

CONSTRUCTIVE NON-CO-OPERATION

CONSTRUCTIVE
NON-CO-OPERATION

BY
M. ASAF ALI

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AUTHOR'S NOTE

The mere announcement of a scheme of arbitration courts of a very modest and thoroughly constitutional description led an Anti-Indian print of Allahabad to employ adjectives such as "Sinister," and "Subversive" and phrases such as "in the true spirit of Bolshevism, and decrees of the mob." It is anticipated that the publication of the following scheme will either reduce rapid opponents of that type to a state of sudden collapse or perfect sanity. In any case the author peremptorily repudiates any suggestion that his proposals aim at the subversion of any reputable system of Government. It is an attempt at non-violent, non-co-operative self-organisation by easy instalments of practical but tentative steps, without coming into violent or any collision with "the Government established by law in British-India."

M. A. A.

BY THE SAME AUTHOR

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"NOW if the feeling of a common nationality began to exist there only feebly, if, without inspiring any active desire to drive out the foreigner, it only created a notion that it was shameful to assist him in maintaining his dominion, from that day almost our Empire would cease to exist."—*J. R. Seeley.*

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."—*The American Declaration of Independence.*

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"A people which cannot organise itself is a people enslaved."—*M. Raymond Poincare.*

INTRODUCTION

Mr. Gandhi has, with the skill of an experienced or inspired general bravely let down the drawbridge of Non-Co-operation and his clarion is momentarily calling struggling and disorganized, hunted and vanquished bands of the Indian people to pass across it into the impregnable fortresses of self-respect to garrison the citadel of Self-reliance. His voice has sent a thrill of hope throughout the length and breadth of India and has served to awaken the slumbering manhood of our country, dispelling the hypnotic spell of national diffidence through which Indian character has been carefully prevented from attaining its full stature. Only those who have deliberately stopped their ears against this trumpet call are still lagging behind, otherwise the country is successfully struggling to its feet and if brute force is not employed to crush its peacefully progressive efforts it is almost certain that it

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will within a measurable time be within the eternal battlements of *Freedom*. Some, however of our veteran generals who have during the past 45 years fought our battles in different fields of social and political activity with the sharpest weapons of polemical rhetoric, who are skilled fencers within the walls of debating Clubs and Legislative Councils, are quite honestly viewing "Mr Gandhi's tactics and strategy" with ever growing alarm. They have ever taken to openly denouncing Mr. Gandhi's Non-Co-operation movement and are vigorously bestirring themselves "to warn the people of India" against what they seem to regard a dangerous but apparently alluring *mirage*. They see nothing but red ruin, anarchy, chaos and an evolution with an initial R "in its train." It would be unfair to doubt their sincerity but to understand their psychology we must remember that having been brought up in an atmosphere least favourable to the growth of imagination they almost naturally cleave to the orthodox, and one may say, arid conception of "constitutional activity." They display a very natural phase of mental exhaustion consequent upon a life time of political activity of a given description.

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They have long ceased to trust their national capacity ; they have long been reconciled to playing the second fiddle ; they have continued to bend so long that they fail to notice the stoop they have acquired ; they *feel* national wrongs but they have little energy left in them to rise to their fullest height to resist them. They may dislike to be called timid, but they have not faith enough in their own powers and the capacity of their nation to have the courage to run risks. They still dream dreams of attaining the freedom of a subject race by humbly accepting a second place under the dominant nation (which still refuses to apply the true definition of " Free State " to India and which continues to employ the obsolete terminology of " the Rulers and the Ruled ") thus suffering national self respect to be cramped by unequal and obviously subservient co-operation with those who still pretend to rule and not serve a vast portion of humanity. They do not recognise the futility and fatuity of the course of conduct by which they propose to humiliate themselves and their nation. They display a surprising disregard of the teaching of history by assuming that a subject race can wake to a sense of plenary self-respect

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and self-reliance in the miasmatic atmosphere of foreign domination, without any sacrifice.

The gravest charge the opponents of Non-co-operation prefer against the cult is that *it is a negative virtue destructive, a destructive and suicidal movement and is calculated to do more harm than good to the country by rendering all progressive efforts nugatory.* This appears to be the gravamen considered of the charge and the opinion of a small section of a certain class of thinking Indian politicians. The refrain of the non-Indian advocate of "ordered progress" is a very different one. He reads all the most sinister meanings in and condemns the whole movement as the acme of every thing heinous and potentially dangerous. He calls it "a disloyal and unconstitutional movement." He forgets that almost every country of Europe has waded through blood and tears to its present freedom and therefore in the vocabulary of free men the meaning of the expressions "loyalty and constitutions" are very different from those he would have us believe to-day. One should be loyal to the Supreme Will of Humanity the purpose of one's being to the Absolute Truth first and to anything

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else afterwards. Further nothing that aims at the improvement of established order can ever possibly be unconstitutional from the ultimate ethical point of view. Nothing, again that aims at the purification of individual, and collective character of mankind and tries to elevate the functions and relations of the State and the Subject in accordance with higher conceptions of man's conduct as such can ever possibly fall outside the pale of constitutional activity even as it is conceived by those who are the loudest in denouncing the Non-Co-operation movement, to-day. Turning however to those honest critics who see nothing but vacuity and negation in the Non-Co-operation movement which imperatively requires people to cease all co-operation with the present Government (as it effectively secures the latter the power of humiliating our nation) attention may be drawn to this very humble and necessarily tentative scheme of constructive work which may provide a possible basis for useful discussion. It is an attempt at furnishing the conception of a simple, self-sufficient and self-respecting model of a non-co-operating State, independent in all matters of internal concerns and for the present indifferent to

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all questions of foreign relations which may remain (until such times as we are able to assume them) the exclusive concern of the power which for purposes of its own controls the defence of our country. The model State adumbrated in the following scheme must consist of the natural unit of a town or a village much on the same line as the City Republics of ancient Greece, the modern republics of the U.S. A. or the City and the Village Panchayats of India of pristine glory.

Whatever may have been the guiding spirit of the Spartan and Greek republics the principle which informed the Village and Town Panchayats of ancient India directly aimed at simple comparatively inexpensive and efficient administration of small units, and secured close and vigilant control of the subject for the good of the State. It can be said that the system was suited to the primitive Society in which it prevailed, and its revival would be an anachronism in the 20th century of human progress; especially when modern advancement and needs of humanity demand a constitution of different and naturally elaborate order. The elaboration of the modern Social System alone,

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however, has been responsible for the hugest carnage of men known to history. The word "Rule" must cease to exist; for ruling nations and proud empires must war. The word "Serve" should take its place, for the taxpayer pays its servants for service and not rule on the other hand in a society in which mercenary motives cease to exist all must be servants in some form or other and therefore equals of one another. Among equals there can be no cause for friction of any kind when equality of right is recognised and practised. Thus the organisation of natural units into self-sufficient, self-governing States alone can secure that chance of peaceful progress which the Supreme Intelligence of mankind has been willing all these uncounted ages. In a state such as this you must recognise and concede adult suffrage without any conventional and customary restrictions of sex and property. Much has been said by those in power in India to-day, about the difficulties of broadening franchise, and we have been solemnly warned against fixing a lower basis of franchise. There may be much force in the argument which counsels caution and cites examples of countries where adult suffrage has been but a partial success

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after ages of training and experience. But the difference between so-called practical men who are easily silenced and daunted by these lessons drawn from the history of alien races and those who refuse to divorce their faith in the progressive instincts of their own people is that the former are generally buried under the leaden weight of their mediocrity, and the latter boldly assume the task of piloting the barque of national progress. It may be irrepressible zeal born of unbounded faith in India's capability to move at lightning speed (once she is awake) that forces the acceptance of the principle of "adult suffrage" for these model states, but those who have acquired actual knowledge of the masses by daily contact with them in public life will readily realise the sanity and practicability of such a suggestion. One need not address oneself to "politicians and statesmen" of the orthodox type for they are exhausted volcanos; one must appeal to the fresh blood of India which is surging in all variety of waves stirred by noble and high aspirations.

Once the basic principles of this scheme are grasped the rest is plain sailing; for what tyro of a constitutionalist does not know the

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various heads and sub-heads into which the whole constitution must be divided. Details are mere mechanical work. The following postulates may be noted.

(1) *The Sovereign*—Collective will of the people is sovereign unto itself, and the symbolic and actual sovereign, the state with all its constitutional Realms derives its delegated authority from the collective number of the subjects who agree to form a state.

(2) *The State*—consists of

(a) Those who agree together expressly or tacitly by natural conditions or environment to form an administrative unit for the purpose of self-preservation, and improvement.

(b) Those who possess delegated authority from the entire body of the Rural or Urban population of any area, either by direct delegation or active acquiescence, to protect, adjust and improve individual and collective rights;

(3) *The Subject*—All individuals who have thus agreed to form a State, are subjects of the State with equal rights and duties.

(4) *The Grand Panchayat*—Those subjects of a State to whom authority is delegated by the rest to adjust individual and collective

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relations and to reconcile various interests for the preservation and progress of the State.

(5) *Sub-Panchayats*, are arbitration courts for the settlement of all causes of action between subjects and subjects and the state and the subjects.

(6) *The Sevak*—A subject who voluntarily offers his services to the State in consideration of such rights as exemption from state contributions.

Note.—In theory all the subjects are *Sevaks* but all those who serve the state in any capacity from a Panch downward, must be *Sevaks*—although in the present imperfect and penurious state of our society we may moderately remunerate the services of some of the more needy ones in cash. All Volunteers must be *Sevak* without any mercenary motives but they shall enjoy such rights as free medical consultation and treatment, exemption from tolls and duties, payable to Municipal Committees (which is the case with volunteers in free countries), or the model state.

PART I
THE GRAND PANCHAYAT
OR
THE REPRESENTATIVE ASSEMBLY

WHEREAS it is the birth right of man to
Statement determine his own course of
of Principles action and whereas his conduct
is circumscribed by the rights
of those among whom he
chooses to live, in ancient India a system was
devised and jealously maintained which
guaranteed to society and its individual
members the free exercise of their birthright,
and provided them with ample opportunities
of comparatively inexpensive and scrupulously
honest adjustment of human relations. This
mode of settling disputes of all description,
reconciling contradictory interests, guarding
individual liberty, preserving the sanctity of

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conventions and customs essential to the maintenance of the social fabric, enforcing higher morals by constant and close vigilance, in short controlling and regulating the progress of organic human society has come down to us by the name Panchayat. It has been all but extinguished by the aggressive growth of a parallel system which has gradually but effectively taken the control of all affairs out of the hands of self-governing units of our Society, and has by removing the centre of activity to a place outside such units completely sapped the self-relying instinct of individuals. It has by securing them the dubious advantage of doing for them what they should have done for themselves has created in them a disastrous sense of ease and comfort calculated to undermine the foundations of character. It is a matter of common experience to-day that men who would sooner die than be found guilty of mendacity by a "Panchayat," are woefully lax in the observance of veracity in the ordinary courts of law. The evil is easily explained. In a highly centralised state a close scrutiny of individual morals must necessarily be an impossibility. The preservation of 'power' enjoyed by state

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officials even in the interest of the state must of necessity be the prime care of those who assume the responsibility of looking after the interests of the subjects. The vigilance of individual character is thus almost entirely left to Society. Under the obsolete monarchical system, (of which India has had no little experience) while Kings contested their rights to sovereignty and plunged their mercenaries into deadly struggles the people continued to govern themselves by Panchayats. To day although the nervous centre of Government is highly elaborate and fully active, extremities are left cold and are dying of gradual atrophy. It is therefore incumbent on society to leave present Government to its own management and reorganise itself along lines of self-determination; divide itself into small and easily manageable units, render each unit self-reliant, vigilant and progressive, reassume the control of its own affairs and be sovereign within its own sphere. As all rights and duties, in the first instance, devolve equally upon all the adult members of Society, *all* irrespective of sex or property qualifications should primarily form the sovereign body, and should participate in the determina-

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tion of the constitution of their society, and the following bedrock principles should guide their deliberations.

(1) All men and women are born free and equal and must enjoy an unhampered right to conduct themselves as they please so long as they do not infringe the freedom of others.

(2) To be a living and progressive organism society should regulate itself by collective will.

(3) The delegation of authority must be the act of majority and the exercise of delegated authority must be the subject of the most jealous scrutiny by the subjects.

1. Every town or village is a natural unit, and has laid on it the imperative duty of organising itself if it is to be a living and an active organism. But as uniformity of procedure must be observed by all units in the interests of larger State interests; the proportion of *Panches* or elected representatives to adult voters of every natural unit must be determined by each unit in accordance with its needs, (simple and few as they must be in the case of villages); and complex as they are bound to be in the case of big towns

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such as Calcutta, Bombay, Madras, Delhi, Lucknow and Lahore.

2. In such units as those just enumerated it would not be altogether wrong In Urban area to have one Panch to every one Panch to one thousand electors but the every 1,000 voters. proportion may be varied according to specific circumstance.

3. In the case of Delhi Province for instance there is a population of nearly Delhi. 4½ lakhs, of which about 1 lakh may be adults. If the whole area is distributed into 25 divisions, each division will have some 4,000 voters. The proportion, therefore, may, (having regard to the comparative scarcity of self-less and whole time workers) be fixed at one Panch to every 4,000 adult electors. The difficulties of managing such a large number of voters are discussed elsewhere.

4. The first step which every unit must take should be to convene a mass Preliminary meeting on a convenient day, Procedure. hour and place, so as to afford every adult member of the place an opportunity to participate in the

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deliberations of the meeting. Paltry objections are bound to be raised as to the impracticability of an assemblage, adequate in number to lend due weight and representative character to its decision. But as the only decision it is to record will be the formation of a "Provisional Panchayat" or "*Arzi Panchayat*" with authority to arrange and supervise the election of the "Grand Panchayat" or the "*Bari Panchayat*" no one need feel any qualms of conscience if by any mischance the assemblage of the adult population of the place does not actually amount to a meeting of every adult resident of the place. But great and scrupulous care should be exercised by conveners of the meeting to secure both the largest possible assemblage of the adult population, and as far as practicable the unanimity of the audience as regards the election of the Provisional Panches.

5. The public assembly should, as stated above, proceed to elect as many Provisional "Arzi Panches" as there may be divisions or "Holqad" in Panchayat & its functions. the unit e.g. in Delhi 25 Arzi Panches should be elected. They should, as far as possible be, residents of

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the various wards, as it will greatly facilitate their work. It will be wise on the part of the conveners of the meeting to be ready with suggestions, otherwise the proceedings may take long to finish. The Provisional Panchayat shall have the following powers delegated to them by the public meeting in the form of a resolution.

(1) The authority to elect their office-bearers, and to make rules for the conduct of the business, entrusted to their care.

(2) To organise and supervise the election of the Grand Panchayat. They should continue till the election of and the assumption of its functions by the Grand Panchayat.

(3) They should immediately after their election proceed to entrust to each Panch the responsibility of preparing the electoral roll of each ward, *on the basis of adult suffrage*, (and with the assistance of a properly selected and recognised band of voluntary workers) within a fortnight.

The preparation of the electoral roll should proceed on the following lines. The preparation of the electoral roll should be entrusted to the Panch in charge of the preparation of the electoral roll. The Panch should within 2 days of his

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election take steps for adequate publication of a notice by beat of drum, the town crier or by detailing volunteers for house to house publication, also by means of posters and placards, that all adult residents of the ward should have their names registered in electoral roll and obtain the electors certificate. Steps should also be taken to persuade every possible voter to have himself registered. This result can be satisfactorily achieved through volunteers. The registration of women voters should be entrusted to some respectable Pardahnashin lady, if necessary in accordance with the specific claims of a constituency. Difficulties may be experienced in securing a sufficiency of literate workers in rural areas ; but they may be met by borrowing the services of workers from neighbouring towns. Nor is it presumed that the first electoral roll will be as adequate or flawless as it should be ; for the brief electoral rolls now prepared by bureaucratic agents have hardly a page which is free from wrong entries.

(4) On the 15th day registration should cease and registers should be submitted for scrutiny by the Provisional Panchayat. Assisted by voluntary workers, members in charge

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should proceed to check wrong entries by posting up the electoral roll in a prominent public place to invite rectification.

The period of a week may be fixed for the filing of objections, which should be duly noted and investigated through members in charge of specific rolls, and disposed of in due course.

(5) The Provisional Panchayat should then proceed to fix a day for election within a fortnight of the publication of the rectified electoral roll.

6. Candidates for election should obtain printed forms of application from the office of the Provisional Panchayat and they should be supported by a minimum of 10 voters in small units and 25 or 35 in larger units, e.g. in Delhi by 25 voters. All applications must be personally presented to the President of the Provisional Panchayat, who after checking the qualifications of the candidates will have the names of eligible ones posted in any prominent place in the specific divisions.

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Qualifications of candidates. The only qualifications required of a candidate should be that.

(a) He should be a male elector of not less than 25 years of age and of sound mind, pledged to "Non-Co-operation."

(b) And in the urban areas, he should also be literate.

It would be difficult to find literate Panches for all rural units, but the second qualification should be emphasised and strictly adhered to in all the urban areas. In fact in places like Delhi, Calcutta, Bombay, Lahore, Lucknow, Madras and such other places the standard of literacy should be raised in accordance with special conditions, and should as a matter of principle be made increasingly stringent in future.

Literacy must be promoted by all possible devices. Steps should be taken to make the right of voting duly appreciated and prized, and should in future be *temporarily* narrowed down to some elementary form of literacy; such as familiarity with *Hindi* alphabets (which may be very easily acquired). It must, sooner

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or later, be made an indispensable qualification even for voters with a view to promote literacy. The restriction would certainly infringe the Benthamite principle "one man one vote; every man a vote," but we may, leaving the theory unimpaired, vary the application of the principle so as to suit our national needs. The aim should not descend from its appointed height, but the integrating stages of elevation may justifiably be determined in accordance with the special conditions of the country. If physical fitness was the test of privileged citizenship in Sparta, let mental fitness be the ultimate test in India; for did we not lead the civilized world in matters intellectual in days gone by, and is it not our aim now? Are we not by inaugurating *strictly peaceful methods of conquest* already revolutionising the entire outlook of a world tired of *brute force* as the determining factor of men's destinies?

7. The Provisional Panchayat should within
a week of the publication of the
Elections. names of eligible candidates fix
a day time and place for general
elections in all the divisions of the area,
and appoint *Returning Officers* from among the

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Provisional Panchayat, who should be assisted by voluntary workers of each division. The date, time and place of the elections should be adequately published.

8. The Returning Officers should take immediate steps to secure polling booths, conveniently accessible to all voters; on the day of the election take a public oath of secrecy and strict impartiality before all the voters and candidates assembled and thereupon proceed to admit voting papers.

All electors should be required to produce and give up their elector's certificates before being allowed to put the voting paper into the Ballot Box, which must be shown empty to the candidates and electors before it is locked up for receiving voting papers. Should the voting have to be continued for 2 days the Ballot Box should be carefully sealed by the Returning Officer before the candidate at the end of the day.

9. On the conclusion of voting the Returning Officer should count the votes in front of the candidates, and declare the one getting the

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majority of votes elected then
Counting of restoring the voting papers to
Votes. the Ballot Box seal it up with
a specially provided seal of the
Provisional Panchayat. The Ballot Box con-
taining the votes should be deposited in the
Provisional Panchayat's Office, and the papers
should not be destroyed until the time for
hearing objections has expired.

10. The President of the Provisional Pancha-
yat sitting with 4 other mem-
bers duly elected by the Provi-
Objections to sional Panchayat should hear
elections. objections and dispose of them
in due course. No objections not filed within a
fortnight of the election should be given a
hearing. If objections are allowed against any
candidate the decision of the Provisional
Panchayat shall be final, and the candidate
who secured the next majority of votes shall
be declared finally elected.

11. As soon as elections have reached the
final stage the Provisional Panchayat shall
convene a public meeting of all the electors to
delegate to the duly elected Panches full
authority "to take whatever steps may be necessary
to protect, preserve, adjust, reconcile and improve the

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rights and interests of all the electors for a period of 3 or 5 years, as the case may be, and to have full authority to make rules and regulations for the conduct of the Panchayat's business, also to pass decrees which should be binding on the electorate." These decrees

may embrace the widest field of human activity, scrupulous care being taken not to let the people come into conflict with the existing system of Government. This provision contemplates successful self-organisation along lines of peaceful cessation of all co-operation with the present Government.

The only sanction for obedience to the Panchayat's decrees must necessarily be *Social and Political Ostracism*. The entire administration must, in virtue of its higher aim, be informed by a spirit of toleration, and conciliation for the *greater happiness* of the individual and the state: and deterrence from offences of omission or commission must necessarily be consistent with this object. Punishments must be confined to :

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Dand or	(1) Social ostracism and
Fine.	(2) Dand or fine.

Social ostracism is in a sense a more deterrent curtailment of privileges and rights than the mere curtailment of the subjects personal liberty. Its enforcement, however, can be managed by small units only, and that is why there is need for parcelling out large sections of populations into small and manageable divisions. Moreover, it secures a vigilant control and discipline of individuals, which cannot but ultimately result in increased good and regulated happiness of the State. Social and political ostracism may be partial or complete. Partial ostracism might mean the abrogation of the subject's political rights and privileges, as punishment for heinous offence, such as treason, &c.; or it might mean the suspension of social relations and privileges which would include the suspension of the enjoyment of all ordinary relations with the remaining members of Society. Merchants and trades people should not sell to such offenders, sweepers should not scavenge their houses, water-carriers should cease to supply them water, and every other member of the various orders of society with whom they daily deal

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should stop all dealings with the ostracised. They should not be admitted to relations of any description. The degree of ostracism may be determined by the gravity of the offence, and as far as possible excessive forms should be avoided and reserved only for grave offences. Thus a graduated scale of punishment may be drawn up and put in force. Some zealous advocate of a certain system of administration have been led to call "Social Ostracism" mob-law! But disparaging epithets make very poor argument. If the people intelligently decide to follow a certain self-determining course of action, it does not lie in the mouth of the gods themselves to denounce them. This would be as much mob-law as the elastic constitution of Great Britain which is being momentarily altered in some respect or the other by the accredited representatives of the people. And after all let us not forget what an illustrious constitutionalist once said about this kind of petulance and perversity. Bentham has said somewhere "Whenever they do not see the form of Government to which they are attached they see nothing but slaves; and if these pretended slaves are well satisfied with their condition, if they do not

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desire to change it, they despise and insult them." The fittest rejoinder to critics of this description has been indited by J. S. Mill in his essay on "Liberty," and it runs thus "*All errors which he (an individual) is likely to commit against advice and warning are far outweighed by the evil of allowing others to constrain him to what they deem his good.*"

12. The Panches thus elected should then proceed to take an oath or make solemn affirmation according to their religious beliefs, and swear that they would observe the strictest honesty, impartiality, due diligence and care in the exercise of the delegated authority. The public oath by the Panches should be made an occasion of great solemnity and decorum and should otherwise be erected into an occasion of national rejoicing.

13. By a strange economy of religious observances the various communities resident in India have either in a spirit of unhealthy rivalry or by some inexplicable co-incidence, imparted an exclusiveness to their respective *melas and teahars* which lends itself to exploitation by mischief-makers and illiterate fana-

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tics in the interest of disruptive forces. The Hindus following a hallowed and wise philosophy have almost no communal *mela* or *tehwar* which to them may be a signal and season for any historic or religious mourning. To them the only occasions of general communal mourning are such as the death of such universally respected leaders of nation as Lok. Tilak. With Muslims it is different. They have during 13 days of Muharram, at any rate, a period of almost universal and religious mourning. There are practically no occasions which may be common to all communities as days of national rejoicing although in these days of progressive amity and goodwill between the different communities resident in India, one notices much common participation in one another's rejoicings which is commendable. But there is need, imperative need for creating and enthusiastically keeping national *tehwars*. It is therefore, essential that all the ceremonious occasions connected with the Panchayat should be treated as National *Tehwars*.

14. As soon as the Grand Panchayat is duly constituted its members shall meet together to transact business. On the day

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the Grand Panchayat first meets
Dissolution of the President of the Provi-
Provisional sional Panchayat should take
Panchayat. the chair and opening the 1st
session of the grand Panchayat
review various matters such as special condi-
tions prevailing in the model state and requir-
ing special attention, the political, social and
religious problems of the day, and other
topics of public interest, and finally declare
the Provisional Panchayat dissolved. He
will, however, remain in the chair until the
President of the Grand Panchayat is elected.
This will end the life and the work of the
Provisional Panchayat, and usher into exist-
ence the sacred duties laid on the duly elected
members of the Grand Panchayat, to whom
the electorate shall have delegated the exercise
of the sovereign authority, which is its
birthright, as a solemn trust and responsi-
bility.

15. The Office of the Panch or represent-
ative may or may not, be an
Panch, an office carrying emoluments in
honorific other countries according to
Officer. the principles of western demo-
cratic institutions. In our state

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all should be *Sevaks*, servants without mercenary considerations.

All offices carrying duties of state must in the *first instance* be merely honorary but enviably honorific. If economical conditions obtaining in certain Panchayat-States or individual circumstances demand variation of this principle, moderate honorariums may be sanctioned for a definite period.

16. The Grand Panchayat elected in the manner specified in the foregoing pages will quite naturally be entitled to every elector's respect and obedience. The Panches will, in public estimation, be associated with the hoariest traditions of India, and on this account carry a certain nimbus of authority and reverence round their heads. Their decrees, emanating from unalloyed justice and a sense of virtuous duty will appeal to the public imagination, restore a sense of self-respect and engender a spirit of self-reliance. At present the dubious facilities provided by the present system, have besides emasculating people's self-respecting instincts robbed them of the power of initiative, and has as if by an hypnotic influence engendered such a

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state of suicidal diffidence in them, that they have abdicated their legitimate functions, and are resigned to the subservient position assigned to them in actual life. Once they have performed the wonder of organising themselves without any outside aid they will be a different people, all claiming their birthright of equality with the rest of the world's population, and the freedom of person, speech, opinion and action of which none but *brute* force might rob them if they submit to it.

17. The grand Panchayat may be elected every 3 or 5 years.

(2) Its sittings should be usually public, but for special reasons it may sit in camera. It may reserve the publication of some of its deliberations.

(3) Then Grand Panchayat shall on a vote of censure being passed by the majority of electors dissolve forthwith, and a fresh election shall be held.

(4) Any individual member of the Grand Panchayat may be called upon to resign on the majority of his electors signing a petition of censure and a fresh election

The Grand Panchayat

shall be ordered (Rules may be framed for the submission of Petition of censure).

(5) The Grand Panchayat may sit from day to day, but it shall meet at least twice a month.

(6) It may consider all problems affecting the general welfare of the people. The object of all its deliberations should be "no violent conflict with the present system, but peaceful self-organisation."

18. On being constituted the Grand Panchayat shall proceed to elect its President and Office-bearers, and frame rules Ministers. for the conduct of its business.

It shall elect one President or Sar-Panch one vice-President or Naib-Sar-Panch and Secretaries or *Mantris*.

Of the latter there shall be :—

(1) The Mantri in charge of Law and Justice and the seals and records of the Panchayat who will represent the guardian of *Truth* or *Satya*:

(2) The Mantri in charge of Education, academical, political and social will represent the guardian of *Light* or *Jot*.

(3) The *Mantri* in charge of volunteers or *Sevaks* shall be responsible for Peace and

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Order, and shall have to deal with public *Melas and Tewhars*, and will represent the guardian of Strength or *Bal*.

(4) The Mantri in charge of the Financial interests of the Panchayat and the electorate will have to watch and improve the commercial and industrial or agricultural developments of the Panchayat—state according as it is an urban or a rural one. He will represent the guardian of prosperity or *Chain*.

19. Just as one who has not attained the age of 25 is not eligible as a *Panch*, Restriction of none who has not attained the age. age of 30 is to be elected a *Mantri*, for although young prodigies may be fit to be Prime Ministers of England, the rule which ensures a certain standard of maturity of experience in case of those who are called on to fill offices of no little responsibility may be regarded quite salutary. None who has not attained the age of 25 can be returned to either the French Chamber of Deputies or the House of Representative of the U.S.A., nor can any one who has not reached his 30th year be a Senator in the U.S.A.

20. Each department thus created shall have

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Departments and Staff. a minimum staff to carry on its work, most of which will consist in clerical duties. In a rural unit difficulty may be experienced in finding literate men. But the social conditions of rural units do not as a rule demand any highly elaborate organisation, and therefore each must cut his coat according to the cloth in his possession.

21. Standing orders and rules for the conduct of the business entrusted to different Departments may next be framed by the Grand Panchayat and each Secretary may be assisted by a consultative board of 4 or 5 other Panches, selected by the President. The latter should preside over all meetings of the cabinet of Mantri-Panches, who should always refer special matters involving any orientation variation or suppression, of any policy to a meeting of the Cabinet.

22. Interpellations, Resolutions and references to the Panchayat should be brought before the Panchayat through the various departments, and should as a rule be publicly

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debated, and decided by an absolute majority of votes.

23. A bare majority of the Panches elected should form quorum for ordinary Quorum bi-monthly debates, but usual routine may be carried on by departmental boards. No quorum is necessary for a meeting adjourned for want of quorum.

24. Each Secretary should be required to organise the department entrusted to his care and he should initiate necessary legislation in the Grand Panchayat for the establishment of his department with all requisite complements. Arbitration Courts, Volunteer Corps, Public Health Boards, Industrial Guilds, Commercial Panchayats, Conciliation Board, National Schools and Colleges, Polytechnic Institute, Poor Houses and all institutions necessary to social organism must rapidly spring up under the fostering care of these Mantris. In rural units, Arbitration Panchayats, Co-operative Panchayats, Boards of Agriculture should be formed. National Education, indigenous industries should be encouraged and zealously promoted.

PART II

JUSTICE

25. Justice is a conception of human relations in the most harmonious poise. It can be realised by the strictest observance of moral values, and therefore demands the most scrupulous adherence to Truth. The modern machinery for dispensing justice has become so subtly complex that the very initial attempt at familiarising oneself with its different parts and with the elaborate mode of setting it in motion defeats the object which it aims at. Our time honoured and simple form of dispensing justice in village, guild or family panchayats is free from the bewildering "conflict of laws" and forensic sophistry and casumistry which not infrequently successfully circumvent and defeat justice. The vast avenues of legal and therefore moral perversions which the present system in a way maintains can be closed to

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the litigant public by diverting them from the evil nests which breed refined perjurers and confirmed criminals of the vilest description to representative Arbitration Courts or guild and caste-Panchayats where they may get "simple and speedy" justice in Mr Gandhi's words.

26. In Delhi we are familiar with the astonishing organisation known as the Panchayat of *Khat Bunas* or the guild of cot-weavers, (men who weave rope nets across cots.) They are a most surprisingly closely knit community, of which not one individual has yet been known to resort to a Court of law or *to tell a lie*. The alderman of their guild is the arbitrator of their disputes civil or criminal and their guild daily fixes the scale of wages and adjusts all internal affairs with the result that a more well-behaved community it is not possible to imagine. There are other guilds still in existence, such as the guilds of Goldsmiths, Silversmiths, Cloth-merchants and so on, even, the sweepers, water-carriers, washermen, barbers and cobblers, not to mention artisans

Justice

of all description still adhere to their old traditions of acknowledging the sovereignty of their Panchayat in all social and to a certain extent also professional matters; but their organisations do not seem to evince that cohesion of which *Khat-bunas* of Delhi present an inspiring illustration.

27. (1) The Secretary to the department of Justice should therefore first resuscitate all these guilds and Panchayats through ward Panches for various wards of the electorate.

(2). Next he shall frame rules for the conduct of these guilds such as proper conduct of proceedings, keeping minute books, reporting important cases and difficult disputes to the Grand Panchayat through their ward Panch, and enforcing social ostracism of corresponding rigour in cases of infraction by individuals of the observances enjoined by these Panchayats. In short he should proceed first to catalogue all the various castes, guilds of artisans, professions &c. and move in the Grand Panchayat their affiliation, and through the ward Panch guide their work.

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28. All decisions of these Sub-Panchayats should be made revisable by a Grand Pancha-*Judicial Committee* or the yat as a Court Supreme Court of Appeal of Appeal. the Grand Panchayat selected by the President with the advice of his Secretaries, from among qualified electors, and consisting of no less than 5 Panches, one of whom must be the President himself.

29. All causes of action, Civil or Criminal should in the first instance be decided by these Sub-Panchayats.

30. The ward members should be entrusted with the task of drawing up a list of various bodies who should be thus organised, and he should make and keep a list of these bodies and their representatives. He should receive and hear all petitions and complaints or causes and decide as to whom they should be referred to. Next, should convene 3 or 5 members (according to the gravity of the matter) of the body concerned and entrust the arbitration of the specific case to them. If they fail to settle the matter or if their deci-

Justice

sion is dissented from by any party, the Panch of the ward shall decide whether it should be referred to the Supreme Court for revision. His decision shall be final. These sub-Panchayats should not be confined to any particular procedure which may be too elaborate for them to understand. And all legislation in regard to such procedure must be informed by a spirit of simplicity.

31. For those, however, who do not fall within any of the above categories an alternative scheme may be prescribed.

Arbitration
Courts for
others.

Ward Panchayat.

The Ward Panch shall prepare a list of those who are eligible for serving on the Ward-Panchayat in the same way as a list of jurors or assessors is prepared and kept now. He should hear all petitions in the first instance and convene ward-panchayats of 3 or 5 to settle complex cases. Revision may, as described above lie to the Supreme Court of Appeal.

32. The other alternative is that the Grand Panchayat should constitute the following Civil and Criminal Courts.

Five Arbitra-
tion Courts of

Panchayat should constitute
the following Civil and Crimi-
nal Courts.

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Civil, Criminal & Miscellaneous Jurisdiction. (1) Adalat-i-Sadr. The District Arbitration Court, shall be presided over by a non-co-operating lawyer of no less than 5 years experience at the Bar, or a retired District and Sessions or Senior Sub-Judge who should sit with a bench of one *Mafti or Pandit* or both according to the nature of the case, and another arbitrator jointly selected by parties or on failure of agreement appointed by the presiding officer. The presiding officer should keep a list of eligible 'third' arbitrators to be appointed when necessary. This court should have original jurisdiction over civil causes of over 5000 and should exercise revisional jurisdiction over decrees and orders of Sub-ordinate courts. Its own original decision should be revisable by the Judicial committee of the Grand Panchayat.

The current law of civil procedure, and evidence should be followed by this and subordinate courts with such necessary modifications as special circumstances and following supplemental procedure render necessary.

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(a) All complaints and petitions should be presented in the usual way, and on issue of process defendants should be sent copies of complaint or petition. On appearance of all the parties the Court should proceed to have an agreement for reference to the Court of Arbitration duly executed by them by signing printed forms of agreement supplied by the court at the cost fixed by the Grand Panchayat.

Next thing the court should proceed to take a prescribed oath (as in the case of Courts Martial) in the presence of the parties that they would decide the case referred to there with the utmost honesty. The Mafti or Pandit shall first administer the oath to the Presiding officer, and the latter shall administer the oath to the remaining members and the parties or their counsel if any. Whereupon the court shall proceed to hear the case. The only innovation in the above procedure is about the Counsel taking oath that he shall "make no attempt to conceal any facts known to him relative to the case." This is merely to guard against the usual corruption which is the scandal of the law courts of to-day. The pro-

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fession of a lawyer is regarded honourable because erudition carries traditional honour. We should demand that these men of erudition should not be party to any lowering of moral standards as regards the observance of veracity. It is one of the most depressing facts that while the largest number of capable men are attracted to and absorbed by several bureaucratic departments which are like the crushing coils of a boa constrictor, a less large number of very capable men are, by a most surprising phase of social economy, directly drawn and wasted in the legal profession which may, (without prejudice to individual exceptions,) be described as a blood-sucking reptile practically devoid of any conception of moral values. The imposition of this restriction may signalise a change in the angle of public vision in regard to the legal profession which stands in urgent need of moral disinfection. Lawyers may be enrolled on payment of a prescribed fee in no case less than Rs. 50 per annum, on signing an agreement that if they are adjudged by the Sadr- Adalat to have violated their oath on any occasion they shall forfeit both their licence and their enrolment fee.

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Petition Writers. Petition-writers may similarly be licenced on payment of 15 Rs. per annum.

Adalat-i-mutawassit or the Sub-Arbitration Court shall be similarly constituted with the difference that its jurisdiction shall be limited to causes of the value of Rs. 5000 or under, and shall not extend to "small causes" of current description nor to petitions for "Diwala" or insolvency. It shall consist of a presiding officer who may be a Barrister or Pleader of 5 years experience at the Bar and one other arbitrator, who may consult a Mufti or Pandit, but the latter shall not be a member of the court. All cases of specific performance, disputes relating to marriage, petitions for dissolution of partnership, cancellation of deeds, &c. shall in the first instance be lodged in this court.

Adalat-i-Khafifa or the Small Causes Arbitration Court shall have jurisdiction over small causes of current description up to the value of 2000 or less and shall consist of one

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Barrister or Vakil of not less than 5 years experience at the Bar, and 2 other arbitrators. The sort of work the Court of Small causes has to do requires much care and no little experience of humanity, and should, therefore, in no case be entrusted to men of scanty legal or worldly experience.

(4) There should be a criminal court or the Adalat-i-Faujdari to take cognisance of compoundable offences only. The guiding principle of the court should be the effecting of a compromise between the parties on reasonable terms. Any 1st Class Honorary Magistrate who has given up his honorary "job" in pursuance of the principle of non-co-operation, or a retired lawyer may be appointed to this court. Special care should be exercised to shut out non-compoundable offences. Experience shows that efforts are as a rule made either by the relations of the accused or even by the voluntary agent provocateur or the lower myrmidons of the Police department to engage the attention of putative arbitrators in respect of offences not compoundable. The accused or his relatives are naturally anxious to escape the conse-

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quences of the offence, and seek any conceivable support or loophole ; and the others seem to be stimulated by a desire to catch the arbitrator tripping ; as his interference in a not compoundable case will amount to either an attempt at or abetment of compounding a felony which is in itself an offence. Cases have been noted in which quite genuine persons have desired to settle the case out of ordinary courts. But such a result, however, desirable, is not permissible under the prevailing law. Suggestions have been made that attempts should be made (and experience shows that such attempts generally succeed) to "square" the evidence procured by the police. Whatever be the degree of the moral delinquency of an arbitrator in a case where parties mutually agree to "settle" even a not compoundable offence "out of court," the existing law will have nothing of it, especially when such private settlement is likely to lead to a very appreciable curtailment of the "power" enjoyed by the existing Magistracy, and its arm the Police. In a case in Delhi where according to the first information report in the Police register "riot with murder" had taken place, facts of the case showed that in a casual fight

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among a party of water-carriers, the number of "combatants" brought them within the operation of the riot section of the Penal Code. An old man who had been on invalid happened by sheer mischance, to be struck by a *lathi* while trying to separate the opponents, and died as an indirect result of the injury. The repentant opponents who were also relations to the deceased, appealed to the writer while he was practising at the Bar for settling the matter out of Court. A Panchayat of the community was called and the faction whose excesses were proved agreed to grant life-annuity to the widow of the deceased, for which *panches* stood surety and the widow readily assented to the agreement arrived at. As no very definite evidence of "riot and murder" was available the arrangement was pronounced excellent by all parties; and the Police with all their efforts to "cook evidence" miserably failed. Now the writer is aware that if he was not acting as merely a *Legal adviser* in the case and had consented to be a Panch to effect the desired compromise he would have come within an ace of charge of abetting the compounding of a very serious offence. He feels morally

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certain that even if he had acted as an arbitrator and effected the said compromise he would have committed no moral offence which could have merited public opprobrium, but he will be the last to encourage the criminal arbitration court to take cognisance of such cases, for the evil conceivable in respect of them far outweighs the good that may seem to accrue from intermeddling with such cases. We know how the Police daily suppresses grave crimes but let us not imitate the immorality of the Police; or in any way lend ourselves to a charge of "Shady" dealings. So long as the present parallel Government's power lasts in its present form, it is not for us to risk conflict with it. However, everything should be done to bring moral and social pressure to bear of our own people to live up to a higher standard of *Truth, Simplicity, and Peace.*

(5) Last of all, there should be established another court for hearing and deciding miscellaneous petitions, such as petitions for the settlement of communal or religious disputes, relating to *melas, Tewhars* or any other matter not referable to the above courts. In the first place

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the Arbitrator of the Criminal Court should be entrusted with the duty of hearing these petitions. He shall dispose of petty matters himself, but shall convene a meeting of the Board of Arbitrators, consisting of the presiding officers of all the courts to consider any complicated or grave case. If their decision is dissented from, the question should finally be referred to the Grand Panchayat.

33. It is obvious that if this alternative (which is a replica of the existing system) is adopted a good deal of red-tapeism is bound to creep in; and it will also mean a reproduction of the present bureaucratic departments on a national basis and in an atmosphere, purified of all corruption at first; but the evils of the system will have a tendency to reappear with increasing responsibilities of the functionaries. The writer is therefore, of opinion that the experiment should be only very carefully and temporarily tried in big towns. In rural areas the first and simpler method of organising guilds and Panchayats should be followed. This is neither the time nor the place for dilating on the evils and disadvantages of

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combining legislative or merely deliberative functions of the Panches with any administrative and executive functions. The subject has been discussed threadbare by writers of constitutional law; and that is the reason why the powers of the Grand Panchayat have been carefully confined to deliberative work generally.

PART III

PEACE AND ORDER -

34. Order is the first essential of any progressive Society. It is that eternal promise of Harmony by which all conceivable parts of this Universe are indissolubly bound.

The only difference between organised and disorganised people ; disciplined troops and the rabble is that one proceeds to perform its functions in a clear methodical way and the other loses all chance of success by conflict of initiative and confusion of action. We have long suffered from the suppression of initiative, and our body politic has become alarmingly anaemic and liable atrophy. We require to arrest our deepening torpor, and dispel all the mephitic vapours which induce in us a sense of helplessness and unfitness. Moreover the organisation of a self-sufficient state adumberated in the foregoing pages includes and demands the formation of a body

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of *Sevaks* or Volunteers with the object of securing peace and order within the state and immunity from attack from without according to this scheme the organisation of the external defences of all the units are suffered to remain the care of those who are at present managing them ; and it is expected that so long as a well organised and strong, federation of the various units does not become an established fact, no energy should be expended on problems of external defence, and no desire need be entertained to relieve the existing system of Government of its heavy trust and responsibility, which must be causing it no little anxiety. But there seems absolutely no reason whatsoever why every unit should not be fully equipped with a body of Volunteers, who may be a guarantee against internal disorder. With this in view the *Mantri* responsible for *Order* should proceed to entrust to each Panch the duty of enlisting *Sevaks* for Police duty. Each ward should have a prescribed number of volunteers, who should be recruited from among able-bodied electors of between 18 and 45 years of age to serve for a specified period, say for the life of the Grand Panchayat. But provision should be

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made for every willing elector of specified age to receive training along with those enlisted for service during the Panchayat's tenure of office. In a state fully alive to its interests it may not be possible for any individual to escape "conscriptive training" as society has a right to enjoin upon its members almost any course of conduct consistent with its best interests, so long as an individual is not forced to do anything in violation of his conscience. But for reasons of expediency the enforcement of such a rule should not be insisted upon. Every means, however, should be adopted to encourage voluntary training; because it is essential in the interests of self-respect and self-development that our people should conform to the most rigid military discipline. The object of all military training (which need not necessarily mean drill with arms; in fact, which for our purposes, excludes all reference to arms or weapons of any description) is to discipline the mind of the soldier, to make him conform to a rigid course of conduct which knows *no wavering and no fear*. It is the creation of such a spirit that all the training of the Volunteers and other willing electors should aim at. Trained volunteers

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should serve the state by rotation viz: a corps (as far as possible) of fresh volunteers should relieve the corps that has served the retiring Panchayat, or if circumstances permit the same corps may continue in service for any length of time.

35. To attain this purpose the Grand Panchayat should select a The Volunteer *Volunteer Corps Council*, consisting of not less than 3 and not more than 11 members, the majority of whom should, as far as possible, be men with knowledge or actual experience of military and Police matters. In any case they must be specially interested in the work. This Council should be presided over by the *Mentri* in charge of the Peace and *Order* of the electorate, and one of the members of the Council must be the Commanding Officer of the Corps, because the council shall be responsible for the entire organisation and government of the Volunteer Corps.

36. The President of the Grand Panchayat Commission shall have the authority to and Officer grant commissions held at the Commanding. Panchayat's pleasure, and every Officer-Commanding must be a

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commissioned officer holding rank not below that of a Sub-Lieutenant in urban areas, and that of a warrant officer in rural areas. Great care should be exercised in granting commissions and ranks should in no case be assigned to men, who do not deserve them. There should be fixed tests such as adequate literacy, and familiarity with Military and Police organisation, knowledge of special topography of the constituency, and above all some family traditions or other distinction which may be entitled to the respect of those whom the officer may be called upon to command. The Council should have authority to make special rules and regulations for the organisation and conduct of the Corps, and should be the final arbiter of rewards and punishments to be awarded to those not holding commissions from the Grand Panchayat.

37. In Volunteer corps there is an accepted convention of electing their own officers since those who have agreed to serve voluntarily together wish to have the election of officers left to them. But as the Grand Panchayat represents the united and collective will of the people, the election of officers of higher rank

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must rest with the President of the Grand-Panchayat (of course subject to the advice of the Mantri) and officers below the rank of Sub-Lieutenants may be elected by the Corps, subject to the approval of the Volunteer Corps Council or the officer commanding as the case may be.

38. *Sevaks* or Volunteers should have some privileges of distinctive character to mark the State's appreciation of their patriotic services. They should be exempt from all tolls and duties leviable by Municipal Committees (so long as Municipal Committees are in existence) or by the Grand Panchayat. The first result can be achieved by bringing the pressure of public opinion to bear on Municipal Committees, which are for the most part managed by our people. They should be entitled to free consultation and if possible also free treatment by the medical men of the electorate. They should, further, have some other privileges also. When the state has acquired full control of its government, much larger concessions will be possible. It would not be al-

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together unwise to encourage the creation of a class resembling the *Samurai* of Japan, the pampered military class of that country. India had her *Kshatryas* in the past, and we can recreate or revive that fine race of men, calling forth their manhood for the service of the country and mankind in general.

39. *The Sevaks* should be a class of exceptionally selflessmen, and their Punishments infractions should be promptly and Rewards. and strongly dealt with. Discharge, suspension, reprimand and dismissal with disgrace should by force of public opinion be erected into social iniquities to which much odium should attach. Similarly the privilege of being a *Sevak*, conferment of distinctions by order of the Volunteer Corps Council or Grand Panchayat promotions and other rewards for good services should be elevated into rare social distinctions to be coveted and competed for.

40. To every unit of from 500 to 2,000 adult electors there should be a Organisation. "Company" of no less than 25 and no more than 100 *Sevaks*.

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In Delhi for instance, where, there is an adult population of 1 lakh, each ward of 4,000 electors should have no less than 50 and no more than 200 volunteers each. In a model state where Sevaks enjoy full rights and privileges the number of Sevaks will have to be proportionate to the capacity of the electorate. Thus Delhi need not have the maximum force of volunteers unless special circumstances call for it; for it is doubtful whether the capacity of a city like Delhi can be equal to the burden of 5,000 Sevaks, with full privileges; provided Delhi is a model self-administering State.

41. But taking a corps of 1,000 as a unit the following personal will be found reasonable:

- 1 Commanding Officer called the Salar or *Spah Salar*.
- 2 Sub-Commanders or *Nzib Salur*, both must be commissioned officers.
- 10 Company Commanders, or *Fauj-dars* who must hold a warrant officer's rank.
- 10 Company Sub-Commanders, or *Nzib-Fauj-dars*, as above.

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Each Company consisting of 100 Sevaks should have:—

5 Instructors or Qaid who should be elected

10 Nazims }
10 Naib-Nazims } One to every squad of 10 also to be elected.

All Sevaks should be entitled to promotion (1) by seniority of rank, rising to a higher rank every year. Those reaching the highest elective ranks should be recommended to the Council for necessary promotion. (2) by special merit such as distinguished service or passing a test prescribed by the Council for various ranks.

The organisation of the Corps may be varied by the Council according to special circumstances subject to the approval of the President of the Grand Panchayat.

42. The volunteer corps should wear some uniform in no case gaudy-but-of quiet colour, preferably Khaki and different officers should wear distinctive marks and badges.

43. Every Sevak should do not less than 20 drills in a month except for special reasons such as ill-health or some other sufficient

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cause, otherwise his name should be screened or he may be named before the monthly parade.

Ordinary infantry drill *without arms*, scouting, flag-signalling, police and similar other duties should be included in the essentials of training.

The services of retired military men, and trained instructors should be secured for the purpose. (The writer is preparing a "Hand Book of Training" for volunteers.)

44. Strict military discipline should be enforced. If we succeed in creating not martial spirit, but only military discipline, among our Sevaks, we shall have achieved a success which will be all to our credit, inasmuch as each model-state should be a stepping stone to the efficient organisation of the entire human family into a great federation, and nothing can lead to such a consummation more rapidly than *Discipline*.

PART IV

EDUCATION AND FINANCE

45. An almost interminable controversy is raging round the question of Education. The aim of education if it is not the formation of character, and the calling forth what is best in the individual is worthless, perhaps given sinful.

The *Mantri* for education should organise academical and polytechnic institutions aided by voluntary contributions, systematically realised by the Grand Panchayat.

46. For the present the medium of instruction should primarily be provincial vernaculars in the lower and English in the higher departments of instruction but the acquisition of Hindustani or Urdu, written in the Deonagri script should be regarded as compulsory all over

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4. This means trilingual instruction ;
at there is no other alternative until there has been accumulated ample Hindustani literature relative to both Arts and Sciences for Hindustani to become a substitute for English, which we have all been compulsarily made to learn. Nor should there be any objection to the adoption of the *Deonagiri* script which may be alien to Madras and Moslem India for after all we have not learnt *English* in any but an alien script. We have been compelled to be bilingual ; now and if we succeed in acquiring Hindustani as a vehicle for the communication of our ideas as soon as adequate store of necessary literature is available, we shall naturally drop English, and bring up the next generation in the knowledge of provincial vernaculars and Hindustani. It would be a folly to proscribe English, with its rich modern literature which has proved a source of inspiration to most of our leading men to-day.

47. Since the only All-India National
assembly is the Indian National
Text Books Congress, whose mandates are
Committee. daily becoming binding on the
entire country, it will be well-

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advised to appoint a Text Book Committee to prescribe suitable curricula, and that should solve the whole question for the present. It is expected that for some time to come there will be very little need for altering the current curricula except in respect to history; but the educational policy of the country should conform to the larger aspirations of the people, and if *Patshalas and Maktabas* are resuscitated in accordance with the reformed modern system of instruction, there is no reason why education cannot be made cheaper, more practical and altogether more useful, by which every individual may be made a self-respecting, self-supporting unit of the nation, instead of degenerating into a servile, and invertebrate "slave" fit only to drudge away for all he is worth at an obscure desk, buried in a suffocating bitter of red-taped rags or parchment.

FINANCE.

43. Every human organisation must have a moral as well as a material bond between its various parts. The organisation of our State primarily depends upon purely moral

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forces, because we have eliminated motives of a mercenary origin altogether. But in the present state of our society when ideal conditions are only conceivable and not real, we cannot overlook the question of the "material nexus" by which the organisation should be secured against disruption. We shall require money for propaganda, and for many other permanent needs. Although every subject of the state must in theory at least be a Sevak, the unequal distribution of property, which is a solid reality to-day must leave the largest number of Sevaks in a condition somehow to shift for themselves.

We must, therefore, create a *Baitul-mal* or the Panchayat treasury which should supply the Panchayat with the necessary "sinews." The various departments created must be maintained, if not by public approbation, alone by some sort of equitable adjustment of the more needy sevak's economic conditions. The old rural units still maintain their village *chowkidar*, *laneras*, and others by offering them moderate compensations in kind. Similarly where individual needs require something more than

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social privileges and distinctions, (especially in the case of whole-time workers, such as Clerks) some provision must be made.

50. Again the Baitul-mal or the Panchayat fund should provide for the The poor problem and able-bodied pauperism. infirm and incapacitated poor of the state. Poor houses should be organised by the Mantri, and means should be devised to make able-bodied pauperism impossible. No subject of the state should be suffered to be a parasite. Every one must work for his livelihood, and it should be the special care of the Mantri for Finance to find channels for directing the reserve energy of able-bodied paupers. There should be established in every town and village small handloom factories, or other easily learned industries for this purpose. And public opinion should be trained so as to extinguish the evil of beggary altogether.

51. From where and how the Mantri should get the necessary funds? We Sources of Revenue. have already parcelled the entire electorate into so many wards and each ward into so many professional, commercial and industrial

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or agriculture *bradris* or committees. Each *bradri* has got its own Sub-panchayat with a Sar-panch. *Panchayat-ka-chandra* or Panchayat-contributions should be the first source of Revenue. Taxes, duties and tolls have a somewhat obnoxious savour about them; as they are associated in the public mind with impositions and levies due to despots and autocrats. The very notion is hateful to free-born-men. In France all taxes are known by the term "contributions" and taxpayers are "Contributables" those who contribute to the public funds of the state. In our villages in the North of India, such contributions are known by the term "*Dhula*" which may be proportionate or uniform as the case may be. Similarly the Grand Panchayat may budget the annual expenses of the state and annually vote a *Dhula*, *Chandra* or contribution, which the Mantri should realise (1) through the various guilds and sub-panchayats and (2) individually from those who are not embraced under (1) This should be a direct source. The second and minor sources of Revenue may be *Dind* or fine realisable from offenders and among other sources may be Court fees, voluntary

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contributions, the income of the Panchayat postal service for local purposes, the Panchayat local-carriers-service, &c.

52. The Panchayat Arbitration Courts will be fully within their rights to adjust a scale of Court fees and stamps. But in no case should the litigants be put to any Court fees expenses where the value of the suit does not exceed Rs. 1,000. The scale of court fees may be fixed at 1/5th of that now in existence for suits of the value exceeding Rs. 1,000. This is merely to encourage adjustment of claims by private arbitration among all classes of men and insuring inexpensive relief to the poor. The policy is not free from objection, but in the beginning it may be tolerated.

53. A word is necessary about the institution of a Panchayat Postal Service for local requirements. After all the Postal system for carrying private letters and parcels is not the monopoly of any one any more than the railway system is for carrying men and goods from place to place or the telephone system is for communication. It is a wonder that capitalists of our country have so far

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neglected this enterprise. In European and self-governed countries there exist side by side with the Government postal service postal and telephone systems managed by private companies. Of course, our policy should ever be one of *Panchayat or State control as far as practicable under existing economic conditions*. However, there seems no reason why every Panchayat should not organise its own postal service with the help of Sevaks. It will prove an indirect source of revenue.

54. The Panchayat may organise its own industries, and train and employ artisans, the profits of whose output should be equitably distributed between the individual and the state and should prove another indirect source of state revenue.

55. In rural areas the institution of Co-operative Banks and societies for developing and improving our agricultural enterprise should result in increased prosperity and yield some sort of common-fund for the benefit of the unit.

PART V

SOME DEDUCTIONS AND
SPECULATIONS

56. Our model states are now in full working order. They are quite independent of the other system which exists side by side with them. They have scrupulously avoided all possible paths leading to a collision. They have thinned the steam of litigants flowing into the existing Courts of law. They have proved the redundance of the entire machinery for which it is claimed that it is for the maintenance of *order and peace*. They have assumed the control of education, and have shown no little initiative in organising indigenous industries, and controlling local commerce. They have lifted individuals out of poverty, squalor, diffidence, despondency and object supineness

Some Deductions and Speculations

and slavery. They have ennobled personal character, and in a word, brought into being a full-fledged, fully alive and aspiring organism. And in doing all this they have followed nothing, but the most approved and orthodoxly constitutional methods. *Their achievement, however, is not tainted by association and co-operation* with those who still claim to be *masters and Rulers*. That is all the difference between the position taken up by the advocates of Non-co-operation and their opponents, and it makes all the difference of intention, capacity, sense of self-respect, and self-reliance between the methods of the contending parties.

57. The next step before these self-governing units is a much easier one. While preserving their independent character, they have but only to assemble their duly elected representatives say their President, in the Indian National Congress, (first in Provincial Conferences, where a prescribed number of delegates may be elected to the All-India-Congress) to forge bonds of a unique Indian Federation for protecting and developing the larger interests of the country, and

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for electing an assembly for this purpose ; and the entire constitution and organisation of our India with absolute *Swaraj* is complete. The next thing would be to enter into alliances and treaties with our present friends the English but in a different capacity. In all this scheme of self-determination not one chance is conceivable or contemplated to mar the peacefully progressive realisation of India's destiny as a self-respecting nation of high-souled and wholly nonviolent individuals.

If such a scheme of self-determination rigorously eliminating as it does all chances of anarchy, chaos and confusion (the imaginary conception of which is daily preying upon the minds of certain sapient well-wishers and patriots) is branded as disloyal and unconstitutional then India loses nothing by such disloyalty, she stands to gain everything. If England suffers her bureaucratic representatives in India to thwart this movement by using all the disreputable weapons in the asmoney of coercion and repression, England will write herself down as a champion of the very Might and Brute Force, which she in association with the other great powers of the world did all she could to crush.

Some Deductions and Speculations

58. The vision of the Future is burning
with all the effulgence and
splendour of the Sun. India is
yet to achieve her highest
destiny. She reappears on the
virgin summit of the Himalayas enthroned on
Justice with a golden nimbus of Truth around
her head. She points the only way to her
children and to the rest of the world; the
only way to *Dharma* Virtue, Duty; Human-
ity and Divinity, Straying feet must be
directed to this Path, although it goes uphill,
or the waves of *Adharma*, Vice, Selfishness,
Inhumanity and the opposite of Divinity shall
swallow up mankind, and only Tyranny and
Brute Force will continue to reign. The
immortal spirit of the Mother, *Shakti*, the
creative Principle of the Universe is reincar-
nated, follow ye who have eyes to behold the
Vision. This way lies the salvation of
mankind.

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