

The occasion for civil disobedience never came because the Untouchables won the suit and the Hindus lost it. One of the principal reasons which led the Untouchables to follow law and suspend civil disobedience was that they wanted to have a judicial pronouncement on the issue whether the custom of untouchability can be recognized by the Court of law as valid. The rule of law is that a custom to be valid must be immemorial, must be certain and must not be opposed to morality or public policy. The Untouchables' view is that it is a custom which is opposed to morality and public policy. But it is no use unless it is declared to be so by a judicial tribunal. Such a decision declaring the invalidity of the custom of untouchability would be of great value to the Untouchables in their fight for civil rights because it would seem illegal to import untouchability in civic matters. The victory of the Untouchables in the Chawdar tank dispute was very great. But it was disappointing in one way that the Bombay High Court did not decide the issue whether the custom of untouchability was valid or not. They decided the case against the Hindus on the ground that they failed to prove that the custom alleged by them in respect of the tank was not immemorial. They held that the custom itself was not proved. The tank became open to the Untouchables. But the Untouchables cannot be said to have gained their point. The main issue was whether the custom of untouchability was a legal custom. Unfortunately the High Court avoided to give judgment on that issue. The Untouchables had to continue their struggle.

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The next item in this history of direct action which is worthy of mention relates to the entry in the famous Hindu Temple at Nasik known as the Kala Ram Temple. These are instances of direct action aimed to achieve specific objects. The movement includes two cases of direct action aimed at the demolition of the Hindu Social Order by applying dynamite to its very foundations. One is the burning of the Manu Smriti and the second is the mass refusal by the Untouchables to lift the dead cattles belonging to the Hindus and to skin them.

The Burning of Manu Smriti took place at Mahad on the 20th of December 1927. The function was a part of the campaign for establishing the right to take water from the Chawdar tank. The Burning of the Manu Smriti took place publicly and openly in a Conference of Untouchables. Before burning the Manu Smriti, the Conference passed certain resolutions. As these resolutions form a land

mark in the history of the movement of the Untouchables they are given below:

“Resolution 1.—*Declaration of the rights of a Hindu.*”

This conference is firmly of opinion that the present deplorable condition of the Hindu Community is only an illustration of how a community becomes fallen by reason of its tolerating social injustice, following erroneous religious beliefs and supporting economic wrongs. The fall of the Hindu community is due entirely to the fact that the masses have not cared to know what are the birth-rights of a human being and much less have they cared to see that they are recognised and not set at naught the base acts and deeds of selfish people. To know what are these birth-rights of man and to endeavour to see that they are not trampled upon in the struggle between man and man and class and class, are the sacred duties of every person. In order that every Hindu may not know what are in the opinion of the Conference the inalienable birthrights of man, this Conference resolves to issue the following proclamation containing a list thereof—

- (i) All Hindus have the same social status from birth. This equality of social status is an attribute which they retain till death. There may be distinctions and differences between them in point of their functions in society. But that must not cause differences in their social status. This Conference is therefore opposed to any action—whether in the political, economic or social field of life—which would result in producing a difference in social status.
- (ii) The ultimate aim of all political, economic or social changes should be to maintain intact the equal status of all Hindus. That being the view of the Conference, the Conference strongly disapproves of all literature of the Hindus, whether ancient or modern, which supports in any way the pernicious doctrine of inequality underlying the Hindu social system.
- (iii) All power is derived from the people. The privileges claimed by any class or individual have no validity if they are not granted by the people. This Conference therefore repudiates the social and religious privileges enjoyed by some classes of Hindus in as much as they are founded upon the Vedas, Smritis and Puranas and not upon the free consent of the people.
- (iv) Every person is entitled as his birth-right to liberty of action and speech. This liberty could be limited only for the purpose of saving the right of another person to his liberty and for no other purposes. Further this limitation can be imposed only with the sanction of the people and not by any injunction of

the Hindu Shastras. This Conference therefore repudiates all restraints on religious, social and economic freedom imposed upon the thought and action of the Hindus in as much as they are imposed by the Shastras and not by the people.

- (v) Hindus can be deprived of their rights other than their birth-rights only by law. What is not prohibited by law, a Hindu must be free to do and what is not obligatory by law, a Hindu must not be forced to do. For this reason there must be no obstruction to persons using public roads, public wells and tanks, public temples and all other public utilities. Persons, causing obstruction in matters where law has laid down no prohibition, are in the opinion of this Conference enemies of the public.
- (vi) Law is not a command of an individual or a body of individuals. Law is the peoples prescription for change. That being so, law to be respected, must be made with the consent of all and must have equal application to all without any distinction. Social divisions if they are necessary for the ends of society can only be made on the basis of worth and not of birth. This Conference repudiates the Hindu caste-system firstly as being detrimental to society, secondly as being based on birth and thirdly as being without any sanction from the people.”

The Second Resolution passed by the Conference was worked as follows:

*“Resolution No. 2.—*Taking into consideration the fact that the laws which are proclaimed in the name of Manu, the Hindu lawgiver, and which are contained in the Manu Smriti and which are recognised as the Code for the Hindus are insulting to persons of low caste, are calculated to deprive them of the rights of a human being and crush their personality. Comparing them in the light of the rights of men recognised all over the civilized world, this conference is of opinion that this Manu Smriti is not entitled to any respect and is undeserving of being called a sacred book to show its deep and profound contempt for it, the Conference resolves to burn a copy thereof, at the end of the proceedings, as a protest against the system of social inequality it embodies in the guise of religion.”

A cursory reading of these resolutions will show the line which the Conference adopted. Although the Conference met to redress a particular wrong, it showed that it was not going to be satisfied with the redress of petty wrongs. The Conference felt that the time had arrived for laying down the goal of the Untouchables. The goal laid down by it was far-reaching. The Conference proclaimed that the Untouchables wanted a complete overhauling of the Hindu social

system. It proclaimed that this reconstruction must not be on the old foundation of Shastras. It proclaimed that whatever character of the new foundations, they must be consonant with justice and equity between Hindu and Hindu and to leave no doubt that in the matter of this reconstruction, they would not consent to the Hindu shastras being drawn upon. The Conference not only repudiated them but actually went to the length of burning them to ashes.

It was an echo of Voltare's denunciation of the Catholic Church of his time. For the first time a cry was raised against the Hindu Social Order "*Ecrase la Infame*". It is also clear that these resolutions were absolutely revolutionary in character.

The rock on which the Hindu Social Order has been built is the Manu Smriti. It is a part of the Hindu Scriptures and is therefore sacred to all Hindus. Being sacred it is infallible. Every Hindu believes in its sanctity and obeys its injunctions. Manu not only upholds caste and untouchability but gives them a legal sanction. The burning of the Manu Smriti was a deed of great daring. It was an attack on the very citadel of Hinduism. The Manu Smriti embodied the spirit of inequality which is at the base of Hindu life and thought just as the Bastille was the embodiment of the spirit of the Ancient regime in France. The burning of the Manu Smriti by the Untouchables at Mahad in 1927 is an event which has the same significance and importance in the history of the emancipation of the Untouchables which the Fall of Bastille had in the liberation of the masses in France and Europe.

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The second instance of direct action against the frame of the Hindu Social Order itself is the refusal to skin the dead animals belonging to the Hindus and carrying them.

One often hears the Untouchables being condemned for having brought upon themselves the curse of untouchability. The main ground on which this accusation rests is the adoption by the Untouchables as their occupation, the carrying of the dead animals of the Hindus and skinning them and eating the carrion.

Even so great a friend of the downtrodden as the Abe. Dubois writing about the *Pariahs* of the Madras Presidency said:

"What chiefly disgusts other natives is the revolting nature of the food which the Pariahs eat. Attracted by the smell, they will collect in crowds round any carrion and contend for the spoil with the dogs, jackals, crows and other carnivorous animals. They then divide the semi-putrid flesh and carry it away to their huts, where they devour it, often without rice or anything else to disguise the flavour. That the animal should have died of disease is of no