill? That is why I say, before this House casts its vote one way or the other, the

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House is entitled to know what it is that this Bill attacks. Are these undefined customs based upon religion or are they independent of religion?

Mr. C. S. Ranga Iyer: Misapplied religion.

The Honourable Sir Brojendra Mitter: Again, this disability, which is sought to be removed, is it complete disability or partial disability? Even caste Hindus are under partial disability. A Brahmin has got all the rights. The next three castes are under partial disability in different degrees. Now, what is it that we are asked to do? Does the Bill throw any light on it? None whatsoever. There is much heat, but little light either in the Bill or in the debate.

Mr. C. S. Ranga Iyer: There is lightning outside.

The Honourable Sir Brojendra Mitter: My complaint is that this Bill is much too vague and much too indefinite for serious consideration. I come now to the third source of disability, that is, interpretation of law. Neither in the Bill nor in the Statement of Objects and Reasons is there any reference to any particular case or code. We know that interpretation of law has been made by judicial decisions as well as by commentaries. What book or decided case has imposed disabilities or recognised disabilities, and which commentary or judicial decision are we called upon to set aside? Here, again, my complaint is that no information is given to this House by any of the supporters of the Bill.

Mr. C. S. Ranga Iyer: I thought the Law Member was aware that there have been cases in which untouchables who entered certain *agraharams* in Malabar have been punished.

The Honourable Sir Brojendra Mitter: I should like to have the reference. If I had the reference, then I could discuss that matter. What are the facts of that case? Supposing a man has been punished for trespassing upon another man's ground, I want to know whether the punishment was for infringement of the ordinary law of the land or for infringement of an oppressive custom. Unless the case is before us, we cannot judge whether the decision was a right decision or a wrong decision or what the basis of the decision was. Was the basis of the decision the ordinary law of the land or any local or special law or any general or special custom? We know nothing about it. What decision are you going to set aside by legislation?

Raja Bahadur G. Krishnamachariar: It was a private *agraharam* in this case.

The Honourable Sir Brojendra Mitter: One Honourable Member says that there is a decision somewhere in Malabar of some Court. I do not know whether it is a binding decision. Is it the decision of a Munsif or of the High Court? Is it a decision, as the Raja Bahadur says, dealing with private rights? Unless we know what interpretation of law is complained of, it is impossible to examine the point. That is my complaint.

Mr. C. S. Ranga Iyer: Does the Honourable the Law Member really want an accumulation of cases of law breaking—either forcibly going into the temples or certain village *agraharams*? If he wants it, I am quite willing to go into the country and start *satyagraha*.

The Honourable Sir Brojendra Mitter: I do not want anything of that kind. What I do want is that, before I am called upon by legislation to reverse a decision of a Court, I should like to know what that decision is. (Interruption by Mr. Ranga Iyer.) I do not give way any more. I have already given way sufficiently. Let me finish my argument. My whole point is this, that this Bill is much too vague and indefinite. It asks us to remove something without any indication of what that something is. What is the effect of that removal upon the rest of the law which regulates the life of the Hindus? The whole of this Bill seems to me, if I may say so without offence to Mr. Rajah, to be pious propaganda and not a serious attempt at legislation. It is treating this House much too lightly.

I shall now deal with the operative portion of clause 2. It says this: no penalty, disadvantage or disability shall be imposed upon or any discrimination made or recognised against any subject of the State on the ground of untouchability. Here, again, I ask, no "penalty, etc.", imposed by whom?

Mr. N. M. Joshi: By custom.

The Honourable Sir Brojendra Mitter: The language of the clause does not warrant that construction. I have already shown that these disabilities are attributed to three sources, enactment, custom and interpretation. There is no limitation here. It is not confined to custom, as Mr. Joshi in his innocence seems to think. Sir, here it says, "no disability imposed . . .": I want to know "imposed by whom"? The language is unrestricted. It may be imposed by a private individual. Now, I shall examine that. No disability imposed by a private individual on the ground of untouchability will be recognised or enforced by any Court. Now, supposing a Hindu with his own money establishes a fund and in the deed of trust he provides that this fund will be available for Brahmin boys only, and any boy belonging to the untouchable classes will not have the benefit of this fund. By his trust deed he is imposing a disability upon untouchables. Is it intended by this Bill that that disability must not be recognised or enforced by any Court of law, that is to say, that any untouchable can go to Court and get a mandatory injunction compelling the trustees to extend the benefit to untouchable boys? Sir, the wording of this clause lends itself to that construction. I am prepared to believe that such could not have been the intention of the framer of this Bill, but I am not concerned with the intention at the back of the framer's mind; I am concerned with the language which he has used. After all, every law is construed by the language used and not by the unexpressed intention of the framer. Sir, if my interpretation be correct, then the imposition of a disability by a private individual will be disregarded by Courts under this Bill. Then, what happens is this. By this Bill you are saying, in effect, that a man is not the owner of his own property.

Mr. Gaya Prasad Singh: That is not the intention.

The Honourable Sir Brojendra Mitter: My Honourable friend, Mr. Gaya Prasad Singh, says that is not the intention, but any Court, which knows anything about law, construing this clause will have to say that this clause is wide enough to cover a case like that. I say that being so wide as that, it trenches upon the law of ownership. Sir, what does ownership mean? It means this. I am the owner of a property if I have possession of my property, if I am an unrestricted user of that property and if I have the right of unlimited disposition of that property. These are the three elements which go to make up ownership. This Bill cuts across the right of ownership. It limits ownership. A Hindu, with his own money, erects a temple, and by the deed of dedication he provides that the temple is intended for Hindus generally, subject to this that no untouchable shall be allowed to enter it. Under this Bill, that limitation will be disregarded by the Courts. What does it mean? It means that a man may not dispose of his own money in any way he chooses, but only in the way in which Mr. Ranga Iyer chooses. Therefore, I say that the Bill as drawn cuts across the right of ownership, it cuts across the law of trusts. No one in this House desires that any class of Hindus should suffer under civic disabilities. Everyone desires that, so far as civic rights are concerned, all should be on a footing of equality, and any measure ensuring to the untouchable classes equality in civic matters, such as the Bill which you, Sir, introduced, would, I am sure, have had the support of everybody in this House. But this is not that Bill. The language of this Bill, as it stands, is vague and indefinite and, in parts, it means nothing. In other parts it goes so far afield as to violate well-established principles of law. It cuts across the principle of ownership. It cuts across the principle of the law of trusts. These are matters which, if this Bill goes into circulation, ought to engage the attention of people who will give their opinions. I have pointed out some difficulties. My intention is not to defeat the Bill. I will say frankly that if the Bill in its present shape were for consideration, then I would have opposed it. But if this Bill goes into circulation, there are points to which people expressing their opinions would apply their minds. I hope that when opinions are received on this Bill the difficulties I have raised will be solved.

Mr. C. S. Ranga Iyer: Why not go into Select Committee?

The Honourable Sir Brojendra Mitter: Sir, in Select Committee you cannot alter the Bill without knowing what is really intended. As I have already said, enactments are to be repealed without knowing what enactments are to be repealed. How can I go into Select Committee? One Member may say,—“I want enactment A to be repealed”. Mr. Ranga Iyer may come with a catalogue of 85 enactments to be repealed. What are you going to do in Select Committee? In the Select Committee, what are you going to do with unknown customs and usages? As I have said, these customs and usages may be based upon religion, or they may not be based upon religion. What are we going to discuss there? What disabilities are we going to discuss in Select Committee? Are these civic disabilities, or religious disabilities, or disabilities arising out of the personal law of the people? One Member read this Bill as involving the abolition of the caste system altogether. I find the Statement of Objects and Reasons merely wants to bring the out-castes into caste. Then the question arises, what is the intention of it all? Into which caste are you going to bring these out-castes? These questions cannot be discussed in

Select Committee unless and until the principle of the Bill is accepted by this House. What is the principle of this Bill? Sir, I do not find any definite principle. There is a sort of vague aspiration in this Bill, but no definite principle. Until you are committed to a principle, the question of Select Committee does not arise. (Applause.)

Diwan Bahadur Harbilas Sarda: Sir, I rise to support the motion of my Honourable friend, Rao Bahadur M. C. Rajah. Before I go into the details of the Bill, I wish to say a word or two with regard to what the Honourable the Law Member has said just now. The Honourable the Law Member has said that Hinduism or Hindu Law is like an arch, and if you remove one brick from that arch, the entire arch gets into a shaky condition and is liable to fall down. This, Sir, is a most fallacious argument. Hindu Law, Hindu tradition or Hindu culture is not an arch; it is a magnificent building, each part of it is strong enough to stand by itself. You assume a wrong thing and then try to prove that, if a certain thing happens, the whole thing will topple over. Hindu Law and Hindu customs have existed for several thousand years and, during this time, many changes have taken place. Several laws which obtained at one time have ceased to exist; several new things have been introduced, but the Hindu Law and the Hindu society still remain. If the Hindu Law or the Hindu society were an arch with the key-stone as is supposed by my Honourable friend, the Law Member, it is, then it would have toppled over any number of times. It would have been non-existent by this time.

The Honourable the Law Member says that the Bill may be circulated. He has not given his reasons clearly, but he opposes the motion to send the Bill to the Select Committee on the ground that it is indefinite. He says, let the opinion of the Hindu public and of others be elicited by circulation and then we will deal with it. Sir, the Bill will itself remain as indefinite even after circulation as it is today. If he cannot deal with it now, he will never be able to deal with it after circulation. Now, what is the object of the circulation? The object of the circulation is plain. This Session is going to end in March. The Autumn Session of the Assembly in Simla will be a short one lasting for three weeks or so as is always the case. Only two days are fixed there for non-official Bills. So, if this Bill is circulated and the public opinion is collected and is placed before the House, and then referred to a Select Committee, there will be absolutely no chance of this Bill ever coming up for consideration before the Assembly.

The Honourable Sir Brojendra Mitter: My friend is accusing me of things which I did not say. I said in case it goes into circulation, my difficulties may possibly be removed. But if my friend accuses me of supporting circulation with a view to killing this Bill, I am quite willing to take a direct vote here and now on this Bill.

Diwan Bahadur Harbilas Sarda: I know he is quite willing to take a direct vote of this House now, and that is the reason why the Government of India removed this measure or this piece of legislation from the purview of the Madras Government and brought it to the Assembly. Why was this done? I will answer this question as well as the question of my Honourable friend, Mr. Ranga Iyer, by one answer. My Honourable friend, Mr. Ranga Iyer, asked that when untouchability in its most acute form was only prevalent in Madras and this measure was sought to be

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introduced in the Local Legislature of that Presidency, why did the Government intervene? Why did they take it away from the purview of that Legislature and bring it into the Assembly? The answer to this probably is furnished by what my Honourable friend, the Law Member, has said. They knew it that the measure would be passed in the Madras Council without any difficulty and they knew also that in this Assembly they predominated and they would not allow any measure to be passed which they did not like. That is the reason why this was done. Sir, when the Child Marriage (Restraint) Bill was introduced in this Assembly, the Government of India blocked it for 4½ years and it was only owing to certain exceptional circumstances that the Government of India eventually ceased to block the way. Look at the Madras Council. Without one single dissentient voice, the Madras Legislature passed a Resolution proposed by its distinguished lady Member which declared that that Legislature was of the opinion that no girl should be allowed to be married who was below 16. That Resolution, which is in advance of the provisions of the Child Marriage (Restraint) Act, was passed without a single dissentient voice in the Madras Legislature. Could this Bill also not have been passed there? The Government of India knew that it would probably be passed there and possibly they did not want that it should be passed and, therefore, they took it out of the purview of the Madras Legislature and brought it into this Assembly where they know they can get it rejected.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): May I ask the Honourable Member what special advantage the Government of India have in opposing this measure?

Diwan Bahadur Harbilas Sarda: Please ask the Government of India in whose confidence you are: do not ask me.

Major Nawab Ahmad Nawaz Khan: Perhaps you are in a better position to explain that to the House.

Diwan Bahadur Harbilas Sarda: Another thing which the Honourable the Law Member said was that this Bill was quite indefinite and vague. I do not think that the language of this Bill errs in indefiniteness or vagueness more than the language of any other Bill which has been introduced. It is quite plain. There is only one point in this Bill, and that point is that, if by usage or custom, there is any discrimination against anybody solely on the ground that that man belongs to a particular caste or class, that discrimination should not be enforced by a Court of law. That, in a nutshell, is the object of this Bill. That is the principle of this Bill: nothing more, nothing less. And this thing is very definitely and clearly brought out by the wording of clause 2 of this Bill.

The Honourable the Law Member said that the provisions of this Bill cut across the idea of ownership. That is not the case. If a temple is owned by a private person and he used it for a private object, this Bill does not want to interfere with that. Nothing of the kind. (Here the Honourable the Law Member rose to speak.) You did not give way and I am not going to give way to you. The Honourable the Law Member said, suppose a Brahmin makes an endowment and opens a temple and says that it is for the benefit of Brahmin girls or Brahmin women or Brahmin men, or supposing he opens a school and he plainly lays down that it is for

the benefit or use of certain class of people, will this Bill interfere with that or will the disability complained of in clause 2 operate against the owner of that institution? I say, certainly not. Nothing of the kind. This Bill does not aim at interfering with anybody who wants to open a school for a particular class of people or a temple for the benefit of his own people. This Bill does not do anything of the kind. This Bill simply says that if, by public subscription or by a donor, a temple has been established without any definite instruction as to the exclusion of any particular class of people and if, by usage or by custom, certain classes of people have not been going to the temple and if they now wish to go there, no discrimination by custom or by usage shall be allowed to operate against the use of the temple by those persons. This Bill aims at nothing more. If a donor has made a stipulation or a condition about a certain temple, this Bill does not interfere with that. Let those conditions prevail. This Bill has nothing to do with that. There are hundreds of public temples in every town where it is not laid down that certain classes of people shall not go into those temples, but owing to custom and certain usages and owing to certain circumstances, certain classes of people have not been frequenting those temples, but if they want to go there now, in the absence of any restriction put upon the entry by certain classes of people, this Bill simply says that in the absence of that they should be allowed to go into the temple and the Government should not use their resources to prevent any man from going to the temple. This Bill does not ask the Government to help those people to go into the temple. Not at all. This Bill simply says, if an occasion like that arises, the Government should not use their powers to prevent the entry of the people. Nothing more than that. This Bill and the Temple Entry Bill do not want to coerce the people into allowing them to go into a temple, but simply asks the removal of certain restrictions which have been imposed by custom and which the Government want to perpetuate.

My Honourable friend, the Raja Bahadur, as usual in his speech on this Bill, trotted out the bogey of interference with religion. This plea is always trotted out by people who by some means or other have usurped a position of superiority in the social hierarchy of the nation and who want to preserve that position in spite of the demands of justice and fairness and in spite of the changing circumstances and the altered state of society. I hope the Honourable Member knows that this Assembly will not be deterred from doing its duty simply because somebody says that religion is in danger. You cannot override the just rights of a man in the name of either custom or religion. The Raja Bahadur also says that this Assembly cannot alter ancient law. Sir, nobody can accept that position in that form. It is only the divine law that is immutable as it is not made by man, but any law made by man is liable to be changed and it cannot be immune from change when circumstances require it. Circumstances made it necessary for man to enact a law and, if circumstances change, that law can be and should be changed for the benefit of society. Man is not meant for law, the law is meant for man. If for the benefit of man or for the benefit of society a law is to be changed, it must be changed and it is the duty of all sensible men and it is the duty of this Legislature to change that and change that without delay.

No right of a person is absolute in this world. Every right of a person is subject to the exercise of the same right by another person. Consequently you cannot say that it is my right and no matter what happens:

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in this world, I must have that right and Government should help me to exercise that right. If that right interferes with the same right of another person to do the same thing, no Government ought to interfere and no Government ought to help that man in enforcing that right.

The Raja Bahadur attacked Mahatma Gandhi as the originator of this troublesome problem or question of untouchability, and he seems to think that, but for Mahatma Gandhi, no one would have thought of this disability.

Raja Bahadur G. Krishnamachariar: I forgot about you.

Diwan Bahadur Harbilas Sarda: In this my Honourable friend is mistaken. All those who have taken interest in social reform during the last 100 years have been trying to remove certain evils of society. Those who have been trying to purge society of evils, mostly Hindu society in India, have been condemning this evil of untouchability. Long before Mahatma Gandhi came on the scene, reformers, as my Honourable friend, Mr. Ranga Iyer, said, have been trying to remove this evil. Swami Dayanand Saraswati, the great reformer of India, condemned this evil in no equivocal terms. Mahatma Gandhi, in his contribution to the Dayanand Commemoration Volume, recently published, has said "amongst the many rich legacies that Swami Dayanand has left us, his unequivocal pronouncement against untouchability is undoubtedly one". So that Mahatma Gandhi is not the person who has condemned this evil for the first time or who has tried to awaken the public to the danger of the continuance of this evil and asked the public to do away with it. Mahatma Gandhi took up this question only two years ago. The Indian National Social Conferences have passed resolutions against it several times. Presiding at the Lahore Session of the Indian National Social Conference in December, 1929, I said:

"Freedom to enter temples to offer divine worship, use of wells and tanks and public schools, these are the rights of individuals. It is only in this unfortunate country that a man is regarded as untouchable by another. And it is a matter of shame that those who believe in *varudaiva kutumbakam* (Mankind form one family), whose Shastras teach them that all men are brethren, and that there is divine essence in every man, woman and child should practice untouchability and regard certain classes of men and women as untouchables. If it is true that '*bani adam azai yak deegrand*', and if all mankind are regarded as forming one family, why should those who follow certain most useful and necessary professions be regarded as untouchables and be looked upon as less than men and women. Everyone has a right to use public wells and tanks and roads; to read in public schools maintained by public revenues; and to worship God in temples. Places of divine worship and temples are places dedicated to the Deity, and as God is the God of all peoples, irrespective of caste or colour, rich or poor, high or low, no person or persons can rightfully prevent any other class of persons from approaching the Creator and offering worship in those places. Those who do so prevent people, deny that God is the God of all mankind.

It is of prime importance for the Hindus to do away with the evil of untouchability. It has yet to be realized by them that the future of the Hindus as a community depends to a great extent on a proper treatment of the depressed classes, and on their whole hearted co-operation."

So it is not Mahatma Gandhi who for the first time said that for the well-being of the Hindu society and Hinduism itself it is necessary that this evil should be uprooted. You will see from this extract that this was the view taken by a number of people.

Raja Bahadur G. Krishnamachariar: But they do not come to the Assembly.

Diwan Bahadur Harbilas Sarda: And Mahatma Gandhi did not come to this Assembly. It is one of the Members of the Assembly
1 P.M. who has found that the time is ripe for moving in the matter. Child marriage had been in existence for centuries, but it was only in 1925 that I brought this matter up before this Assembly. Is it because the matter was brought up before the Assembly only in 1925 or 1926 that people may say that this evil did not exist before? There are times which are ripe for certain things to be taken in hand and, in the last three or four years, circumstances have arisen which have made it impossible for this particular evil to be allowed to continue longer, and people took it up in right earnest. There are other evils which are still eating into the vitals of Hindu society, but they have not been taken up and the time will come when each one of them will be taken up. If a particular evil is taken up in 1943, it cannot be said that the evil never existed before that year.

His Excellency Lord Irwin, replying to the address presented to him by the Madras Depressed Classes Federation in 1929, touched on this question, and I quote a few words from his speech:

"The world never stands still, and looking at the political, intellectual and economic forces by which it is today being moved, I cannot doubt that a tenet which aims at debarring millions of human beings from concourse with their fellows must in the end prove a grave weakness to Hindu society."

It is not Hindus alone who have become aware of the weakness of the society and the incalculable harm that this evil is doing to that society. His Excellency Lord Irwin among others also foresaw it and gave expression to it.

My friend, the Raja Bahadur, declared that His Excellency the Viceroy was wrong in giving his sanction to the introduction of this Bill in this Assembly, and he said that this should not have been done. Fortunately, His Excellency knows his duty better than the Raja Bahadur does. He knew that withholding the permission would mean denying to the people the exercise of their religious rights. The British Indian law has given legal recognition to the custom or practice of untouchability and all that this Bill asks, is, as I have said before, that this recognition should go. The law recognises a certain thing as a fact and we, who support this Bill, ask that the law shall not do this in future; nothing more than that. This is the sole object of the Bill. This recognition prevents certain classes of people from exercising certain rights which others are permitted to enjoy under the constitution. That being so, those who suffer from those disabilities which the law, as administered in the British Courts of justice in India, have imposed, are fully entitled to have those disabilities removed by all constitutional means; and it is perfectly right that people should use this Legislature for having their grievances removed. Consequently, His Excellency was perfectly right in allowing people to make use of this Legislature. If he had stood in the way, he would have done a great injustice to the people.

Sir, in order to show how pitiable is the state of affairs in some parts of the South from which my Honourable friend, the Raja Bahadur, hails, and to show to what unutterable depths of misery and suffering these people have been subjected by men of so-called higher castes, I will read a passage from a speech delivered by Mahatma Gandhi only three weeks

[Diwan Bahadur Harbilas Sarda.]

ago, on the 7th January. Mahatma Gandhi replied to certain addresses presented to him at Bangalore. From Bangalore he came to Malabar, Palghat being the first place on the programme, and he says:

"Early in the morning I entered Malabar,—with due deference to our friends who call themselves Sanatanists,—the land of iniquities. As I was passing by familiar places, the face of a solitary Nayadi, whom I had seen during the previous visit, rose before my eyes. It was about ten or eleven in the morning when, in the midst of a discussion about untouchability, unapproachability and invisibility, all forms of which are found in no part of the world except in Malabar, a shrill voice was heard. Those who were talking to me said! 'We can show you a live Nayadi.' The public road was not for him. Unshod he was walking across the fields with a noiseless tread. I went out with the friends and saw the Nayadi I asked him to come and talk to me. Evidently he was frightened and he did not know when a blow would descend upon him. Tremblingly he talked to me. I told him that the public road was as much for him as for me. He said; 'It cannot be so. I may not walk on the public road.'"

This is the state into which these human beings have been reduced by the oppression and tyranny of people who belong to the same caste as my Honourable friend, the Raja Bahadur.

Here is a description of these Nayadis:

"Among the untouchables, the Nayadis are the worst sufferers, being the most despised and considered unapproachable and unseeable. Their very sight pollutes the arrogant *savarna*. They are made to live on the little rice thrown at them from a distance by the domineering class. They have been systematically reduced to a sub-human state. The very first morning Gandhiji was taken to Nechulli, a Nayadi colony. The few Nayadi men and women that had gathered there presented a pitiable sight. They looked at others with vacant eyes that would evoke more horror than pity in the observers. They appeared bewildered at what was happening. They had no speech to express their feelings. They had been so much neglected and terrorised that they perhaps did not believe their eyes and ears. One felt like sinking within one's self with shame at this product of our social tyranny.

Unconscious they in waste oblivion lie,
In all the world of busy life around

No thought of them—in all the boundless sky,
No drop, for them, of kindly influence found."

The Raja Bahadur, rolling in his Rolls-Royce and enjoying all the pleasures and luxuries which money can buy or which rank can give, condemns the god-like work of Mahatma Gandhi in trying to improve the lot of these wretched beings, those beings whose wretchedness and misery is the result of the oppression and tyranny exercised over them by men belonging to my Honourable friend's community. Sir, an account is kept in Heaven of all the iniquities to which these people are subjected. No matter whether the Raja Bahadur or Pandit Sen or anybody else comes to this Assembly and tries to hide these iniquities under the shelter of religion: let them do what they like to try and ignore these things and hide them from the eyes of the people: but that account kept in Heaven shall have to be settled and the day of reckoning is near. . . .

Raja Bahadur G. Krishnamachariar: I shall get the Assembly to repeal that account.

Diwan Bahadur Harbilas Sarda:

"*Qarib aya hai roz-i-mahshar chhupega kushkon ka khun kyonkar
Jq chup rahegi zaban-i-khanjar, lahu pukarega astin ka.*"

"The Day of Judgment is near: How can the blood of the slaughtered be concealed. If the tongue of the dagger keeps silent, the blood on the sleeve will cry out."

Never, never can the Raja Bahadur or even this all-powerful Government silence the voice of history, and inexorable history will record all doings, whether done by great men or small men.

My Honourable friend, Pandit Sen, who hails from Calcutta, declared in his speech that the Government of India were opposed to this measure. The Government of India did not deny this; their spokesman did not get up and say: "The Government of India do not oppose this measure"; and we must, therefore, take it that that is so: still more so after the Honourable the Law Member's speech. . . .

The Honourable Sir Harry Haig (Home Member): The position of Government will be made clear in my speech when I rise later in the debate.

Diwan Bahadur Harbilas Sarda: Though I am not surprised at this attitude of the Government of India, it is a matter of regret to me that they oppose the most reasonable motion of my Honourable friend, Rao Bahadur Rajah, to refer this Bill to a Select Committee. This in plain language means that the Government do not accept the principle of the Bill. Now, what is the principle of the Bill? The principle of the Bill is nothing more than that the law as administered in British Courts in British India, shall not recognise untouchability. This is the principle of the Bill. The Bill asks that the law, as administered by the Courts, shall not recognise untouchability. By opposing this motion, Government proclaim that they shall use all their powers and resources in maintaining this pernicious, this un-Christian, uncivilised and barbarous evil of untouchability. Is this the way that the British Government adopt in civilising this country by perpetuating this custom of untouchability?

Mr. President (The Honourable Sir Shanmukham Chetty): What time will the Honourable Member take to finish?

Diwan Bahadur Harbilas Sarda: One minute or two at the most. Is this the way in which the Christian Government of India are fulfilling their noble mission of civilising this country? Is opposing this thing the work to which they will triumphantly point and for which they will take credit when they next present their report to the people and the Parliament of Great Britain on their noble mission of promoting the moral and material welfare of the citizens of this great country?

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Goswami M. R. Puri (Central Provinces: Landholders): Sir, I thank you really for giving me an opportunity to express my views on this important subject. Before I proceed to express my opinion on this measure, I should like, in the first instance, to congratulate the Honourable the Law Member for the able manner in which he has placed his views before the House.

[Mr. Goswami M. R. Puri.]

Now, Sir, let me first of all make my position quite clear in respect of this Bill. As far as I am concerned, I have full sympathy for the depressed classes. Sir, I am a rational man, and I know the depressed classes are as much human beings as we Hindus. They are in no way inferior to us. I feel the same amount of sympathy for them as I feel for my own brethren, and I am prepared to help them to the furthest extent of my power. But, Sir, this measure is one which concerns the religious aspects of Hinduism. There are so many aspects of civilization. Politically, socially and religiously there might be some differences, but, as far as the political and social aspect of the thing is concerned, I have no hesitation in saying that we regard the depressed classes as our equals. So far, however, as religion is concerned, it is altogether a different thing. Sir, we want to give them civic rights and social rights, but we do not want them to trespass on our religious rights. As I have already pointed out, Sir, I have very great sympathy for them, but we cannot allow them to trespass on our religious rights. Perhaps it will not be out of place here to mention that this Bill has been recently brought before this House, while we in the Central Provinces realised the defects in our Hindu society long long ago, and I may give the House one example. In the year 1926, when Lord Irwin was pleased to visit our province, I had built a well for the depressed classes in one of my villages, and the opening ceremony of it was performed by His Excellency the Governor, and I was the recipient of congratulations from various parts of the country. This does not show that we have no sympathy for the depressed classes, but, as I said, we do not want them to trespass on our religious freedom. I do not think civilization consists only in entering the temples. There are so many ways of making the depressed classes live a better and healthier life, and, Sir, as most Honourable Members of this House will admit, if this Bill were enacted into law, it would create so many difficulties and obstacles and would endanger peace and tranquillity. It will not only upset the whole of the Hindu society, but it will destroy the principles of Hinduism. I do not understand why my friends want to introduce this piece of legislation? There are certain things which can be thrust into any human being, but there are certain others which cannot be forced into anybody. For instance, if you want me to eat eggs, and if I want to eat them, I will; but if I don't want to eat them, you certainly cannot force them down my throat. It is a question of one's own liking or desire, and Honourable Members must have observed that until today there is no such law as is now sought to be enacted, but in spite of the absence of any such contemplated law, several temples and wells have already been thrown open for the use of the depressed classes, and this is the right and proper method of progress.

Sir, this is not the time for us to divide any more. But I may say without any fear of contradiction that this piece of legislation has been brought here merely to create a division in the Hindu society. Up till now, there was no such usage or custom, and so I fail to understand why, during the present critical period of our history, such a movement as this has been inaugurated. Sir, I hold Mr. Gandhi responsible for this mischievous piece of legislation. Though he is not a Member of the Assembly, still, as every Member of this House knows, he is responsible for this mischievous measure. Sir, I appeal to every Hindu Member of this House not to support this Bill, but to oppose it tooth and nail, so that we may preserve the Hindu society from dividing itself further. Many speakers:

have already spoken on this subject, and so I don't think I need say much at this stage. This is not the time for me to dilate on this subject at great length, but when the proper time comes, I shall deal with the matter exhaustively. For the present, however, I oppose the Bill and support the motion for circulation.

Mr. Amar Nath Dutt: Sir, when the atmosphere was cleared up by the Law Member's lucid and sober speech, I say the atmosphere was cleared up, because it was rendered hazy by the smoke and powder of oratorical pyrotechnics of my friend who is sitting to my left,—I thought that everything that could be said about the Bill was thrashed threadbare in a forceful and lucid speech by the Honourable the Law Member, so that everyone could understand it, be he a lawyer or a layman. I thought that it would not be necessary for any of us here to rise to say anything about the Bill. But when I found that such a great scholar as Diwan Bahadur Harbilas Sarda could not be convinced—he at one time held the post of a Judge in a British province, and I do not know whether the saying that the lawyer has to know the law, but a Judge need not, applies to him or not, but I presume that he knows also law, the principles of law at least, to follow the Honourable the Law Member's arguments. But I found that he was not convinced. I do not know, probably it may be due to his not having caught all the words of the Law Member, being a little short of hearing. Even otherwise I think he has that much intelligence to follow him or else how could the life and property of men were placed in his hands in a British province? Be that as it may, apart from the legal aspect of the Bill itself, there seems to be something about which opinion is divided, whether or not it is according to the ancient religion and the Shastras of the Hindus. On the one hand, we have a great scholar like Diwan Bahadur Harbilas Sarda; on the other, we have a Professor of Sanskrit of a Calcutta College. I think he also knows a bit of Sanskrit though it may not come up to the same standard as that of the Diwan Bahadur. I must confess that I am wholly ignorant of the Hindu Shastras and I am not competent to speak about the Shastras. But on the whole I find that my Honourable friend, Mr. Ranga Iyer's knowledge of the Shastras does not exceed that of mine. Both of us are equally versed in the Shastras, but none of us can say that we know the Shastras as we ought to know when saying anything about the Hindu Shastras. Mr. Ranga Iyer was speaking of the Vedas, and he asserted that untouchability was not to be found in the Vedas. I think my Honourable friend must have heard the name of Upanishads. Upanishads are Vedas *par excellence*. You will excuse me if I have not got the original text with me, but I have a translation by my learned friend, Pandit Sen. The Brihaddaranyaka Upanishad says:

“The caste Hindu should not go to an untouchable or visit his habitation.”

The Shukla Yajur Veda Chapter 30, makes mention of the four castes as well as some of the untouchable castes. I wish it gave the names of some other castes so that we could have understood the vehement support given to this Bill. Being incompetent to place the injunctions of the Shastras before this House and the legal aspect having been placed before the House by that eminent lawyer, the Honourable the Law Member, I think I should not waste the time of the House by speaking on these two aspects of the question. But the House will pardon me if I say something about the social aspect which very few of us here have dealt with.

[Mr. Amar Nath Dutt.]

except those who have said that the untouchables are consigned to a life of misery and they ought to be relieved, and so forth. These are all humanitarian points of view. Some of us may have heard the name of that great reformer, *Seabratra* Sasipada Bandyopadhyaya, an ardent follower of Raja Ram Mohan Roy, and the founder of the *Devalaya* at Calcutta, a theistic Church. He brought up his son according to his views and that son is no less a personage than Sir Albion Raj Kumar Banerjee, of whose name many of us might have heard. In his recent book on the "Indian Tangle", it may seem strange that the son of a reformer has given expression to such views—he has expressed them in a very impartial way on this question of depressed classes and also on the question of temple entry, the Bill in that connection having been not before us at the present moment. I may be permitted to quote certain lines from that book, and I do not think I can express myself better than that. He says:

"Untouchability in a general sense exists even in western countries"

Of courses, it may be said that two wrongs don't make one right, but when we find that, it exists all over the world, we have to accept it thinking that it is unavoidable, so that the principle that two wrongs don't make one right does not apply here:

"Untouchability in a general sense exists even in western countries. It is the result of a division of classes according to vocation and also according to origin. No doubt, theoretically, on the principle of equal opportunities class distinction is repugnant to modern ideas. But so long as human beings have different habits and customs, and different kinds of work to perform according to division of labour and division of responsibility in the social organisation, there must be difference of treatment due to scruples, prejudices and habits."

That is the principle which underlies the caste system in India, whether you support it or are not prepared to support it. In fact, I remember the state of Hindu society when I was a little boy about fifty years ago. I knew all those gentlemen who had the courage to go to England had to live apart from the other members of their family. They were outcasted and one could not have communication or social relationship with them except privately. But society progresses by fictions and half avowals of truth, and, in the last fifty years, what do we find? We find at least in Bengal that no one is outcasted for having performed a voyage to England, —at least among the caste to which I myself and the Honourable the Law Member have the honour to belong. This is the way in which society progresses. It is not by legislation that you can force your ideals down an unwilling people:

"Human beings are conservative as regards race origin and in adaptation to the degree of civilisation which different groups of nations have attained. The Hindu system being the most ancient and most conservative of all, and having survived through many centuries of change it is not surprising to the student of human psychology and sociology that these differences should continue to exist even in modern times."

Then, Sir, he goes on and gives us instances from trans-Atlantic countries about this caste system which prevails there in another shape. Have we not untouchability in America? America is the land of freedom, the land where democracy prevails and the land where slaves were liberated. 70 years after the abolition of slavery, untouchability of the Negroes is enforced by rigour of law as well as rigour of custom against all the coloured

population of the States. Now, Sir, that is the state of things everywhere in this world. Then, Sir, I ask you to note the following about Sir Albion's personal experience:

"I remember an occasion when I walked along the whole length of a West to East express train and had to go through a carriage exclusively reserved for the coloured people. The atmosphere of that carriage was different and in fact extremely repugnant. I could not have even sat there for a few minutes without being most uncomfortable and uneasy. It is well known that the habits of people, with reference to their diet and clothing, often give them an odour peculiar to themselves. Unless and until the generality of human beings can be standardized with regard to cleanliness of person, clothes and diet, different classes of people following different modes of life and different rules of personal habit and cleanliness, will not be persuaded to associate on intimate terms in close quarters. That is the fundamental reason for a difference in the treatment of the Untouchables in India."

I do not know how my friend, Diwan Bahadur Harbilas Sarda, will like to have some of the sweepers to go to his room and take their seat by his side and demand to sit at the same table. I do not know also whether my friend, the Labour Leader, Mr. Joshi, would like to go into one of those workshops at Lillooah and stay there for more than five hours and enjoy the same meal from the same dish as the labourers there.

Mr. N. M. Joshi: I have always been fighting that the conditions of these people should be as good as mine.

Mr. Amar Nath Dutt: That is the demand that is made by me. Let these people be more clean, more pure and cherish better ideals of life and let them have better conditions of life and then I shall associate with them.

Mr. N. M. Joshi: This Bill will do that.

Mr. Amar Nath Dutt: I shall see whether this Bill can do that. As for the standardization of the mode of living which my friend, the Labour Leader, demands, no doubt every one will long for that millennium, when every one will have a Rolls-Royce and every one will have one of those bungalows which are now occupied by Sir Harry Haig and the Honourable Sir Brojendra Mitter. I welcome that millennium, for then I will myself be raised to that level from my humble cottage in my village home. but until that day comes, we cannot compel Sir Harry Haig to live with some of the coolies in the Lillooah workshops. Mr. Joshi thinks that this Bill is so omnipotent that, as soon as it is passed, the labourers of Lillooah will each have a bungalow and live like the Honourable Members of the Governor General's Executive Council.

Mr. N. M. Joshi: Let us try.

Mr. Amar Nath Dutt: In our attempt to try, by passing this Bill, probably we will destroy the very structure of society on which human civilisation has progressed since the dawn of history for the last 2,000 or 3,000 years. Sir, two institutions which have preserved human society and which have led human society to progress and also contributed to their civilisation are the institutions of private property and the institution of marriage.

Mr. N. M. Joshi: They are going away.

Mr. Amar Nath Dutt: My friend says that they are going away. Then do you want promiscuous intercourse amongst men and women and equal division of property? We differ fundamentally in our views about life and society. If that is your idea, let us know, so that we may know where we stand. If it be the view of the reformers that they want to do away with chastity and the rights of private property, that theft will no longer be a crime and adultery not a sin, if they want to say that, let them be bold enough to say that and proclaim it before this House, and we will know where we stand, and many of those, who in their misguided zeal support this Bill, will at once come over to us. I know at least one person who will do so and that is Diwan Bahadur Harbilas Sarda. Does he want division of property and division of women?

Now, leave alone the colour question. There is untouchability even amongst the European races. I need not quote instances. It is sufficient for me to point out the fate of the Jews in Germany at the present moment. Then, Sir, the Englishman likewise has prejudices against Indians, no matter however cultured and however highly born they may be, in their clubs and boarding houses in England on account of colour. My friend, the Diwan Bahadur, may remember his own days when he had the impudence to go to dance in European dance halls without taking his wife there. He felt the humiliation. He was a good dancer no doubt, and he was very much liked at that time. With age, he has learnt to dabble in things about which he does not know as much as he knows about dancing. That being so, it would have been better for him if he had left this piece of legislation where it stands at the present moment. One must realise the significance of the Hindu caste system to understand the cause and origin of untouchability in India, and I think no one can realise it more than Diwan Bahadur Harbilas Sarda himself. It is also strange to observe that even among the depressed classes themselves, there are depressed people who oppress those below them in the social scale and there is the rigour of untouchability there. Here, for my friend, Mr. Rajah's delectation, I will quote one instance of oppression by the depressed classes themselves:

"Amongst the Panchamas themselves, there is more intolerance and hatred between certain groups which are founded on superstition or old traditions of a lower kind."

Sir, I was given a cutting by my revered friend, the Raja Bahadur, which he could not quote at the time, but here it is, from 3 P. M. the *Madras Mail*. The head-line is "Untouchability within Untouchability: a community whom the Depressed oppresses". I will not tire out the patience of the House by reading all that is contained in this cutting. Sir, I find that these depressed classes oppress others who are economically in a lower stage than themselves as best as they can. They cannot say the same thing with respect to the higher castes. As we never treat them as harshly as the depressed classes treat some amongst themselves who are lower than themselves in the economic stage. Sir, that being so, I beg to submit that, first of all, we should reform this class of the depressed people: reform them, teach them religion, teach them morality, teach them cleanliness and then try to raise them up in

the level of society. Sir, I would like to read one or two passages more from Sir Albion's book :

"We have manifestations of caste distinction even in England, the freest country in the world. No one expects to admit in the folds of his family, if he is a born gentleman, anyone who belongs to a rank below him—such as a shop-keeper or a tradesman or a man of the working classes."

Now, Sir, if the Diwan Bahadur happens to be a Bania, however, he might have occupied the exalted position of a Judge, I might have addressed him as His Honour in the Court, but outside the Court I would not care to associate with him.

An Honourable Member: Why?

Mr. Amar Nath Dutt: We often see how particular an Englishman is as regards table etiquette and how he dreads to be seen eating at the same table with persons who do not know how to use a knife and a fork and who have habits of eating and drinking which are repugnant to him. That is all quite natural and we do not blame them at all for that. We cannot resent it, we cannot take any objection to it, they are accustomed to that sort of eating and drinking and certainly they would not like to eat and dine with people who eat with their hands as we do in our homes :

"Equality of status spreads similarity of tastes, likes and dislikes and there will always be untouchability amongst human beings as long as everybody is not brought up and grows up in similar circumstances "

which is the millennium which my Honourable friend, Mr. Joshi, desires.

Then, with this question of the removal of untouchability, the question of entry into temples was mixed up, but I do not see that this Bill specifically empowers such persons to enter temples, but probably the aim is that. That being so, I may be permitted to read something from the same authority.

"Hindu temples are for the most part endowed by some pious individuals and consecrated by the installation of some god or goddess according to the Hindu pantheon representing some manifestation of the Hindu trinity. Untouchables have their own animistic forms of worship."

I draw the special attention of the House to these words: "The untouchables have their own animistic forms of worship." They are neither theists nor polytheists:

"They are generally, by time-worn custom, resident in hamlets outside the villages. Their places of worship are in their own hands, whereas Hindu temples are situated in the residential portion of towns and villages where the majority are caste Hindus and even amongst them different sects have different temples where different deities are installed."

In this connection, Sir, it has been said that it is only in the Madras Presidency, wherefrom my Honourable friend, Mr. Rajah hails, that untouchability in this form is to be found and that it does not apply either to Bengal or other provinces in Northern India. I was glad to hear all that, but when I asked my Honourable friends to bring a Bill like this in the Madras Legislative Council, my friend, the irresistible Diwan Bahadur, at once got up and said: "It is the wicked Government which wanted us to bring it here and to have it killed and therefore, they won't allow it to be passed there, and that is why they did not allow it to be introduced there". Sir, Diwan Bahadur Harbilas Sarda, became a Diwan Bahadur

[Mr. Amar Nath Dutt.]

in the same year and got promotion from his Rai Sahibship which he so long resented, and in fact which he thought rather a humiliation to him, when sanction was accorded by His Excellency the Governor General to the introduction of this Bill. It was the height of ingratitude, after having received the august title and after it was gazetted and having no further hope of a higher title than Diwan Bahadur (*Some Honourable Members*: "Why not? He should be knighted.") We wish he should be knighted also, but only if he gives up his present activities. (Laughter.) Sir, there are two ways of approaching God, according to the Hindu Shastras—one by enmity and another by worship. Ravana went by the path of enmity and he attained salvation within three lives, while by worship it takes seven lives or something like that. So if it is the idea of my friend, who believes in Shastras, that, by taking up an attitude of hostility towards Government, he could get his ambition fulfilled by having this Bill passed sooner than by being a friend, I think he is mistaken. Here neither are the Government the God nor have we these lives to pass through.

Mr. S. C. Mitra: Where is the relevance of all this ?

Mr. Amar Nath Dutt: The relevance is here. Something was said against the Government, that Government were wicked enough not to allow it to be introduced into the Madras Council. Well, I have never been sparing in my comments of the Government when it does a wrong, but, at the same time, I am not one of those who will always in season and out of season condemn the Government (Hear, hear) and say ill of the Government, when they do not deserve to be so spoken of, for, after all, we do want that the Government should conduce to our welfare

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Then the chances of your Diwan Bahadurship are not far away! (Laughter.)

Mr. Amar Nath Dutt: My Honourable friend, the Diwan Bahadur, has risen from the title of Rai Sahib—a title which is often given to head constables and the smaller clerks in our province—to Diwan Bahadur and I have no quarrel with that:

"Then can anyone believe that religious sentiment or superstitions have so changed amongst these people that they would leave their own place of worship or emblems such as stones and trees, images of spirits, good and evil, to come to worship elsewhere? Nor is it conceivable that the caste Hindus generally will consent to the use of the temples by those gentlemen who do not follow their faith."

I wish to draw the special attention of the Members of this House to this that the caste Hindus generally will not consent to the use of temples by those gentlemen who do not follow their faith. A Catholic Christian will not like that a Protestant should go to his Church and meddle with his worship. Similarly, a Vaishnava will not like that persons who follow other methods of worship should go to his temple and disturb him. I am myself a Vaishnava and, though we have relationship with Saktas, our modes of worship are quite different. In fact, even when we worship images periodically, there is no sacrifice in our houses. I believe my friend who is behind me (Pandit Satyendra Nath Sen) is considered to be an orthodox Hindu and I do not like to interfere with his views, nor would he

like to interfere with my views. Sir, questions of faith are not matters for legislation. Let the untouchables be converted to Hinduism first in the strict sense if that were possible. I know, for instance, in our villages there are other Brahmins who are the priests of these so-called untouchables. There is untouchability of this type in our part and our Brahmins do not officiate as priests in the worship of those lower classes. They have their own Brahmins; they have got almost their own religion. In fact, as is well known, Hinduism has grown to such an enormous extent with various divisions of sects and sub-sects that there is hardly any resemblance between one sect and another. It will be a Herculean task to standardise religion and the various forms of worship. That being so, it is very difficult to attempt to bring in the so-called untouchables and to give them certain rights which, as has been pointed out by the Honourable the Law Member, are quite vague even from the language of the Bill itself. We cannot find what they want us here to legislate for:

"Let the untouchables be converted to Hinduism first in the strict sense if that were possible; let them admit the supremacy of the Brahmin and follow the bigoted ministrations of the Brahmin priests. For them to claim equality with other castes strikes at the root of Hindu social religious beliefs and organisations and such a claim ignores the foundations of the Hindu faith, namely, the Brahmin supremacy."

All this is from the pen of a man who himself is not an orthodox Hindu and whose father was a great social reformer and he says in unmistakable language that "this is surely a curious paradox, for it ignores human nature and the history of religious institutions". In fact, it requires a little knowledge of sociology. (*A voice*: "Archæology.") It may be archaeology. Because, the Honourable the Law Member brought in the word "arch", the Diwan Bahadur brought in the question of a huge magnificent building like the Taj:

"Is India to be a strong united nation if artificial movements changing religious customs and practices are forced upon 240 million Hindus by our political leaders? Such a step will rouse passion and create discord instead of harmony. Moreover, can these matters ever be regulated by legislation and enforced by law Courts against the common wish of the people?"

All these things I bring to the notice of my Honourable friend, Mr. Ranga Iyer, with whom I have worked for more than 10 years in fellowship, but on these small points we happen to differ at times. I know my friend is sincere in his belief about the abolition of untouchability among the Hindus, because he has witnessed the plight of the untouchables in his own native province of Malabar. But I beg to submit that he might have at least considered the views of his own father and brother and given them at least a respectful hearing before rushing to this Legislature with this anti-Hindu legislation.

My friend, the Diwan Bahadur, has brought in the history of his famous Act which made him famous and in which he now takes very little interest as was complained of the other day by my friend, Mr. Phookun. But I do not wish to be so uncharitable towards the Diwan Bahadur. He has no doubt got his celebrity which is next to the celebrity of another great individual, I mean Mr. Gandhi. Next to Mr. Gandhi, the Diwan Bahadur is the well known person in India at the present moment.

Mr. B. V. Jadhav: Is that the way of making yourself known?

Mr. Amar Nath Dutt: I have never attempted to make myself known either here or elsewhere. I have never been a Minister or a Round Tabler.

[Mr. Amar Nath Dutt.]

I am a humble villager living in a Bengal village far away from the town and I have no ambition of making myself known. If I had been a Minister, I would have been known in my province. If I were a Round Tabler, I would have been known throughout the length and breadth of the country.

Mr. B. V. Jadhav: I am sorry for you.

Mr. Amar Nath Dutt: I thank you. Now, as for the question of religion, I believe that it has played a havoc in the history of mankind bringing in its wake intolerance, inquisition, persecution and bloodshed. I wish there were no so-called religion at all in this world. I believe more in common-sense; I believe in human freedom, that every one should be allowed to have his own way. If I say to my Honourable and esteemed friend, the Diwan Bahadur, please do not touch me, please do not come near me when I am taking my dinner, I think the Diwan Bahadur should not resent it. He may as well say to me, why force your association on me. I submit, how would reformers like if they were compelled to observe certain orthodox tenets which are observed by the orthodox people. Supposing, as they do in Madras, my friend, the Diwan Bahadur, and reformers like him are asked to paint their foreheads with sandal paste or vermilion. He would resent it. I would resent if I am forced to paint my forehead with these. How would the reformers like if they are forced to wear *Chutkies* (tufts of hair)? I belong to the Vaishnava community and if I am asked to wear a *mala*, I would resent it. Certainly the law does not force me to wear a *mala*. If India is really to be a strong and united nation, we cannot have these things among ourselves. Let the doctrine of *laissez-faire* be observed. Let everyone think according to his own inclination and choice. Great names have been uttered on the floor of the House, but the greatest of the reformers, namely, Raja Ram Mohan Roy, was not mentioned. The name of that great man, Swami Vivekananda, was brought in, but I think I have gone through the speeches of that great man and I have also read all his Bengali writings and speeches, and I appreciate the concluding lines in a book of his which are as follows:

*"Ei Bharat bhumi amar shishu-shajya,
Janbaner upaban, bardhavajer Baranashi."
"This sacred land of Ind is the bed of my infancy,
Bower of my youth, and Benares of my old age."*

How I wish every modern day reformer appreciate those lines. Instead of playing to the gallery here or instead of seeking blazing head lines in the press and instead of having their names flung across from one end of the country to the other as champions of the depressed classes and then sitting at the table and doing nothing practically substantial for them, they should try really to alleviate the miseries of the depressed classes.

Mr. O. S. Ranga Iyer: I do not want to interrupt the very interesting speech of my Honourable friend, but, as he respects Swami Vivekananda, I will only refer him to the speech that Vivekananda made condemning don't-touchism and untouchability in Malabar with his usual passionate earnestness.

Mr. Amar Nath Dutt: I do not exactly remember the speech to which my Honourable friend refers. I know that he condemned untouchability in the form in which it exists in Madras, but here you are going to legislate for the whole of India. You yourself say that this does not apply to the other provinces. Why not have a Malabar Untouchability Bill for yourself in Malabar.

Mr. O. S. Ranga Iyer: This cannot be legislated in a Provincial Council.

Mr. Amar Nath Dutt: It is because you cannot have a small field, you want to have a bigger field. I say, this is all merely a political stunt. I am really pained to say so, because I find that men, who never took any interest in the social uplift of these untouchables, are going about here and there forming associations and organising reception committees to have blazing head-lines in newspapers and at times with unfortunate results as will be seen from the head-lines of a newspaper to which my Honourable friend, Mr. Jadhav, referred the other day, and which it seems is not in his good books, the *Indian Mirror*, and here I find the following head-lines:

"Three thousand untouchables oppose Gandhi in Malabar. Surprise for Gandhi at Guruvayur, Sanatanists brutally attacked and Gandhi asked to give up his campaign."

My Honourable friend over there laughs

Mr. B. V. Jadhav: May I know if Gandhi is opposed in Malabar, why were the Sanatanists attacked, and by whom?

Mr. Amar Nath Dutt: My Honourable friend forgets that five *goondas* can attack 140 Members of this House and break their heads. Probably the Sanatanists were attacked by the non-violent followers of Gandhi. I will not refer to the political aspect. I should like to say one thing. When I heard my Honourable friend, I knew him to be a student of Shastras, but I never knew him well versed in Indian History. He mentioned that these troubles began from the time of Fahien and Meghasthenes. I beg to submit that things have gone on from those days for more than 2,000 years and no one has complained, and I think life here in India has been easier and I think there is not much complaint to be made against this institution.

The analogy of *Sati* has been brought forward, *Sati* was self-immolation of a widow on the pyre of her husband, and certainly the State is entitled to prevent a woman from committing suicide. These are matters of social reform. As suggested by the Honourable the Law Member, a few expert lawyers could sit and devise how far human rights could be curtailed for the maintenance of equal freedom to all. Of course Ramakrishna Paramahansa was also quoted and his tirade against the Pandits were also mentioned. Ramakrishna Paramahansa, Raja Ram Mohan Roy and Swami Vivekananda all come from the same portion of the district from which I come though that portion of the district has been separated from my district now. Myself and Swami Vivekananda come from the same clan, for he was no other than Narendra Nath Dutt of Deriatone, a village in Burdwan. My Honourable friend evidently does not know that Ramakrishna Paramahansa observed untouchability as observed by a Brahmin. He was himself worshipping in a temple where these so-called untouchables were not allowed to enter. Even his great disciple, Vivekananda, was allowed to go only up to a certain limit and not touch the God himself. That is the case everywhere. We have our own family Gods which we establish with our own money and there only priests can go and worship and even we are not allowed to go to a certain arena, and we believe, in order to preserve the sanctity of the temple, we should not go there. That will destroy the sanctity of the God. The belief exists rightly or wrongly but I have no right to enforce my own views upon others.

In this connection, I may mention other social reformers, and I may mention how the poor Brahmins have been attacked by reformers of the present day and even by my Brahmin friend. I beg to submit, Sir, that they were the men who preserved our social order, our Shastras and the

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sanctity of our homes for these three thousand years or more, and we should not speak irreverently of them, because their children now drive in Rolls-Royce cars or don European clothes and deliver speeches in English thus differing from their own fathers. You may say all sorts of things against them, but do not say anything against that great class of human teachers, the Brahmins, who were the pioneers of civilisation, and do not say that they were ill-advised or selfish in putting the depressed classes into the state of things in which we find them at present. And the sanctity attached to the personality of a Brahmin is such that even a great Maharajah, who is a social reformer to a certain extent and is at present living in England, worships every year the feet of 108 Brahmins, believing in the efficacy of washing the feet of the Brahmins.

Then, Sir, my friend has lastly appealed to the voice of history, and so forth. I cannot imitate the literary style or the grand and eloquent phrases which he used in condemning the present Government for their conduct in not giving immediate support to this ill-advised Bill. But I can say this that, before the bar of history, the position of Government on this Bill will always be regarded as one of the instances of non-interference with the religious customs and practices of a people who happen to be committed to their care at the present moment. With these words, Sir, I beg to oppose the consideration of the Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, the principle of this Bill is the abolition of untouchability. Honourable Members on both sides have spoken at very great length on the subject of this Bill, but, if I may be permitted to analyse their speeches I shall perhaps be not wrong in summarising them as speeches delivered on the basis of authority and those inspired by experience. The conflict between the two schools of thought is a conflict between authority and experience.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Those of my friends who have opposed this Bill have very rightly pointed out that the caste system is the keystone of Hindu society, that if you loosen that keystone of the arch, you loosen the whole fabric of the Hindu society; and, consequently, they feel that if they did not resist the passage of this Bill, they would be loosening the foundation of their creed. That is the orthodox view and that is a view which is both plausible and plausibly expressed by my friend, Raja Bahadur Krishnamachariar, and my friend, who has just sat down, Mr. Amar Nath Dutt. Against this view, there is the view of the so-called reformers who appeal to human experience and who say that, unless you wish to give all men equal rights, you will not be consolidating Hindu society. The depressed classes belong to the Hindu society, they are clamouring for equal rights, and unless you concede to them those equal rights, there will be a parting of the ways between two important sections of Hindu society. That is the view of those who appeal to the orthodox community to consider the dictates of that humanitarian measure intended to give the depressed classes the minimum of human rights to which they lay claim. Against the view of the depressed classes, there is a latent feeling amongst the members of the orthodox community and that feeling I respect. The feeling is that if

you were to allow the caste system to be relaxed by giving the depressed classes the rights they demand, whether of entry into the temples or the performance of those rights which are associated with caste Hindus, then you would be obliterating all caste distinction and, with the obliteration of that caste distinction, will disappear the very foundation of Hindu society. That, I submit, is the view of the orthodox section of this House. Now, between these two opposing schools who is to be the judge? Both parties appeal to the Shastras, the orthodox speakers have appealed to the Shastras as the pinnacle of human thought and as the final authority upon all such matters. Those who have supported this Bill, on the other hand, appeal to a still more exalted and higher authority, namely, the authority of reason. They say that whatever the Shastras may say, the fact remains that, with the passage of time and the change of circumstances, if Hindu society is to endure and be the power which it ought to be, it must be consolidated: and, if it is to be consolidated, it must be upon terms of equality and not upon terms of inherent inequality. And the removal of untouchability is, therefore, only the beginning of a great social uplift movement on the part of the depressed and the lower classes to eliminate all caste distinctions. And that is the fear in the minds of the orthodox people. They feel that this is but the thin end of the wedge; the depressed classes and the lower classes and indeed all classes, which belong to the lower stratum of Hindu society, demand equal rights and equal privileges, and they say: "If we are within its fold, we shall come to you as brothers; if you want our fellowship, if you want our support, if you want that we should be within its fold as members of the great Hindu system, we can only remain if you give us the same rights which you enjoy yourself." The caste Hindus, on the other hand, say that from hoary antiquity the Hindu religion has recognised the inequality of the Hindus, whether it is divinely ordained or whether it is due to other causes. I will not trouble the House to go into—but the fact remains that since long past the foundation of Hindu society has been constructed upon the basis of caste. We have the four recognised castes, and outside these four castes stand the depressed classes, mostly drawn from the aboriginal tribes of this country; and the caste Hindus look down upon a section of the depressed classes as wholly beneath them, and, because of that contempt for that class, they are regarded as untouchable and not competent to enjoy the elementary rights of worshipping in the same temple or walking on the same pavement or drawing water from the same well. That is at the back of the minds of those who have been opposing this measure: and the short question, with which we are concerned at the present moment, therefore, is this: has the time come or has it not come when we should offer the hand of fellowship to the members of the depressed classes and remove the grievances from which they suffer? A few friends of mine have been saying: "Clean yourselves; purge yourselves of the sins which you have inherited under the doctrine of *karma*, and things of that kind". But we are not here to appeal to authority. The depressed classes come and ask you, as it were sitting round a round table conference, this question: "Do you want us to remain within the fold of Hinduism or to go out? Many of us have gone out—they have been converted to other creeds and they have ceased to be Hindus; we still remain and wish to remain within your faith to help you, to succour you, to strengthen your system and to preserve your nationality. But we want some of the elementary rights, and those elementary rights are the rights that any human being may demand of his fellowmen." Some of my friends have been indulging in hyperboles and false fallacies; they say, in the

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West and in America, there is a colour prejudice and there are class distinctions. There may be a class distinction; the butcher of today may be the baron of tomorrow; but can a depressed class man today, whatever may be his success in life, become a touchable?

Raja Bahadur G. Krishnamachariar: But he may become a Knight!

Sir Hari Singh Gour: But would he then be permitted by the Raja Bahadur to enter his temple or to draw water from his well? That is the whole distinction between class distinctions and caste distinctions. Class distinctions are fluid; caste distinctions are rigid, and it is against that rigidity that the depressed classes complain; and I ask my Honourable friends on both sides that, if this question were to be left to the arbitrament of friends occupying the European Benches or the people not belonging to the Hindu faith, what would be their verdict? I am quite sure, they would have said: "It is almost childish to waste time talking about this question: there cannot be such a thing as untouchability; all human beings are equal and all human beings must possess equal rights and be given equal opportunities." That would be the verdict. But that would not have been the verdict three thousand years ago when the Hindu religion was constructed. At that time, human society was sharply divided. I find that such a great philosopher as Aristotle recognised slavery as a living institution and describing a slave as an animated implement; and, at that time, when Hindu society was constructed and its laws laid down, the laws of all countries recognised class distinctions of an extremely far-reaching character; and if the Hindu religion today has preserved this hoary old tradition, which it has received from generations past, it is not because it has been put to the test from time to time and stood the test, but it is because it has behind it the sanction of antiquity; and when we deal in the 20th century with a condition of life and a society that has so completely altered and demands new solutions for new problems, can we go back and say that in the sixth century before Christ, Aristotle, one of the wisest philosophers of Greece, had declared that human society must be divided into two sharp classes, the freeman and the slave, and that slavery was a natural institution? Honourable Members know that throughout Europe and America and, I am quite sure, in this country also, there would be no man who would today tolerate the institution of slavery. Things have changed; human minds have undergone a change; and, since the War, what has been the history of the whole world? The whole world has become sharply democratised; all class distinctions are fast disappearing. Do we not know that ancient and mighty kingdoms have fallen and in their place there has arisen proletariat dictatorships? Do we not know that in all parts of the world, even in Europe and in America and in Asia, the world movement for the emancipation of labour is gaining momentum and force every day? Who would have thought, thirty or forty years ago, that a labourer was worthy of a living wage and that half a dozen labourers could combine under the sanction of a law passed by this Legislature and demand terms from the employer? The thing would have been regarded as the height of impertinence and, I am quite sure, that, perhaps fifty years back, a man would have been locked up for making such a demand. Even today, in the Rand mines in South Africa, the kaffir who lives in a state of semi-slavery dare not have trade unions. But we in this country believe in the united action of labour, and we have sitting behind me my friend, Mr. Joshi, who wants that there should be the spoliation of the rich for the benefit of the poor, and he says that it should be everywhere.

Now, the world movement, since the War, has been for the destruction of all branches of authority, of all monopoly, and countries have even gone to the extent of denying the right of private property. India has not perhaps kept on an even march with the rest of the countries, but there has been an awakening in this country from the depressed classes, and indeed from the labourers, and you find that, during the last ten years, the labour organizations have been strengthened beyond all recognition. Trade Unions have risen and the depressed classes have now formed into a confederacy and are capable of demanding a recognition from the caste Hindus. Even if we deny them their elementary rights, we cannot long refuse them those rights. They will have to be conceded those rights, and I think it is the height of statesmanship for the Hindus to read the handwriting upon the wall to see the signs of the times and to let them come into the Hindu fold with all the rights which every Hindu enjoys. If we deny them those rights, the result is inevitable. There would be a growing denudation of Hindu society as there has been during the last 300 years. I need not recall the facts of history. Was there a single Muhammadan here or a Christian here 300 years ago?

Sir Muhammad Yakub: 300 years ago, there were 33,000 Muslims.

Sir Hari Singh Gour: There were 33,000 Muslims 300 years ago.

Sir Muhammad Yakub: I mean there were 33 lakhs Muslims.

Sir Hari Singh Gour: What was the number, 33,000 or 33 lakhs?

Sir Muhammad Yakub: There were a very large number.

Sir Hari Singh Gour: But have not the ranks of Islam been strengthened by conversion from Hinduism? Have not the ranks of Christianity been strengthened by conversion from Hinduism, and what is the reason?

Sir Muhammad Yakub: That will always go on.

Sir Hari Singh Gour: Islam is a brotherhood, Christianity is a brotherhood. Both are social forces. Hinduism is not a social force, it is a social disintegrating force.

An Honourable Member: What is Brahmism?

Sir Hari Singh Gour: And what Hindu reformers now want is to cement the bonds between Hindus so as to make it a strong, uniting, cementing force, so that the Hindus might be able to stand together against all aggression in the future. That is the foundation, that is the fulcrum which is animating the so-called Hindu reformers. They are not for reform merely for the sake of reform, but they are out for the purpose of laying the true foundation of a true Hinduism which will strengthen Hinduism as a whole and make it a tower of strength in the future. That is the real purpose, and as I have said, Sir, this question of untouchability as such does not admit of any argument, because ask any person, any impartial individual: "Do you think that these depressed classes should be denied the right of the taking of water from the wells or walking on the pavements or entering a temple dedicated for the use of the whole community", and the answer would be unequivocal and emphatic,—the answer would be: "What a silly question to put, why should they not have all those rights, are not they

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human beings"? That will be the short answer that we shall receive from those who are not imbued with a religious impulse to defend an ancient, and, I am afraid, a decrepid and dying institution

An Honourable Member: Leave it there, why do you trouble?

Sir Hari Singh Gour: My friend tells me, leave it there and why do you trouble? Sir, I am a good Samaritan. My friend is diseased and dying, and I have a phial of medicine in my pocket and I am trying to revive him. If he still dies, I shall at least not suffer from the qualms of conscience that I have not done my duty to give my friend aid when he was in sore necessity for it, and that is the excuse of those who wish to reform and reconstruct Hinduism upon a sure and lasting foundation. (Applause.)

Several Honourable Members: The question may now be put.

The Honourable Sir Harry Haig: Sir, in an interjection this morning, in the course of the speech by my friend, Diwan Bahadur Harbilas Sarda, I promised to make a full statement of the attitude of Government towards this Bill. The Diwan Bahadur, who was, I think, in an unusually censorious mood, professed to be able to deduce the attitude of Government from the fact that my friend, Pandit Sen, had made some remark, which I confess, I had not caught, and that I had not contradicted it. Well, Sir, I do fairly frequently intervene in debates to correct what I regard as misunderstandings, but I do not think, Sir, you would permit me to jump up every time that any one made a statement with which I did not agree. I realise that from the point of view of the Diwan Bahadur's argument, it was convenient to assume at that moment that the attitude of the Government was as he asserted, but had he been reasonably interested in the attitude of Government and in the course that this Bill was likely to take, one might have expected that he would have referred to the statement of Government's position which was made on the 23rd of January, 1933, and which included a very definite and specific reference to this very Bill. This is what the Government said last January:

"Mr. Ranga Iyer and other Members of the Legislative Assembly have applied for the sanction of the Governor General for the introduction of a Bill entitled the Untouchability Abolition Bill, which requires the previous sanction of the Governor General under section 67(2) of the Government of India Act, as affecting the religion and religious rights and usages of a class of British subjects in India. This Bill is in more general terms than the Bills which it was desired to introduce into the Madras Council, but, like them, it affects the religious customs and usages of the Hindu community as a whole. The Governor General is not prepared to deny to the Central Legislature an opportunity of considering these proposals and is, therefore, according his sanction to the introduction of the Bills. But the Governor General and the Government of India desire to make it plain that, in their opinion, it is essential that the consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects, not merely in the Legislature, but also outside it, by all who will be affected by them. This purpose can only be satisfied if the Bill is circulated in the widest manner for the purpose of eliciting public opinion and if adequate time is given to enable all classes of Hindus to form and express their considered views."

Well, Sir, that remains the position of Government. I do not at this stage of the Bill propose to enter into the merits of these proposals. As we explained last year, the Government of India retain a free hand to take at later stages such action in regard to these

proposals as may, upon a full consideration of the circumstances, appear necessary. But while I wish to express no views on the merits of the proposals in general, I do think it is right that the House should consider what the Bill means and is intended to effect, and, from that point of view, I think that a great benefit has been conferred for the consideration of this Bill by the close analysis of its provisions which my Honourable colleague, the Law Member, made this morning. As a result of that analysis, it certainly does seem a little difficult to understand precisely what is the practical effect intended, and what is more important, what is the practical effect that will be produced. I can understand, if this Bill is intended merely as a gesture, that matter would not be of great importance. My Honourable friend, Mr. Ranga Iyer, for instance, I think, is anxious—I know he has great sympathy for the depressed classes, but he is also anxious probably to be able to stand on a platform, and when people ask him, “Is it true that there are 40 million depressed class untouchables in India?” to say, “Untouchables? Who are untouchables? There is not an untouchable in India. I passed a Bill for the abolition of untouchability”. (Laughter.) That will be a fine debating point, but, at the same time, legislation deals with what is precise and practical, and it is obviously dangerous to attempt to legislate by rhetorical phrases. Therefore, I think it is very valuable that my Honourable colleague, the Law Member, should have brought before this House this morning some of the practical legal points that would arise in the interpretation of the provisions of this measure.

Now, Sir, in the course of the debate I have noticed a tendency amongst some of the supporters of this measure to assume that they are the only people who are interested in removing the disabilities of the depressed classes.

Mr. N. M. Joshi: Who are the others?

The Honourable Sir Harry Haig: I am coming to that. The Diwan Bahadur gave expression, perhaps in the most extreme form, to this view when, following up his assumption that the Government were opposing the Bill, he said, the Government will be perpetuating the custom of untouchability. Well, Sir, I think, in view of assertions of that kind, it is necessary for me to remind the House of the long and honourable record of Government in dealing with this problem of the uplift of the depressed classes, particularly in Madras of which we have heard so much. Much, I admit, remains to be done, very much, and the mobilisation of public opinion in favour of further measures is valuable. But I think it is rather a vice of certain reformers to be intolerant of all those who are not prepared to go exactly along the same lines as themselves and to assume that they are the only people who are doing anything to reform the world and that the rest of the community are sunk in torpor.

What really is at the base of the condition, the deplorable condition of the depressed classes in this country? I should say mainly it is that they are educationally backward, that they are economically depressed and that they are politically impotent. What has been done in Madras to try and remove the first of those disabilities? I have here a very long statement; I do not propose to read it out to the House, but I would just mention very briefly a few of the steps which have been taken during the last ten years or so in Madras:

The appointment of a special officer entrusted with the task of encouraging the education of the depressed classes.

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The insistence on the right of admission for depressed class pupils into all publicly managed schools.

The refusal of grant-in-aid to privately managed schools which do not admit depressed class pupils.

The removal of publicly managed schools from places inaccessible to depressed class pupils.

The opening of special schools and hostels for the depressed classes.

The remission of fees and provision of scholarships.

The provision of special facilities for the training of depressed class teachers.

Various other measures have also been taken, but that will be enough to show to the House the kind of lines on which the Government of Madras have been proceeding. Then, with regard to their economic condition, during 1931, 22,770 acres of Government land was assigned free of cost to the depressed classes for the provision of 1,973 house sites. The total extent of Government land, so far assigned to depressed classes for this purpose, is 342,000 acres, and the total number of sites provided, since the commencement of the operations, is 36,530. A sum of rupees three lakhs odd was spent during the year on the provision of drinking water facilities for the depressed classes, and so on,—roads, bridges, wells. I was interested to note that we heard this morning from the Diwan Bahadur of a certain class of depressed class people in Malabar known as Nayadis. I do not know whether he had ever heard of them before they were discovered recently by Mr. Gandhi during his tour, but they were at any rate known to the Government before that, because this is what I find:

“Successful work was done in the colony at Glevakkot for Nayadis, the lowest of depressed classes of Malabar, and the process of weaning them from their traditional occupation of begging, and teaching them agricultural operations has been pushed forward. A teacher was also appointed to teach the colonists basket making.”

Well, Sir, I suggest that all this provides a good foundation for future work, and that is likely to be pressed on more and more vigorously if the depressed classes secure in the future some reasonable political power. In that connection I would like to remind the House that it was the Government that has in the Communal Award conferred on the depressed classes what one might call their political charter.

Mr. F. E. James (Madras: European): There is also the work of Christian missions.

The Honourable Sir Harry Haig: I am not attempting to make an exhaustive enumeration of what has been done. I know that work is being done, not only from the side of Government, but by various non-official and religious organisations, and, I am sure, that the House welcomes that kind of work by whatever agency it is carried out.

Mr. B. V. Jadhav: Will the Honourable the Home Member tell us what the Government of Bombay has done?

The Honourable Sir Harry Haig: I have a long statement here, but, I am afraid, it will weary the House if I read it out, 2½ pages of it, but I will be very glad to show it to my Honourable friend at the conclusion of the debate.

Mr. R. S. Sarma (Nominated Non-Official): He was a Minister himself, and he could say a lot about it.

The Honourable Sir Harry Haig: I think one might have concluded after hearing the debate that there is very little in common between my Honourable friends, Pandit Sen and Mr. Ranga Iyer, but I did detect one sentiment in common between them and that was a thorough distrust of public opinion. (Laughter.) Pandit Sen was very indignant with the Government, because they had presumed to allow any discussion on this measure at all. He thought that it was contravening the rights of the subject that this problem should be placed before the public at all. Similarly, though from an opposite point of view, Mr. Ranga Iyer was very indignant with the Government, because they had not allowed a Bill embodying these proposals to be pushed rapidly through the Madras Legislative Council on a temporary wave of emotion. He was very angry that this Bill should be referred for the opinion of the country generally. And to complete the paradox, I observed that the Raja Bahadur, the believer in autocracy, the man with a complete contempt for public opinion, was the only one of those three who had no objection to this measure being referred to public opinion, because he was perfectly confident that it would be on his side. I think there is little more that I need say except on the practical point of further procedure in connection with this measure. As I explained at the beginning of my speech, the Government consider that this Bill should be fully circulated for opinion before the House proceeds to further consideration.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I understand that there is an amendment before the House proposed by Raja Bahadur Krishnamachariar that the Bill should be circulated, the circulation to be complete on the 1st August. That appears to the Government to be a reasonable proposal and the Government will be prepared to support that amendment.

Rao Bahadur M. O. Rajah (Nominated Non-Official): Sir, I thought my task was easy as I was all along under the impression that I had to answer only two Honourable Members of this House, but this morning up sprang the Honourable the Law Member who tried to throw certain bombs at my Bill. Sir, it is surprising to me that the bulk of the opposition comes from a province, Bengal, where they say there is no untouchability, but I shall first deal with my revered Leader, Raja Bahadur Krishnamachariar. He seems to attribute the genesis of this Bill to Mahatma Gandhi. Let me straightaway tell this House that this is an incorrect statement. The Raja Bahadur is not aware of the real origin of this Bill and his statement merely misleads the Members of this House.

Raja Bahadur G. Krishnamachariar: I took what Mr. Rajagopalachari said.

Rao Bahadur M. O. Rajah: In this connection I should deal with two aspects of the question, the genesis of this movement and the genesis of this Bill. The first attempt at the reclamation of the down-trodden classes was made by the European Christian Missionaries. The Christian Mission

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schools are democratic institutions, where the low and the meek, the depressed and the oppressed, the poor and the struggling are treated with equal attention with the high and the rich, the progressive and the flourishing, the socially high and the politically strong. The Christian Mission schools open their door wide to all, but especially to the outcaste and the down-trodden fulfilling Christ's sayings: "He that is least among you the same shall be great", and "Blessed are the meek for they shall inherit the kingdom of God". "At present" says Henry Whitehead, formerly Bishop of Madras, in his book "Indian Problems":

"83 per cent of the Indian Christians throughout India are illiterate and, at the same time, ignorant, illiterate outcastes are being swept into the Church at the rate of 2,000 a week."

The restoration of civic and political rights in a measure were vouchsafed to us by the British Government. The British administration has all along been struck with the peculiar disabilities of the untouchables and had been doing their best to ameliorate their sufferings.

In His Excellency Lord Willingdon we have a true friend of the depressed classes. It will be interesting to mention that His Excellency was the first in India to appoint a member of the depressed classes to a Provincial Legislative Council and that was in 1919 during the pre-reform days. It was His Excellency that inaugurated the special department in the Presidency of Madras for the protection of the interests of the depressed classes, when he was the Governor of that Province and appointed the late Sir George Paddison, the Protector of the Depressed Classes. Sir George Paddison, with his Personal Assistant, Diwan Bahadur S. K. Sunderacharu, did a great deal of ameliorative work on behalf of the depressed classes in that province.

Coming now, to the non-official side, it was the late Dr. T. M. Nair that gave an impetus to the movement for the removal of untouchability and placed it in the forefront of his political programme, when he organised the Non-Brahmin movement in the Madras Presidency in 1917. Individual social reformers like His Highness the Maharaja of Mysore, the Maharaja of Pithapuram, Sir Venkataratnam Naidu, of the South, His Highness the Gaekwar of Baroda, the late Justice Chandavarkar in Bombay, the late Lala Lajpat Rai in the Punjab and Swami Shradhanand of Delhi in the North took growing interest in the amelioration of the depressed classes of India.

Later, under the inspiration of Mahatma Gandhi, the Congress took up the question and passed a Resolution for the removal of untouchability at its Session in January, 1921, and included the item of the removal of untouchability in the programme of the Congress. As a matter of fact, I have been accusing Mahatma Gandhi for not taking up the cause of the untouchables in right earnest, until so late as November, 1931. For the information of the House, I should like to read a passage from my speech delivered at the 9th Session of the All-India Depressed Classes Conference held in the Punjab on the 31st October, 1931. There I said:

"The Indian National Congress had been functioning for over 46 years. About ten years ago, they adopted a Resolution for removal of untouchability and, a few years later, Gandhiji included the item of the removal of untouchability in the programme of the Congress along with prohibition and khaddar. I would like to ask Mahatma

Gandhi if he and his followers have devoted one-hundredth as much attention to the removal of untouchability as to the promotion of khaddar, though many of them know that khaddar is a poor economic proposition by the side of mill-made cloth. Khaddar is, no doubt, immediately useful for wresting power from the British people, whereas the removal of untouchability is not useful for such a purpose though it is even more useful and more permanently useful for establishing Self-Government in this country."

Then I asked:

"Why does not Mahatma Gandhi direct his energies to removing the oppressive features in our social structure, and, in particular, to removing the canker of untouchability before he makes any further attempt for Swaraj, since he himself had wisely admitted on more than one occasion that this reform should precede Swaraj?"

Therefore, Sir, you will understand that it was not Mahatma Gandhi that first took up the cause of the untouchables. Then, coming to the genesis of this Bill, let me remind this House that it is not a new Bill. A similar Bill, called the "Hindu Untouchable Castes Disabilities Removal Bill" was given notice of by my friend, Mr. M. R. Jayakar, in 1929. The provisions of that Bill were far wider than those of the "Untouchability Abolition Bill", and Lord Irwin, the then Viceroy and Governor General of India, without any difficulty whatsoever, accorded previous sanction to it on the 30th of December, 1929, that is more than four years ago. Unfortunately, my friend, Mr. Jayakar, did not continue his Membership in the Assembly, and so was not able to pilot that Bill. Subsequently, you, Sir, sponsored it and His Excellency Lord Willingdon, the present Viceroy, gave you the previous sanction, and that too without any difficulty, on the 6th of August, 1931, that is, more than two years ago. It is significant that the orthodox section of the Hindus did not raise any hue and cry then against that Bill. But, Sir, I can understand the feelings of these orthodox friends. They always cry hoarse whenever any custom of theirs, however injurious to society and however useless it may be, is sought to be modified by an Act of the Legislature. They respect these customs, whether good or bad, and they always feel it too much to part with any of them. Sir, in his speech, my revered Leader, Raja Bahadur Krishnamachariar, complained that I failed to mention the abolition of untouchability in my note attached to the report of the Indian Central Committee. This, too, I beg to add, is an incorrect statement.

Raja Bahadur G. Krishnamachariar: I accepted your correction then.

Rao Bahadur M. C. Rajah: But I observe that, whenever the Raja Bahadur makes a statement, he does so "subject to correction". But, Sir, this is not the way a responsible Member of this House, rich in age and experience, speaking on important subjects, should mislead this Honourable House by making inaccurate and misleading statements "subject to correction". (Laughter.)

Mr. N. M. Joshi: He is a "mis-leader" himself.

Rao Bahadur M. C. Rajah: For the benefit of this House, however, let me read what I have said on this particular matter in my note attached to the Report of the Indian Central Committee. Sir, this is what I said:

"The general remedy that suggests itself is the immediate and total withdrawal of legal and administrative recognition to the superstition of pollution. The laws, as they are administered today, uphold these superstitions and punish the untouchables who dare to disregard them."

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And, then, Sir, I said on page 385:

"The peaceful progress of the untouchable classes is a *sine qua non* of the orderly development of Indian Nationalism. Paradoxically as it may sound, the aim of the depressed classes and those working for their future should be their abolition. They are an excretion of the Hindu Society and they must aim at becoming one with it. The ideal should be to become not merely an integral part of it, but to become an indistinguishable part."

This report was published in the year 1929—long before Mahatma Gandhi thought of getting a Bill like this introduced in this House. Sir, I make bold to say that we are not piloting the Bill at the behest of Mahatma Gandhi; yet we cannot but be grateful to him for taking up this question at this time and thus rendering a great help to our cause. (Hear, hear.)

Sir, my revered Leader, Raja Bahadur Krishnamachariar, says that I advanced certain fantastic arguments during his absence from the House in connection with the Temple Entry Bill. Sir, I made that speech six months ago and up till now I have not seen any adverse criticisms in any of the papers, even in the Sanatanist papers. Sir, I stand by every word I said in that connection and I can prove them by records. In this connection Raja Bahadur Krishnamachariar gave the House to understand that Saint Tirupanalvar's parentage is not exactly known. Sir, this is the usual characteristic way in which Brahmmins, when they find a saint in a so-called lower community, say, "he does not belong to that community", or "he was born in it by a mistake". (Interruption by Raja Bahadur G. Krishnamachariar.) I am not giving way.

Raja Bahadur G. Krishnamachariar: But you have no business to misrepresent me like that.

Rao Bahadur M. C. Rajah: But, at the same time, he accepts the theory that this saint from his boyhood was being brought up in an untouchable's house. Sir, the very fact that he was brought up by untouchables from his babyhood raises a strong presumption that Saint Tirupanalvar belonged to that community. Sir, in this connection, my revered Leader, Raja Bahadur Krishnamachariar, said that when Saint Tirupanalvar was singing the praises of the Lord until he was about thirty years of age, one day God gave orders to the temple priest to bring that devotee to the temple, and my revered Leader, Raja Bahadur Krishnamachariar, avoided saying why on that particular day God ordered the temple priest to bring that devotee to the temple. Let me say why. Raja Bahadur Krishnamachariar, my revered Leader, is a Vaishnava like myself and I challenge him to disprove my statements, and, if he finds anything wrong in my statements, I shall at once give way. One day, Loka Saranga Muni went to the river to fetch water for the morning *pūja* of the God. On his way to the river, he saw Tirupanalvar sitting on the bank of the river chanting hymns in praise of Sree Ranganadha. He shouted to Tirupanalvar to move away. Tirupanalvar was absorbed in contemplation and heard him not. Seeing that Tirupanalvar did not move away, Loka Saranga got incensed and threw a stone at him.

Mr. N. M. Joshi: As much incensed as the Raja Bahadur?

Rao Bahadur M. C. Rajah: It hit Tirupanalvar on his forehead and he began to bleed profusely, and then he moved away. When the Muni went back to the temple, he saw Sree Ranganadha similarly bleeding on his

forehead. He tried to stop it, but could not. He felt the God was angry over his behaviour to the Saint Tirupanalvar. He deeply reflected and the call distinctly came to him from God Sree Ranganadha not only to go and apologize to Tirupanalvar, but to carry him on his shoulders to His presence in the temple. He obeyed, went and fell at the feet of Tirupanalvar and carried him on his shoulders to the temple. I challenge my revered Leader, Raja Bahadur Krishnamachariar, to contradict this.

Raja Bahadur G. Krishnamachariar: This is what I said.

Rao Bahadur M. C. Rajah: You did not say this. Again, Sir, my revered Leader, Raja Bahadur Krishnamachariar, said that the temple priest took the devotee to the temple as far as he could be brought and God exhibited his presence. This is another perversion from truth. What was the order of God? The order of God was to bring him to the temple where God was actually bleeding in his forehead and the temple priest carried him to that very place, not as the Raja Bahadur says to the place upto which he could be brought.

With reference to Saint Nandanar, I am glad that my revered Leader did not dispute his parentage and he admits that Saint Nandanar was admitted to the *Sanctum Sanctorum*, for the Raja Bahadur said that God said: "Light a fire in front of my *Sanctum Sanctorum*". And the Raja Bahadur, I am glad to say, had explained why Saint Nandanar was asked to walk on the fire, although I do not believe this part of the story which is a mere concoction by the clever Brahmins of those days. The Raja Bahadur also explained that he was asked to go through fire so that he could become one with God. Let me tell the Raja Bahadur that we are not for becoming one with God, but we are for having Deva Darshan. At the same time, let me also remind him that in the temples in the South no one—not even my revered Leader, the Raja Bahadur—is allowed in the *Sanctum Sanctorum*. Again, with reference to Ramanujacharya and the Melcottah Temple to which I made reference in my speech, the Raja Bahadur, while accepting that the members of the depressed classes are allowed into the temple for three days in a year, asserts that a purification ceremony is performed immediately after the third day to bring God-head again to its proper place. This is really wonderful and Sree Ramanujacharya was a great saint and, I am sure, he would never have placed God in that precarious condition of purity by admitting the depressed classes into his temple. Moreover, those three days are the most sacred days for the Vaishnavites and, during those days, people from all parts of the country congregate for His worship. The purification ceremony is performed not only in this particular temple, but in all temples after the annual gathering. My friend, Pandit Sen, pleaded ignorance to all this and now he comes and says something. In all other temples in which depressed classes are not allowed, there also such ceremonies are performed. Sir, in my humble opinion, the purification ceremony is performed not because the depressed classes are admitted inside the temples, but because Brahmins and non-Brahmins, clean and unclean, are all admitted without distinction during that period. To my knowledge, similar ceremonies are performed in temples to which depressed classes have no access. Again, Sir, Raja Bahadur Krishnamachariar found fault with me for saying that temples in South India belonged originally to the depressed classes, who were subsequently expelled by the cunning Brahmins. Might I ask the Raja Bahadur whether the temples in South India belong to the Brahmins?

Raja Bahadur G. Krishnamachariar: I always said that the Brahmin was such a poor beggar that he could not build any temples.

Rao Bahadur M. C. Rajah: I am glad to hear that. Sir, I assert once again that temples in South India did belong to the depressed classes, the ancient Dravidians, otherwise called the Adi-Dravidas. In this connection, let me tell my friend, the Raja Bahadur, that Brahmins had no hand in installing idols in temples. Let me quote Professor MaxMuller. Professor MaxMuller says:

"The religion of the Vedas knows of no idols. The worship of idols in India is a secondary formation, a later degradation of the more primitive worship of the idol Gods."

Again, Sir, Mr. J. C. Ghosh, in his Tagore Law Lectures, says:

"That wave of the influence of the Brahmins and the unpopularity of the worship of fire led to the worship of images which might have been borrowed from the aboriginal tribes and from foreign invaders in ancient times."

Brahmins were even outcasted if they went to worship in temples. This is historically and Vedicly true:

"We should know",

—says Mr. Ghosh,—

"that dedication for the Gods meant dedication for the maintenance of the worshipping Brahmins, who, because they so worshipped, were called *Devalas* and were all but outcastes among Brahmins."

Again, Spence Hardy says:

"Image worship is alluded to by Manu, but with an intimation that the Brahmins who subsist by ministering in temples were an inferior class."

In Tirumular's *Tirumantiram*, the standard work in Tamil on agamic-cult, runs as follows:

"If a Brahmin, as such, does Puja to God, it will bring disaster to the king and famine to the country."

Sir, even in Palni itself, remarked Mr. Justice Sadasiva Iyer:

"The priest was non-Brahmin till about a century ago. Now the priest is a Brahmin."

From Chanakya it is evident that the position of the Brahmins in Hindu temples today is due to an accident. That great Frenchman Abbedubois, a century ago, referring to the Brahmins, wrote:

"It was principally for their use that the dancers and prostitutes, who were attached to the service of the temples, were originally entertained and they may be heard to intone the following scandalous line—*Vaishya Darshanam Punyam papnasham*—which means looking upon a prostitute is a virtue which takes away sin."

While referring to the Sree Rangam Temple, which is situated in the place where my revered Leader hails from, the Raja Bahadur has said that this site was bought by Vibhisana. You all know that Vibhisana was the brother of Ravana, who was a mighty Dravidian King.

Raja Bahadur G. Krishnamachariar: I never said "bought". I said he was brought there.

Rao Bahadur M. C. Rajah: I accept the correction, but how could any site be brought? Did he bring the site from Ceylon? This is a wonderful thing which I do not understand. For the information of my friend, Raja Bahadur Krishnamachariar, who represents the Vaishnavites of the Madras Presidency, let me give a presentation of a paragraph from the Gazetteer of the Trichinopoly District. This is a Government publication. It was published in 1907 and was written by Mr. F. R. Hemmingway, Indian Civil Service.

Raja Bahadur G. Krishnamachariar: What does he know about the Hindu temples?

Rao Bahadur M. C. Rajah: You quoted Meghasthenes and Fah Hien, what do they know about our Hindu Religion? Sir, let me finish this. With reference to the Sree Rangam Temple, he says:

"A local legend states that the image of the god was placed in the temple by Vibhishana, brother of Ravana, who was of great assistance to Rama in his conquest of Ceylon."

Mr. O. S. Ranga Iyer: If my Honourable friend reads the Ramayana, he will find that Ravana was a Brahmin and so was his brother Vibhishana.

Rao Bahadur M. C. Rajah: As far as I know, Ravana was an ancient Dravidian King.

Mr. O. S. Ranga Iyer: But he was a Brahmin and the Honourable Member could not dispute the Ramayana on that point.

Rao Bahadur M. C. Rajah: It is something like saying that Tirupan Alwar was a Brahmin.

Raja Bahadur G. Krishnamachariar: The Honourable Member is misrepresenting me. I should like to say

Rao Bahadur M. C. Rajah: I do not give way to my Honourable friend.

Mr. President (The Honourable Sir Shanmukham Chetty): No Honourable Member can interfere unless the Honourable Member in possession of the House gives way.

Raja Bahadur G. Krishnamachariar: Not even when an Honourable Member is misrepresenting what I said.

Rao Bahadur M. C. Rajah: The Gazetteer continues:

"A local legend states that the image of the god was placed in the temple by Vibhishana, brother of Ravana, who was of great assistance to Rama in his conquest of Ceylon. In his gratitude, Rama gave him the image to take to Ceylon; but on the way hither he halted in Sree Rangam and the idol became fixed to the ground there."

So, that was the origin of the Sree Rangam Temple and the image was placed there by an ancient Dravidian, Vibhishana.

Now, Sir, I do not hold any brief for Mahatma Gandhi nor does he require anybody to defend him in this House. Since my revered Leader, the Raja Bahadur, had made certain distorted statements regarding the

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deputation of the depressed classes that waited on Mahatma Gandhi in Madras, I find it my duty to place certain facts before the House. The Raja Bahadur says "that one Mr. R. Srinivasan in Madras, a graduate, also a Vakil of the Madras High Court, and who had something to do with learning law under Sir C. P. Ramaswamy Aiyar" and, therefore, he said, he is an enrolled Vakil of the Madras High Court

Raja Bahadur G. Krishnamachariar: I spoke subject to correction.

Rao Bahadur M. C. Rajah: I hope the Honourable Member means that he can say anything in the world subject to correction. He said, and, therefore, an enrolled Vakil of the Madras High Court gave an unpleasant half hour to Gandhiji. Let me say that, as far as I know, there is no person of this description in the Madras Presidency belonging to the depressed classes. But, Sir, it is true that my friend, Rao Bahadur R. Srinivasan, and a number of leading members belonging to the depressed classes, met Gandhiji on the 23rd December, 1933. It is stated in the newspapers that Swami Sahajananda and Mr. Pushparaj, B.Sc., B.L., prostrated before Gandhiji while a few others touched his feet and the scene was a striking demonstration of love and affection. In this connection, let me tell the House that Rao Bahadur Srinivasan did not say that he did not want temple entry. What he said was this and I read from the *Hindu*, dated December 23, 1933. He says: "As regards temple entry, we are not opposed to it". With reference to the expression "harijan", it is true that the depressed classes of Madras did not like that term "harijan", and when that was represented to Gandhiji, his reply was this:

"Lastly, to the name 'harijan', you say that the depressed classes were not consulted. They consulted me. That is the point. I have visited all parts of India. 'Why are we called Harijans', I am asked. Why should they not have a better name? That is the generality of feeling. 'For heaven's sake do not call us coolies' they pleaded. At one time this word had a particular significance."

Further on, Gandhiji says:

"It is not, as I said, my coining. An untouchable pleaded with me not to be known by any expression of eternal reproach. Depressed or suppressed reminds them of slavery, he very rightly said. 'I have no name to suggest, will you suggest', I asked. Then the man suggested 'Harijan'. He quoted in support from Narasimha Mehta, the Guzerathi poet who had used it in his works. I jumped at it."

Therefore, Sir, it seems that at the bidding of the depressed classes themselves he seems to have given that name. I am not very particularly interested in that at all.

Again, Sir, the other day, while speaking on the Temple Entry Bill, Raja Bahadur Krishnamachariar has said with reference to my friend, Dr. Ambedkar, that he too was not for temple entry. Here is a document in my possession to prove that Dr. Ambedkar is for temple entry. The document is dated 11th January, 1930, and it was sent to me from the office of the Temple Entry Satyagraha Committee, Nasik. This circular letter was addressed to me by one Mr. B. K. Gaikwad, Secretary of the Satyagraha Committee, Nasik, and it runs as follows:

"I hope you are aware of the Kala Ram Temple Entry Satyagraha of Nasik conducted under the leadership of Dr. Baba Saheb Ambedkar, last year. The short summary of the same is as under:"

Well, Sir, I need not tire the House with all the details. The request that is made in this circular letter to me is this:

"Now, the Committee, with the full consent and a sort of order from Dr. Baba Saheb Ambedkar, who is just now sitting on the Round Table Conference, decide to begin again Satyagraha. But this time we do not care to have it only as a local show. It is an all-India question, and the honour of all Indian untouchables is in the scales. And I write this letter on behalf of the Committee to request you very strongly that you please take up the question and use all your resources for the cause."

Sir, with reference to my politics and the politics of Gandhiji, let me say a word. Politically even myself and Mahatma Gandhi are poles as under and, so far as I know, Mahatma Gandhi does not wish to interfere in our politics. I can assure this House that he had not interfered with our politics till now. Sir, after all, my revered Leader, Raja Bahadur Krishnamachariar, was arguing his case in this House as a police court advocate. As he represents the orthodox section of the Hindu community, a microscopic minority, he has to champion their cause in this House. But, I am glad to note that he has shown his real feeling and a sense of responsibility when he said that, in his own life time, he had seen things which no one expected thirty years ago. He believes that greater changes might follow during the next fifteen years. Therefore, why force the pace, he asks, and thus divide a great community and thus lose a very great chance of uniting together and pulling together to obtain our goal. It seems to me that the Raja Bahadur concedes that what is objectionable now will become inevitable at no later period. Might I ask the Raja Bahadur why delay justice by fifteen years. Justice delayed is justice denied.

Now, coming to my Honourable friend, Pandit Sen, the high priest of orthodoxy in this House, my Honourable friend complained that some of his friends cried "Down with Manu, long live Gandhi". Though this is a new slogan to Pandit Sen, I find I have been hearing of another slogan "Down with Manu and burn the Code of Manu" for the last 25 years. I myself presided over huge meetings in various parts of the country where resolutions were passed and sent to Government to expunge the Code of Manu from the list of legal authorities on Hindu customs, and in certain meetings resolutions were passed to burn the Code of Manu, and in some meetings copies of "the Code of Manu" were actually burnt and reduced to ashes.

Pandit Sen is just like the frog in the well. He does not seem to know what is happening in the country. Pandit Sen denounces not only Mahatma Gandhi as being a non-Hindu, he denounces Dr. Tagore and Sir P. C. Ray as being non-Hindus. At the same time, Pandit Sen is working in the City College, founded, financed and conducted by Brahmos! After all, Pandit Sen and the so-called Sanatanists quote Shastras in support of their contentions. I also base my vehement opposition to untouchability on the same Shastras by which these men swear. There are very learned men who have just as much right or perhaps a better right to interpret the Shastras as the so-called Pandits.

Coming to the question of authority, so far as social and moral arguments are concerned, they have been exhausted and even the orthodox people are inclined to accept them. The fact that they seek shelter in Shastras shows that on pure moral grounds, on grounds of reason and justice, not to speak of patriotism and progress and nationalism, they are not able to justify untouchability. They seek shelter of authority, and when the Shastras are not able to speak with a certain and unmistakable voice, they fall back upon custom, knowing that custom possesses legal sanction

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and that the Courts will uphold it when the existence of the custom is once proved. As things exist at present, it is law that sustains custom, not even the Shastras that sustain untouchability. That is to say, in the ultimate analysis, it is law that sustains untouchability. If it is law that sustain untouchability, it is only law that can deprive it of its binding power. In the name of law and order, untouchability is maintained. Recent research has indicated that untouchability has but a shadowy support in ancient Hindu scriptures and that its strength lies in its observance and the latter day Smritis. Now that the recognition has come, untouchability is a foul blot on Hinduism. What should be the aim of every one concerned in the welfare of Hinduism? The aim should be its abolition. Sir, the Shastras were written thousands of years ago. These pernicious customs and usages were introduced into the Hindu society thousands of years ago when there were no Muslims and Christians in India. Those who were responsible for these customs and usages did not know what would happen now. They merely adopted them to suit the then existing conditions. They had not the wisdom to follow the practice after (say) about 2,000 years, when the world has completely changed. Would Pandit Sen's and Pandit Jha's grandfathers have ever dreamt that their grandsons would travel in Railway carriages dressed in the latest fashion with shirts, coats, collars, ties and shoes? Would they have dreamt of aerated waters manufactured by our Shudra brethren or would they have dreamt of the banquets attended by our orthodox friends in Hotel Cecil or the Government House where food and eatables are prepared and served by Muslims, Christians and members of the depressed classes? God has given us enough foresight and intelligence, we are not going to be bound down any more by the ante-diluvian, stupid customs.

There is absolutely no meaning in assuming that all the best has manifested itself in the past. God's manifestation is progressive. Men must look forward and wait for the revelation and jump into it setting fire to every part of his life,—political, intellectual, social and religious,—until he is prepared to say that he had perfect life, perfect bliss and perfect knowledge. Religion must march with the times and this has been one of the essential characteristics of our Hindu religion, which distinguishes it from other religions, namely, that it expressly admits the possibility to suit altered circumstances. A careful study of the history of Hinduism would clearly reveal that there had been every now and then, whenever necessary, such movements for purifying the Hindu society and Hindu religion in the past, which had been led by religious reformers whose lead had been accepted without any question by all sections of the community. For instance, let me remind my orthodox Vaishnavite friends in this House of the religious revival of Sree Ramanujacharya. Did he not give *Mulamantram* to all persons in spite of the protests from his *Guru* who said that he would go to hell if he only did so? But what was the reply of Sree Ramanujacharya? Did he not say, "Let me go to hell, but let these thousands go to heaven by the benefit of the *Mulamantra*"? Again, did not Sree Ramanuja, who is worshipped by true Vaishnavite devotees even to this day, increase the Brahmin fold by recruiting into it barbers, weavers, potters, and toddy drawers and give them the appellation *Tirumanis*, by giving them *Diksha* and converting them as Vaishnavite Brahmins? And Sree Ramanuja did this in one generation without the necessity of any re-birth.

I have already pointed out that the Shastras did not sanction caste or untouchability, and untouchability is not religion but irreligion. The present day caste cannot be identified with those of the past. It should be borne

in mind that the division of Hindus into four castes was based merely upon division of labour and that there was no hard and fast rule that one caste should not adopt the profession of another. The so-called untouchables or depressed classes do not come under the term Chandalas as Pandit Sen seems to think. Fah Hilt also refers to Chandalas. The Sanatanists are mistaking the depressed classes for the Chandalas. Nothing can be further from the truth. The term 'Chandala', contemplated by the Shastras, means an illegitimate son born of a Brahmin woman with a Shudra paramour. If the number of such erring Brahmin women was so great as to produce such a large community as the depressed classes who form nearly one-sixth of the population of India, then such a Brahmin community is not worth having and every Brahmin will be ashamed to call himself as such. The origin of the depressed classes through such a source is physically impossible because if the contribution to the depressed classes went on at such high rate in olden times, we do not see even a minute fraction thereof taking place nowadays. Nor do we even hear of such cases now. It may be conceded that a few such Chandalas might have been foisted upon the depressed classes and the depressed classes might have been compelled to take them into their fold and a few such Chandalas might have merged therein. But to brand the whole community of the depressed classes as Chandalas is a strange misreading of history and a misinterpretation of the Shastras. Mr. V. Kanakasabai Pillai, in his work "Tamils Eighteen Hundred Years Ago", published in 1904, has stated that there was a class of people known as "Pulaiyars" even in *pre-Aryan days*, i.e., *pre-Shastric days*. Mr. P. K. Arunachalam Pillai, M.A., of the Annamalai University, in his article of the "Historical Importance of Tholakappiam", has stated the same thing. Mr. P. T. Srinivasa Ayyangar, in his work on pre-Aryan Tamil Culture, has also stated the same thing. Dr. P. S. Subramanya Shastri, M.A., (Oxon.), Principal, Sanskrit College, Tiruvadi, who is now making researches in pre-Aryan Tamil literature, said in one of his lectures at Tiruvadi that there was a class of people known as Pulaiyars even before the advent of the Aryans into Southern India, and he quoted "Chalappadikaram" as his authority therefor. In support of the above, Mr. S. Somasundara Bharathi, M.A., B.L., Professor of Tamil, Annamalai University, in his lecture on "Untouchability and Social Lift", delivered at the said University on the 7th September, 1933, states as follows:

"The genesis of the system of untouchability was to be found in a historic accident and not in the religious gospel."

Chandalas are mixed castes like the Vaidyas to which class my friend, Pandit Sen, belongs.

Pandit Satyendra Nath Sen: That shows that the Shastras are as yet a sealed book to you.

Rao Bahadur M. C. Rajah: I have got records to prove when I say that Vaidyas trace their origin to a degraded Brahmin marrying a low-caste Shudra woman. I will not tire the House by reading them, but I will give the references. I will refer my friend to Risley's "People of India", pages 116-117, and also the Census of India Report, Bengal and Sikkim, Volume V, page 456. And then there is his great authority, the Code of

[Rao Bahadur M. C. Rajah.]

Manu, which says that the Vaidyas are Antyajas, pages 404-405. Let by Honourable friend read through all these.

Sir, we belong to an independent race and we are an ancient people. We had our own advanced civilisation long before the Aryans came to India. We reached the agricultural stage many centuries before when the Aryans were still in the pastoral stage leading the life of nomads.

Sir, my Honourable friend, Mr. Amar Nath Dutt, quoted chapter and verse from a book recently written by Sir Albion Banerjea. I think Sir Albion Banerjea was also connected with the Mysore State. If you refer to the Indian Antiquary, Vol. 8 of 1874, page 191, you will see stated there:

"It was well known that the servile castes in Southern India once held far higher positions and were indeed masters of the land on the arrival of the Brahminical races. It is not so well known that the Brahmin, who considers himself polluted by the touch of an Adi-Dravida, will not be allowed to enter the *cheri natham*, or the dwelling of the depressed classes. Should a Brahmin venture into a *cheri*, water with which cow dung has been mixed is thrown on his head and he is driven out."

It is also stated in the Indian Antiquary, 1878, Vol. 2:

"The Brahmins of Mysore consider that a great luck will await them if they can manage to pass through the Holiya (depressed classes) quarters of a village unmolested and that, should a Brahmin attempt to enter their quarters, they turn out in a body and slipper him."

These are from records published in 1873 and 1874, and not my own inventions. I can cite instances after instances of the greatness of Adi-Dravidas. Pandit Sen says that untouchability, as practised in India, is the mildest of all, as if he has travelled throughout the world and studied the conditions of untouchables in other parts of the globe. Let me tell him that a little knowledge is a dangerous thing. Untouchability, as practised in India, is nowhere found in the globe. In India, untouchability is based on man's arrogance, while, in other parts of the globe, it is based on the economic position of a class. In India, the depressed classes owe their miserable condition to social, economic and religious rules operating against them through centuries. The peculiarity in the case of India does not lie in the existence of such a class, but rather in the means employed to keep that class permanently under the blockade set up by the usurpers of power and influence.

Pandit Sen said that if the House passes this Bill, he will create a position in India just like the Mutiny of 1857. No one is afraid of the threats of Pandit Sen, the high priest of orthodoxy. If he really means what he says, the depressed classes will not in any way lag behind to take up the challenge. But I can assure the House and the Government that we are a peaceful and law-abiding people, but we are also a martial race; and if my friend, Pandit Sen, engineers a mutiny and creates confusion in the country, I say, the British Government should either take proper steps to restrain these people or allow both the parties to decide the issue by a trial of strength.

Sir, every human being is divine material, to be made and moulded into the highest perfection, both physical and intellectual. People only exaggerate differences. What are exceptional endowments of a few are in the main due to differences of opportunity. Every individual ought

to be given the fullest opportunity to develop his capacities to the utmost. It is opposed to the teachings of our Hindu religion to say that each man must live and die in the environment into which he is born. By birth alone one does not become superior to another, and birth alone did not make caste. The glories of your birth and state are shadows, not substantial things. It is said in the Mahabharata that if they found qualities in a Shudra adorning a Brahmin, he should be regarded as a Brahmin, and if they found the qualities of a Shudra in a Brahmin, he should be looked down upon as a Shudra. Only actions of the just smell sweet and blossom in the dust.

Sir, what the law can do for the removal of untouchability is answered by the statement that wherever untouchability is brought up for recognition before the tribunals of the land, it can authorise these tribunals to refuse to recognise untouchability on any ground whatsoever. While it is difficult to enumerate all the forms in which untouchability operates in the life of the country, few facts are more conspicuous than the extent and depth of its pervasiveness in Hindu society. In economic pursuits, in social dealings, in religious worship, even in the satisfaction of the elementary amenities of life such as access to drinking water, untouchability affects the life of the Hindu people. Any attempt to change the existing state of affairs is immediately resisted; and if the resistance is resented, the arm of the law, through Civil and Criminal Courts, is invoked. Established authority, when appealed to, always takes the side of those who want to maintain the *status quo*. The weapon most often used for this purpose is section 144 of the Criminal Procedure Code so far as the police and the magistracy are concerned. As for the Civil Courts, custom is one of the laws which they have to administer.

As observed by Sir James Colville, in delivering the judgment of the Judicial Committee of the Privy Council in the Ramnad case:

"The duty of a European Judge who is under obligation to administer the Hindu Law, is not so much as to enquire whether a disputed doctrine is fairly deducible from the earliest authorities, as to ascertain whether it has been received by the particular school which govern the district with which he has to deal and has there been sanctioned by usage, for under Hindu Law clear proof of usage will outweigh the written text of law."

This is exactly what Sanatanists are claiming when they want the country to follow not the Shastras as they are, but the Shastras as "traditionally interpreted and followed". The Courts are helping them to do it. That is also why Mr. Mayne is constrained to remark in his book on Hindu Law that the advent of British Courts has helped to arrest the progress of Hindu society and petrify social customs by throwing over them the mantle of judicial recognition with the powerful sanction enforced by the British Courts of law. It is only for the Honourable the Law Member that I am saying this. It is claimed by the caste Hindus that few customs have had longer standing than untouchability. The Courts have recognised untouchability as a legal institution with respect to more than public places and institutions.

It is, therefore, imperative that the Legislature should intervene and say distinctly that the Courts of law will not recognise this custom any longer. Public recognition that Courts and public institutions will not countenance untouchability will go a long way to help in its removal, both by encouraging the depressed classes and by discouraging those who want to preserve it. With these words, I resume my seat.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would first put the amendment of Raja Bahadur Krishnamachariar to vote. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st August 1934."

Rao Bahadur M. C. Rajah: Sir, I accept the motion.

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Brojendra Mitter (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 5th February. You, Sir, have directed that the House will sit for the transaction of official business on Monday, the 5th, and Wednesday, the 7th. On the 5th, motions will be made for leave to introduce (1) a Bill to amend the Indian Medical Council Act, (2) a Bill to amend the Indian Tariff Act in connection with the protection of the textile industry. Thereafter, the discussion of the motion for reference to Select Committee of the States Protection Bill will be resumed. The other business which will be placed on the List for Wednesday, the 7th, is as follows:

"Motions for consideration and passing of the Bills to give further life to the Acts imposing an import duty on wheat and protecting the Steel and Wire Industries, and also of the Bill to amend the Sea Customs Act which was introduced on the 29th of last month."

Should time permit of it, motions will also be made for reference to Select Committee of the Payment of Wages Bill and the Indian Navy Discipline Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 5th February, 1934.