

Project MUSE - Untouchable Demands for Justice or the Problem of Religious "Non-Interference": The case of temple entry movements in late-colonial India

The early twentieth century saw non-Brahmans and Untouchables in India mobilize cultural symbols and forge political movements for the recognition of their civil and religious rights. Among these were campaigns for access to public space—tanks, temples and bathing ghats—which became sites of conflict with caste Hindus who opposed these attempts.¹ Such movements have been understood as part of a story of an emergent Dalit political consciousness within the context of British colonialism and Indian nationalism.² However, a little-studied aspect is the way they intersected with questions of the state's involvement with religious institutions and practices, or "secularism."³ Scholars have argued that the form that secularism took in India was quite different than in many societies of Europe and North America from where the idea originated, albeit in a variety of forms. It did not institute a "wall of separation" as in the United States Constitution but rather stood over and above the population, adjudicating fairness, moderating the relations between religious communities, maintaining an "equi-distance" or "principled distance" as it has been called.⁴ This position of "principled distance," one could argue, had its beginnings in the colonial period. The colonial state sought to uphold rather than to change Indian customary practices and moderated communities' claims against each other while professing, from the time of the widely circulated proclamation of Queen Victoria in 1858, to maintain a policy of religious neutrality or "non-interference."⁵

Scholarship on secularism and communalism has tended to address "religion" and religious communities, particularly Hindus and Muslims, to the exclusion of caste.⁶ In an earlier study on Indian secularism, I examined the historical emergence of secularism as a political idea in the early twentieth century.⁷ I argued that to understand the particular meaning of secularism in India, one must move beyond the established concern with "religion" to a consideration of caste. The ideal of secularism was at the centre of the independent state as a liberal democracy. As such it was shaped by the imperative to create a democratic majority, which in India was broadly defined as a community of Hindus. This earlier research argued that Indian secularism was not simply about a separation of political from religious institutions or creating a particularly Indian ethics of tolerance. Rather, it represented a formulation of nationalism that involved dovetailing liberal discourses around individual representation with definitions of majority and minority populations that were defined

communally. Secularism in the Indian context thus took on quite specific historical meanings: it was not distinct from caste, communalism and democracy but a relational category that emerged at their nexus.⁸ Moreover, Indian secularism emerged in the transition from nationalism to independence at the fault lines of where minority communities, Muslims and Sikhs, as well as the Untouchables, asserted their right to be recognized in the new state. Religious minorities and Untouchables had been entitled to recognition in the form of reservations in legislative councils under the colonial state. At independence, only Untouchables, as a historically oppressed population, received such representation on the grounds of egalitarianism and social justice, while religious communities did not, on the basis that a secular state remained aloof from religion.⁹

This article explores the history of Indian secularism in a different arena. While the category of secularism in India had meanings that were tied to the historical context of its emergence, a study of the way in which the colonial state navigated its position vis-à-vis communal claims to public space in the languages of rights can shed light on the significant legal and ethical challenges to the state's own presentation of its religious neutrality. In other words, it can illuminate some of the historical antecedents of India's postcolonial "secularism" in its position of "principled distance." A study of temple entry movements can be particularly fruitful for this enquiry: debate within official and Indian circles around how the state should intervene demonstrated the ambiguous position that Untouchables held in the communal balance of claims as both a downtrodden social group with aspirations for equal civil rights and a communal entity within Hinduism. I examine two temple entry movements in Maharashtra to suggest that an analysis of Untouchable struggles in the late colonial period can allow us to press forward an understanding of the historical antecedents of Indian secularism.

In 1929 and 1930 in Poona and Nasik, Untouchables led two major temple entry movements (satyagrahas) for access to the Parvati and Kalaram temples.¹⁰ Participants in these movements argued for the acknowledgement of their equal rights as Hindus and for caste precepts that prohibited temple worship to be withdrawn. They led satyagrahas in front of the temples urging temple authorities to allow them entry for *puja* (worship) and *darshan* (viewing of the idol). In both instances there was violent conflict between Untouchables and caste Hindus who argued that their entry would violate the precepts of Hinduism. Moreover, caste Hindus maintained that the state's support of Untouchable aspirations for temple entry overstepped the promise of non-interference in native religious customs. The policy of non-interference and religious neutrality shaped the way the conflict unfolded, as well as its resolution. A

significant issue on which the discussion turned was whether the temples were publicly or privately owned. All sides—Untouchables, caste Hindus and colonial officials—gave much consideration to whether the temples were government property and therefore “public” spaces which could be opened to all, as this would determine whether the state could legally intervene in the dispute. If they were deemed public property, then there was perhaps a case for intervention.

Importantly, the case for intervention was led by the precedent of custom. After 1863, government intervention in disputes to do with religious institutions had to follow the Religious Endowments Act XX of 1863. The act had been introduced to release the British from administrative responsibility for Hindu and Muslim public religious endowments through the nomination of temple management committees or trustees.¹¹ It allowed for any person with an “interest” in the institution—an entitlement of attendance, for instance—to sue the trustee or manager if this entitlement was seen to have been violated. This gave rise to questions in relation to whether a trust was classified “public,” in the sense of being managed by government, or “private,” and on what grounds the claims of the individual or community could be justified.¹² For private endowments the government was unable to intervene. Even for public institutions, the leeway officials had was ambiguous. Nandini Chatterjee has argued that the Act of 1863 introduced an idea of “the finite nature of the religious community that was entitled to benefit from any religious endowment,” which contained within it an understanding of those who were not entitled. The idea of non-interference in religious custom, the *private* nature of custom, was at the heart of this provision and was mobilized to “define various degrees of collective entitlement and access to both religious and worldly benefit—excluding certain castes or sects from access to temples, for example.”¹³ Colonial officials wrote of their sympathy with Untouchable aspirations for the recognition of their equal right to worship but found they were unable to intervene to uphold this as it was a “communal” dispute. Moreover, with religious custom providing the basis for law, it appeared that Untouchables were asserting a moral rather than a legal right, something the state would not be able to uphold unless a decision was made to alter the practice of their exclusion from temple worship in a court of law. Thus, in the case of temple entry in Maharashtra in 1930, officials urged each side to take their claims to the courts. Untouchable representatives did not do so, presumably because they understood the limitations of the law in the overturning of custom without a precedent. Temple priests did not do so presumably because they understood the strength their argument of custom had. The result was that no decision was made and the status quo remained.

Anupama Rao has argued that this showed the cunning of the state. She notes that "colonial law courts mobilized discourses of private property to strengthen, rather than weaken, the power of caste Hindu claims that segregation was a customary practice dictated by religious custom."¹⁴ Rao sees the interests of colonial officials and caste Hindus as somehow aligned to continue the ritual segregation of Untouchables: "Colonial authorities had struck a balance with caste Hindus... especially with regard to their non-intervention in the 'religious' domain."¹⁵ But a study of the Parvati and Kalaram temple entry movements shows a much greater ambiguity than her analysis allows for. Chatterjee's work on the Religious Endowment Act of 1863 has shown how ineffective and unclear it was in stemming disputes around access to public endowments, as well as in defining "religious" and "secular" activity. The way officials responded was equally unclear. Colonial policy cannot then be understood to be uniform. In Poona, where officials sought to innovate and introduce a precedent for Untouchable entry in temples that were deemed "public" property, the legal department prevented them from doing so precisely on the grounds that custom was the basis of law: there was no room to establish a new precedent. When read within the context of the emergence of a Dalit identity in modern India, Rao's argument is persuasive: certainly, colonial policies on temple entry worked against Untouchables in their assertion of rights. But her framework of Dalit identity remains limited when thinking about questions of "religion" and the history of the secular state in India as it elucidates little about the way arguments out religious neutrality made the recognition of Untouchable rights an ambiguous prospect for the state.

One cannot discuss temple entry movements in this period without reference to the wider political context. While orthodox Hindus adamantly opposed temple entry for Untouchables, organizations such as the Indian National Congress and the Hindu Mahasabha aspiring to build a "national" constituency made untouchability central to their social reform agendas. For the Mahasabha, Untouchable uplift was important for building Hindu Sangathan, a politicized, unified community of Hindus to provide a bulwark against organized Muslim agitation for their political recognition.¹⁶ Anti-Untouchability was also central to Gandhi's constructive work programme and from the time of the Civil Disobedience movement in 1930, Gandhi encouraged "Harijan uplift" campaigns.¹⁷ Congress followed Gandhi's lead on this question, constituting Anti-Untouchability committees to address caste inequality in Indian society. Although Congress considered Untouchability a social rather than political issue, it was, in its own way, about building a national community through a community of Hindus.¹⁸

Parvati Temple, Poona, 1929

In October 1929, Untouchables in Poona, the centre of Brahmanical cultural dominance in Maharashtra, began a satyagraha to enter the Parvati temple. Some 250 Untouchables, men and women, assembled at the foot of the temple steps with the intention of marching up as one and gaining admission. The police had been warned and a number were on guard, armed with rifles at the temple doors. Caste Hindus had also assembled in a large crowd. The Untouchables decided to send a deputation of eleven, of whom four were women, to the temple guardians. Before they could climb half way up the steps, however, they encountered the open aggression of a group of Hindus who forced nine to retreat. The remaining two almost managed to reach the top of the stairs when the crowd started jeering at them, throwing slippers and sticks. The collector, Mr H.R. Gould and the police inspector, Mr Mills, eventually intervened when stones began to be thrown and two Untouchable demonstrators were roughed up by the crowd. Gould called on the police to escort the Untouchables to their destination, which they did in the face of yelling and pushing. The two men were then led down the stairs away from the temple and the crowd dispersed. The president of the satyagraha committee, Shivram Janba Kamble, announced that the depressed classes claimed their right to enter the temple as Hindus. They would make their way to the temple gates and wait until they were opened. If entry was denied, they would repeat this until the doors were opened. The trustees maintained that they denied access to Untouchables not because they did not deem them to be Hindus but because it was private property. built in the eighteenth century by Balaji Baji Rao, one of the Peshwas (rulers) of the Maratha kingdom before they ceded the territory to the British in 1818, and the founder had not accounted for temple admission to be granted to Untouchables. It was not in their power, the trustees said, to alter the original intention. It was on the issue of whether temple properties were publicly or privately owned, that the debate on the rights of Untouchables to enter temples turned.¹⁹

Spokesmen who agitated for temple entry argued that it was a matter of acknowledging the equal rights of Untouchables. They maintained that Untouchables were Hindus like any other and had the right to darshan. An editorial in the *Bombay Chronicle*, a newspaper of Indian liberal and nationalist opinion, wrote that the Poona satyagraha was "but only one episode in a vast righteous movement on the part of the hitherto suppressed classes to assert their elementary rights."²⁰ To ask them to wait for those resisting reform to turn around was to ask them to wait forever: these rights would have to be taken. Although Congress nationalists supported the aspirations of Untouchables for temple entry, they feared a backlash from the majority of caste Hindus which would undermine a united anti-colonial front. Seth Jamnalal Bajaj, a Gandhian and the secretary of Congress's Anti-Untouchability Sub-Committee, spoke

after the Parvati Satyagraha. He said that while he understood their impatience to assert their right of temple worship, Untouchables should have pursued other methods: "Satyagraha should be resorted to as a last measure for the redress of any grievance, whereas the question of entering into temples is a delicate one and needs special handling." Satyagraha could alienate caste Hindus and "mar a country-wide atmosphere of good will." Most significantly, it had the potential "of creating internal jealousies among the various Hindu communities... jeopardising Hindu unity" and "strengthen[ing] the hand of an alien government."²¹ Rather, he proposed, it was for caste Hindus to fight the cause of their Untouchable brethren: "I feel the class Hindus themselves should fight with their so-called high class brothers and without the help of 'untouchables.' We cannot afford to land the Hindu community into internecine warfare at this stage of our nation's affair even on the most burning of... domestic problems."²²

Bajaj and his Congresswallas thus saw untouchability as an issue internal to Hinduism which should in no way interfere with the larger goal. To extricate India from colonial rule, national unity—Hindu unity—was of paramount importance. Significantly, he was strongly critical of the temple authorities for refusing access on the grounds of precedent and tradition and more broadly critical of conservative Hindu opinion for its resistance to change. He appealed to the orthodox to move with the times: "Orthodoxy, if she wants to hold her place within the community, dare not continue much longer to glorify the element of blind refusal. The revolution is already on that is to bring about a recasting and a restatement of essential as distinguished from non-essential aspects of Hinduism."²³ For Bajaj, there was a great deal at stake in this period of political subjection. The time had come to build power in their numbers and for that, they would have to choose their battles carefully. For Hindus, everything from day-to-day practices of bathing and cooking to marriages, death ceremonies and worship had all been considered part of a Hindu life. But if they were to come together against colonial rule, they would have to decide what were the properly "religious" elements as against the more "worldly" or inessential aspects of Hinduism. Temple entry, the reformers argued, was part of the latter. But where for Untouchable spokesmen the agitations were about redressing an inequality in their social position within Hinduism and asserting their right to access public spaces, for those from the Mahasabha and Congress, temple entry and Untouchable reform were appropriated into a broader political programme less concerned with Untouchable rights than with securing a "national" constituency.

A discussion about temple entry was taking place simultaneously in Bombay.

Untouchable and Mahasabha representatives had called a meeting supporting the Parvati temple satyagraha and announced the preparations for a temple entry movement in the city itself. Speakers asserted the importance of Untouchables to be allowed to do puja and darshan at temples both private and public. Dr N.D. Savarkar of the Mahasabha spoke first: "Since the depressed classes form a part of the Hindu community, to place a wreath of flowers at the feet of every sacred Hindu idol is the birthright of every member of that community. To deprive them of their right is not only unholy but sinister and inhuman in the extreme."²⁴ The trustees of the Parvati temple, he went on, were making a "fetish" of the temple being the property of the late Peshwa, who had not stated in his will that Untouchables could be allowed darshan. What of temples that were being used for purposes other than what had been explicitly stated in the wills of the Peshwas? Why was that permitted and not this?²⁵ B.J. Devrukhkar, an Untouchable spokesman, declared that all temples across Bombay should be open in a week or he would organize the Bhangis (an Untouchable caste collecting human waste, sometimes referred to as "scavengers") to stop their services to caste Hindus while continuing to service Muslims, Christians and Europeans who treated them better.²⁶ The meeting ended with the appointment of a Satyagraha committee on which both Untouchables and caste Hindus would serve.

However, Bombay's Sanatanis claimed Untouchables should expect little toleration of their faddish demands on matters of such grave religious import. They had their own temples and, they were warned, if they insisted on forcing temple entry on those who had practiced Sanatan Dharma for thousands of years, "they will be stopped from doing so by all possible means." If Untouchables chose to convert to Islam then so be it. But temple entry was the thin end of the wedge. If they agreed to this, next would come demands for intermarriage and inter-dining.²⁷ L.B. Bhopatkar, editor of the Hindu reformist paper *Bhalla*, called on Untouchables to be patient. They had free access to all public places, he said, and in time they would also be allowed entry to temples: in 2129, two hundred years from now. Patience rather than aggression was the key to their progress.²⁸ Significantly, Sanatanis opposed Mahasabha reformers on this, arguing that "some Hindus were willing to give up their religious beliefs and observances on account of their desire for political freedom."²⁹ That is to say, caste Hindu support of temple entry was more strategically than religiously motivated: a way to win over Untouchables to build a unified Hindu front. The satyagrahas in Bombay and Poona were postponed for two weeks as N.C. Kelkar and M.R. Jayakar of the Mahasabha and temple entry committee sought a compromise with the trustees of the Parvati temple.

With the looming possibility of satyagraha in Bombay, forty-six caste Hindus signed an appeal directed at organizations and temple entry nay-sayers. The problem of untouchability needed to be addressed immediately, they wrote. The present position would put "the whole future of the [Hindu] community in jeopardy." The signatories called on everyone to choose a day—the next Kartik Ekadashi, which fell on 13 November 1929, was suggested—for "the extinction of untouchability." On that day,

all those depressed Hindu classes who have hitherto been termed as "untouchables" and kept at a distance should be readmitted into the social fold and allowed to share common benefits of free association and intercourse in all outdoor dealings, in all public places and on all public occasions, fairs, festivals, processions, meetings etc. including in temples of Gods which should be considered as the last place for any distinction between man and man.³⁰

But temple trustees from the Mahalakshmi, Mumbadevi and Babulnath temples in Bombay were unbending. Untouchables announced they would wait until the day after Ekadashi before beginning a separate agitation. They had planned, apparently, to mobilize fifty thousand to approach Bombay's temples and demand admission. Opposition could be predicted. They warned that if temple authorities continued to be unyielding for two days after Ekadashi, Untouchables would enforce a "strict social boycott of touchables" that would extend beyond Brahmans to other Hindu castes.³¹

In Poona, meanwhile, the fifteen-day suspension of the satyagraha had expired and plans were afoot to resume it at the Parvati temple. Volunteers would be drawn only from the community and Untouchables were to go five at a time every day up the temple hill to try to enter the temple for darshan from the same distance allowed for all other Hindus. If the doors remained closed to them, they would wait, they said, until they were allowed to enter and were prepared to suffer the consequences.³² On their approach to the temple, the doors remained closed. Attached to the doors was a new notice to the effect that no Untouchable would be allowed to enter the temple precincts and could take darshan while standing at the foot of the temple steps.³³ When they dispersed they found that two hundred young Sanatanis had been waiting in a nearby building, apparently ready for any satyagrahi action. The police were also out in number: along with Inspector Mills of the Poona City police, there were several sub-inspectors, a representative of the intelligence branch, the collector and his assistant.³⁴ In Bombay too, raised tension between advocates and opponents of temple entry continued with conferences and meetings on both sides issuing dark warnings of the consequences of their actions. At a conference of Untouchables, B.R. Ambedkar announced that a "war" was inevitable—Untouchables were prepared to lay

down their lives for a righteous cause and they would come out in force. A hundred thousand were ready, he said, and attendees agreed that a satyagraha campaign should begin in Bombay.³⁵

As the stand-off continued, the debate considered whether indeed the trustees of the Parvati temple were right to prevent entry or whether the government could legitimately force them to open the temple to Untouchables, the question turning on whether it was government property. The temple had been constructed in 1749 by Balaji Bajirao. When the East India Company defeated the Marathas in 1818, the territory of the Peshwas, including temple property, came to government. In 1842, the Revenue Department transferred the management of the temple to a committee and gave them an annual grant of eighteen thousand rupees for its maintenance and the feeding of the priests.³⁶ Untouchable groups as well as the liberal press made the case that as the temple was the property of the government and it received a grant it was, effectively, a public place that should be open to all. A few days after the Parvati satyagraha began, the *Bombay Chronicle* ran an editorial:

It is out of the pockets of the general tax payer that this Government grant comes and it is neither just nor equitable that a section of the tax-payers should be debarred from enjoying the same rights as their co-religionists in regard to a public place of worship to the upkeep of which a handsome contribution is made from public funds.³⁷

If the temple trustees remained intransigent, it continued, it was the duty of the government to withdraw the grant. A Dr G.V. Deshmukh, writing in the paper a few days later, argued in the same vein insisting that it was "incumbent on the Government to give equal treatment to all classes wherever public moneys are spent." Education, he wrote, had not led to social justice and the "blind power" of the trustees had to "be shown its duty by a superior power," namely that of the government.³⁸ The author's point was, and this is what proponents of temple entry fought on, that a place receiving government money could not be treated as an exclusive club, even if it was for religious purposes: "What if the Government had appointed trustees for the City of Poona as Peshwa's property and these trustees had refused to let these classes move about the roads of Poona!"³⁹

In 1842, when the responsibility for management was transferred to a temple committee, it seemed that notice boards were placed on the doors indicating that the temple was open for worship. It was when the trustees changed these notices that Untouchables in Poona organized. A memorandum from the Depressed Classes

Association to the collector of Poona maintained that they had begun the satyagraha "chiefly on the strength of the notice board hung on that Temple since 1842 AD by the then Collector of Poona, which gave free access to the Temple including the right of worship to all Hindoo temple [sic]."⁴⁰ However, recently the trustees had replaced the old notice with one whose "language... is very insulting to us Depressed Classes." Their appeal was on the grounds that the temple was public property:

In view of the fact that the Trustees of the said Temple were originally appointed by Government and that [they]... receive from Government an annual grant of about Rs18,000, it is clear that the Temple is a public property, open to all Hindoos... and as we are within the Hindoo fold, we claim that none should object to our entering the said temple for the purpose of worship. If the Temple is claimed or understood to be a private property then we request that the grant-in-aid... may be stopped at once.⁴¹

If this was not possible, government should immediately dismiss the trustees and appoint "more just and broadminded persons in their places," including a number of Untouchables. The *Dnyan Prakash*, a Marathi and English-medium paper of "moderate" opinion, urged the government to intervene, arguing that "there was no ban on the entry of Hindus into the temple until the trustees unlawfully removed the old notice boards."⁴² The temple was "an institution of the Government" and its policy "ought to be against any ban on untouchables as in the case of a Government school or dispensary. The Government is not also bound to carry on the management according to the orthodox Hindu opinion."⁴³

On reviewing the petition from the Depressed Classes Association, and considering what their role should be to resolve the situation, the collector of Poona and the commissioner of the central division both advised that even if the temple belonged to government, they had entrusted the management of the temple to the committee and thus "the exclusion of the untouchables from certain portions of the temple is a matter within the competence of the committee to decide."⁴⁴ The committee's decision could not be seen as mismanagement, something which would have justified the interference of government. Nevertheless, they still had to pursue the issue as it was yet to be determined whether government had the right to intervene. The answer to this hinged on an interpretation of the 1842 document—a letter from the collector of Poona to the Panches (trustees) of the Parvati Sansthan Committee—and the "policy of Government in such religious disputes." A Home Department note expressed the sympathy of government for what they called "the just aspirations of the untouchables and their efforts to exercise their legitimate rights" and indicated that an earlier case of

Untouchable access to a municipal tank could provide a guide to the current dispute.⁴⁵ In 1927, a resolution of the Mahad municipality, a taluk town in the Konkan, had declared the Chawdar water tank public and open to all.⁴⁶ It had, however, remained closed to Untouchables, although Muslims and Christians were allowed to drink from it. A mass rally of the Bahishkrut Hitakarini Sabha, an organization that sought the betterment of the low-caste rural poor, led thousands of Mahars to draw water from the tank.⁴⁷ An angry confrontation with caste Hindus ensued, with the latter demanding that the tank be ritually purified. They filed a case in the civil court for an injunction against the Untouchables. The case was later dismissed, despite appeals, as the tank was municipal property. The remembrancer of legal affairs noted that in this case, "there is no law allowing the imposition of caste and class distinction in the enjoyment of public property and if the caste Hindus had a right to exclude an untouchable from a tank, such right could only have been a custom unenforceable at law."⁴⁸ Officials extrapolated the ruling at Mahad to the Parvati temple: "There appears to be little doubt that the Parvati temple is the property of Government.... There appears to be nothing to show that the temple was specially built for the caste Hindus and that it was taken over by Government with any such restrictions," one official noted. If Untouchables had not before worshipped at this temple it could simply have been "because no one attempted so far to assert their rights."⁴⁹

The collector's notice showed that in 1894 the Panchas of the committee "interpreted the restriction of entry as applying to 'Non-Hindus.' " Significantly, the note concluded, "it would seem that the right exercised by the Committee to exclude the untouchables was a custom unenforceable at law."⁵⁰ Moreover, while government had transferred the responsibility for the temple management to the committee, as owners of the temple they retained the right to intervene when an issue arose that "not only interfere[d] with the legal and moral rights of a section of the community for whom the temple is built but threaten[ed] to disturb the public peace."⁵¹ The committee were appointed as their "agents" to manage the activities of the temple—ceremonies, repairs, administration and so on—within the "principles of law and equity." If it was found, as had been asserted, that they were in violation of these principles, then government "have the right to cancel the arrangement."⁵² The suggestion to local officials was for them to threaten the trustees with a withdrawal of the grant. Whether they should fully support the aspirations of the Untouchables or come to some accommodation was another question.⁵³ With a new satyagraha having begun in Nasik around entry to the Kalaram Temple, four temples in Bombay chosen for marches and demonstrations, and threats to resume the Parvati temple satyagraha at the end of March 1930, there was some urgency to decide the issue.⁵⁴

A reply from the Revenue Department, under whose jurisdiction the temple was, to the Home Department did just that. The revenue department concurred that the Parvati temple was government property and that the committee appointed should be left to manage the temple without interference as long as they acted within the bounds of custom. Government was able to appoint a new committee if it saw fit, but officials were convinced that the committee was conducting the work of the temple as it ought to be and there was thus no reason to replace it. Moreover, the Revenue Department official concluded: "The depressed classes have not, as far as the available information goes, proved their claim to admission to the temple."⁵⁵ In light of this, government could not pressure the committee to change its policy and had to, "as always in such religious matters,... preserve a strict neutrality between the parties."⁵⁶ Officials were bound to follow the precedent set by custom rather than introducing a practice of rights along the principle of equality before the law. A policy of "neutrality" and "non-interference" trumped other values of justice.

Kalaram Temple, Nasik, 1930

In Nasik, the Mahar satyagraha to enter the Kalaram temple began in early March 1930. It unfolded in some of the same ways as the Parvati temple satyagraha: there were stand-offs between Untouchable volunteer agitators and their caste Hindu counterparts which were extensively covered in the press and led to discussion among local officials as to whether and on what grounds to intervene. Yet there were some significant departures from the events in Poona: the scale, intensity and duration of tensions in Nasik far exceeded earlier satyagrahas. The stand-off became openly violent around the time of an annual Ram festival, the Ramnavami, which attracted thousands of Hindus. Moreover, some of the particularities of the temple's situation—specifically the fact that the pujari, the resident temple priest, used the "private" entrance to his home to allow caste Hindus access to the temple when the public entrance through the temple doors was closed—prompted consideration as to what the role of the state should be both in legal and moral terms. The debates turned on whether the Kalaram temple could be considered government property like the Parvati temple, or a private concern.

Significantly, the conflicts were understood to be "communal" in character: that is to say, between different communities whose identities were religiously-inflected. The fact that they were between Untouchable and caste Hindus, with the former making an argument for their treatment *as Hindus*, certainly figured in the discussion, but approaching the conflict as religious had a significant bearing on how officials saw their ability to intervene. Central to the values the state sought to present was that of

its impartiality: its subjects were entitled to equal treatment before the law and equal protection of their rights. This required the state to uphold Untouchables' rights to enter the temple. Doing so, however, would violate another important precept, that of non-interference in the customary practices of the native population. In this case, caste Hindus made the argument that it was their religious right to worship without Untouchables polluting their place of prayer that would be violated. While their sympathies were on the side of the "oppressed," as one official referred to Untouchables, if the temple was private property and the conflict communal, their hands were largely tied. It was for one side or another to take the matter to the civil courts to be decided there. Notably, that discussion reflected (although the term was never used) a priority for colonial officials and government policy more broadly, to follow a "secular" path.

Nasik is the administrative centre of the district of the same name in northwest Maharashtra. The Godavari River flows through the city, which is home to a Ram temple seen as one of the holiest places for Hindus. Ram was said to have spent fourteen years in exile at Tapovan, close to Nasik. On 2 March 1930, approximately 8,000 Mahars convened in the city. The Mahars had come to perform a satyagraha for their right to enter the Kalaram temple.⁵⁷ The temple was situated in a quadrangle surrounded by walls some thirty feet in height. Each side had a door, the main entrance being on the east. From this door, the length of the temple was visible, including the deity at the end.⁵⁸ Up until this point, Untouchables had been allowed to go only to this door for darshan and no further.

The district magistrate reported that the satyagraha had been organized under Dr Ambedkar's direction. There were largely Mahars, but members of other Untouchable castes such as Mangs and Chambhars joined too. The agitation began first with an evening procession from the Maharwada, the Untouchable neighbourhood outside the town, into the main centre of the city past the temple. At the head of the procession was a contingent of Mahar women. Processionists walked four abreast chanting to the beat of a drum. Caste Hindus had positioned themselves in houses neighbouring the temple armed with lathis (batons) in case Untouchables sought entry. The district magistrate ordered the temple gates closed as the procession passed by but it continued peacefully on to the river bank where speeches were made at an open-air meeting.⁵⁹

The satyagraha began in full force the next morning when satyagrahis convened outside the temple walls where they sat in their thousands chanting and singing bhajans (hymns).⁶⁰ Caste Hindu reformers attempted to bridge the gap between

Sanatanis and Untouchables by organizing a public meeting: "90 percent of Caste Hindus were opposed to temple entry," one speaker said. But to prevent Untouchables from "exchanging Hinduism for some other more democratic religion" could they not work towards a compromise?⁶¹ The shankaracharya (head priest) stood firm: "Sanatanists would not permit Untouchables to enter the temple even if Rama himself were to tell them to do so," he said.⁶² Reformers were pelted with stones and shoes as the meeting dispersed. The doors to the temple remained closed but the issue of opening the doors could not be deferred much longer, the district magistrate noted, as "there has been a largish party among the Brahmins who have been opposed to the closure of the temple.... Not merely are the habitués of the temple being denied their daily worship, but the pujaris are losing heavily in offerings."⁶³ Moreover, the district magistrate had to consider the Brahmins' contention that it was the Mahars who were on the wrong side of the law and should not be protected by it.

Officials were taken aback by the scale and intensity of the Mahar satyagraha at Nasik. It continued peacefully, but the commissioner for the central division noted that the temple was under "a regular siege."⁶⁴ Around a hundred Untouchables, among them numbers of women, were sitting on the ground singing and chanting. It would have been "utterly impossible," noted the commissioner, for anyone attempting to enter the temple to make their way through the crowd. Significantly, the satyagrahis were largely dressed in Gandhi caps and khadi (home spun cotton) clothes—a clear gesture to Gandhi's civil disobedience movement, which had just begun. Noticeable was how well-organized the satyagraha was:

Parties of men and women are regularly on duty with reliefs to take their places in turn. Volunteers bring them food and water: they are provided with carpets and umbrellas. They are fed free from public subscriptions of the Mahars and it is proposed to keep them going till the big Ramanavami fair when thousands of pilgrims visit Nasik and this temple.... Some support is being given by Muhammadans in the shape of contributions of grain.⁶⁵

The satyagrahis were adamant that they would not let another person enter the temple before them. But to what end? The Untouchables had never entered the temple before and the commissioner understood their motivation as trying "to establish a new right."⁶⁶ The question was, when the Ramnavami took place in April, a festival for which Hindus came from all over India, what was the government's response to be?

The commissioner, while professing sympathy with the disadvantages faced by the Untouchables, regarded their attempts as "not legitimate." Their reluctance to go to

the civil courts to test their case seemed to reflect an awareness that their claim would not hold up.⁶⁷ "Even amongst the depressed classes there is divided counsel," he added.⁶⁸ A further development was observed among the non-Brahman Satyashodhaks (Maratha caste reformers) who, having seen the mobilization of the Untouchables, were now claiming a right for themselves in the temple equal to that of the Brahmans. Non-Brahmans were allowed to enter the temple for darshan but custom denied them access to the highest form of devotion: entering the inner temple, the sacrosanctum, and pouring water over the idol. This was reserved for Brahmans alone. On seeing the mobilization of Mahars for temple entry, non-Brahman activists had begun to question whether they too should not be aspiring to greater devotional rights.⁶⁹

It is important to note that while the great non-Brahman reformers of the late nineteenth and early twentieth centuries, Jyotiba Phule and Shahu Chatrapati of Kolhapur, had advocated the social and economic advancement of Untouchables, from the mid-1920s the ground between Mahar and non-Brahman or Bahujan Samaj movements opened up along clearly visible lines.⁷⁰ Jayashree Gokhale maintains that Ambedkar was suspicious of the non-Brahman leadership, believing that they remained caught within the logic of caste: theirs was a struggle for power with Brahmans rather than a fundamental critique of the ideology of varna. The non-Brahman movement would thus not necessarily liberate Untouchables but could open then up to another source of caste oppression.⁷¹ Eleanor Zelliot has also argued that despite their shared grievances against Brahmans, the caste differences between the Mahars and the Marathas—the former a "nearly landless minority," the latter "a landowning dominant caste"—were too great to overcome. Moreover, as the Mahar movement gained momentum in the 1920s, the non-Brahman movement was increasingly co-opted by Congress.⁷² Differences in political ideology and strategy were no less within Untouchable groups themselves. The temple entry satyagrahas represented a new assertiveness among certain groups of Untouchables who sought to challenge varna at its foundations, something that did not sit comfortably with all. There were many among the Mahars who advocated a more conciliatory position with caste Hindus. The Depressed India Association of Nagpur, for instance, campaigned to raise funds for a separate temple for Untouchables. Chambhars and Mangs, two other significant Untouchable communities in Maharashtra, formed organizations distinct from the Mahars whose goals were more to do with caste reform than its removal. Political rivalries existed between Untouchable organizations as did a sense of purity and pollution, with Chambhars refusing to inter-dine and intermarry with either Mahars or Mangs.⁷³ Such divisions between non-Brahmans and Untouchables were also seen

in political movements in other parts of colonial India.⁷⁴

The effect of the satyagraha on the everyday lives of Untouchables once they returned to their villages was devastating. The satyagraha campaign provoked a boycott of Untouchables in several villages across Nasik district: children were turned out of schools, access to roads denied and their grain entitlements (*baluta*) refused them. Moreover, there were organized blockades in places preventing them from going to the Kalaram temple.⁷⁵ The commissioner cautioned against officials getting involved as it would further exacerbate tensions in rural society. And the issues surrounding the Kalaram temple were not simply local. Nasik was the only Ram temple on the Godavari and attracted pilgrims from all over India. If Mahars were allowed to enter the temple, the commissioner wrote, pilgrims would consider it defiled and stop coming, ruining the city forever.⁷⁶

The commissioner insisted that Ambedkar's approach was wrong. Ambedkar sought the "social uplift" of the Mahars but introducing religion into the mix alienated people. Temple authorities had informed him that they could not allow Untouchables to enter the temple "without trespassing on the rights of the Hindus in general all over India and so it was not a matter for local decision." The authorities maintained that all communities could have darshan, just not all in the temple. This is why the *rath* processions (the processions of Ram chariots through public streets) were held in which many Mahars and other communities participated and, indeed, predominated.⁷⁷

In considering how to approach the agitation in Nasik, officials returned to the Mahad satyagraha. In 1927 the courts had overturned an injunction brought by caste Hindus in Mahad to prevent Untouchables drawing from the Chawdar water tank, declaring it public property and open to all. The Bombay government thus asked the district magistrate to ensure that the municipal ghats were open to all members of the public and instructed the police to see that Untouchables were not prevented from using the tanks.⁷⁸ In the case of the Kalaram temple, there was no previous ruling in favour of the Untouchables. One way forward would be to suggest to the temple authorities to bring a temporary injunction which police would be bound to enforce, to see the Ramnavami festival through.⁷⁹ But they were opposed, arguing that it was for the Mahars to file a suit if they saw fit.

However, developments at the temple forced the issue of how officials ought to intervene. As the date of the Ramnavami approached, the pujari opened up the entrance to his house adjoining the temple to Hindus wishing to have darshan. This threw up a whole range of questions. The pujari had effectively turned his private

entrance into a public access way, foiling the aims of the satyagrahis. Ambedkar appealed to the Bombay government authorities to retain their policy of impartiality and not allow the pujari to continue in this, warning that a satyagraha was being planned at this entrance which would allow only the pujari's family and friends through.⁸⁰ But in the days leading up to the Ramnavami, hundreds of caste Hindus were seen lining up outside the pujari's house and "were freely admitted to the temple."⁸¹ The pujari invited the thousands of Hindus who had come to Nasik to take their darshan through his house. The entrance was only a few feet away from the north gate of the temple and soon enough the Sanatanis "became aggressive and stones were freely pelted at the satyagrahis, several of whom were seriously injured."⁸²

How should officials respond? Was satyagraha, which was legal in front of the temple gates, illegal in front of the pujari's house? How were Untouchables' rights to enter the temple to be determined if neither side was willing to file a case? And again: What did it mean for officials to follow their stated policy of neutrality? By not intervening to prevent the pujari from using his home as an entrance to the temple, Ambedkar argued that government was favouring the interests of caste Hindus and behaving in a partial manner. In contrast, if officials were to open the temple gates and allow Untouchables to enter, they would be accused of interfering in the religious customs of Hinduism, polluting a holy place and overstepping their policy of religious neutrality. Nasik's district magistrate, R.G. Gordon, believed that a satyagraha in front of the pujari's house was illegal. Apart from this, if the two sides were to come face to face, "the inevitable result would be a riot and the Mahars, as the aggressors, would have to be arrested for... unlawful restraint."⁸³ The Sanatanis were angry as their festival had been spoiled because of the closure of the temple doors. Moreover, police had been employed solely for the protection of the satyagrahis, to allow their demonstration to continue. But as the satyagrahis' sole purpose was to prevent people entering a temple which they had a right to enter, their assemblies had to be considered unlawful: thus the police were employed to protect illegal gatherings which made "the whole situation... somewhat peculiar."⁸⁴

As the satyagraha outside the pujari's residence began, the district magistrate placed armed police at the approaches to his house with instructions to stop satyagrahis coming near this door. Four volunteers at a time, dressed in Gandhi caps, garlanded and wearing khadi, approached the police cordons. Fearing a conflict with the Sanatanis, the police inspector ordered the arrest of twelve, including one of the leaders of the Parvati temple satyagraha who had come to give his support.⁸⁵ Once arrested, the volunteers were said to have walked away "quite willingly" and the pujari

reopened his door.⁸⁶ On how to fulfil their policy of impartiality, a memo from the commissioner advised thus:

Unless and until a court declares otherwise Mr Gordon must hold that the untouchables as Hindus have as much right to enter the temple as the touchables. In making police arrangements... the D.M. must make no discrimination between touchables and untouchables. If... a road is to be blocked, it must be blocked against all parties impartially.⁸⁷

The temple authorities, the memo continued, "have been urged repeatedly to establish their alleged rights and if they have not done so they have only themselves to blame."⁸⁸ On the issue of the pujari's house, the commissioner was clear. His friends and family were free to enter. However, if he were to use his private entrance as a public passage to the temple, he would be notified that he was "grossly abusing his privilege" with "the entrance to his house... regarded as a public one like the other temple doors and action taken accordingly." If satyagrahis picketed his house, he "has only himself to blame for any inconvenience caused to himself and family."⁸⁹ The commissioner advised that if the pujari kept his door open and an Untouchable entered, he was free to lodge a complaint of criminal trespass.⁹⁰ Nevertheless, the district magistrate repeated his view that the satyagraha was legal in front of the temple gates but not in front of the pujari's house.

The much-anticipated Ramnavami and the rath procession arrived. Some fifteen thousand pilgrims passed through the pujari's door to the temple on 7 April 1930. When satyagrahis lined up with the crowd they were refused admission and moved on quietly. Two Mahars had gained entry to the temple saying they were Marathas—they were immediately recognized and ousted. Those who had been refused admission later lay down in front of the doors, blocking the way and refusing to move.⁹¹ Any open conflict was avoided. However, when two days later the rath procession was taken out and caste Hindus sought to prevent Untouchables from taking their customary part in pulling the chariots, it was another story. Violence ensued as the Mahar headquarters on the riverbank was destroyed, individual Mahars were attacked and Mahar property was damaged. Arrests were made on both sides.⁹²

Public and Private Property: The pujari's house and the Kalaram temple

The extent to which government should intervene in the Nasik satyagrahas turned on whether the pujari's house could be considered private property and whether the

Kalaram temple was the property of government or not. The office of the remembrancer of legal affairs advised that if the passage through the pujari's house was a public way "then both the Mahars and the Sanatanists would have a right to proceed along it and any obstruction of the Sanatanists by the Mahars or of the Mahars by the Sanatanists would be wrongful restraint."⁹³ As long as the pujari allowed some and not others to cross the threshold, the house could not be regarded as a public way. Until the Mahars obtained a ruling declaring otherwise, it would be assumed that there was no public right of way and all those who entered the house did so with his consent. Any person entering his house knowing that they were not welcome or obstructing others from entering were committing an offence. Picketing outside the pujari's door was legally untenable.⁹⁴

Having taken this advice, officials acknowledged that their position of protecting the satyagrahis outside the pujari's door would not stand up to legal scrutiny but argued that it was "justifiable perhaps in the high realms of communal harmony." Their sympathies were with the aspirations of the Untouchables and they were waiting until "the Sanatanists had taken successful action at law against the Mahars... and thus publicly compelled a change in Government's attitude."⁹⁵ The dispute was understood as "communal" and officials should not be seen as supporting one side over another.⁹⁶ If the district magistrate did not allow the satyagraha outside the pujari's door he was effectively assisting the Sanatanis' position, officials felt. There was, however, no legal decision as yet that this was not a public entrance, nor could the pujari be considered a "private individual"; he was, rather, a temple servant. The police would thus "be justified in not interfering" to stop the satyagraha.⁹⁷ Moreover, during the Ramnavami some 15,000 people had entered the temple through the pujari's house. In converting his house into a public entrance, the pujari had "forfeited whatever rights he may have had previously to claim the gate as an exclusive private entrance to his house."⁹⁸ However, the Advocate General disagreed:

prima facie the entrance to the pujari's house is a private entrance. The mere fact that there is an access to the temple through the pujari's house does not make it a public entrance, or does the fact that the pujari admitted 15,000 Sanatanists on one occasion to go to the temple through the door of his house. Prima facie he could have refused admission to all or any of them.⁹⁹

The legal advice was thus that regardless of whether thousands of people or just family and friends crossed the pujari's doorway, the entrance was a private one until a case was brought and a court ruled differently.

The ownership of the Kalaram temple itself also had to be determined. Like the Parvati temple in Poona, it had come into the custody of government on the defeat of the Peshwas in 1818. After 1842, government policy was to remain aloof from its management.¹⁰⁰ In the case of the Parvati temple, a document indicated that the temple was government property. There was nothing similar for the Kalaram temple. The report of the assistant commissioner of Inams from 1860 showed that "at one time the nomination of the Committee was in the hands of the local Government officials." There was also evidence that "the Peshwa exercised his right in regard to the management of this temple." The colonial government took over the management on the termination of the Peshwa's rule but "only the right for the nomination of the committee and for interference in the management of the temple were surrendered by Government."¹⁰¹ It appeared that the colonial state was the proprietor of the temple. The temple authorities had presumably acquired certain rights over the years as trustees but government had "the inherent right to interfere."¹⁰²

The difference between the state's role in the Parvati and Kalaram temples, the secretary to the Government of Bombay posited, was minor. On points of religious practice, the state was bound to remain neutral in both. But others argued that there was a clear difference between the two. The Parvati temple was "the property of Government as the successor of the Peshwas, that temple having been the personal property of the latter," while the Kalaram temple "was never their property, though they exercised certain rights of management."¹⁰³ A note from the Revenue Department, under whose jurisdiction the temple came, stated that "should a dispute again arise between the untouchables and high caste Hindus as to the former's right of entry into the temple, Government must observe strict neutrality between the parties in accordance with their policy of non-interference in religious matters."¹⁰⁴ Despite the different relationship the state had with the two temples, their policy of neutrality was the same.

The question of the legality of interference in the Kalaram temple seemed to be of less concern than determining the "correct" course. Maintaining law and order was the primary concern but with that in hand, the question became "whether the same policy of maintaining the vahiwat [management] should be adhered to or a new departure made."¹⁰⁵ In other words, was it the responsibility of the colonial government to adhere to the customary management or reinterpret the accessibility of the temple space and depart from established practices to allow entry to Untouchables? The maintenance of law and order would also turn on what was "correct" rather than what was legal. The Home Department argued that the district magistrate's presumption that the Mahars

had no legal right to enter the temple was wrong. There was no basis for this as the case had not yet gone before a court.¹⁰⁶

The commissioner actually advised the district magistrate to push the situation in Nasik towards an open conflict where one side or the other would then be forced to turn to the civil courts. This way the decision would be out of the hands of government. Their position a year on, the commissioner wrote, should be strictly one of non-interference. The previous year, the district magistrate had pursued a policy of "active non-interference" where he had placed police outside the pujari's house to protect the satyagrahis. Without the police's support, a conflict would have happened much earlier. Likewise, if the pujari was to turn his entrance into a public access again, Untouchables should freely enter. Once a conflict took place, the district magistrate would be able to intervene.¹⁰⁷ Thus, the central question of how far it was within the state's jurisdiction to intervene in temple entry remained. Officials sought to find a legitimate way to support what many saw to be Untouchables' just aspiration for equal access rather than pursuing a purely legal solution. But because of its religious significance, the resolution of the question of temple entry was not as straightforward as that of the Mahad tank. It would, the Home Department official observed, "be much the easier course for the district magistrate to take sides with the advanced classes" in the question of temple entry. "He could do this, as the correspondence shows, with every appearance of legality." However, the official continued, "it is not the policy of Government to oppose the efforts of the backward classes to improve their position and to assert their rights as Hindus."¹⁰⁸ Officials were waiting for one of the parties to take the matter to a civil court to be decided but made it clear what course they would prefer: "as always, the sympathies of Government are with the oppressed, not with the oppressors."¹⁰⁹ Nevertheless, colonial officials were bound by what they themselves had defined as custom as well as a policy of non-interference and could not now be seen to be acting against their own precepts.

Conclusion

The advocate general's position in 1930 that Untouchables had failed to make a case for entry into the Parvati temple that would stand up in court meant that officials could no longer protect their satyagrahas. Gandhians and Congress members advocated temple entry and an ending to caste discrimination—but not Untouchable-led campaigns. The violence that had ensued in these campaigns allowed Gandhians to edge away, withdrawing from participation at meetings and committees. Likewise, the Mahasabha's interest in temple entry was part of a wider strategy to counter growing Muslim claims for representation; while their support for Untouchable reform

continued, their interest in the Poona agitators did not. Rajbhoj, the Untouchable who had been a key figure in Poona in 1929, picked up the issue again in 1932 after Gandhi's famous "fast unto death" over separate representation for Untouchables. The Nasik satyagraha was more drawn out and lasted on and off until 1935. In Maharashtra, it was only when the Bombay Hindu Places of Public Worship (Entry Authorization) Act was passed in 1956 that temples were open to all, regardless of caste.¹¹⁰

A study of temple entry movements in Maharashtra could be read, as Rao has argued, as a story of the failure of political agitation and the reassertion of caste Hindu power.¹¹¹ And certainly this is correct. But these satyagrahas can also give us an insight into a different kind of story. I would argue that a study of the role of the state in the temple entry movements—the negotiations of colonial officials with and between religious communities—demonstrates continuities in approach between the colonial and postcolonial states and can go some distance in situating the particularities of Indian secularism in historical perspective. The satyagrahas reflected the ambivalent position of the colonial state in a context where a language of rights had developed around community and custom: officials had to find a way to uphold the state's own profession of religious neutrality and non-interference while retaining the possibility to intervene in "religious" disputes for social justice and public peace. The role of caste in this cannot be underestimated. The ways in which the temple entry movements unfolded in Poona and Nasik shows that Untouchables occupied an ambiguous position within the state's formulation of justice, residing on a fault line that slipped between their being a disenfranchised people and a separate communal entity. Were Untouchables to be treated as people with a rightful claim to their equality with Hindus? Or was this a community seeking to change longstanding custom without establishing their right to do so? Officials encouraged Untouchables as well as caste Hindus to let the courts decide. The former clearly believed their case would not stand up: theirs was a moral rather than a legal right. Officials seemed to sympathize with their aspirations but repeatedly reiterated their position of neutrality between the two. The case of temple entry was different from other campaigns to open public spaces like tanks and wells precisely because it was "communal." The state could not be seen to favour one community's interests over another; it had to be seen to maintain, in Bhargava's term, a "principled distance."

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