

HARIJAN

(FOUNDED BY MAHATMA GANDHI)

Editor: MAGANBHAI P. DESAI

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TWO ANNAS

PROHIBITION AND PLANNING

(By Gandhiji)

For me, the drink question is one of dealing with a growing social evil against which the State is bound to provide whilst it has got the opportunity. The aim is patent. We want to wean the labouring population and the Harijans from the curse. It is a gigantic problem, and the best resources of all social workers, especially women, will be taxed to the utmost before the drink habit goes. The prohibition I have adumbrated is but the beginning (undoubtedly indispensable) of the reform. We cannot reach the drinker so long as he has the drink shop near his door to tempt him. One might as well prevent an ailing child, nay man, from touching sweets so long as he does not remove the open box in front of them.

(Harijan, 14-8-'37)

So long as the State not only permits but provides facilities for the addict to satisfy his craving, the reformer has little chance of success. Gipsy Smith was a powerful temperance preacher. It was a feature of his huge gatherings that several people took the vow of total abstinence under the spell of his song and precept. But I say from my experience of South Africa that the majority of the poor addicts could not resist the temptation to enter the palatial bars that faced them, no matter whether they wandered in the principal thoroughfares of cities, or the wayside inns when they strayed away from cities. State prohibition is not the end of this great temperance reform, but it is the indispensable beginning of it.

(Harijan, 25-9-'37)

Drink Revenue

If you discuss this problem (prohibition) with the administrators, they will tell you all sorts of stories and put all manner of difficulties in the way of carrying this legislation through. Do not believe these difficulties. There is no difficulty at all beyond the difficulty of making up the deficit of revenue. If you and I have made up our minds that this evil has got to be eradicated and if it can be eradicated only by prohibition legislation, then it is for the Government to find a way out of the deficit difficulty. It is not open to it to ask you to suggest ways and means for making up that deficit.

(Young India, 18-4-'29)

I count loss of this revenue as of no account whatsoever. Prohibition will remain a far cry, if the Congress is to count the cost in a matter of first class national importance.

Let it be remembered that this drink and drugs revenue is a form of extremely degrading taxation. All taxation to be healthy must return tenfold to the tax-payer in the form of necessary services. Excise makes people pay for their own corruption, moral, mental and physical. It falls like a dead-weight on those who are least able to bear it. The revenue is largely derived, I believe, from industrial labour which together with field labour the Congress almost exclusively represents.

The loss of revenue is only apparent. Removal of this degrading tax enables the drinker, i.e. the tax-payer to earn and spend better. Apart, therefore, from the tremendous gain, it means a substantial economic gain to the nation.

(Harijan, 31-7-'37)

Now as to how to make up for the loss of revenue in some provinces to the extent of one-third? I have unhesitatingly suggested cutting out the educational budget for which purpose mainly the excise revenue is used. I still maintain that education can be made self-supporting. With this I must deal elsewhere. It cannot be made so in a day even if the possibility of its being made self-supporting is accepted. Existing obligations have to be met. Therefore, fresh sources of revenue have to be tapped. Death duties, tax on tobacco including *bidis*, have already been given as some suggestions. If these are considered impossible of immediate accomplishment, short-term loans may be devised to tide over the deficit; and if even that fails, the Central Government should be approached to curtail the military budget and give the Provinces the proportionate grant.

(Harijan, 28-8-'37)

Illicit Distillation

The cry of great expenditure in preventing illicit distillation is thoughtless where it is not hypocritical. Why should prevention of illicit distillation cost any more than prevention of other crimes? I should make illicit distillation heavily punishable and think no more about it. Some of it will go on perhaps till doomsday as thieving will. I would not set up a special agency to pry

into illicit distilleries. But I would punish anyone found drunk though not disorderly (in the legal sense) in streets or other public places with a substantial fine or alternatively with indeterminate imprisonment to end when the erring one has earned his or her keep.

(*Harijan*, 31-7-'37)

In spite of the above from the Father of the Nation, which is accepted by us as national policy, it is really painful to learn that the Planning Commission has not seen its way nor felt the great priority prohibition should have in our National Plan, as required by the Constitution of India. On the other hand we learn from papers that it has found some money to help Birth-Control, a measure against which Gandhiji warned us with all his fervour. If deficit financing has a place, why should it not be availed of for bringing about immediate prohibition with subventions from the Centre if necessary, one does not know.

19-12-'52

M. P.]

FACTS AND FALLACIES ABOUT PROHIBITION

[The following is reproduced from the speech of Dr. T. R. Naravane, Deputy Minister for Prohibition, Bombay, broadcasting from the Bombay Station of All India Radio, on 28-10-'52. — Ed.]

Prohibition and Loss of Revenue

Prohibition has, as you are aware, become a target of criticism in a section of the Press and among certain groups of people. I must, therefore, at the very outset, tell you that I am going tonight to restrict myself, in this talk, to certain facts, particularly in respect of the loss of revenue to the State, which, I find, have been misrepresented and highly exaggerated. I will also try to demolish some of the fallacies about Prohibition that are being circulated.

Sales Tax Receipts

To begin with, I may state that the excise revenue of the Bombay State in 1946-47, i.e. during the year prior to the introduction of Prohibition, was about 974 lakhs, while the revenue from the sales tax was about Rs 170 lakhs. After the introduction of Prohibition, the revenue position for the year 1950-51 was that the State derived a revenue of Rs 107 lakhs from excise and Rs 1,517 lakhs from the sales tax. This means a loss of Rs 867 lakhs in excise revenue and a gain of Rs 1,400 lakhs in sales tax revenue. These figures should show that the loss in excise revenue has been made up with receipts from a legitimate source of State revenue.

Expenditure on Enforcement

Persons who are ignorant of the actual position of our State finances might be gullible enough to believe in the wild and exaggerated stories about the drain on State revenue caused by Prohibition. But when some members of some responsible institution, in its recent meeting, asserted that Rs 6 crores were being spent on the enforcement of Prohibition, I must hasten to question the accuracy of that assertion. As a matter of fact, the only expenditure on the enforcement of Prohibition policy is about 70 lakhs and not Rs 6 crores. The expenditure of Rs 70 lakhs also includes the expenditure on the various activities like welfare and recreation facilities for ex-addicts, propaganda among them, supervision work, rehabilitation of prohibition-affected persons, police establishments and other items connected with the implementation of the policy of Total Prohibition.

Hard-Earned Earning of Poor People

As everybody knows, the bulk of the excise revenue came out of hard-earned earnings of the lower strata of

society representing about 10 per cent of the population. The majority of the people who drank and paid this tainted revenue to the State could afford to drink only by denying themselves and their families the necessities of existence like food, clothing, shelter, education of their children, etc. I do not, therefore, see the slightest justification from the point of view of either the principles of State finance or any other consideration, for accepting the demand that we should revert to the practice of receiving excise revenue we have deliberately sacrificed in public interest.

Most Anti-Social Tax

What after all is the excise revenue? Can it be called an equitable tax? I would better quote in reply a few sentences from the much talked of Madhya Pradesh Prohibition Enquiry Committee's Report. It says: "The excise tax is perhaps the most anti-social tax that can be conceived economically and morally. At its worst it is plundering the poor when drunk. The greatest merit of Prohibition is that it abolished this tax."

Improvement in Economic Condition

The critics of Prohibition also ignore the obvious fact that even if the Government lost excise revenue this loss actually means a saving of about three times the figure of savings to the people who used to spend such a big amount on drink and other intoxicants. We have to remember that this money saved by the people now which used to be squandered on alcoholic drinks is now being spent on better food, better clothing, investments, education of children, savings etc. The State, therefore, could well afford to lose the excise revenue if in return thousands in this State, who had been condemned to live even in semi-starvation, are enabled to live happy and prosperous life. Reports we have received from practically every district speak of the visible prosperity of the population, including a large percentage of the backward classes, especially in areas populated by Adivasis who are believed to be incurable addicts of alcoholic drinks.

Illicit Distillation and Smuggling

I find that illicit distillation, smuggling and such other activities are played up by persons who are opposed to Prohibition. It is quite conceivable that, during the period of transition, that is to say, before the new generation comes up which would have had no contact with the former reality of drink, allowance has to be made for certain amount of malpractices like illicit distillation, smuggling etc. As one scientific observer has put it these things arise because of the temporary natural reaction to this social legislation. In the words of Gita, 'all good beginnings are shrouded with some drawbacks, just as fire is with smoke'. We do not, therefore, give up good things but remove the drawbacks and malpractices. After all, malpractices such as illicit distillation, smuggling, etc. are even now restricted only to some coastal and urban or suburban areas. But the extent of this evil is exaggerated. I repeat that the remedy lies not in giving up Prohibition or condemning it as a failure but in dealing with it as an evil on the police and penal level and also by creating active mass consciousness.

Not a Legitimate Revenue

From the facts I have given to you, you will see that Prohibition has not caused the catastrophe as has been made out by some people. The excise revenue has not been regarded at any time as a legitimate revenue and even former British rulers, who derived a large excise revenue, had always wished to abolish excise revenue at some future date. I may state that as early as 1889 the British Parliament on the motion of Mr Samuel Smith passed a resolution condemning the excise policy of the Government in India and directing it to change it to Prohibition.

Prohibition is a Positive Programme

There is another argument that there are more important things than Prohibition which the Government should do first. Prohibition is a positive programme of reconstruction, of raising the standard of living, of raising the morals and of making life worth living. All prosperity

brought about by other reforms will be vitiated if people squander money on drinks and impair the structure of society. Is it not, therefore, the first necessity to see that our prosperity is well-secured against the attacks of dangerous enemies like drink and drugs?

Is It Suddenly Launched?

One more argument is that it is too sudden and hence one suggestion has been made that temperance propaganda should have been carried out and educative propaganda should even now replace Prohibition by law. I should like to remind these friends that we have had temperance propaganda for decades. We have had picketing in front of liquor booths in 1905 to 1910 in the Wang-Bhang Movement, in the Non-co-operation Movement of the twenties and further in the early days of the Civil Disobedience and Quit India Movements. While the anti-liquor movement, which formed part of the freedom movement, did achieve some results, it was meant as a clear notice to all concerned that total Prohibition was coming when the country became free. Lokamanya Tilak and Mahatma Gandhi said this unteem times in their speeches and most of the political and social bodies have passed resolutions year after year to that effect.

Well the country became free from foreign domination and after we became free in our own country and we framed our Constitution and the directive principle over Prohibition was laid down and incorporated in the Constitution—Is it not our duty to implement it?

When the popular Government assumed office in Bombay State in 1937, one of the first reforms, it introduced was Prohibition in some parts of the State as a first step towards total Prohibition. The enquiry conducted by the Prohibition Board in 1938 brought out the good results obtained by Prohibition.

Shortly after World War II broke out, the popular Government went out of office and the British Advisers' government took over the administration. But it is significant to note that even the foreign Government retained some of the restrictions of Prohibition and it had accepted the principle of Prohibition. When again the popular Government resumed office in 1946 it introduced Prohibition in gradual stages to enable the addicts to adapt themselves to total Prohibition that was coming. There was a gradual reduction in the number of days during which liquor shops could remain open. There was also reduction in the strength and quantity of liquor sold and also reduction in the possession of potable drinks and drugs.

In view of these facts, the argument that the introduction of total Prohibition had been too sudden can hardly be accepted as a tenable one.

Legislation Inevitable

I can best conclude by recalling the words of Mahatma Gandhi who said: "It is a revenue which must be sacrificed and whilst it lasts, it should be held as sacrosanct and be wholly dedicated to the purpose of eradicating the drink evil. But today it is being utilized for educating our children with the result that a tremendous barrier has been put against this necessary temperance legislation. People are made to think that they will not be able to educate their children if this revenue stops. If things go unchecked like this, a whole nation might have to perish. If the evil spreads, it may be too late to undertake legislation." Jai Hind.

DRINK, DRUGS & GAMBLING

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SATYAGRAHA OR DEMAGOGY?

(By Vithaldas Bodani)

Acharya Shri Vinobaji, Maharshi Kishorlal-bhai and Pandit Pantji have greatly helped to clear some rather widespread misunderstanding which is prevailing in the country regarding the place of Satyagraha in Democracy. (Vide *Harijan*, 20-9-'52). This is timely because, since we attained independence, loud talks and repeated offerings of Satyagraha have become a very common feature.

Movements or activities carried purely on a political plane "in the midst of political partisanship" and agitations, though held for apparently valid reasons but with some mental reservations and, more likely than not, with some latent motive to earn cheap political advantage from a party point of view—are all misnamed and miscalled 'Satyagraha'. Deliberately, perhaps?

As Shri Vinobaji has rightly pointed out, "Satyagraha is a force of love" and that "it requires the purity of Rama to wield this precious weapon"... "Every force requires a right person and a right occasion to use it." The gist of Shri Vinobaji's views in a nutshell is contained in the following words: "... the whole life of a man wedded to truth is a Satyagraha. He has to practise it at every step in his life." (italics mine)

From the foregoing it becomes quite clear that recently in almost every case, perhaps without exception, the so-called Satyagraha was, and is being, based on false premises and is carried out under a misunderstood or misconstrued concept of the ethics and philosophy of Satyagraha.

Mahatmajai defined 'prayer' as one's burning desire of being wholly truthful and non-violent, of being permanently and tenaciously wedded to truth, which is God, in thought, word and deed. *Satyagraha is essentially a form of such mass 'prayer' through action.*

Satyagraha is not a barren or even a cheap philosophy. It is the highest and the best, and yet the last weapon in the armoury of non-violence. As such, it is to be judiciously used by proper persons, under proper circumstances and for proper reasons. It also calls for weighty considerations as to against whom and how and when it is to be employed. A diamond-studded gold dagger is a beautiful ornament when it adorns waist; but because it is beautiful, it cannot be thrust into the abdomen.

As absence of physical violence is not necessarily non-violence, so also any agitation, because it outwardly follows or copies the technique of non-violent resistance, is not necessarily Satyagraha. Far from it, more often it is deliberate harassment and unreasonable obduracy or obstinacy (*duragraha*) and sometimes, even, demagoguery pure and simple.

Bombay, 30-9-'52

HARIJAN

Dec. 27

1952

WELFARE STATE AND DEMOCRACY

(By Maganbhai P. Desai)

The reader is requested to refer to Shri M. P. T. Acharya's article "From Pillar to Post" and my note appended to it at the end. (Vide, *Harijan*, # 13-12-'52). Therein I had said that if decontrol is not helpful and fails, then planned economy with its controls aided by the coercive power of the State steps in. We do not seem to like this also, mainly because, like trade and commerce, those who plan and control our economy do not also seem to be doing their job satisfactorily well. Shri Acharya quoting Edward Carpenter asks, "Who is to control the controllers?" The answer is obvious: the people who choose their rulers should control them. The main problem is, how can the people do it? Is it only the ballot-box, the way evolved by democracy in the West? Is it enough or all right? Or is there another way also to do it?

This question is also very relevant at present in another connection as well. We have before us now the Five Years' Plan. It is being said for that plan that it is going to bring in a new era in our life under a Welfare State. It is necessary to examine this claim also before it is too late.

Western democracy has allied itself with industrialism and highly centralized ways of mass production. Under that holy alliance it has further evolved the idea of a Welfare State, which is only another name for a highly planned and controlled way of life under the total direction of the Government of the State. To put it in other terms, it is total planning of almost the whole of the economic life of the community under Government monopoly buttressed by the coercive power of the State. As late Shri K. G. Mashruwala categorically put it in his reply to Shri R. K. Patil (vide *Harijan*, 18-10-'52):

"According to the idea of the 'Welfare State', the State is increasingly made responsible for every item of an individual's needs—not only from birth to death—from conception to cremation. If we are to assume that the same historical process is destined to continue, in course of time, the U.N.O. will end in a World Government, in which even big countries like U.S., China, U.S.S.R., India etc., will function more or less like Class A States, and the sanction behind every one of them will be Force.

"I must confess, I do not look upon this as an ideal to be aspired after. There might be some, who regard this to be an ideal worthy of man, and some who think that a process destined historically cannot be reversed by the efforts of dreamers of an opposite type; and that we must carry the present process to its logical end—namely, the institution of a very

strong Central World Government controlled by the strongest group of its units. And this logical end will be achieved, as this whole process has hitherto developed, as a result of wars and violent revolutions.

"If we are convinced that this is not a worthy ideal and we definitely want to avoid wars, violent revolutions, and dictatorships either of the Fascist (Individual Capitalist) or of the Bolshevik (State Capitalist) types, India must abandon this ideal of the Welfare State. We must feel convinced that we must resist this end of humanity and that, if we will, we can do it, whatever Historian Determinists might say to the contrary.

"We do want every person from the moment of conception till death to enjoy the objectives of the Welfare State. But if this can be done only by making him from birth to death something like an A, B, or C class prisoner of the State, under the outward semblance of democracy (and U.S.S.R. also regards itself to be a democracy of its own type), it is much better to live, as we have lived from the birth of humanity till now, in some sort of hard struggle for existence than be just comfortable, well-kept animals by a small powerful group of our own species."

This is planned economy and control *par excellence*—say at its worst or best. This is what planned economy through control for a Welfare State comes to. Is this the way to which the Five Years' Plan is leading us? Do we like this way? I feel that this is foreign to our genius as a people. We often say that India lives in its villages. It has very great meaning and significance. We should have a third way different from the holy alliance of centralization and totally planned economy under a benevolent State. Our new way has surely to be democratic. But should democracy necessarily be wedded to industrialism and consequent economic totalitarianism and urbanization of Rural India, under an army of experts and a bureaucracy armed with coercive powers, to be evolved out of Government monopoly of social services and highly centralized mass-production? Is it not an unholy alliance? Gandhiji taught us that democracy need not, rather should not necessarily be wedded to this aspect of economic, social and political development which we find in the West. Even the West is groaning under its baneful effects and is groping its way out of its darkness. Not nationalization by the State but socialization by the people without the coercive intervention of their Government, of the essentials of life is the right way. And that can be achieved only through organizing workable and manageable economic units on the principle of Swadeshi or decentralized economy based on the principle of bread-labour. This is a radically new idea in economics and politics as well. It is allied to the doctrine of the philosophical anarchists who say that Government is the best which governs the least. That is, there should develop in the people so much of progressive enlightenment and self-rule that the need for external government from the State is reduced to the minimum. That is the highest form of

democracy. But unfortunately today democracy does not define itself that way. In its efforts to be a Welfare State it tends to maximum government of the people by the State. Even the Communists accept, in their own manner, that the State will wither away in the ultimate enfoldment of the Communist order. Till then they are totalitarian! And what are the planners for a Welfare State? Surely, those who swear by democracy should heed to Gandhiji's idea of Sarvodaya and decentralized social and economic order; otherwise they also will unwittingly become tyrannical under their ideas of planned economy and control, which I fear we have unknowingly adopted from the book of Socialism-cum-Communism.

17-12-'52

A PERMANENT WAR-MAKING ECONOMY

(By Wilfred Wellock)

[In this article the author further elucidates his thesis, that the processes of the Industrial Revolution are in reverse now and consequently the civilization that the West built up on its basis as the most dominant and domineering type in the world today is now under decay. (Vide the previous two articles, viz. 'Industrial Revolution in Reverse' *Harijan*, 13-12-'52 and 'Civilization in Decay', *Harijan*, 20-12-'52). He says further this is because there are inherent contradictions in it, which have been working for social injustice and a war-making economy. Therefore we must now find out a peace-making economy and a world-order on the basis of such economics of a peaceful society. Wellock enunciates the latter part of this thesis in his second Orchard Lea Paper 'The Economics of a Peaceful Society'. The following is its first instalment, to be read in continuation of the previous two articles cited above.]

Civilization has reached a situation where either it or war must end. Increasing numbers are beginning to realize this although few have more than the haziest notion as to why it is.

Era of Permanent War, Cold or Hot

The facts are indisputable. The Industrial Revolution has developed contradictions it cannot resolve and tensions which it cannot remove except by war, which, however, produces still greater tensions. We thus jump from war to war, achieving nothing and learning nothing, and meanwhile proceed with an outworn economy which spreads materialistic values like the plague and leads to war as clouds to rain.

From this impasse neither politicians nor Divines have any means of escape—none that they dare trust. The former have their World Plan of Mutual Aid, which they have devised as the only safeguard against Communism, yet they merely toy with it, while the latter have bowed abjectly to politicians and industrialists for so long that their potent granary of Christian Truth has lost its power. The living germ has departed; only the husks remain. There have been and still are courageous exceptions, but far too few to effect large-scale social changes.

Accordingly we have slipped imperceptibly into the era of permanent war, cold or hot, and into the slough of a permanent war economy. We dwell in perpetual and growing fear, with power—naked, brutal, mechanistic, nuclear and bacterial—as our only hope.

Yet from that impasse there must be a way of escape, of liberation and salvation. How and where shall we find it?

Inherent Violence of Industrialism

In our search for an answer to this question the truth must be firmly grasped that the Industrial Revolution was rooted in injustice, and that violence was inherent in its ends and in its means. The economy which it established has from first to last radiated violence as the sun radiates heat. Its aims were maximum production, maximum sales and maximum profit, and its means, minimum wages and maximum hours of labour, maximum prices by selling in the dearest markets and minimum costs by buying in the cheapest. It cornered markets, organized scarcity, used gunboats to open ports, capture markets and control the customs, and ships and troops to capture and rule Colonial territories and monopolize their markets, also vital supplies which were procured by cheap labour.

By such means a few Western Powers organized a "world" economy which gave them a monopoly of secondary production and enabled them to acquire immense riches and power at the expense of the rest of the world, which was pinned down to primary production and existence at subsistence and even starvation levels. It was a policy of naked and unashamed violence which is now terminating in various, often dangerous, forms of nationalism, and in Communism.

That economy could work only so long as workers and nations could be repressed by starvation or the fear of starvation, and by military force whenever they tried to skip the traces.

Revolt of the Down-trodden

In due course however, the determination of the workers to organize themselves in Trades Unions triumphed, and started the long process of emancipation which in Britain has ended in the Welfare State which, however, is basically insecure since it rests on foreign aid, while the primary producing countries possessed their souls in patience until greed over-reached itself and the giants went for each other's throats. Their chance came in the second world war when the tide turned and the mighty were brought low. The weak became the creditors of the strong, and are now planning their complete economic independence and their inheritance of a juster share of the earth's resources.

Revolt in the East

These painful experiences make it clear that violence, aggression and war were inherent in the "world" economy which the West has so zealously cultivated during the 170 years of the Industrial Revolution. They conclusively prove that all injustice, all human exploitation, is violence, and if continued will stimulate enmity, hatred and pent-up resistance until it terminates in revolution or war as the case may be. The present revolt of the East, of coloured and repressed races everywhere is an instance of this, as is the rise and spread of Communism throughout the world since 1917. Other instances are the revolt of Egypt against Britain's seizure of her territory in the area of the Suez canal in order to protect vital trade routes, and of Persia against Britain's monopolization of her oil resources. The restriction of Japanese textile exports to British Colonial territories in order to protect Britain's lopsided economy is the beginning of a new cycle of international tensions and crisis which will make for war and the spread of Communism. We forget that Japan is the natural provider of goods to the countries which Western imperialism has helped to hold in perennial poverty.

The Real Problem of Our Age

It is now demonstrable that revolution and war are the end products of vicious national policies and ways of living, and that the real problem of our age is to discover and make possible a way of life which harmonizes with man's nature and brings satisfaction, contentment and peace to men and to nations. This way of life will evolve a new economy which will be a peace-making economy.

LAND GIFT MOVEMENT — AN EVER TRUE IDEA

Recently young workers from all over India met at Ranchi to consider how they could best help the Bhoodan movement. They were with Shri Vinoba for two days and used the opportunity to have their doubts cleared. In the course of a talk, at Tirifi, Shri Vinoba explained to them that his movement was not a product of reaction, but an ideology in its own right based on an integral life-view. He said:

Nature of an Abiding Ideology

"Only such rivulets develop into rivers as have their own sources of water-supply. They do not run out because they carry in themselves a force which ever presses forward without getting exhausted. On the contrary, there are others which, though in the beginning they appear quite big, dry up for want of such force. The same holds true of ideological currents also. There are ideas which get started but pass away quite soon, but the stronger ones, which are deeply rooted, continue to flow. Movements based on such abiding ideologies do not die, but grow ever stronger, whatever the appearances. Imperialism had not behind it, such ideology as could always conduce to the good of mankind; that is why it could not last notwithstanding the mighty efforts of the great powers to bolster it up. It is frantically trying to save its position even today, but those who can see know that this cannot be.

Marxism and Capitalism

"In the same way Marxism also held the field for a hundred years but now it is losing its former hold. Because it contains much which is of the moment only and therefore ephemeral. Several ideas arose as a reaction against the evils of imperialism. Marxism was one of them. Many of them exercised great influence in their days but now as Imperialism which they sought to combat is crumbling, they are also passing into desuetude and consequent extinction. Fire appears when one ignites a piece of wood, but it goes out so soon as the wood gets burnt up. But the rays of the sun which do not burn anything remain constant. Today the attention of the people is getting drawn to the evils of Marxism. This is so because Marxism is not a basic idea, it started as a reaction against the prevailing ideology. On the contrary we are going to give to the world an abiding thought which is whole and complete.

The Eternal Truth of Buddhism

"We know they have started to observe the anniversary of Lord Buddha now. He whose anniversary is being started 25 hundred years after his death,—how can he die? The plant, which grows rapidly, dies early. Buddha's anniversary is being celebrated, because his teaching contains the lesson of *nirvairata* or hatelessness, an idea which may enable mankind, if it so chooses, to save itself from the impending disaster and build a happy and prosperous life. And the world will realize the value of this lesson more and more as the forces of hate mount up. Science has put an end to the small-scale battles of yesterday. It now challenges us either to fight out big wars or give up fighting altogether. We have to choose between absolute hatelessness and Ahimsa—non-violence on the one side and utter hate along with the violence of global wars on the other. But man dare not choose hate, because that will put an end to his own existence on earth. I am sure, therefore, that the more science advances, the more they will be drawn to study the Gita and the Dhammapada, because they contain elements of abiding value for humanity.

Bhoodan a Positive Good

"The movement I am carrying on is not, as some seem to imagine, a counter-action against the Communists. It is based on a positive ideology, which stands in its own right. The rays of the sun are not a counter-action against darkness. Indeed, they do not know what darkness is, because darkness just melts away at their sight. Our movement stands firmly on a view of life, which is not of this

or that age but true for all time. How otherwise could it spread to the extent it has done? I am not a military leader like Napoleon and yet I am receiving help and co-operation from every side. If people are ready to listen to me who worked for over 30 years of his life in solitude, away from the public gaze, the reason is that what I preach is not conceived negatively as a counter-action to anything. For example Marxism was conceived as an antithesis to Capitalism. Therefore, as Capitalism decays, it is also decaying. It provided the means for delivering the people from the clutches of the evils of Capitalism, and as such proved very efficacious in those days. But now the world has seen that many of Marx's prophecies have gone wrong.

Appeal to the Youth

"I expect much from the youth. If the youth of the country close their minds and cease to think, the society cannot progress. It is only the youth who can receive new ideas and examine them with an open mind. They are hasty and often suffer from impatience and inexperience, but as against this let us also remember that 90 per cent of the saints who accepted extreme renunciation were youths. I therefore ask you not to look at this movement as merely an expeditious measure calculated to answer the call of a certain age. It is an independent idea whose roots go deep in the sacred soil of our land.

The Straightforward Way

"I firmly believe that love and peaceful methods provide the surest and quickest means to our success. As Euclid taught us a straight line is the shortest distance between two points. And yet even eminent statesmen follow devious ways to reach the goal quickly. Let us then remind ourselves that it is only by following the straight line that we will most quickly reach our destination. The Bhoodan way is such a straight way."

Purahu, 3-12-52
(From Hindil)

D. M.

CRIMINAL JUSTICE IN INDIA

(By A. V. Barve)

As a lawyer with several years' experience as a pleader mainly on the criminal side, I am closely acquainted with the procedure and practice followed in the criminal courts in India, and want to draw the attention of both the Government and its master the general public, to some of the defects and vagaries of criminal law.

Before the advent of the British Raj, the law as administered under the Mogul and Maratha States was uncodified and the *Kajis* and *Nyayadhishtas* relied more or less upon natural and substantial justice being given through the instructive intuition of the individual judges. In the villages, the Gram Panchayats decided the petty cases. There was no lawyer class as such, and no artificial law of evidence and the accused persons were sometimes made to go through painful 'ordeals' to prove their innocence.

But with the advent of the British Raj, all this changed. The Criminal Law and the Law of Evidence were codified and an exceedingly systematic but very artificial law came to be administered through the Law Courts. A class of very clever but unscrupulous people arose, called the pleaders' class, which helped people to avoid the meshes of law. The British system of the administration of justice naturally partook of the characteristics of the English people. They in England, are great lovers of individual liberty, but have the 'Robin Hood' instinct inherent in their

character. The British system has therefore this inherent weakness in its character, that it favours the accused person palpably to the detriment of the private complainant or the State, as the case may be. Again, every crime or offence is required by the exceedingly artificial Law of Evidence, to be proved as far as possible by direct evidence of eye-witnesses. Can any one imagine a more foolish thing, than that a murderer or robber or dacoit will commit these heinous offences in the presence of others, if he can at all avoid it? But because of this most artificial fad, of direct eye-witness evidence being necessary, the police are tempted to concoct false evidence with the result, that it naturally fails in cross-examination and many a murderer and robber and dacoit escapes scot-free. Recently, a young girl was raped and then murdered but the accused had to be given the benefit of doubt and escaped from the clutches of justice due to technicality in the High Court. 'Let ten guilty men escape, but let not one innocent man suffer' is a high sounding maxim, but its strict — nay sometimes loose — application, by the judiciary and the magistracy, has greatly helped real criminals to escape just punishment.

India under Swaraj, has continued to follow this most artificial English system, with the result that one side, namely the defence, gets all the advantages and the prosecution is handicapped with all the drawbacks. The accused is never examined on oath nor has he to face the ordeal of cross-examination. He can take fancy and palpably false defences and nothing happens to him because of the false nature of his defence. I believe, that under the French and even the American systems, the accused is given oath, is liable to cross-examination and if his defence proves false, is liable for perjury. Under the present Indian system the accused is the 'son-in-law' of the court and the government so to say. With the shrewd and often unscrupulous advice of his legal advisers, he can take the fullest advantage of the artificiality and loop-holes of law and escape just punishment. Every body out of court is very often satisfied, that the accused is the real culprit, but he is held to be innocent and acquitted by the court. The most terrible result is, that there is a belief among the criminals, based on reality, that one can commit robbery, rape or murder even in broad day light and quite often enough escape punishment, if he can pay his legal adviser sufficiently for his aid. Such anti-social activities are increasing by leaps and bounds and unless checked in time, will certainly lead to chaos and anarchy.

And now, what is the remedy for this sorry state of things? For one thing, India under Swaraj, is under no moral or legal obligation to be in the leading strings of her former British masters and should evolve a new less artificial, and more 'true to human nature', system of administration of justice. If the offenders against law and morality are to be brought to book, then

a holy terror of the administration of law and justice ought to be instilled into their guilty consciences. Let the accused be examined on oath and cross-examined, about his plea. Bail should ordinarily be refused, in non-bailable cases at least. Wherever there are Gram Panchayats, they should have powers to try all offences, except the most heinous ones like murder. The cases should be heard from day to day, both in the Panchayat and Taluka and District courts and decided as a rule in say a fortnight's time, from the opening day. Explanation should be asked for more delay than this. Let the loose maxim about letting ten guilty men escape, be substituted by the better maxim that 'no guilty person will be allowed to escape just punishment, due to any trickery about the loop-holes or technicality of law.' Let Ramshastri Prabhune's pictures be hung in every court. He was an ideal judge who had the moral calibre and boldness to tell the ruler of Poona — Raghunathrao Peshwa, that the punishment for murder even for a king was nothing less than death.

If the administration of criminal justice in India follows some such line, there will be more peace and less crime in India. This is a consummation devoutly to be wished for.

Roha, Dist. Kolaba

NOTES

Danger of Employment

The following news-item is sent by a reader for the *Harijan*. I reproduce it without any comment, as it is not necessary:

"New York, Dec. 5 (PTI-Reuters). Supreme Court Justice William O'Douglas said last night the United States was witnessing 'perhaps the most widespread suppression of views' in its history!

"The Suppression comes not from fear of being gaoled' he said, 'but from fear of being dismissed from employment, banned from radio work, disqualified for teaching or unacceptable for the lecture platform.

"These sanctions are effective and powerful. They often carry as much sting as a fine or a gaol sentence."

17-12-'52

M. P.

A Half-True Observation

A reader sends me the following from *The Commonwealth in Asia* (Waynflete Lectures delivered at Oxford in 1949 by Sir Ivor Jennings):

"If Hindi were the national language the Hindi-speaking peoples of the North would become as dominant a class as the English-speaking are now. English is at least neutral, a language which all can learn on equal terms. Hindi would give a preference to some and so would be anathema to others."

The above remark was made by Sir Ivor in 1949. At that time it was already decided that Hindi will be the official language of the Union of India. Therefore, Sir Ivor could have saved himself the conditional statement that he made about Hindi. It is at least good that Sir Ivor notes that English has created a dominant class out of English-knowing people in India. May our ultra-lovers of English note this fact and realize that what they say for English is not all from pure

love of learning, but is vitiated by considerations other than that.

Sir Ivor has, in his remark quoted above, compared Hindi with English and said in favour of the latter that "English is at least neutral, . . . which all can learn on equal terms", and against the former that "Hindi would give a preference to some. . . .". Even if this is true, we know that the preference will be to our own nationals if at all, and not to foreigners. But the question is, was English neutral really? And could it be learnt on equal terms by us? And how many could they at best be? And cannot *non-Hindis* learn Hindi as well at least as we could learn English, if not better? Sir Ivor's observation reminds us of the old imperialist days when the existence of Englishmen in India was shown as good and necessary for law and order and peace between the so-called warring elements of our people. It is upto us to show that with the third party away from us, there can be no quarrel of the sort insinuated in the half-true observation quoted above.

11-12-'52

M. P.

Is It Just?

The other day at Delhi there met in conference the All-India Motor-owners. These people are a very very small group of people, having in common the attribute of owning a motor vehicle. In what way this attribute can have any serious consideration or importance of some nation-building character and at a time when the bullock-cart-owners in their crores are rendered without work is a different question. But there they are and are vocal in the very capital of the Union. What do they say? They demand that there should be no nationalization of road-transport, at least for the time being, and that whenever that calamity comes, they should be compensated for the loss of their business. Is this claim any way valid or just? Should the State policy of nationalization depend upon the sweet will of the very persons or interests concerned, and not upon questions of the general good of the whole people? And should nationalization be allowed to be made more difficult by tolerating questionable claims of compensation for loss of business? Can it not be legitimately asked of these compensation-mongers as to what they paid to the bullock-cart-owner when that poor man's business along with his bullock was ruined almost to extinction? This was more serious, as it was a step in the ruination of our chief industry, agriculture. This wanton talk of compensation is loosely going on in regard to various other organized industries also. Both the people as well as their Government cannot surely tolerate such unwarranted claims on the nation. If at all, such claims must be counter-balanced by similar claims against them, of the poor and the downtrodden whose loss of business is as if no concern of anybody but their God-forsaken fate. We should beware of such false claims on our national economy.

5-12-'52

M. P.

SHRI VINOBA'S ILL HEALTH

People all over the country are very much concerned over the sudden news that Shri Vinoba is very ill and bed-ridden. On learning about it the *Harijan* Office wired Shri D. M. his secretary, inquiring about Shri Vinoba's health. Shri D. M.'s reply must be shared with all readers. It is as follows:

"The whole atmosphere at Vinobaji's Camp which was surcharged with feeling of helplessness and emotions outbursting into tears was suddenly changed into that of great relief today when Acharya Vinobaji, after a grim ethical struggle, acceded to the request of the Chief Minister, Bihar, Shri Shrikrishna Sinha and agreed to take medicine.

"The Chief Minister touched by Vinobaji's decision expressed with tearful eyes his gratitude on behalf of the State and country.

"Your life is precious and most needed for millions, he said.

"Vinobaji, on being requested by the Chief Minister, discussed the matter with his inmates and those who were present.

"That will free the friends and well-wishers of all the anxiety and strain they are put to. Ahimsa demands consideration from that angle also," he said.

"Vinobaji's decision was cheered throughout. At 1-00 a.m. Civil Surgeon Das Gupta administered medicine to bring temperature down and tone up the condition of the heart.

"Prayers are being offered for Acharyaji's speedy recovery. Earlier Shri Shrimannarayan Agarwal had a telephonic talk with President Rajendraprasad who expressed great anxiety about Vinobaji's health.

"Arrangements to avail best possible medical aid are being made by the Chief Minister, Shri Shribabu. Despite commencement of medicine from today Vinobaji's health is still critical and a cause for considerable anxiety."

All will join with us in the prayer that God may speedily restore Shri Vinoba to health so that he might be enabled to continue the great national work of Bhoodan movement.

22-12-'52

M. P.

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