

HARIJAN

(FOUNDED BY MAHATMA GANDHI)

Editor: MAGANBHAI P. DESAI

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TWO ANNAS

OUR PRESENT EDUCATIONAL SYSTEM

[The remaining part of the address by Dr. Rajendra Prasad, that appeared in the last issue of *Harijan*.]

II

It is true that our educational institutions are fulfilling to a certain extent the first objective of education. The alumni of these institutions are, no doubt, being acquainted with some part of the accumulated wisdom of the past generations but the purpose for which such acquaintance is undertaken, that is to say, to awaken and strengthen and make more capable the individual mind, is not being fulfilled. Our young men and women of the rising generation are not found to be foci of thought. It is true that from these institutions come out now and then some rare individuals whose mind is fully alert, awakened, and quite forceful. But I feel that it would not be proper to say in the name of these few and rare individuals that our present educational institutions are illuminating the heart of man. In my view there are several reasons for its failure in this direction. I may mention here some of the most important.

Firstly a great part of the accumulated knowledge or experience of the past generations with which our young people are being acquainted in these educational institutions, has absolutely no relation or relevance to the daily life of these young people or to the world around them or to their collective life. Naturally this heritage of the past appears to these young people somewhat unmeaningful, useless and unassimilable. It, therefore, remains a mere burden on their mind and they forget all about it soon after leaving these institutions. Another reason appears to be that the linguistic medium through which they are acquainted with this accumulated experience of the past is not an element of their daily and collective life and remains more or less unfamiliar to them in spite of their making all efforts to master it. It is, therefore, quite natural that this heritage of ideas, instead of being a torch to light the lamp of their mind, has become a sort of absorbent which soaks up even the oil of that lamp. Whereas this heritage of the past should have been a lever increasing a thousand-fold the capacity of the individual mind, it is in fact a sort of festering sore rendering the latter quite impotent and ineffective.

But the story does not end here. Our educational institutions are doing almost nothing to realize the other two objectives of education. We have hardly any educational institutions where an effort is made to make the individual so efficient in manual work as would enable him to earn by his own labour sufficient wealth to meet all his needs. Arrangements for practical training in Trade, Agriculture, Industry, etc. are almost non-existent in our country. Our primary and secondary schools do not concern themselves at all with this kind of practical training. Even amongst our higher educational institutions there are only very few which have anything to do with such training. Nearly all of them are at present engaged in acquainting their students with the ideas and thought of the past generations or of the elders of the present generation. Naturally we find that the graduates of these institutions are not skilled in practical work though they may be quite good at talking. So long as they had to earn their livelihood as the brokers and interpreters of the foreign empire in this country, their ability to talk was useful to them, but today when we have to rear a new India by our own hard labour this skill in talking cannot have that importance. The result is that even those of our graduates who are quite good at talking are now finding considerable difficulty in making a place in life and often have to drink the bitter cup of failure.

Even this is not all. Finding their labour for years to be quite useless and fruitless for their own life, many of our youths are becoming victims of blind discontent and anger against their own fate and fellows and are not able to see a way out. Moreover those now at our educational institutions are not even able to acquire a good acquaintance of the heritage of the past with which these institutions seek to familiarize them. In my view one of the reasons for the fall in the standards of education of which there is a general complaint today, is that our youths do not benefit at all from the education which is being now imparted in our educational institutions.

This poison has not only corroded our individual life but is also now spreading into our collective life. Our present educational system

does not concern itself at all with implanting the essential qualities for a collective life amongst our new generation. So if in this situation our new generation remains devoid of the qualities essential for collective life there should be no reason for surprise. Indeed it appears to me that our present educational system does not at all seem to concern itself with the development of those qualities in our youth which are essential for a good collective life.

Our present educational system is thus as unbalanced and ill-formed as would appear to be a man with a protruding body and skinny hands and legs. Whatever may be the reason for this, the entire effort of our present-day educational institutions seems to be merely to acquaint the students with a very limited aspect of knowledge and not at all to make them skilful at work or nice social beings. I, therefore, believe that amongst other reforms necessary in this system, it is also necessary to establish a balance in its objectives.

We in this country must decide as to how many scholars and skilled workers we require for our country. It is quite evident that for every age and for every country both scholars and workers are necessary. But in the circumstances in which our country is placed today we are in need of a large number of skilled workers as compared to mere scholars. We have to expand our economic production as early as possible so as to meet the needs of the millions of our countrymen. I may also add that amongst the conditions that have to be fulfilled for expanding production are a fairly good standard of health of our people and familiarity with modern economic and industrial organization and processes. So we have at once to work to realize these three objectives, and so we need today hundreds of thousands of skilled technicians. These technicians would have to understand that they cannot expect to get a greater share of the national cake merely because of their having technical skill. They would have to approach their task with the faith that at all costs to themselves they have to provide conditions which would make the life of our future generations happy and prosperous. It is, therefore, my view that our educational institutions should now start laying more emphasis on technical skill and that there should now be arrangements for providing technical training of different kinds. If technical institutes could be established in every one of our towns and districts or if our present educational institutions there could so transform themselves, I think much of the unbalance in our present educational system would disappear.

I also believe that there should also be arrangements in our educational system for implanting qualities essential for collective life. I feel that we should not remain satisfied by trying to impart team-spirit in the game field alone. One

of the other ways in which this can be done is to organize teams in our educational institutions which would compete to make their contribution to collective development and progress of our country and would not only become thereby acquainted with the life of our masses but would also become one with them.

It is of course not a matter of doubt that our Universities should especially be the centres of the life-giving Light of Knowledge. There should be arrangements there for every kind of research and particularly there should be arrangements for that type of research which is related to the problems of the region in which that University is situated. While I agree that the University should be detached from the maddening noise of our daily life, yet I think detachment need not imply that it should not have any concern whatever with our national and regional life. On the other hand I feel that it should be considered to be successful only when it has become such a guide of the region, as after fully understanding the problems of that area, can show the people there the way to solve their problems successfully. I am afraid that our Universities have not so far assumed this role in our lives. But I am convinced that they cannot succeed and cannot be useful for our people without doing so.

(Concluded)

FREEDOM OF THE PRESS

[The following thoughts are collected from Gandhiji's writings on the subject.]

One of the objects of a newspaper is to understand the popular feeling and give expression to it; another is to arouse among the people certain desirable sentiments; and the third is fearlessly to expose popular defects.

(*Indian Home Rule*)

Liberty of the Press can be said to be truly respected only when the Press can comment in the severest terms upon and even misrepresent matters. Protection against misrepresentation or violence being secured not by an administrative gagging order, not by closing down the Press but by punishing the real offender, leaving the Press itself unrestricted.

(*Young India*, 12-1-22)

From the very start I set my face against taking advertisements in these journals (i.e. *Navajivan*, *Young India* etc.). I do not think that they have lost anything thereby. On the contrary, it is my belief that it has in no small measure helped them to maintain their independence.

(*Autobiography*, p. 581)

I do not believe in publishing newspapers indefinitely at a loss or by means of advertisements. If a paper supplies a felt want it must pay its way.

(*Young India*, 3-4-24)

The sole aim of journalism should be service. (*Autobiography*, p. 349)

RACIAL COLONIALISM IN KENYA

(By Fenner Brockway)

[We are all very much moved by how the British are behaving in their imperial colony, Kenya, at present. I am afraid, Gandhi's phrase 'leonine violence' might perhaps be its apt description. The might of a modern militarism seems to have been pitched against the understandable though wrong and ill-advised violent anger of the Mau Mau agitation. The latter requires sympathetic dealing at the hands of those foreigners who should understand better. Of course, terrorism is no way to any good; so also is counter-terrorism even in the name of law or order. Just as in South Africa, so also what is going on in East Africa is no domestic question of the rulers. For, by now it is evident that the happenings we hear of in that Dark Continent have their roots deep down in the racial imperialism of its White rulers and the clash of cultures resultant therefrom. The following article of Shri Fenner Brockway, M.P., from the *Peace News*, London, of Feb. 27, 1953, gives an inkling into this and presents the reader the other view of the problem in Kenya.

17-4-53

—M. P.]

Fifteen years ago Jomo Kenyatta, who is now being tried on the charge of the "management" of Mau Mau, (now convicted and sentenced to 7 years' imprisonment) was a student at the London School of Economics.

For his degree thesis he wrote a study of the life of his own tribe, the Gikuyu. It was of such interest and value that Professor Malinowski recommended it for publication and wrote an introduction. It appeared just before World War II under the title *Facing Mount Kenya*. Now it has been republished by Secker and Warburg (18 s.).

I read this book when it first appeared. I have re-read it now, and I am impressed by the light it throws on present events in Kenya, in an anthropological rather than a political sense.

When Leslie Hale and I visited Kenya recently, the economic and psychological causes of African discontent were immediately evident to us. No one (except, perhaps, Mr Lyttelton) could fail to understand the effects of land hunger and the colour bar. But it was some time before we understood the *social* background of the frustration. When we did, it appeared as the deepest mal-adjustment.

No Substitute for Tribal Life

In a sentence, the British administration has destroyed the old tribal life of the Gikuyu (or Kikuyu, as they are more often called) and has failed to provide a satisfying substitute.

Facing Mount Kenya is not propagandist, though the author's passion for the freedom of his people sometimes breaks through. It is an objective picture of the earlier social pattern and customs of his tribe. Kenyatta does not hide practices which are revolting to most Westerners. These serve only to emphasize the disastrous disintegration of tribal life which has occurred.

This is the essence of our failure; in destroying the democratic expression of the tribe, we have driven back part of it to the evil things reflected in Mau Mau.

The basic structure of the tribe was in the community of the family, the age group and the

clan. Each formed a conscious community. The family farmed together until it became too large; then the third or fourth generation started a new family farm. The boys and girls of the same age remained a closely-knit group all through their lives, passing from adolescent ceremonies to growing responsibilities. The clan was administered through an elected Council of Elders, which had the duty, with the mothers, of teaching the youth their social duties and of settling disputes between individual members. This three-fold community consciousness was the dynamic life of the tribe.

The Land Problem

Now it has gone — or is going. Family unity has been destroyed by land hunger. There are only narrow strips of earth for the sons; there is no new land to which they can go. Age group unity has been lost in an unhappy division between the European missions and the independent African Church. The clan Council of Elders has been replaced by British District Officers and British-selected Chiefs administering a much wider area, and District Councils with very limited powers. For local democracy expressing the life of the people has been substituted by bureaucratic officialdom repressing the life of the people.

Of course, this is only one side of the story. British administration has ended the tribal wars. It has saved the lives of thousands of infants and prolonged the life of thousands more by its new ideas of hygiene and health. But its success in these directions has aggravated the land problem by the resulting increase in population. And its provision of education has not been sufficient to remove the hold of witchcraft and oaths, whilst the social, economic, and political injustices of which we have been guilty have repulsed any African desire to co-operate with us in new ways.

The consequence has been that the parts of the tribe denied community democracy have reverted to the bad in its own past.

The solution is to give the tribe the opportunity to establish a new and satisfying life. In concrete terms this means the recreation of clan and tribal democracy, meeting the demands of land hunger, initiating modern farming on a co-operative basis, removing other desperate economic grievances, providing universal education, ending the humiliation of the colour bar, and moving towards full racial equality, social, economic and political, so that injustices can be removed constructively.

Then, and then only, will the urge to relieve frustration by violence be removed. Then only will an adjusted new society be evolved.

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TWO QUESTIONS

(By Maganbhai P. Desai)

A correspondent has sent some questions and asks for a public reply, if I agree to do so. I take up the two most important of them. One is regarding cow-slaughter. He says, just as Government enacts prohibition, so also it should ban cow-slaughter. And he argues that, if it might be said that unless people of their own choice take up the work of cow-protection, legislation will not be of any help, then the same can be said for prohibition also: why does Government enact prohibition and not wait till people forgo drink and drugs by themselves?

Though apparently plausible, the argument of the correspondent suffers from a serious fallacy. The analogy between prohibition of cow-slaughter and that of drink and drugs is not right. There is a fundamental difference between them, which escapes attention. However, it does not mean that banning of cow-slaughter should not be thought of on its own merit and in a manner proper for it.

Let us examine for fundamental difference in the position of these two. Sale of drink and drugs is a Government monopoly. These things are bad, as they degrade their victim and his family, and their effects injure society also. Drink and drugs being intoxicant affect the brain of their victim, resulting into crime and many other social maladies. Admittedly, it is individually and socially a bad thing.

And it is also evident that people are drawn to drink, almost invited to it, by the regular shops legally plying their trade. Therefore the first step to stop them from drink is to close these shops. It is absurd to expect people not to drink on the one hand and to provide it through regular shops on the other. Therefore closing these shops by a law of prohibition becomes the duty of the State. Such legislation, of course, does not remove the need of persuasion and propaganda against drink; the point is that persuasion will be fruitful only if there is prohibition by law, it being the first prerequisite for its success.

Now let us see cow-slaughter. This arises from and continues due to various causes, social and economic, obtaining in our body politic. It can stop only when these are removed. Again all do not taboo beef-eating. However, the cow and calves and other milch and draught cattle are useful in our economy, and hence we wish to keep and preserve them. So much so that Hinduism has trained our minds to worship the cow; but that we may not discuss here. We may only note here that Government in regard to cow-slaughter and drink, comes in the picture in a different

way. Regarding drink it is Government that sells or causes to sell it; not so with cow-slaughter, the causes for which lie in the present social order. Therefore legislation cannot come first. Our Hindu feeling for the cow is for individual fulfilment by ourselves. What I say above is from the pure socio-economic standpoint, because it is proper for the State as a whole to be so guided.

The other question is regarding Government advertisement in the Press. The correspondent asks, does it behove a Government calling itself popular to withhold advertising in papers that adversely criticize it? Obviously, the question is in connection with *The Times of India* controversy with the Government of Bombay. I may well leave off this specific case and discuss this question of advertisement and the Press in a general way.

In a democracy, there should be no ban on honest criticism. It may be that the criticism might be faulty or based on wrong facts or misunderstanding. However, it behoves a democratic Government, not to stop it. Such *bona fide* mistakes or misunderstandings or misrepresentations will correct themselves or readers and the Press will discuss them out to a correct position.

But, what has this freedom of the Press to do with advertisement? The Press, evolved as it is today, has a great source of income in advertisement; without it a paper can hardly be an economic proposition. Therefore, just as a merchant always expects and is on the lookout for customers, so also papers do it not only for subscribers but for advertisers as well. Hence the Press may probably succumb to this temptation and go down into accepting advertisements, good, bad and indifferent, indiscriminately; so much so that it is said that such discrimination is not even necessary on the part of a paper. Therefore, we have the queer spectacle to see that a paper might be advertising a thing against which it might be advocating! It is necessary to discriminate in advertising also; but it is a difficult job indeed. Hence it was that Gandhiji held it as a safe and good rule of policy for a paper not to have any advertisement and thus be free from temptation or from undue pressure or influence from the advertiser.

Let us now look at the other side of the case. Just as a customer has his discretion as to what and wherefrom to buy, so it is obvious that an advertiser has his discretion where to advertise. Government also would have it, even though a popular institution. Only it will exercise it as a trustee of the people and for the social good; i.e. it will exercise it with due consideration of the public good and in the interests of social security, good taste, decency, decorum etc. As every act of a State, it must be free from any injustice. Therefore, it is not an unrestricted right of a paper to get Government advertisement. Those papers which go down in the necessary standard of good taste, decorum etc. or so conduct themselves as to jeopardize the security of the State and its people will naturally incur displeasure of the people; so also of the Government as well;

and if it be so needed Government might have to proceed against them in a legal manner as well. Thus a Government may not move because of any criticism, good or bad. As we saw above, honest criticism must be free. But if a paper goes out of the bounds of requirements of general social taste, decency, decorum etc. it will not be liberty but licence. Both the State as well as the people should surely show their displeasure at it. Freedom of the Press is a responsibility; to see that it is not misused is always a function of the State and Society also.

13-4-'53

(From the original in Gujarati)

OUR GREAT HERITAGE

[This is the second instalment of the Gandhi Memorial Lecture delivered by Dr. Sushila Nayyar on 2-12-'52, before the students of the Agra University.]

Gandhiji's religion did not consist of observance of certain rituals. He believed in and practised the spirit of religion. Out of his religious experiences grew his firm conviction that the essential message of all great religions in the world is the same, namely the realization of Truth. And so he came to believe in equal respect for all religions. He had no use for religious tolerance for that implies a patronizing attitude towards other religions. We tolerate something that is not quite as good as it should be. If we 'tolerate' other religions it means that we consider them as inferior to our own. That cuts at the root of true understanding and friendship which is only possible when there is a feeling of equality. He therefore attached no importance to labels and went straight to the fundamentals. Truth is the pivot round which all religions revolve. Gandhiji went so far as to say that Truth is God. Adherence to truth in thought, word and deed is the essence of all religion.

It was Gandhiji's devotion to truth which resulted in revolutionizing his life. In South Africa he was a successful practising lawyer, who refused false cases, adopted lost causes and made his profession a means of defending justice and upholding the rights of the poor and down-trodden. While proceeding on a journey, he had a book given him by a friend to read on the train. It was Ruskin's *Unto This Last*. You know the rest of the story. As a result of a heavy meal, he could not go to sleep and finished reading the book during the night. Ruskin's thesis propounded in that book that the value of the work of a doctor, lawyer and a labourer, sweeper or shoe-shine to society was the same and therefore all kinds of useful social services should carry equal remuneration and every worker should get enough to satisfy his or her basic needs, appealed to him strongly. He was intellectually convinced of the rightness of Ruskin's theory. Consistency between thought, word and deed demanded that he should practise what he believed to be right. Before he detrained next morning, he had made up his mind to change his life. He advertised for a piece of land, and, with his family and friends, took to Ashram life.

What is Ashram life—some of you might ask? In a nutshell it means putting into practice the principle: 'from all according to their

capacity, to each according to his need.' Gandhiji's various Ashrams were an attempt to set up in miniature his ideal social order, based on truth and love where all worked and lived as members of one big family. The Ashrams embodied his passion to live truth as he saw it. It goes without saying that the establishment of this type of social order can only come through conversion and not compulsion. This is a fundamental difference between Gandhism and Communism. Experience taught Gandhiji that the practice of Truth is not possible except through love. Truth and Love or Ahimsa are like the two sides of the same coin. One cannot separate them.

But you will perhaps say 'We know all this. What you tell us is as old as the hills.' I concede the point. That is precisely what I am here to tell you—if we only practised what we knew and believed, the world would be a far better place to live in. But we do not. We allow ourselves to be caught in the spider's webs spun out by our own intellects. We are ruled by clichés, catchwords and slogans, which we repeat parrotwise. We—and this is particularly the case with our youth, are hypnotized by 'isms'; we tend to over-simplify matters and develop a contempt for things that are simple. There lies the rub. Life is not governed by 'isms'. And to neglect the practice of simple things saps the very roots of our belief. It is the bane of the present-day intellectual. As an English poet put it: "A few plain maxims and a few plain thoughts" have wrought far more for the world in its periods of travail than "all the pride of intellect and thought".

When shall we learn that a grain of action far outweighs a ton of theory? We all pay homage to truth. But have we ever tried to live the whole truth as we see it? The reply, I am afraid, is 'no'. The result is that the fire of unbelief has burnt up our spirit and our easy-going attitude in regard to the practice of truth has made us cynical and sceptical about the value of idealism itself. We assume that truth and its obverse non-violence are mere beatitudes—virtues meant for the attainment of spiritual excellence with no application to our social and political dealings in the national and international spheres.

The living example of a great soul alone could possibly cure this unbelief and soul-killing cynicism—the spiritual malady from which we with the rest of the world were suffering—and renovate mankind's faith in the great moral and spiritual ideals that have been proclaimed by great teachers and Prophets in all ages but which are again and again reduced to mere platitudes and copybook maxims by the tyranny of custom and usage and the inherent inertia of the human spirit. That living example was supplied to mankind in our times by Mahatma Gandhi. I am convinced that the world will need him more and more and he will more and more become a living force as the time passes and the travail with which the world is afflicted deepens.

(To be continued)

PROHIBITION AND THE CONSTITUTION

(By P. Kodandarao)

Divergent Policies : It is an open secret that the Prime Minister of India had advised the States to "go slow" with Prohibition. Recently, the Finance Minister had advised the Bombay Government to "go back" on Prohibition. Chief Minister B. C. Roy of West Bengal would not "go on" with Prohibition even by stages because of the revenue involved. But, surprisingly enough, they have not suggested that the Constitution should be amended to eliminate Prohibition. They apparently hold that the policy of "not go on", or "go slow", or "go back", is consistent with loyalty to the Constitution. If such be the view, is it valid?

Status of Directive Principles : It has been argued that Prohibition was one of the Directive Principles which were discretionary, and not mandatory and justiciable like the Fundamental Rights, that the Directive Principle concerning Prohibition enjoined only that an "endeavour" should be made to achieve it and that, therefore, Prohibition could be deferred, introduced or recalled without doing violence to the Constitution.

Fundamental and Mandatory : The Status of the Directive Principles was defined in the very first Article in Part IV concerning them. It said :

The provisions contained in this part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. (Art. 37).

When the Article said in so many words that the Directive Principles were "fundamental in the governance of the country" and that "it shall be the duty of the State to apply them in making laws," it could not have made them more fundamental and mandatory on the State.

It may be recalled that the Advisory Committee on Fundamental Rights, presided over by the late Sardar Patel, had entitled Part IV of the Constitution as "Fundamental Rights of Governance". The Drafting Committee changed it to "Directive Principles of State Policy." On November 19, 1948, Mr H. V. Kamath moved in the Constituent Assembly that the word "Fundamental" should be restored in the title in the place of "Directive" for the reason that :

We have been told that Parts III and IV of the Draft Constitution embody certain rights; Part III being justiciable and Part IV non-justiciable. But both are looked upon or regarded as rights which are fundamental. (*Consensus Debates*, No. 19, 1948, p. 474).

In preferring the word "Directive" to "Fundamental" in the title, Dr. B. R. Ambedkar, who piloted the Constitution Bill, said :

Mr Kamath's amendment is really incorporated in the phraseology as it now stands; the word "Fundamental" occurs, as Mr Kamath will find, in the very first article of this Part. Therefore, his object that these principles should be treated as fundamental is already achieved by the wording of the Article. (*Ibid.*, p. 476).

In preferring the retention of the word "Directive" in the title of Part IV, Dr. Ambedkar said :

It is not the intention to introduce in this Part these principles as mere pious declaration. It is the intention of this Assembly that in future both the legislature and the executive should not merely pay lip-service to these principles enacted in this part, but they should be made the basis of all executive and legislative action that may be taken hereafter in the matter of the governance of the country. I, therefore, submit that both the words "Fundamental" and "Directive" are necessary and should be retained. (*Ibid.*, p. 476).

The plea that the Directive Principles are not as fundamental and mandatory as the Fundamental Rights in Part III does not seem to have been borne out by the wording of the Article or by Dr. Ambedkar's speech. Further, a directive is not discretionary.

Supreme Court's View : On the relation between Fundamental Rights and Directive Principles, the Supreme Court, in its unanimous judgement delivered on the 2nd April in the "Communal G. O. Case" from Madras, observed :

Directive Principles of State Policy, which under Article 37 are expressly made unenforceable by a Court, cannot override the provisions found in Part III which, notwithstanding other provisions are expressly made enforceable by appropriate writs, orders or directions under Article 32.....The Directive Principles of State Policy have to conform to and run subsidiary to the chapter on Fundamental Principles.

The High Courts at Bombay and Nagpur and the Supreme Court in New Delhi held that Prohibition did not infringe any of the Fundamental Rights and was, therefore, *intra vires* of the Constitution.

Non-justiciable but Obligatory : The only difference between the Fundamental Rights and the Directive Principles is that the former are justiciable and the latter are not. But it does not follow that the State is free to ignore the latter. It should not be the duty of the State to conform to the Constitution only when it is threatened with the legal sanction of the courts. It may well be urged that the State is under a greater obligation to honour the Directive Principles than even the Fundamental Rights if only because the former cannot be enforced legally against it. To ignore the Directive Principles, simply because they are not justiciable, will expose the State to the charge of disloyalty to the Constitution.

Dr. Ambedkar compared the Directive Principles to the Instrument of Instructions issued to the Governors under the former British Constitution. They were not justiciable, but nevertheless were as binding on the Governors as the Constitution itself. In their case, the sanctions against violation were extra-judicial, namely, higher executive authorities and public opinion. Similarly, in the case of the Directive Principles the sanctions against violation are extra-legal, namely, public opinion within and without the legislatures. But they come into operation only when the State violated them. There should be no occasion for it. Directive Principles may be compared to the Conventions that supplement the Constitution in any country and in India also. They are not justiciable, but they are honoured.

Endeavour : It has further been argued that, whatever be the status of the Directive Principles, the one concerning Prohibition enjoined the State to "endeavour" to implement it, and this word permitted the State to defer it indefinitely or recall it if necessary. Commenting on the word "strive" which occurs in Article 38, Dr. Ambedkar said :

We have used it because our intention is that even when there are circumstances which prevent the Government, or which stand in the way of the Government giving effect to these Directive Principles, they shall, even under the hard and unpropitious circumstances, always strive in the fulfilment of these Directives. That is why we have used the word "strive". Otherwise, it would be open for any Government to say that the circumstances are so bad, that finances are so inadequate, that we cannot even make an effort in the direction in which the Constitution asks us to go. (*Ibid.*, p. 495).

The Consensus was not unaware of the arguments against Prohibition, and among them that it had "failed" in America and that it involved surrender of current Excise revenue. Nevertheless, it chose to include it in the Directive Principles, and enjoined the State to endeavour to implement it in spite of odds and financial difficulties.

The test of "endeavour" is better applied by public opinion rather than the courts. Indeed, to the extent that the courts are excluded, the Constitution throws greater responsibility on public opinion to ensure that the State

respects the obligations under the Constitution and commits no breaches thereof.

Judicial Veto on "Go Back": While the courts are precluded from enforcing the Directive Principles by judicial sanctions, they may intervene to invalidate any recall of steps already taken to implement them. While they cannot compel the State to "go on", they may veto a "go back". In his commentary on the Indian Constitution, Dr. N. C. Sen Gupta said:

Perhaps the courts, while they will not enforce any of these provisions, will take account of them as Fundamental Principles to determine incidentally, for example, the question of the validity of any Acts, and also to interpret the provisions of any statute in recognition of these principles. (*The Constitution of India*, 1951, Calcutta, Uttarayan Press, p. 68).

If, for instance, a State attempted to repeal an existing Village Panchayat Act, or an Act to separate the judicial and executive functions, or a Prohibition Act, the courts are likely to intervene to veto it as unconstitutional and illegal. While the Supreme Court alone can give judicial finality to the question, it seems obvious that the judiciary will not countenance any going back on steps, already taken, to implement any of the Directive Principles, and Prohibition among them.

Mysore Instance: In Mysore, where education is at present free for the first eight years, a proposal to levy fees on those pupils who could afford to pay was dropped on the express legal and constitutional ground that it would be a violation of the Directive Principle of the Constitution, contained in Article 45. It is a constitutional obligation for the State to "endeavour to provide within a period of ten years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of fourteen". If the State does not "endeavour", public opinion can apply political sanctions, but not through the courts. But if a State proposes to go back on the steps already taken in that behalf, the courts may be moved and they may declare it illegal and *ultra vires* of the Constitution. It does not seem open, therefore, for any State, which has already taken some steps to implement Prohibition, to go back on it legally; the courts are likely to intervene and veto the same.

Strange Advice: It is indeed passing strange that the Congress Party in India, headed by Pandit Jawaharlal Nehru, who is also the Prime Minister, which takes the name of Mahatma Gandhi on every conceivable occasion and which was largely responsible for enacting the Indian Constitution and for including Prohibition in its Directive Principles, should seek to ignore it in practice, to discourage the States, which, in spite of heavy odds and financial difficulties, had heroically striven to implement Prohibition and honour the Constitution, and to advise them to "go slow" or "go back" on them. If the Congress Party and the present Government of India have come to the view that Prohibition was not worthwhile, at any rate for a long while, there is no reason why they should not secure a suitable amendment of the Constitution, particularly as they have the necessary majority in Parliament. Elimination of Prohibition from the Constitution will not stand in the way of India as a whole, or any unit thereof, pursuing Prohibition at discretion by statute. Only it will cease to be a Constitutional obligation, failure to implement which will expose the State to the legitimate criticism of ignoring or violating the Constitution.

Enforce Prohibition or Amend Constitution: It is difficult to sympathize with the plea of some confirmed anti-Prohibitionists to retain Prohibition in the Constitution and violate it in administration. As long as Prohibition stands part of the Constitution, it is obligatory on the State, including the Union Centre, to endeavour to implement it in all earnestness, and not seek to defeat it, legally or otherwise. The Wickersham Report on the Enforcement of Prohibition Law in the U.S.A., 1931, said:

Undermining by legal action respect for the fundamental law is quite as destructive of respect for law as the things sought to be avoided. (p. 73).

Commenting on the proposal to repeal the Prohibition statute, namely, the Volstead Act, without repealing the constitutional amendment concerning Prohibition, the Report said:

In our opinion, it is even less to be thought of than the repeal of the Amendment. It would not be honest. (p. 76).

President Hoover was no Prohibitionist, but he insisted on the Prohibition Law being enforced loyally and zealously as long as it was the law and the Constitution. In his message to the American Congress, he said:

My own duty and that of the executive officials is clear—to enforce the law with all the means at our disposal, without equivocation or reservation.

The appropriate alternatives for India today are: Enforce Prohibition, or amend the Constitution.

SHRI VINOBA IN MANBHUM DISTRICT

[As readers know Shri Vinoba is at present touring Manbhumi District (Bihar). The following is from his post-prayer speeches in that district.—Ed.]

1

The Language Controversy

Here in the Manbhumi District the Hindi-speaking and the Bengali-speaking people have come together. The districts which lie on the border between two provinces and where therefore two or more languages meet one another are, I should say, extremely lucky, because the people have there the God-given opportunity of loving one another and learning not only their own language but also those of others. But quite unfortunately we find that these different languages are not given each its due place and honour. One of them is sought to be imposed on the people in suppression of others or all are equally neglected and English allowed to retain its present position.

Bengali is a rich language and its modern literature perhaps stands superior to that of any other language of India. On the other side Hindi is not a rich language but our accepted national language. If the people of the area where these two languages have met together demand that the students there should be taught through their own language, their demand cannot be dismissed as wrong. It is quite just and proper. There are at present two or three different views in the field on this question. There is a powerful section of public opinion which holds that the provincial language should be the medium of instruction at every stage of education. Others say that while the provincial language should be the medium of instruction in the primary stage, it would be well thereafter to take recourse to Hindi for every purpose for which at present we use English. Hindi is the national language and if students all over India receive their education through it, all will be equally benefited. There are still others who hold that English should not be rejected because it is a very rich and widely spoken language. It should be continued as it is at least in the university stage. Thus there are three different views with regard to this question and each can

count among its advocates, distinguished scholars and servants of the country.

The Provincial v. The National Language

In my opinion while the entire education from beginning to end should be imparted through the provincial language, the national language should be compulsorily taught to all along with the former. When professors from one university are invited to another for delivering a course of lectures, they may, if they do not know the provincial language, speak in the national language. I have expressed this view quite frequently and I feel that this will be better able to serve our best interests than any other. This will not retard Hindi in any way. On the contrary I hope it will promote its growth and expansion. Most of these provincial languages are quite developed languages and they are possessed of the genius to develop new words and expressions. If they are adopted as the media of instruction each in its own area and the national language is taught compulsorily alongside of them, the latter will not suffer any diminution of importance and both will enrich each other. Unfortunately there is disagreement among the scholars about it and it has led to some bitterness. I would like, however, that in this part where fortunately Hindi comes into contact with Bengali which is a rich language, the latter should be compulsorily taught along with the former. I would go even further and say that those whose mother-tongue is Hindi should be compulsorily taught some other Indian language. While formerly I merely wished that this should be so, I now insist on it. I am sure that if those who are concerned with this question will look at it from the educational point of view, they will agree about the desirability.

(From the speech at Purulia, 18-3-'53)

2

Land v. Language

The workers in the Manbhum District are greatly agitated over the language policy of the State Government. Whatever the justification for their feeling of discontent, Bengali and Hindi are mere words after all and one cannot eat words. People are hungry for bread and hunger will not be satisfied with Hindi or Bengali. The question can be solved only through love and kindness. Given the atmosphere of love for one another, all our problems can be met quite easily. I therefore urge those of you who love the poor to apply themselves to the Bhodan work. When the house of our neighbour is on fire, we do not insist on the solution of our minor differences as a condition precedent to offering our services for extinguishing that fire. There are certain things which cannot brook a moment's delay and must be immediately attended to. The solution of the land-problem belongs to this class of things. Bengali and Hindi are both old languages. Who can suppress the Bengali of Rabindranath and Chaitanya and Ramakrishna? There is therefore

no question of any danger to the Bengali language. But the land-problem is more important and must be given precedence over others.

(From the speech at Garhjalpur, 20-3-'53)

3

The Middle Class

A friend asked me that since I was showing so much concern for the poor, I should also give some attention to those of the middle classes, who were also in a bad way. The poor were in a way better off because they worked with their hands and were used to the rigours of poverty. But the middle classes were neither in possession of the means of production nor had they the wealth of the rich. I said we are prepared to give land to the needy among them in the same manner as we do to the poor, if they ask for it. But then they must be prepared to work on it with their hands. The present plight of the middle classes arises from the fact that they are totally ignorant of the arts of production. The remedy lies in introducing some industrial crafts as part of the educational curricula. At present, the schools do not provide any training in physical labour. But education without such training must remain incomplete. A B.A. adopting weaving as his vocation and an M.Sc. going in for agriculture after he has finished his studies would be a much-needed corrective to the present day tendency of seeking employment in white-collar services. And then they should make use of their learning in what they do. This is the way the unemployment among the educated can be solved, and the country be made to go forward. We will give land to all those who are ready to work with their own hands. The rich and the poor and the middle : all classes are dissatisfied with their lot under the existing conditions. Some are mentally unhappy, some physically and others financially ; and all are ill at ease. These are the 'three afflictions' spoken of in the *shastras*. If we take to labour, we will rise above them and be free from them.

(From the speech at Jhalda, 22-3-'53).

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