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TOPICS OF THE WEEK

A GREAT deal of uncertainty is still felt as to what rôle the Swaraj party, pledged to non-co-operation from inside, will play in the Councils. Only the Madras Council has so far started work, and there is nothing to distinguish the Swarajists from dissentient non-Brahmans or Nationalists in their attitude to the work before the Legislature. On one occasion members of the Swaraj party were content to follow the lead of Mr. C. R. Reddy in presenting " a most humble and dutiful address to His Excellency the Governor " and on the other that of Sir K. V. Reddy Naidu. Both were occasions on which all these three groups opposed the Government, but the opposition of the Swarajists was of no different order from or not more uncompromising than that of the other two groups. A party whose avowed policy is indiscriminate opposition, would naturally, in speaking on a motion of no confidence against a particular Ministry, make it clear that it is bound to embarrass and vote against any other Ministry that would take its place. In fact, some members of the Swaraj party who are not in the Council were insisting that this attitude should be made clear in the debate, but neither Mr. Satyamurti nor anyone else from the party did so, and they all spoke in the same tones as the members of the other party. Nor did they, in opposing the Court Fees Bill along with members of the other parties, say, as they ought to have said consistently with their pledge, that they would oppose all other proposals for taxation as they were opposing the present one.

That their attitude on these two occasions was identical with that of the other groups in that they opposed certain measures on the latter's merits and not for opposition's sake, makes one suspect that, whatever they may have professed to do at the election, they will practise in fact not non-co-operation from within, but co-operation *cum* opposition, supporting Government when they do well and opposing it when they do ill.

* * *

IN our leading article we have given our view of the 'no confidence' vote moved by Mr. C. R. Reddy in the Madras Legislative Council. Though we feel that the oppositionists should have gone about their business in a different way, still we cannot help rejoicing that a strong Opposition is being developed in the Madras Council. Formerly the Opposition consisted almost wholly of Brahmins; and it is therefore gratifying to note that a non-Brahman Opposition party is being formed by Mr. Reddy. The Opposition must however be based on principle and should not even be suspected to be personal. For this reason it is necessary that the new party should formulate its own principles and if they are not different from those of the Nationalists, it should give up the communal basis of its organization. If sectionalism however remains its foundation, we are afraid it cannot long remain progressive even if it is started as a progressive group. The policy of the Madras Ministry certainly requires unceasing criticism from the Opposition benches, but the criticism can be effective and will be valuable only when it comes from men who are also unanimous in their constructive ideas and will pull together when they supplant the present Cabinet.

* * *

THANKS to the persistent agitation of Pandit Benarsidas Chaturvedi, prominent Congressmen are now forced to devote some attention to the question of improving the status of Indians in the Colonies. At this year's East African Indian National Congress to be held in Christmas at Mombasa Mrs. Sarojini Naidu is to preside and Mr. George Joseph is to be a delegate. We do not suppose it will be possible for these leaders to maintain in Kenya the negative attitude which only too many Congressmen take up in this country, that till Swaraj is obtained nothing is to be done for Indians overseas. They will realise there, in the midst of the

many pressing difficulties of our brethren, that the status of Indians, whether at home or abroad, is a unitary problem, and that if our position at home is ameliorated it will help to secure an improvement of our position overseas and *vice versa*. We cannot, therefore, neglect either side of this all-important problem without impairing our strength to tackle the other. The Kenya affair having reached a crucial stage, it requires a very careful consideration of the local conditions to determine how it should be handled, whether Indian settlers in the Colony should be advised to boycott the Legislative and Executive Councils in protest, or after registering their protest, to enter the Councils with the one object of impressing the Governor and the European settlers with the intensity of Indian feeling and exposing the wrongs done by the Whites. No doubt, Mrs. Naidu and Mr. Josepu start with a very strong prepossession in favour of boycott, but it is for that very reason the more necessary that they should study the question with as great an open-mindedness as is possible in the circumstances. But if the Kenya wrong is to be redressed, it will be redressed on Indian soil and we shall await with interest the advice these leaders give to us here.

SIR G. LLOYD'S swansong at the Associated Chambers of Commerce last Monday contained some *bravura* passages on "the wonderful men, in whose possession India has been so singularly fortunate", on their "genius, ability, heartfelt devotion and loyalty": followed by an ancient melody in the minor key on the "disquiet and despondency of these Great Services, who are in peril of rapid disintegration." His Excellency's "prompt and satisfactory solution of this question" is of course to pay this devoted band of men still higher salaries than they are actually in receipt of; and as for the plea that India cannot afford that, he dismisses it as "ill founded and ignoble". By a little irony of fate the same mail that brought us an account of the Bombay function, brought us also an amount of the last meeting (November 15th) of the Federal Council of the Malay States. The Chief Secretary, we there read, in reply to criticism by unofficial members said that "the increase in the Civil Service is undoubtedly a serious matter, and I myself gave serious consideration to the number of European appointments we have constantly been making. I think you may turn it back on us in this matter of educating the people of the country. I think we have far too many Europeans in posts which can well be held by the people of the country: therefore Raffles College, when it comes, will help."

Similarly, as regards the F.M.S. State Railway. In this connection another interesting little point of comparison arises as to the scale of pay in Malaya and here. The L. C. S. pay is from Rs. 600 to Rs. 2500; the M. C. S. from Rs. 610 to Rs. 2100. The General Manager of the railway there gets what the Agent of a railway here gets, viz. Rs. 3500. A "Commissioner" here gets Rs. 3500, a "Resident" there Rs. 2450; a Chief Secretary here Rs. 3750, a Chief Secretary there (a more responsible post) Rs. 3850. These rates of pay have only recently been raised to the present level and, although they seem much of a muchness with our own scale, they are really much lower owing to the higher cost of living in Malaya, where a dollar goes no further than a rupee here. Yet these "devoted, wonderful" &c. &c. men over there seem to be able to get on quite happily, without another immediate rise in

pay and on the contrary rather contemplate a drastic reduction all round in White officials. Is Sir W. G. Maxwell also "ignoble", we wonder, in Sir G. Lloyd's eyes, for thus saving of the Malayan Service, what every Indian says of the Indian Service—that the country cannot afford them?

A QUESTION has been raised about the propriety of holding sittings of the National Social Conference along with the Liberal Federation rather than with the Congress. By the practice of several past years a tradition has grown that the Social Conference should be held at a place where the Congress fixes its session, so much so that the Conference had practically become an annexe of the Congress. But what was an unquestioned usage when the ranks of Nationalists were undivided raised a somewhat itkskish point when several members of the old Congress were driven by their political convictions to abstain from that body and to hold a separate gathering of their party at the same time with the Congress. The right of the Secretaries to determine all questions about the holding of a Social Conference is not disputed by anyone, and though they happened to belong to the party of abstainers, they tried, as long it was possible, to organise a social gathering in conjunction with the Congress in spite of the fact that their own political gathering was held in a different place. When they found however that they could not discharge this responsibility satisfactorily unless the Social Conference was held at a place where they would be present in person, they decided to organise it where the Liberal Federation met. That, from the constitutional point of view, no Social Conference could be recognised whose organization had not been undertaken with the Secretaries' authority Mr. Natarajan had occasion to maintain with much ardour and indeed it is not a point open to debate. In these circumstances there is nothing wrong that the Conference was held last year at Nagpur and is to be held this year at Poona.

WHILE we say this we are free to admit that the Congress also has a right to organise a separate Social Conference, and indeed it is but proper that it should. So long as these two political assemblies meet at the same time, in two different places, no one can object that the holding of two Social Conferences is an unnecessary duplication. The more conferences we have where questions of social reform are discussed the better. The only question that remains then is, which is the National Social Conference, and which is the other Conference. This is only a verbal quibble and really need not exercise the mind of any one. Mr. Devadhar, one of the two Assistant Secretaries, offered, at a meeting of the Reception Committee of the Social Conference convened the other day at Poona, to waive (if that would satisfy Mr. Natarajan) the name of the National Social Conference and call it a Social Reform gathering. But the Reception Committee turned down the proposal, thinking to stand on its right. Personally we think it is rather a pity; but all those who can lay aside hair splitting and take a broad view will cease wrangling over the question of name and will welcome the fact that there are two Conferences, by no means antagonistic to each other, but doing the same work. (In passing, we may say that the *Indian Social Reformer* is in error in writing what it did about the late Sir N. G. Chandavarkar's attitude to the question raised by it. If it were worth while to do so, the point could be proved to the hilt.)

THE MADRAS MINISTRY.

THE first important business the newly elected Legislative Council of the Madras Presidency was invited to transact was to dismiss the present Ministry by passing a vote of "no confidence" against it. As it turned out, a majority of even elected members was found to support the conservative section of the *Justice* party from which the Ministry has been drawn, and there is therefore to be no change in the holders of the executive power. No one can be more stoutly opposed in principle to this section than ourselves, and still we do not quite regret the Council's decision. For the battle was fought not so much on the merits of the rival programmes of different parties, as on the distribution of ministerial seats among the various groups composing the dominant party. And in this scramble for power we feel no interest. At an early stage in the debate the Ministerialists raised the cry of "reforms in danger." This is of course utterly misleading. The reforms would not have been imperilled in the slightest degree if, immediately after the Ministry was constituted, it were called upon to declare its political faith and present its programme for the realisation of which it has assumed the burden of government and if it were unseated after such a debate because the House does not believe in this programme but desires to give a chance to an alternative programme. In fact such a plan is followed in some countries, and it would have demonstrated our parliamentary capacity as few other things would have, if it had been followed in Madras. But the Opposition did not choose to follow this line, evidently for the reason that it would then have become incumbent upon it to disclose its own platform.

The main ground of attack was that the Ministerialist party had emerged from the recent elections weaker than three years ago or that it has lost a few seats to the "Progressive" group of the non-Brahman party and to the other parties, and therefore it must be presumed to have forfeited the confidence of the electorates. Against such a contingency, however, the party in power had amply forearmed itself, for it took the precaution to run no candidates in its own name, so that it could count even the mover of the "no confidence" vote among its own adherents! The Ministerialists further contended that even supposing they had suffered some losses in the election, they still commanded a working majority, which could hardly be claimed by another party. Nor had it formulated its programme except in the barest outline. In this matter, however, the dissentients were in no better position, for the mover of the vote and his non-Brahman supporters, who have suddenly blossomed into a Progressive and Democratic party after the elections, had carefully kept to themselves all their passion for progress and democracy at the time of the election. We have no doubt that some of these leaders, and parti-

cularly Mr. C. R. Reddy, have truly democratic sympathies, and that they have occasionally made a stand for advanced politics in inter-group meetings, but this is not enough. If it is desired to base the verdict of the Council on the electoral ill-success of the party in power, the issue of Progress versus Reaction should have been placed in definite terms before the electorate and the election should have been fought on this issue. The dissentients, however, appear to have been as eager to avoid the issue as the Ministerialists. Is there any certainty either that they will hold together and that as a group they will support all progressive proposals? No, the odds are that they will not be able to arrive at an agreement among themselves and, if they do, they will easily slide back into the reactionism of the old *Justice* party. Mr. C. R. Reddy, in unfurling the banner of revolt, complains that the party has gone back from the principles which inspired it at its formation and pleads for the revival of the party as the late D. Nair left it. Those who know how vehemently Dr. Nair opposed the popular agitation in the country for further constitutional reforms and used all his influence in restricting the scope of reforms when they seemed inevitable, will have, we fancy, some little difficulty in assessing the professions of the dissentients for progress and democracy at their face value.

On questions like the separation of the judicial and executive functions, the treatment of political prisoners, Kenya, etc., one can well believe that the attitude of the dissidents will be more liberal than that of the group which is now in possession. But, apart from the fact that they are unwilling to face the risk involved in fighting the election on this question, they are by themselves too small a group to command a majority in the Council and are unwilling to coalesce with others in undertaking ministerial responsibility for carrying out a more advanced programme. The sectarianism of the "Progressives" among the non-Brahmans is of no less virulent a type than that of the die-hards. Mr. Reddy himself, when he first detached himself publicly from the party in power, declared that he was for an exclusively non-Brahman party. In face of such intransigence, there is no wonder that the Council was not impressed overmuch by the great show the dissenting non-Brahmans made by uniting temporarily with Nationalists (as the Liberals and Progressives call themselves), Swarajists, Mahomedans, &c. for the purpose of defeating the Ministry. The Council knew well that these different groups were fighting together for the moment from opposite motives and that if the end-all and be-all of one's activities as a legislator is not to turn out the existing Ministers, the Council might be pardoned if it gave some thought to the future and considered whether an alternative administration could be evolved out of the opposing groups, and not being satisfied on the point, the Council has some justification if it preferred to keep the pre-

sent ministry in office for some time longer. The heterogeneous character of the Opposition becomes plain from the fact that among the grounds of attack one was the passing of the Religious Endowments Act (in regard to which the only complaint of Dr. Natesan probably is that it does not go far enough), or the Universities Act (of which Mr. C. R. Reddy is known to have been the inspiring genius), introducing the principle of communal representation in the service (a principle as dear to the heart of the Non-Brahman dissentients as to the *Justice* party), the ignoring of the claims of the untouchables (from which charge Mr. M. C. Rajah does not seem inclined to except Mr. Reddy or Mr. Satyamurti), the insufficient advancement of the Moslem community (as to which neither the revolted non-Brahmans, nor the Nationalists, nor the Swarajists nor the Untouchables are expected to be in a better position). Mr. Reddy pleaded hard that the Council should only concentrate on passing an adverse verdict upon the present Ministry and should not worry as to who will replace them. But the Council were right to worry about it, and we take it that if they did not send the Ministers about their business, it was because they were a little uncertain of the political complexion of the dissenters in the *Justice* party and their possible strength in the House. For what is needed above all is a homogeneous Cabinet supported by a decisive majority, or as near an approximation to it as possible. Any fight again that is to take place in the Council should take place on well-defined principles. If the defeat of Mr. C. R. Reddy and friends impels them hereafter to enunciate in unmistakable terms the principles for which they stand and to take risks involved in this process, then the defeat will not have been in vain, and we hope that the result will be to force the dissentients into the open.

It is an essential condition of the satisfactory functioning of a parliamentary régime that there should be only two parties: the one in office and the other always ready to take office when it has converted the majority party into a minority. But Madras also has now come, like most other provinces, to have five or six groups, none of which possesses the numerical strength to constitute a majority without the support of the other groups. This naturally makes the situation of any of these groups which prefers the perilous task of governing to the convenient rôle of an Opposition extremely difficult. Having to rely at every step upon the support of one group or another, the Ministry cannot place itself at the head of the Council and assume responsibility for the measures it feels necessary to take, but has practically to be at the disposal of the other groups and make itself responsible for their acts. Nothing is more detrimental to the success of a constitution than that the Cabinet should feel itself unable to take initiative and

should content itself with following the direction given to it by the Council. It need not be supposed that we have unstable Ministries because we are working under a dualistic form of government. Even in self-governing countries where the circumstance favourable to the growth of responsible government, viz. a two-party system, is not practicable, negotiations are entered upon with leaders of different groups as to who will accept participation in the Cabinet and a basis of agreement is then found between them, each with a different programme, so that the resulting policy is a hotch-potch and the Ministry never master of itself. In India we must endeavour to avoid this by setting our face against the communal spirit and by evolving definite policies and founding parties on that basis. If Mr. Reddy keeps up sectarianism and shrinks from putting forward a programme of his own, the country will have no reason to thank him merely for fomenting a schism in the *Justice* party.

SOCIAL WORKERS IN CONFERENCE.

I.

THERE can be no two opinions, but that the All-India Social Workers' Conference, which met in Bombay for four days ending Sunday last, was a great success. The very fact that there were assembled 447 delegates, of whom 84 came from outside Bombay, proves the widespread interest taken in it. Madras Presidency was well to the fore, Bengal and the U. P. coming next; whilst no fewer than sixty institutions of Bombay City had joined. The most striking and satisfactory feature no doubt was the great diversity in the character of these participating institutions: strictly denominational ones like the Catholic Charities Organization and the Arya Samaj were there; so were strictly undenominational ones, as the Bombay Social Service League and the Lady Chelmsford All-India League for Maternity and Child Welfare—and of course the whole gamut of intermediate degrees between these two viewpoints as well. Besides, every specialized branch of Social Work had sent its own devotees and enthusiasts—whether that branch was the prevention of Tuberculosis or the reclamation of Criminal Tribes; whether Social Settlements or Rescue Homes; whether the training of midwives or the provision of recreation grounds. But with all this diversity there went an obvious all-comprehending unanimity of hearts and singleness of purpose, which made the unity of the Conference a living—and most inspiring—reality.

The Conference began on Thursday with presidential speeches: the Hon'ble Lalubhai Samaldas' Welcome Address as Chairman of the Executive Committee and Mrs. Besant's inaugural address on "Social Reform." The Conference then went into Committee until the afternoon on Saturday, when full session was resumed. The Conference was not closed until late on Sunday night.

after a most strenuous work of four days, every one of which was crammed full of interest.

1. TRAINING SOCIAL WORKERS.

Appropriately enough the first subject considered was the training of the social worker himself. The first paper on this subject was contributed by Prof. S. N. Pherwani, who brought out the difference between an overwhelmingly agricultural and illiterate country like India and those countries which served as their models in regard to social work, e. g. the United States; and who formulated ten recommendations for the more systematic training of social workers. The Misses I. Wingate and M. Read of the Calcutta Y. W. C. A., Mr. J. A. C. Rubello and Mr. D. S. Savardekar of Bombay contributed further papers on the same subject. Miss Nesbitt, who had also written a paper on this point, addressed the Conference on the need of starting "Social Settlements," a resolution to this effect being adopted in due course. Prof. Patrick Geddes took part in the discussion on a proposal calling on the Universities to provide opportunities for the theoretical training of social workers and to arrange with Social Service Leagues for the practical experience of such students; and he pointed out that plenty of courses of lectures are already provided, but that few students avail themselves of this opportunity: a fact which makes one inclined to believe that the real need lies in some of our prominent social workers specializing in the training of would-be social workers to supply the needs of the country at large. This point came out in the second resolution passed by the Conference which recommended:

That Social Service Leagues and similar institutions should frame helpful syllabuses, hold examinations and grant certificates in order to stimulate study and thought in this direction, should send out workers to take advantage of the existing University facilities for training in Social Science as an aid to social work, should organise courses of lectures in social work, and that it be made the policy of such Leagues to train and send out itinerant rural social workers to serve the villages around every city.

As an auxiliary to this, a committee was formed to write suitable text books.

2. SYSTEMATIZING SOCIAL WORK.

The next matter dealt with referred to the deplorable lack of co-ordination and the urgent need of Charity Organization. Univalled for their charities, as our Parsi friends are, it was appropriate that Prof. P. A. Wadia should lead off with a paper on "Parsi Charities and Charity Organization," and he put his finger on the *punctum saliens* when he urged as the first need the abandonment of the attitude of the dispenser of charity who puts his chances of winning heaven by personal doles before the interests of the object of his benevolence. Dr. D. A. D'Monte's paper held up the Society of S. Vincent de Paul as the best model of charity organization to follow and a third paper was contributed by Mr. J. K. Dada-ghanji who expatiated on the waste of misapplied

charity and pleaded for properly audited accounts and State registration. Mr. K. A. Vakil of Santa Cruz and Mr. M. R. Sesh of Bangalore had written on the "Co-ordination of Social Work in India": the former stressing the potentialities of civics beneath so many of our ancient religious institutions and customs; the latter suggesting that the Social Service League of Bombay should gradually affiliate to itself all other agencies doing social work, first in Bombay, afterwards in India generally, and thus transform itself into an All-India Federation of Social Workers. In the end, the Conference appointed its own Executive Committee to serve as a sort of central clearing house for all Social Work endeavours in India and also passed an important resolution,

Being emphatically of opinion that an enactment for the whole of India be passed for the Compulsory Registration of Charitable Trusts on the lines of Bill II of 1911.

3. PROSTITUTION.

The number of papers on Vigilance and Rescue work included in the stout volume of "Papers submitted to the Conference" and taken as read, is indicative of the great interest taken in this problem by the Conference. Dr. Soórates Noronha's paper was valuable, not only because of the mass of facts and figures it contains, but because it brought out the necessity of statutorily recognizing and investing with powers Vigilance and Rescue Committees, whose private efforts would otherwise be of little effect. Various Provinces have at last begun to legislate against the rapidly growing evil of commercialized vice: but it is safe to prophecy that, if the duty of enforcing these laws is left entirely to the police, our latter stage may be even worse than our former. In addition to this, it must be remembered that much of our recently achieved legislation is very feeble and halting and it was really a great pity that no delegate from Rangoon was present, giving his experience of the working of the Burma Act No. 2 of 1921, which alone of Provincial Acts goes "the whole hog" in suppressing brothels and immoral traffic generally. As it was, the Conference, "while thankfully appreciating the efforts made by the various Provincial Legislatures to check the growing evil of prostitution, was of opinion that legislation should go much further and recommends that Vigilance and Rescue Committees consisting of a majority of non-officials, should be endowed with statutory powers and adequate finances to undertake propaganda, to supervise the administration of enactments for the checking of prostitution, to train Rescue Workers and run Rescue Homes on non-denominational lines &c."

Mr. P. S. Naik in his paper on "Vigilance and Rescue Work" considered that such committees, to be really effective, should be merely branches of a nation-wide organization, represented everywhere; whilst Mr. J. E. James of Calcutta gave a broad survey of the field to be covered under four heads, viz. legislative, administrative, social and educational. The Conference accordingly re-

corded it as its considered opinion that Prostitution must be combated by

1. Legislation to make commercialised prostitution, procuration, solicitation and the keeping of brothels penal offences;

2. The administration of such legislation with the co-operation of non-official social workers;

3. The organization of special institutions for the rescue and reformation of the victims of the evil;

4. The adequate provision of medical facilities to treat venereal diseases;

5. And educational propaganda to disseminate correct knowledge of the physiological and moral laws of life, hygiene etc.

As regards (3), His Grace Archbishop Goodier of Bombay in a paper "The Social Evil" emphasized the necessity of the worker's own spiritual equipment and the importance of measures for the after-care of the victims of this vice. In describing the latter, he happily stated that he was not describing an ideal, but what actually had been and was being done. Miss I. M. Dickinson, both in her paper and in her address, gave the delegates a glimpse of her own work in this respect and made a powerful plea for preparing Rescue Homes for the day when the brothels of Bombay are closed and when these unfortunate *déracinées* will have nowhere to go to. One member of the Conference, who had suggested local option, was most effectively dealt with by Mr. N. M. Joshi who scathingly denounced this attempt of the rich to get rid of offensive sights by saddling the quarters of the poor with them. If brothels were made illegal, as he hoped they would, they would and should be illegal in the slums no less than in the residential quarters of the rich. Miss M. S. Ward, of the Criminal Tribes Settlement at Hubli, therefore advocated the repatriation of all foreign prostitutes and the gathering up of all other professional prostitutes in colonies under a modified Criminal Tribes' Act—very much Miss Dickenson's idea, who also wished for a colony, "as little of an institution as possible," and who emphasized the necessity of working such colonies not on cut and dried lines, but with great elasticity, allowing for the vast individual differences existing in the rescued. Dr. Jerbanoo Mistry reminded her hearers that little was heard of Indian efforts in this direction, but that such a home actually did exist in Bombay where it was unobtrusively doing a lot of good. Mr. Talcherakar stated that in Bombay mills &c. 70% of the forewomen are of known vicious antecedents and appealed to the owners not to subject their female workers to such evil influences. Whilst he thus brought home to his hearers new developments in this capitalistic age, Mr. Syed recounted his experiences in the U. P. as regards hereditary prostitution. Dr. Zacharias contended that to cut at the root of prostitution, one should aim at all those people who were making money out of the vice of other people, and at his instance the Conference,

seeing that the Government of India has asked for opinions as to the advisability of raising the age of consent to extramarital sexual relations to eighteen years, recorded its emphatic opinion that such age should be raised, preferably to 21, but at least to the statutory age of majority, viz, 18 years; and instructed the General Secretary to forward this resolution to the Home Member.

Dr. (Miss) Engineer and Mr. A. Soares' pleas for an equal standard of morality for both sexes were received with loud and universal applause. This further led to the Conference emphasizing "the need of a more generous and sympathetic attitude towards the victims of this great evil; of giving all possible support, moral and financial, to start educational and social organizations to enable its victims to become honourable and contented fellow citizens, and of discountenancing any social customs which lead to prostitution."

FUNDAMENTAL RIGHTS—AND DUTIES— OF CITIZENS.

THE German Constitution, as evolved after the Revolution of November 1918, is the subject of a masterly study by M. René Brunet, who describes the organisation of the German Commonwealth as it is functioning at present. All the chapters in the volume deserve the careful attention of students, and I will treat of them on a subsequent occasion, but the portion that will perhaps possess the greatest interest for Indian readers is the one dealing with the fundamental rights of the new Germany, which portion I propose to review to day. The Declaration of Rights, such as is incorporated in the American, Belgian and French Constitutions, was the subject of lively controversy when the Montagu-Chelmsford reforms were being debated in this country, and we find that in Germany also all the familiar arguments on either side were advanced with great energy when the German Constitution was being framed. As we in India have yet to arrive at a decision on the subject, it will be useful for us to know the nature of the provisions inserted into the German Constitution and the degree of legal efficacy they possess and then form our own conclusions as to the necessity and utility of a formal statement of the essential rights of citizenship.

In the German Constitution the Declaration of Rights is not contained in a few solitary provisions, as in some other Constitutions, but fully one-half of the Constitution is devoted to it. The Constitution of Germany is divided into two parts: the first treats of the structure and function of the Commonwealth, and the second of the fundamental rights (and duties) of Germans. But one thing may be said at once: where the Constitution guarantees a right, it does not necessarily place its withdrawal beyond the power of the Legislature, which is supposed to be the *raison d'être* of all Declarations of Rights. In fact the Constitution lays it down in so many words that the right can be exercised conformably to the law on the subject. Take, for instance, the right of the freedom of

speech or the freedom of the press. The fact that this right is inscribed in the Constitution does not make it incompetent to the Reichstag or the Reichsrat (the National Assembly or the Federal Council) to abridge that right in certain circumstances, for Article 118 which provides for it only says: "Every German has a right *within the limits of the general laws* to express his opinion freely by word, in writing, in print, by picture, or in other ways." Another instance of a public right enumerated in the Constitution being made liable to restraint by the Legislature is to be found in the Articles relative to personal liberty. Article 114 runs thus: "Personal liberty is inviolable. *An interference with or abridgment of personal liberty through official action is permissible only by authority of law.*" Similarly Article 115: "The house of every German is his sanctuary and is inviolable. *Exceptions are permissible only by authority of law.*" (The Declaration of Rights embodied in the Constitutions of the Irish Free State also runs on the same lines.) The question therefore arises whether it is at all useful to have an enunciation of the rights of citizens in the Constitution if it is open to the Legislature to limit or take away any of these rights. What is the purpose, it is asked, of a Declaration of Rights embedded in the Constitution, if it is nevertheless possible to pass and put in force a Press Act, a Seditious Meetings Act or a Criminal Law Amendment Act? The public at large demands such a declaration, because they believe it will secure all these rights against a possible curtailment at the hands of an erratic Legislature. If however these rights are made exercisable in accordance with the laws that the Legislature may choose to enact, then the Constitution offers no safeguards against the violation of fundamental rights which the ordinary law does not provide.

Then, where is the use of a Declaration of Rights? This question was naturally asked when the draft of the German Constitution was discussed. And it was contended by some that if the Declaration of Rights was to be merely a body of general truths or philosophico-legal maxims without the force of law—a collection of "declarations and declamations"—then Germany had better do without it. On the other hand, it was maintained by others that even if the Declaration of Rights set out aphorisms without any legal content or laid down general principles or governing ideas susceptible of modification in practical application, even then it would perform a very useful educational function. It would create an intellectual background against which the judiciary and executive would have to operate, and it would thus constitute the basis of the civic and political education of the people. Ultimately the latter view prevailed. In regard to the legal significance of the provisions in the latter part of the Constitution, we find three distinct classes of Articles:—

(1) Those having the force of law. These create actually and immediately some new law

and consequently abrogate contradictory provisions of antecedent laws. Such, for example, is Article 109, par. 6: "No German may accept a title or order from a foreign Government."

(2) Others limit themselves to indicating to legislators the course which they must in future follow and prescribe the laws they must enact. But these provisions do not in themselves constitute laws, and, therefore, cannot abrogate *ipso facto* contradictory provisions in antecedent laws. Such is the principle in Article 145, according to which "instruction and school supplies... are free." This cannot have for its effect the immediate doing away with payments by pupils in the schools for supplies furnished to them. There is no doubt that the principle of gratuity cannot enter into operation except through a special law expressly prescribed.

(3) Other provisions are no more than moral maxims, as e. g. Article 119, which says; "Marriage, as the foundation of family life and of the maintenance and increase of the nation, is under the special protection of the Constitution. It is based on the equal rights of both sexes. The maintenance of the purity, the health and the social advancement of the family is the task of the state and of the municipalities", &c., &c.

There are two great differences between the Declaration of Rights of the German Constitution and that of the American, French, Irish or any other Constitution. The former does not merely grant rights as the latter; it also imposes obligations upon citizens. This is quite a novel idea in constitution-making, and this is why such a large part of the German Constitution is taken up with it. The second point of difference is that while the preceding Declarations of Rights were inspired by the individualistic doctrine, this one is inspired by the socialistic doctrine. The former declarations sought to protect the citizen against the state, which was bidden to abstain from interference and allow him full freedom to engage in what activities he chose so long as he did not encroach upon the right of others to enjoy a similar freedom. If the state possessed no right to interfere, it owed no obligation to the individual either. On the other hand, the German Declaration substitutes for this individualistic idea "a conception by virtue of which man, while still, it is true, enjoying a certain number of individual prerogatives, nevertheless must place them at the service of the collectivity. Individual liberties are no longer an end in themselves, nor do they constitute any longer an independent good. They are limited and conditioned by the duty of the individual to co-operate in the well-being and the development of the collectivity." Thus not individual rights, but social duty is the end and aim which the German Constitution endeavours to subserve. "This leads naturally to the imposition on the liberty of the individual of a certain number of restrictions hitherto unknown. On the other hand, it imposes on the state a certain

number of new duties, the discharge of which affords, as corollaries, new rights to the individual."

As an instance of the new restrictions to which individual rights are subjected in the interests of the community at large, one may cite Article 163, par. 1, of the Constitution, according to which the individual is no longer merely entitled to work, but it is his duty. "Every German has, without prejudice to his personal liberty, the moral duty so to use his intellectual and physical powers as is demanded by the welfare of the community." As the individual is obliged to contribute all the economic work he is capable of in the interest of the commonalty, so also he must place the product of his toil at the service of the community. He has not the liberty to dispose of his property as he pleases. Article 153 says: "Property-rights imply property-duties. Exercise thereof shall at the same time serve the general welfare." The constitution imposes many new restrictions on the right of property, *vide* Articles 155 & 156. If German constitutional law restrains individual rights for the benefit of the community it also, imposes upon the state obligations to the profit of the individual. If, e.g. the individual owes the duty of working, the state owes him the chance to work, must protect his work and according to circumstances must furnish him with the necessities of life. In the same way that restrictions on the liberty of labour have created for the state a number of duties relating to the employment of individuals, so the restrictions on the rights of property have, as a consequence, engendered a number of obligations on the part of the state to assure to every one, if not a minimum of property, at least a minimum of well-being.

No doubt, these Articles cannot be treated as legislative provisions but require specific enactments to give them the force of law. But if the main purpose of a Declaration of Rights is to lay down general principles of government so as to keep them steadily in front of the people, it is necessary to enlarge its scope and enunciate both the rights and the duties of citizens at large. But what is expected of a Declaration of Rights in India, the German Constitution certainly does not fulfil, for it does not prevent the Legislature from encroaching upon the fundamental rights of individuals in a panic: it can suspend or limit the scope of those rights at pleasure.

A CONSTITUTIONALIST.

SOCIAL WORK AMONG THE ABORIGINALS.

A LARGE part of our people, found in all parts of India, are known by the name of forest tribes or aboriginals. They apparently are the remaining non-Aryans who were driven to hills and forests by successive Aryan invasions. Originally they were the owners of this land, until our Aryan forefathers dispossessed them of it. Their numbers

are quite large. I regret I have not got the statistics of the various castes comprising these communities for the various provinces; but in Bombay Presidency including Indian States their number is close upon 19 lacs in a population of 290 lacs. They form therefore over 6% of the Bombay population or one anna in the rupee. In other parts of the country too, I believe, their numbers are considerable, especially so in the Central Provinces, Rajputana and Chota Nagpur. Khonds and Gonds, Santals and Todas, Mundas and Oraons are very large communities and exceed greatly in numbers our Bhils and other Kaliparajs.

The Bhil's ignorance is profound. Figures of literacy found in the latest Bombay Census reports show that hardly one person in 275 of these communities can read and write their own language, against 1 in 13 among Hindus and 1 in 1¼ among Parsis. Their exploitation by the Aryans, specially by the so-called higher castes has been going on ruthlessly for centuries past. Governments and trading classes have all combined to keep them down and to treat them not like human beings, but like wild beasts or at the best like cattle. They have been duped out of their lands, which they brought under cultivation by reclaiming forests. All their wealth in cattle and money has been taken away from them by the wily money-lenders who trade upon their ignorance of accounting and thus defraud them. Such is the depressing social, economic and intellectual condition in which lacs and millions of our brethren are rotting at the present day. Yet I am afraid I am not exaggerating when I say that our national conscience towards these tribes has still not awakened—not even to the extent that it has towards the untouchable classes. There is a greater and stronger barrier between these aboriginal tribes and ourselves than between the untouchable classes and ourselves. We do take service from the untouchable; we do let them live, though in locations, in our villages: but there are hardly any points of contact between the forest tribes and ourselves except money-lending and purchasing their forest and other produce at very cheap rates. Very few, if any, social workers of note have worked amongst them, except Christian missionaries. The Hindu has completely neglected them, though by slow degrees the aboriginal is willing to, and does as a matter of fact, assimilate himself to him. His religion is described in census reports as animistic, but very large numbers from them are enumerated as Hindus in this Presidency.

I may narrate here, in brief, the work of the Bhil Seva Mandal, an association of social workers started for work among the Bhils of Panchmahals in Gujerat on the settlement system. The work is restricted to only two talukas, measuring 600 sq. miles, so that it can be done intensively. Seven centres of work have been started, each having a school with an agricultural bias for their

children, two of them being Boarding Schools. Two dispensaries are run specially for their benefit, temperance work is done amongst them, protection is given to them against the tyranny of the sowkar and the subordinate official, chiefly the policeman, and a religious turn is given to their daily life and their songs. One is surprised to find that the Bhil boys show great keenness in attending schools, and for that purpose some of our boys daily walk 2 to 3 miles to their school; only one must first gain their confidence. They appreciate medical relief very much, and though attached in a large measure to the belief that all diseases are caused by evil spirits, which must be propitiated by offerings of goats or fowl, they are taking to medicine very easily. The work is very hopeful, interesting and encouraging.

The Kaliparaj of Surat and Baroda—the term Kaliparaj includes all forest or aboriginal tribes of Gujerat—has recently awakened in an astonishing manner to a sense of self-respect. He has cast off, as if by a miracle, his vice of drink, he now leads a hygienic and clean life, and refuses any longer to serve the bullying landlord. Whilst classes with vested interests naturally oppose this self-purifying movement, I may mention that this community has sent one delegate from among themselves to the recently held Social Workers' Conference at Bombay. I would close with an earnest appeal that this great question of the uplift of these communities be taken up, and taken up in right earnest. Their numbers are very large, their ignorance stupendous, their degradation unthinkable. Our treatment of them in the past has been nothing short of criminal. No doubt the work amongst them, living as they do not in settled villages, but each one in his own farm, on hills and in jungles, is more difficult than that in ordinary villages and towns, much more so than in industrial cities like Bombay, Calcutta or Cawnpore. Their habits are different, their mode of living strange, their language difficult to master and their religious ideas very crude. But we can no longer afford to neglect them. Their number is several times greater than the Factory Labour of the whole country, and the call to duty towards them is really more urgent than that towards the industrial worker. Our neglect of them in the past has been scandalous and compensation to them for our old sins is long over-due. May the Almighty God give us strength to make amends for the past!!

A. V. THAKKAR.

REVIEW.

ENGLISH EDUCATION AND THE FISHER ACT.

ROMAN, P. W.: THE NEW EDUCATION IN EUROPE.
London. 1923. (Routledge.)

"A SYSTEM of education which represents an effort to make possible an unrestricted growth of the

talents of all the people without regard to fortune or station, does not yet obtain in any country."

"In England as in other countries present parties in power have made the discovery that during the war there had been a great deal of exaggeration regarding the power that democracy would wield after the war."

These are some of the conclusions which the author has reached after making a detailed study of the educational systems of post-war England, France and Germany. Democracy is still in the shackles of the reactionary forces and the war-time liberation has proved a delusion and a snare. 'The Government are everywhere taking away by stealth, with the left hand, what had been given in broad daylight, with the right. For the moment reaction reigns.'

In England for the boys of the upper classes there are the public schools, where tradition, classics games and philistinism dominate. Many of the middle class people also send their children to these institutions for the social 'stamp.' The standard of life, both in school and out of it, is one in which the masses can never hope to share. Conventionalised in mind and spirit, slaves of 'good form' they emerge forth from 'educational backwaters' to enter public life, fill the Government posts and constitute the ruling class of England.

The grammar schools and the private schools are 'essentially middle class provisions.'

For the masses there are public elementary schools with the central school representing the "higher top of elementary schooling. The central schools supply commerce and industry with a quota of skilled clerks and artisans. Their aim is the efficiency of the State rather than an all-round development of the child. Its end is a blind alley." The old idea of apprenticeship by which the master was required to see that his apprentice was properly and thoroughly taught is fast disappearing. Having an indenture and being called an apprentice were considered sufficient privileges and the entire onus of securing a training rested with the boy. The inadequacy of such training and the industrial competition led to technical and continuation schools.

The elementary and adult education in England, however efficient in making skilled workmen, has yet to make good its claim of being based on a broad democratic basis. The fear lest labour should make a concerted effort to rise out of its rank still obsesses the mind of upper class groups. They are hostile or lukewarm to the extension of education facilities that are truly liberalizing.

During the war the jealousy and fear seemed for the moment to have disappeared. England was to be made a land fit for heroes. Tommy was a hero and nothing was too good for him or his children. The air was thick with noble promises and grand schemes. The cost of schemes was considered of

secondary importance and was talked of lightly. The people in England were at last to be better fed, better housed and better educated. The blood spilt in the trenches had not been spilt in vain.

It was in such an atmosphere that the Fisher Act of 1918 was born. It raised high hopes in England and evoked the admiration of the whole civilised world. Subsequent history has proved that the 'vested interests' paid but lip service in allowing the Act to pass and took the earliest opportunity to oppose it and to limit its scope. Those who swallowed the military and naval budgets entire, assumed the cloak of an 'Anti-waste' propaganda in educational expenditure. For them the 'economy cry' of post-war England was too good a chance to miss. It was made plain that 'the Act could not have passed if the date of its execution had been definitely set for in the near future' (the *Educational Times*). 'The Act represented a wish, a hope, an ideal that has no open enemies, but as events have shown it did not have sufficient friends to guarantee its execution.' The country which spends over 400 millions on its drink bill and 180 millions on its tobacco bill cannot pay for a proper system of education!

The Fisher Act contemplates the conservation and fostering of the childhood and adolescence of the English nation in an atmosphere of warm human sympathy. It recognises every child's right to education—not education of the type which converts human beings into efficient machines of production, but the education which starts with the axiom that workers are human beings. The apathy of some and the open hostility of others among the upper classes to the Act are due to the fact that while the Act does not concern their children, it foreshadows measures which place within the reach of the common people liberal education, which the upper classes thought belonged to them only.

England has been called a land of compromise, and a spirit of compromise seems to have overtaken this Act too. Unless strenuous efforts are made by all who are against burying talents among the people and those whom the Act directly concerns, the selfishness and jealousy of the 'vested interests' will kill the Act, as they have already crippled it.

JYOTI BHUSHAN SEN.

OUR MADRAS LETTER.

Madras, December 1.

THE LEGISLATIVE COUNCIL.

WE in Madras are unique. We have always something fresh to contribute to the political development of the country. When the Reform Act was passed and the elections were held, we fought the elections on a communal basis. We were not satisfied with that. We insisted on the Governor adopting the communal principle in forming the first Ministry. We were successful in achieving our object. For more than two years and a half, both the Reserved and the Transferred halves of the Government could do anything they liked with impunity, always sure of a large majority to back up their actions however ill-advised they might be. Even repressive measures of the

most objectionable character to deal with the ubiquitous Non-co-operators always received the support of the Council. The Waggon Tragedy went without even a feeble protest from the Council. So long as the cry for rabid communalism held full sway, the party in power paid no heed to the well-meaning but feeble opposition of those who placed the interests of the country above all other considerations. The bureaucracy went on with their old ways quite sure of support from the Council. But any unprejudiced observer could see that the Nemesis was near at hand. The party in power, consisting as it does of many incongruous elements which were kept together by their hatred towards a particular community, was slowly deteriorating into a hand-maid of the bureaucracy. There were a few noble and patriotic souls in the party, who placed the country above party and could not say "Aye" to whatever the party did when the interests of the nation were involved. Discontent and dissatisfaction were smouldering, and it was long known that the fire would soon blaze up. The results of the elections show that in many cases the Anti-ministerialists, the Nationalists, and the Swarajists headed the polls in constituencies which were not long ago considered safe for the party in power. But the matter was forced to a definite issue by the motion of "No Confidence" moved the other day by Mr. C. R. Reddy.

Mr. C. R. Reddy, following the British precedent, worded his motion in the form of a humble and dutiful address to His Excellency the Governor submitting that the Ministry, as constituted by him, is against the verdict given by the country in the general election and that it does not possess the confidence of the Council. In a well-reasoned and restrained speech, quoting facts and figures, he showed that the results of the election indicated that the Ministry, which is almost the same as the former one, had lost the support of the country. Then he viewed the record of the Chief Minister and showed that he had also lost the confidence of the House. Mr. Reddy rightly confined his remarks to the work of the Chief Minister, as in Madras the British method of allowing the Chief Minister to choose his colleagues has been adopted. In vain the Hon. Mr. Patro tried to show with the help of constitutional authorities that the Ministers individually owed their position to the Governor, but every one present could see that he was defending a lost case based on erroneous facts. This step on the part of the Minister was ill-advised and came with bad grace. To repudiate a convention adopted and so well worked in the interests of the party of which he was a member was a step in the wrong direction. To the amusement of the House Mr. Patro declared, "the figures show that the party has really gained more strength and support than in its infancy and that the party for which we have been working has on the whole gained and not lost, or that at least it maintains the same strength in the Council as before." The results of the voting will show how the Minister for Education was palpably wrong in gauging the strength of the Ministerialist party. The defence he put forward for the demoralised condition of the local bodies to which His Excellency had made pointed reference in his opening address, made one feel that he was attempting to shirk the responsibility rather than offer an explanation. If, as he said, the Ministry are responsible for the policy they are equally responsible for carrying it out effectively. The reference of his Excellency to the utter lack of efficiency in the administration of the local boards was rather unfortunate and the Opposition made very effective use of it to hold the Ministry responsible for it. All the efforts and ingenuity of the Ministerialists to explain it away were not of much avail. Even those who voted for the motion privately agreed with that view. As if the policy till now followed was not reactionary, Mr. Patro appealed to the Council to give them time and turn them out if they followed a reactionary policy.

The Catholic member from Trichinopoly made a good point against the Opposition when he demanded of them an alternative policy before they could ask the Council to throw out the existing Ministry. It is a pity that the Opposition was evasive on this point. They would have done well if they had given out a programme and that was quite possible to do especially when the present Ministry was reactionary. The fact

that they did not clearly enunciate the principles for which they stood and did not fight the election as anti-Ministerialists was of course a very serious weakness, which indeed proved fatal in the advocacy of their cause by Mr. C. R. Reddy.

Mr. Satyamurthi, member for the University, vehemently denounced the Ministry and repeated all the charges he has been making against them for which he has yet to receive an answer. He made out an unassailable case and his points received support from the leader of the party in power by his unabashed reiteration of his view on the question of the treatment of political prisoners which evoked cries of shame from all parts of the House including the strangers' gallery. He was effective, sarcastic and eloquent though one felt he could observe some decorum in his attacks. Members from the Andhra Districts who mostly belong to the Swaraj party, had a woeful tale to tell about the administration of the local boards. All of them spoke in Telugu. Mr. Ramaswamy Mudaliar who was one of the Council Secretaries till recently, made an eloquent speech and most of it was not to the point. His feeble defence of the conduct of the Ministry in regard to the Chirala Municipality affair, showed his utter lack of perspective and correct appreciation of the issues involved in the matter. He had no answer to give to the many charges of omission and commission levelled at the Ministry by Mr. Satyamurthi. To one who is accustomed to hear Mr. Mudliar put up a vigorous defence for the Government his speech came more as an apology than a defence or repudiation of the charges.

The debate was continued the next day and canvassing was going on in the lobby very briskly. But the members who voted for either side were not quite of their mind especially the nominated non-officials who were anxiously awaiting the lead of their "creator" through his spokesmen in the Council. The day began with a neat and effective speech from Dr. Subbarayan who was till then known to be a staunch supporter of the *status quo*. Those who knew the political antecedents of the speaker his speech did not come as a surprise after the opinion expressed by the leader of the party in power on the treatment of political offenders. Speaker after speaker got up to support the Opposition and even the mauscript eloquence of Mr. Thanikachalam Chetty fell flat on the House which was rather in an excited mood. It was unfortunate that Sir Charles Todhunter thought it necessary to intervene in the debate and enunciate certain principles which made it clear that the Reserved Half had made up its mind to throw the weight and influence of the Government of the Ministry. The theory of maintaining the *status quo* enunciated by the Hon. Member requires a detailed examination but space forbids me from dealing with the point. But the position taken up by the Government decided the fate of the motion, as is apparent from the division list. Mr. C. R. Reddi made an effective reply and every one who listened to him felt he was listening to a Burke impeaching a Warren Hastings. He answered very convincingly the points raised by the party in power and Sir Charles Todhunter. But it was of no use as the members had made up their mind soon after the Government Member had made his speech supporting the Ministry. But the division, shows that the moral victory was on the side of the Opposition. The very insignificant majority the Ministry was able to procure in spite of the help of the Reserved Half and their "creatures" must make the Ministry pause and realize that they do not possess the confidence of the House. Now that they are established again, they will do all in their power to maintain a working majority by judicious distribution of patronage and power vested in them. The Raja of Panagal tried to show by all sorts of casuistry that the motion meant a reflection on His Excellency the Governor. Instead of that he could have utilised the time at his disposal in vindicating his position. Defence of his policy in regard to the administration of the local boards was more apologetic than convincing. The Motion was declared lost.

Thus ended a unique incident in the history of the development of responsible government in India. In the past motions

for the adjournment of the House have been moved to call attention to definite matters of administration mostly relating to the Reserved Half. But the motion of "No Confidence" is the first of its kind and apart from the result of the voting it demonstrates, if proof were needed, that the representatives of the people are keenly alive to their duties and responsibilities towards their electorate.

Knowing the temper of the Council from the chorus of disapproval received from all sides of the House, the Law Member was discreet enough to withdraw a bill amending the Court Fees Act which was on the agenda the next day. A severe defeat was thus cleverly averted.

MISCELLANEA.

A LETTER FROM MRS. POLAK.

WE publish below a beautiful little note dated 4th ulto, from Mrs. Polak to Mr. Sastri, which gives the view, held by Englishmen and Englishwomen devoted to India's interest, of Dr. Sapru's achievement:—

I am so glad that you are getting better and again allowed to take some kind of interest in life's actions. This long period of enforced rest must have been tedious for you, but evidently necessary. Tomorrow Dr. Sapru leaves for India, we shall miss him very much indeed. But we are so glad that he has been able to accomplish something and to a large extent re-establish the position as it was two years ago. Of course, we might wearily say, "If that is all, the result is negative, so it is valueless." But in this connection I am reminded of an episode from "Alice in Wonderland". Alice is standing in an open space looking at some people playing and is hastily caught by the hand by one of the other characters, and urgently told to run. She unhesitatingly commences to run, and after a time gets tired, but is pressed on and urged to run, run faster; so she continues. At last, breathless and exhausted, a halt is called and Alice looks about her and sees nothing changed; they are all still in the same place. She turns to her companion and says, "We have not got anywhere, we are still in the place where we started from". "Yes", replied her companion, "that is the game, you have to run fast to retain your position." That seems to me what has happened in India. A certain position was taken a few years ago, then there was the danger of losing that altogether. So you joined in the race game, and ran. When a halt was called and you, exhausted, were put on one side, Dr. Sapru took up the race and ran and now you are very near where you were two years ago. It all sounds absurd and fruitless, but if life is like that, I suppose the only thing to do is to run, if one takes part in the game of life and when exhausted, we pause and ask, "But why such a game at all?" We get no satisfactory reply, so it seems useless to ask.

Now I am not sure whether it is a letter of philosophy or nonsense. Anyway it is a letter of affectionate regards for you.

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