

APPENDIX A.

Dr. Malan, Minister of Interior's Speech in introducing the Areas Reservation and Immigration and Registration (Further Provision) Bill in July, 1925.

Dr. Malan moved for leave to introduce a Bill to make provision for the reservation of residential and trading areas in the urban areas for certain persons having racial characteristics in common; to amend the Immigrants Regulation Act 1913 (No. 22 of 1913), the Indians Relief Act, 1914 (No. 22 of 1914), and the Asiatic Registration Amendment Act (Transvaal), 1908 (No. 36 of 1908); and to amend and repeal certain laws.

Dr. Malan said: The introduction of this Bill is, as hon. members will know, an undertaking on my part about a year ago during the last session of Parliament. During that session a motion was introduced dealing with the Asiatic question by the hon. member for Illovo, and replying on that occasion I undertook I would go into the whole of the Asiatic question during the recess as thoroughly as I could, and that I would introduce during this session of Parliament legislation dealing with that problem. I am very sorry I could not have the Bill ready before the very end of the session. I say I am sorry for that, because I realize, especially after having gone into the question personally, that the Asiatic problem is indeed a very pressing one in the country, and that delay will certainly, in future, not make the solution of the question easier for us.

On the other hand, I am not sorry that legislation is introduced at this late stage, because it is of course impossible to carry the Bill further than just the first reading now. In the meantime in the recess, before the Bill can be brought up again next session, the country as a whole will have the fullest opportunity of knowing what the policy of the Government is in regard to the Asiatic problem, and I personally, and the Government with me, will certainly follow the criticism, especially constructive criticism, which is brought forward in connection with this Bill, and I must say that personally I shall be very glad to adopt any helpful suggestions which may be brought forward during the recess.

I consider the Asiatic question, just as the Native question is, as a problem not for one political party, but a problem for the whole country, and a question which should be solved as far as possible above the arena of party strife. We should keep it as far as possible above party divisions. I am not going at this stage to make any second reading speech on this Bill, especially as the Bill is not yet in the hands of hon. members, but perhaps hon. members will allow me to make a few remarks of a general character.

In the first place I want to say that the Bill, as hon. members will have an opportunity of seeing later on, will certainly not satisfy extreme sections in the country. In this Bill I tried to steer the safe and sane middle course. The radical element in the country will certainly think that this Bill is too weak and moderate, and on the other hand that element in the country which is faint-hearted, or weak, will certainly think that this Bill is going quite too far, that it is too radical, and that in certain senses it will be oppressive.

INDIAN AS AN ALIEN.

I must say that the Bill frankly starts from the general supposition that the Indian, as a race in this country, is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country.

But, on the other hand, the method of dealing with this question will not be the employment of any forcible means. The method which this Bill will propose will be the application of pressure to supplement, on the other hand, the inducement which is held out to Indians to leave the country. The Bill to a certain extent follows well-known lines. To a certain extent we go on the path which has been trodden before by my hon. friends opposite, but the Bill does not rest there, it goes a good deal further.

The Bill tries, to a much larger extent than was done by the Class Areas Bill of the previous Government, to carry out the recommendations of the Asiatic Inquiry Commission.

We are dealing in this Bill not only with residential or commercial segregation, but also with land ownership, especially in Natal.

In addition to that, the Bill proposes in certain respects to amend the Immigrants Regulation Act.

We find that there is a considerable influx of Indians still continually going on, especially the influx of Indian women, and the amendments which we propose in this Bill will go very far to put an effective stop to that.

There is one omission which I think certainly will be noted by hon. gentlemen when they read the Bill, and that is that this Bill, except in a general way, does not deal with the issue of trading licences. By another Bill which has passed, or which is being dealt with by Parliament just now, we will establish uniformity in regard to licences issued in this country, but that uniformity only consists in the fixing of the amount to be paid for these licences, and the issue of the licences to particular persons remains, as before, in the hands of the Provincial Administrations. So also the issue of trading licences to Asiatics will remain in the hands of the Provincial Administrations just as before.

I would just further make this general remark—that in this Bill we are trying to respect, as far as possible, the susceptibilities of the Indian population. We follow the example of legislation which has been passed by this House on previous occasions, and throughout the Bill we do not mention the name of the Asiatic as a class at all, except where it must be done in cases where we refer to existing laws which deal specifically with Asiatics as a class.

I must just conclude by making two points quite clear. I wish to be very clearly understood on these two points. The first is that the introduction of this Bill will not or must not be taken as closing the door to any negotiations or communications which may pass at present or in the future between the Union Government and the Government of India in regard to the Indian question.

ROUND-TABLE CONFERENCE.

As I have stated on a former occasion, this Government has been approached by the Government of India with a view to arranging between the two Governments a round-table conference on the treatment of Indians in South Africa. These negotiations are not yet closed, though they have taken a very definite course. The introduction at this stage of this proposed legislation must not be taken as closing the door to further communications between the two Governments about this particular point. On the contrary, I think that the statement, as embodied in this Bill, of the Asiatic policy of the present Government will very materially help further communications which there may be between the two Governments.

General Smuts: Can you tell us how far the negotiations have gone?

Dr. Malan: It is very difficult at this stage to make any statement on that point. I do not think it is to the public interests to do so just now.

IN OPERATION NEXT MONTH.

The other point upon which I wish to lay emphasis is this—and I give it as an intimation to everyone interested in the Bill—that according to the Bill as it stands now it will come into operation on August 1st of this year—within a fortnight's time. Whatever the time may be when this Bill may be passed by the Union Parliament, this order to come into operation on August 1st will stand. I think it is necessary, at this stage, to make this announcement because in the Bill certain vested interests are protected, and if the Bill does not come into operation or is made retrospective afterwards to come into operation on August 1, 1925, I am afraid there will be a general scramble amongst the Indian population for the creation of vested interests, and in that way the problem which we wish to solve will be made infinitely more complicated, and therefore I wish it to be understood that whenever this Bill is passed it will come into operation as from August 1st of this year. This, I think, is all I wish to say at this stage, and I move the first reading of the Bill.

The motion for leave to introduce the Bill was put and agreed to.

APPENDIX B.

SMUTS-GANDHI AGREEMENT OF 1914.

(A) THE ORIGINAL DRAFT LETTERS.

(B) THE SMUTS-GANDHI AGREEMENT.

(A) *The Draft Letters.*

The following were the original draft letters between General Smuts and Mr. Gandhi which led to the Agreement of June 30, 1914:—

Pretoria, January 21, 1914.

The Secretary for the Interior, Pretoria.

“ Sir,—Before leaving for Phœnix, I venture to express my thanks to General Smuts for the patient and kind interviews that he has been pleased to grant me during this time of overwhelming pressure. My countrymen will remember with gratitude his great consideration.

“ I understand that the Minister is unable to accept (with regard to the Indian Inquiry Commission) either—

- (1) My suggestion that a member representing Indian interests should be co-opted, when suggestions of policy are inquired into; or
- (2) My suggestion that a second commission, with Indian representation, should be appointed to deal with those questions only, the present Commission in that case becoming purely judicial. I submitted a proposal also, which, in view of the Government's decision, I need not state here. Had any of my suggestions been viewed favourably by the Government, it would have been possible for my countrymen to assist the labours of the Commission. But with regard to leading evidence before this Commission, which has a political as well as a judicial character, they have conscientious scruples, and these have taken with them a solemn and religious form. I may state briefly that these scruples were based on the strong feeling that the Indian community should have been either consulted or represented where questions of policy were concerned.

“ The Minister, I observe, appreciates these scruples, and regards them as honourable, but is unable to alter his decision. As, however, by granting me the recent interviews, he has been pleased to accept the principle of consultation, it enables me to advise my countrymen not to hamper the labours of the Commission by any active propaganda, and not to render the position of the Government difficult by reviving passive resistance, pending the result of the Commission and the introduction of legislation during the forthcoming session.

“ If I am right in my interpretation of the Government's attitude on the principle of consultation it would be further possible for us to assist Sir Benjamin Robertson, whom the Viceroy, with gracious forethought, has deputed to give evidence before the Commission.

“ A word is here necessary on the question of allegations as to ill-treatment during the progress of the Indian strike in Natal. For the reasons above stated, the avenue of proving them through the Commission is closed to us. I am personally unwilling to challenge libel proceedings by publishing the authentic evidence in our possession, and would far rather refrain altogether from raking up old sores. I beg to assure the Minister that, as passive resisters, we endeavour to avoid, as far as possible, any resentment of personal wrong. But, in order that our silence may not be mistaken, may I ask the Minister to recognise our motive and reciprocate by not leading evidence of a negative character before the Commission on the allegations in question?

“ Suspension of passive resistance, moreover, carries with it a prayer for the release of the passive resistance prisoners now undergoing imprisonment, either in the ordinary gaols or the mine compounds, which might have been declared as such.

“ Finally, it might not be out of place here to recapitulate the points on which relief has been sought.

They are as follows:—

- (1) " Repeal of the £3 tax in such a manner that the Indians relieved will occupy virtually the same status as the indentured Indians discharged under the Natal Law 25 of 1891.
- (2) " The Marriage Question.
(These two are the points, as I have verbally submitted, which require fresh legislation.)
- (3) " The Cape entry question. (This requires only administrative relief, subject to the clear safeguards explained to the Minister.)
- (4) " The Orange Free State question. (This requires merely a verbal alteration in the assurance already given.)
- (5) " An assurance that the existing laws, especially affecting Indians, will be administered justly, with due regard to vested rights.

" I venture to suggest that Nos. 3, 4 and 5 present no special difficulty, and that the needful relief may be now given on these points as an earnest of the good intentions of the Government regarding the resident Indian population.

" If the Minister, as I trust and hope, views my submission with favour, I shall be prepared to advise my countrymen in accordance with the tenour of this letter."

(Sgd.) M. K. GANDHI.

Department of the Interior, Pretoria.

January 21st, 1914.

" Sir,—With reference to your letter of even date, I am instructed by the Minister of the Interior to reply that you are correct in your statement that it is not proposed to make any alteration either in the personnel of, or the reference to, the Commission appointed to inquire into the recent Indian strike in Natal. The Minister regrets, but, of course, understands, that you are so far committed by your previous public declarations in regard to the Commission that you are precluded from appearing before it. He also recognises the motive which makes you unwilling to revive old sores by courting libel proceedings before another tribunal.

" The Government repudiates as strongly and emphatically as heretofore the charges of harsh or improper action against the Indian passive resisters and strikers. But, as you and your friends have decided not to appear before the Commission and lead evidence in support of those allegations, it seems likely that there will be no charges for the Commission to investigate. The Government would regret the consequent absence of an opportunity to lead rebutting evidence in vindication of the conduct of its officials, but it feels that, unless it has a definite case to answer, any attempt to deal with the allegations before the Commission could only result in an unprofitable waste of time.

" The Government is anxious that any recommendations which the Commission may make on the larger issue of Indian grievances should be received at a sufficiently early date to enable proposals to be submitted to Parliament during the forthcoming session. It is hoped that those proposals, if accepted by Parliament, would ensure a satisfactory and permanent settlement. The Government considers that such a settlement of long-standing disputes is too important to justify any risk of endangering its achievement by delaying the proceedings of the Commission, already delayed through unforeseen circumstances, by an inquiry which would now be necessarily one-sided, into points of minor and secondary moment relatively to wider issues at stake.

" If, therefore, the Indians decline to submit to the Commission any specific charges in connection with the treatment of passive resisters and strikers during the recent troubles, the Government will not think it necessary to take any further action in refutation of the allegations against it and its officers, but it reserves its right to ask the Commission to investigate the occurrences which resulted in loss of life at Esperanza and Mount Edgecombe.

" With reference to your prayer for the release of bona-fide passive resistance strikers from ordinary or compound gaols, the Department of Justice had already, previous to the arrival of your letter, taken steps for the release of the small balance of these prisoners kept in the gaols.

" In regard to the grievances which you have summarised at the end of your letter, the Government will, as already stated, await the recommendations of the Commission before taking any action."

(Sgd.) E. M. GORGES.

Secretary for the Interior.

M. K. Gandhi, Esq., Pretoria.

(B) *The Smuts-Gandhi Agreement.*

The following correspondence between Mr. Gandhi and General Smuts, in confirmation of a series of interviews, constitutes a perfect understanding between the Government and the Indian community in regard to those administrative matters which do not come under the Indians' Relief Bill:—

Department of the Interior,
Capetown, Cape of Good Hope,
30th June, 1914.

Dear Mr. Gandhi,—Adverting to the discussions you have lately had with General Smuts on the subject of the position of the Indian community in the Union, at the first of which you expressed yourself as satisfied with the provisions of the Indians' Relief Bill and accepted it as a definite settlement of the points, which required legislative action, at issue between that community and the Government; and at the second of which you submitted for the consideration of the Government a list of other matters requiring administrative action, over and above those specifically dealt with in that Bill; I am desired by General Smuts to state with reference to those matters that:—

- (1) He sees no difficulty in arranging that the Protector of Indian Immigrants in Natal will in future issue to every Indian, who is subject to the provisions of Natal Act 17 of 1895, on completion of his period of indenture, or re-indenture, a certificate of discharge, free of charge, similar in form to that issued under the provisions of Section 106 of Natal Law No. 25 of 1891.
- (2) On the question of allowing existing plural wives and the children of such wives to join their husbands (or fathers) in South Africa, no difficulty will be raised by the Government if, on enquiry, it is found, as you stated, that the number is a very limited one.
- (3) In administering the provisions of Section (4) (1) (a) of the Union Immigrants' Regulation Act, No. 22 of 1913, the practice hitherto existing at the Cape will be continued in respect of South African-born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in the past; the Government, however, reserve the right, as soon as the number of such entrants sensibly increase, to apply the provisions of the Immigration Act.
- (4) In the case of the "specially exempted educated entrants into the Union" (*i.e.*, the limited number who will be allowed by the Government to enter the Union each year for some purpose connected with the general welfare of the Indian community), the declarations to be made by such persons will not be required at Provincial borders, as the general declarations which are made in terms of Section 19 of the Immigrants' Regulation Act at the port of entry are sufficient.
- (5) Those Indians who have been admitted within the last three years, either to the Cape Province or Natal, after passing the education tests imposed by the Immigration Laws which were in force therein prior to the coming into effect of Act 22 of 1913, but who, by reason of the wording of Section 30 thereof, are not yet regarded as being "domiciled" in the sense in which that term is defined in the Section in question, shall, in the event of their absenting themselves temporarily from the Province in which they are lawfully resident, be treated, on their return, as if the term "domicile" as so defined did apply to them.
- (6) He will submit to the Minister of Justice the cases of those persons who have been in the past convicted of "bona fide passive resistance offences" (a term which is mutually understood) and that he anticipates no objection on Mr. De Wet's part to the suggestion that convictions for such offence will not be used by the Government against such persons in the future.
- (7) A document will be issued to every "specially exempted educated entrant" who is passed by the Immigration Officers under the instructions of the Minister issued under Section 25 of Act No. 22 of 1913.
- (8) All the recommendations of the Indian Grievances Commission enumerated at the conclusion of their Report, which remain over and above the points dealt with in the Indians' Relief Bill will be adopted by the Government;

and subject to the stipulation contained in the last paragraph of this letter the necessary further action in regard to those matters will be issued without delay.

With regard to the administration of existing laws, the Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner and with due regard to vested rights.

In conclusion, General Smuts desires me to say that it is, of course, understood, and he wishes no doubts on the subject to remain, that the placing of the Indians' Relief Bill on the Statute Book of the Union, coupled with the fulfilment of the assurances he is giving in this letter in regard to the other matters referred to herein, touched upon at the recent interviews, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long, and will be unreservedly accepted as such by the Indian community.

I am, etc.,
(Sgd.) E. M. GORGES.

M. K. Gandhi, Esq.,
7, Buitensingel,
Capetown.

7, Buitensingel,
Capetown,
30th June, 1914.

Dear Mr. Gorges,—I beg to acknowledge receipt of your letter of even date herewith setting forth the substance of the interview that General Smuts was pleased, notwithstanding many other pressing calls upon his time, to grant me on Saturday last. I feel deeply grateful for the patience and courtesy which the Minister showed during the discussion of the several points submitted by me.

The passing of the Indians' Relief Bill and this correspondence finally closed the Passive Resistance struggle which commenced in the September of 1906 and which to the Indian community cost much physical suffering and pecuniary loss and to the Government much anxious thought and consideration.

As the Minister is aware, some of my countrymen have wished me to go further. They are dissatisfied that the trade licences laws of the different Provinces, the Transvaal Gold Law, the Transvaal Townships Act, the Transvaal Law 3 of 1885 have not been altered so as to give them full rights of residence, trade and ownership of land. Some of them are dissatisfied that full inter-provincial migration is not permitted, and some are dissatisfied that on the marriage question the Relief Bill goes no further than it does. They have asked me that all the above matters might be included in the Passive Resistance struggle; I have been unable to comply with their wishes. Whilst, therefore, they have not been included in the programme of Passive Resistance, it will not be denied that some day or other these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights have been conceded to the resident Indian population.

I have told my countrymen that they will have to exercise patience and by all honourable means at their disposal educate public opinion so as to enable the Government of the day to go further than the present correspondence does. I shall hope that when the Europeans of South Africa fully appreciate the fact that now, as the importation of indentured labour from India is prohibited and as the Immigrants' Regulation Act of last year has in practice all but stopped further free Indian immigration and that my countrymen do not aspire to any political ambition, they, the Europeans, will see the justice and indeed the necessity of my countrymen being granted the rights I have just referred to.

Meanwhile, if the generous spirit that the Government have applied to the treatment of the problem during the past few months continues to be applied, as promised in your letter, in the administration of the existing laws, I am quite certain that the Indian community throughout the Union will be able to enjoy some measure of peace and never be a source of trouble to the Government.

I am,
Yours faithfully,
(Sgd.) M. K. GANDHI.

E. M. Gorges, Esq.,
Department of the Interior,
Capetown.

[For the disputed letter of July 7th, 1914, which did not form part of the original Agreement, see Appendix F.—C.F.A.]

APPENDIX C.

SPEECHES AND RESOLUTIONS IN CONNEXION WITH IMPERIAL RELATIONS.

(a) General Smuts' Speech at the Imperial War Cabinet, 1917.

" I wish to speak, Mr. Chairman, on this subject specially since the matter of the treatment of Indian Immigrants in South Africa, as you know, has been a cause of constant trouble not only between us and the Empire of India, but between us and the Colonial Office and India Office. I agree with the former speakers that a departure has been made in this Conference in bringing the representative from the Empire of India to this Conference which will go far to obviate the recurrence of such troubles in the future. In South Africa, there has been this fundamental trouble, that the white community have been afraid to open the door too wide to Indian Immigration. We are not a homogeneous population. We are a white population on a black continent; and the settlers in South Africa have for many years been actuated by the fear that to open the door to another non-white race would make the position of the few whites in South Africa very dangerous indeed. It is because of that fear and not because of any other attitude towards the question of Asia that they have adopted an attitude which sometimes, I am bound to admit, has assumed the outward form, although not the reality, of intolerance. Luckily we have got over these difficulties. The visit of the late Mr. Gokhale to South Africa did an enormous amount of good. His visit was followed later by that of Sir Benjamin Robertson, a distinguished public servant of India who also assisted the Government to overcome great difficulties on this point some years ago. The result has been the Legislation to which both the whites and the Indian community in South Africa agreed. There is still a difference of opinion on administrative matters of detail, some of which are referred to in the Memorandum before us, but I feel sure and I have always felt sure that once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited Immigration from India, all the other questions would be considered subsidiary and become easily and perfectly soluble. That is the position in which we are now. The fear which formerly obsessed the settlers there has been removed; the great principle of restricting immigration, for which they have contended, is on our Statute Book with the consent of the Indian population in South Africa and the Indian authorities in India; and that being so, I think the door is open now for a peaceful and statesmanlike solution of all the minor administrative troubles which have occurred and will occur from time to time. Of course the main improvement has been the calling of India to the Council Chamber of the Empire. Here, if any question proves difficult of treatment, we can discuss it in a friendly way and try to find in consultation a solution, and I am sure we shall ever find it. I, for one, do not consider that amongst the multitudinous problems which confront us in our country the question of India will trouble us much in the future."

(b) Mr. Burton's Speech at the Imperial Conference, 1918.

" The matters which were raised by Sir Satyendra Sinha and the Maharajah, in connection with this question, present, I suppose, some of the most difficult and delicate problems, which we have had to deal with and which it is our duty as statesmen to attempt to solve satisfactorily, if the British Empire is to remain a healthy organisation. I have told Sir Satyendra myself, that my own attitude has been—and I am sure it is the attitude of my colleagues—sympathetic towards the Indian position generally. There are, of course, difficulties and it would be idle to disguise the fact that many of these difficulties are of substantial importance, which have to be faced in dealing with this matter. But I do not despair of a satisfactory solution being arrived at.

" Sir Satyendra Sinha has been good enough to refer to the attitude adopted by Canada and ourselves in discussing this matter in Committee, and I think, it is only right, from our point of view, to add that the possibility of arriving at a satisfactory solution on this occasion has been due very largely indeed to the reasonable and moderate attitude which the Indian representatives themselves have adopted. But for that, of course, the difficulties would have been ever so

much greater. As far as we are concerned, it is only fair to say—and it is the truth—that we have found that the Indians in our midst in South Africa, who form in some parts a very substantial portion of the population, are good, law-abiding, quiet citizens; and it is our duty to see, as he himself expressed it, that they are treated as human beings, with feelings like our own, and in a proper manner.

“As to the details, I need not go into all of them. Paragraph No. 3 embodies, as a matter of fact, the present law of the Union of South Africa. That is our position there; so that our agreement as to that is no cession. I pointed out to Sir Satyendra, when we were in committee, that in some of these points which he brought up as affecting South Africa I thought, in all probability, if he were in a position to investigate some of them himself, he would find that the complaints were somewhat exaggerated. I cannot help feeling that is the case, but I will not go into these matters now. As far as we are concerned in South Africa, we are in agreement with this resolution, and also with the proposal referring the Memorandum to the consideration of our Government and we will give it the most sympathetic consideration we certainly can.”

(c) *Text of the Reciprocity Resolution, 1918.*

(1) “It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction on Immigration from any of the other communities.

(2) “British citizens domiciled in any British country, including India, should be admitted into any other country for visits, or the purpose of pleasure and commerce, including temporarily residence for the purpose of education. The condition of such visit should be regulated on the principle of Reciprocity as follows:—

(a) The right of the Government of India is recognised “to enact Laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such countries.

(b) Such right of visit or temporary residence shall in each individual case be embodied in a passport or written permit issued by the country of domicile and subject to visa there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires.

(c) Such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.

(3) “Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition (a) that not more than one wife and her children shall be admitted for each Indian; (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.

(4) “The Conference recommends the other questions covered by the Memoranda presented this year and last year to the Conference by the representatives of India in so far as not dealt with in the foregoing paragraphs of this Resolution, to the various Governments concerned with a view to early consideration.”

(d) *Speech of General Smuts, as Prime Minister, August 26th, 1919, when presented with an address at Durban by Indian community:—*

“The British are profoundly grateful for the effort India made in the war, and that gratitude is not merely academic, but will be reflected in the attitude of conciliation and benevolence of the British people towards the people of India in greater political freedom than they had enjoyed before.

“I thank you for the beautiful address with which you have presented me, and for the sentiments expressed therein. I am glad to note that in the address you have made mention of the fact of your countrymen having served under my command in this Great War. As I have said on previous occasions, I have been proud of the privilege of having had under me in East Africa so large a number of your countrymen. Some of them came from the independent Native States of India, Imperial Service contingents and others, who did great and glorious work in this War. I had written from East Africa to the Princes of India of the splendid part they played by their troops, and that there were few better

than they. Your countrymen fought not only in East Africa, but took part in other theatres of war. The conquering of the Turkish Empire was, in the main, the work of the Indian army. The burden of the work in Mesopotamia, Turkestan, and the Indian Frontier fell almost entirely upon the Indian army. If the war had continued until this year, the Indian Empire would have had over a million men in the field. The stupendous part Indians played in this struggle has had considerable effect on the result of the war. Owing to her magnificent efforts, India has won for herself a place among the nations of the world.

“As a member of the War Cabinet, I have had great opportunities of knowing more about the feelings of the Indians and their desire for a larger share in the apportionment of commissions in the Army, and I am glad I was able to do something for them in the Cabinet. I have worked in public and a good deal in private for the recognition of India and her services to the Empire. I strongly supported the proposals of granting commissions to Indians, and when it was pointed out that this might create an anomalous position, and that there might be the possibility of Europeans being placed under Indians, I replied, “Why not? I would be proud to serve under an Indian Officer if he were able.” In the Peace Conference, India was represented by the Maharajah of Bikanir, Lord Sinha, and Mr. Montagu. The Maharajah is a personal friend of mine, and Lord Sinha is a man of considerable ability and training. He is one of the cleverest men I have met, and I was able to learn much from him on India’s problems. As a result of the war, there was an emotional feeling throughout the world which did not leave India unaffected. She desires to govern herself. Other Asiatics have been ruling and misruling; and India, after having been under the British for over 100 years, should be given a large measure of self-government. I have been a party to the Hon. Mr. Montagu going to India to study the question there, which has resulted in some far-reaching concrete proposals being submitted to the British Parliament. The British are a very highly imaginative people, though they do not appear to be so. There was a great feeling in England in favour of India’s aspirations. With the improvement of the status of India, the position of the Indians in other places will be better. Before my return, I found that the Asiatic Trading Act had been passed in the Union, and there had been a great irritation among the Indians here, which had also caused a great deal of feeling in India. But the Government had decided to appoint a Commission to go into the whole matter. India would be represented by members on the Commission to watch over the interests of Indians so that no stigma might attach to them. Some of you think I look down upon Indians, but that is not so. I look up to them. They come from a very old civilization—much older than ours. They are able to hold their own. We have our difficulties in South Africa, and we, as a small white community, cannot withstand a great influx of Indians. We would be crushed and overwhelmed if we had an open door. India, if she is in need of immigration for her surplus population, has the fertile fields of Mesopotamia, Euphrates, Tigris and Turkestan, which can hold 30,000,000 of people. But, now that the Indians are here, I hold they should have fair treatment in all parts of the Union. We have to live side by side in conciliation, and we must endeavour to understand each other’s standpoint, so that we may live together and grow together. We are members of the one family and belong to the same Empire.”

(e) Speech by the Rt. Hon. E. S. Montagu, Secretary of State for India, to a Deputation in London concerning the new Act adversely affecting Indians in the Transvaal, August 28th, 1919.

“You have quoted in your excellent Memorandum some of the proceedings at the Conference of 1917 when we achieved an admission of the right of the dominions and of India to control their own immigration and you included the very part of General Smuts’ speech which I had down in my own to read to you. I think, after a statement of that kind, it is not surprising that we were disappointed. But I come now to the proceedings of the Imperial Conference at which I myself helped—the one of last year Mr. Burton, who represented South Africa in that discussion, said: ‘It is only fair to say, and it is the truth, that we have found that Indians in our midst in South Africa, who form, in some parts, a very substantial portion of the population, are good, law-abiding, quiet citizens, and it is our duty to see, as Lord Sinha expressed it, that they are treated as human beings with feelings like our own, and

in a proper manner.' Then he went on to say: 'As far as we are concerned in South Africa, we are in agreement with this resolution, and also with the proposal to refer the memorandum to the consideration of our Government, and we will give it the most sympathetic consideration that we can, certainly.' Well, Gentlemen, is it surprising, in view of these hopeful words and in view of the demeanour of our Dominion colleagues, both in Conference and in Committee, that we, the representatives of India at that Conference, expressed our gratitude for the way in which they were approaching the problem and felt confident that the future was going to be brighter than the past? And is it surprising that the first legislative action taken after this Conference has aroused a depth of feeling and emotion, not only throughout India, but among all those who have an opportunity of serving India and forwarding her interests? 'Gentlemen, Lord Sinha and I in Paris were continually discussing this matter with General Smuts and with General Botha, and I would beg you to remember in discussing this matter that it may well be that the forces arrayed against you are not the Colonial Office to whose assistance I desire to pay a warm tribute, or the High Commissioner, the Governor-General, Lord Buxton, to whose services, for many reasons, I desire to pay a warm tribute on behalf of India, or even the Government itself, but certain powerful people who live in that country; and I would draw your attention to the fight, the good fight, which was put up by the South African Government successfully against the clause which it was intended to add to this Bill which would have made it even still more disastrous to our cause than it is to-day We have suggested what appears to all of us in this room too obvious, that this is not a domestic enquiry. It is an Imperial Enquiry. An Enquiry upon which I would go so far as to say not only the good relations of the members of the Empire depend, but upon which the sincerity of the welcome which the Dominions gave to the representatives of India at the Imperial Conference would be decided by the world, and, therefore, I have asked that the Government of India should be directly represented upon the Commission, and in case anybody might think, which I know is not the case, that there is any difference of opinion between officials and non-officials, we have suggested that the Government of India should be represented by one official and one non-official on the Commission.'

(f) *Text of the Resolution, 1921.*

"The Imperial Conference, while re-affirming the resolution of the Imperial War Conference of 1918 that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction of immigration from any other communities, recognizes that there is incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon the British Indians lawfully domiciled in some other parts of the Empire. The Imperial Conference, accordingly, is of the opinion that in the interests of the solidarity of the British Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognized. The representatives of South Africa regret their inability to accept this resolution in view of the exceptional circumstances in a great part of the Union. The representatives of India, while expressing their appreciation of the acceptance of the resolution recorded above, feel themselves bound to place on record their profound concern for the position of Indians in South Africa and their hope that by negotiation between the Governments of India and South Africa some way can be found as soon as may be to reach a more satisfactory position."

(g) *General Smuts concluded his speech at the Imperial Conference, 1923, as follows:—*

"There is one British citizenship over the whole Empire, and there should be. That is something solid and enduring, but we must not place a wrong interpretation upon it. We must not derive from the one British citizenship the rights of franchise, because that would be a profound mistake. The attitude has been that franchise does not depend upon British citizenship. The attitude has this position is not understood. Indians go to the length of deriving from their British citizenship the further notion of equal franchise rights also, and they claim they may go from India to any other part and enjoy the same franchise rights as other portions of the Empire. I think that is wrong, not only as regards India, but as regards every part of the Empire. I do not think that an Australian,

for instance, should come to South Africa and claim franchise there as a matter of course. He is a British subject and on that footing we are equal in the eye of law; but when it comes to the exercise of political franchise rights, I think there is a great difference and distinction and we should recognise that. And where a distinction is carried into actual practice, as it is in South Africa, it should not be looked upon as an indignity—as a reflection on the citizens of any Dominion including India who come to us and who do not get those rights. That is really all I wish to say about this matter.

“ I noticed in Dr. Sapru’s statement a remark, which almost looked like a threat—that if India fails in forcing on us the view which she holds so strongly, then she may be compelled to make of it a question of foreign policy. Well, I would say this, you cannot have it both ways. As long as it is a matter of what are the rights of a British subject it is not a matter of foreign policy. It is a matter entirely domestic to the British Empire. If it becomes a question of foreign policy, then Indians cannot claim on the ground of their British citizenship any more the recognition of any particular right. Once they appeal to a tribunal, whether it be the League of Nations, or whether it be outside the British Empire, they can no longer use as an argument the common British citizenship.

“ I want to keep it there. I want it to be recognized that you must not derive from that citizenship claims you cannot uphold. Let me just say this in regard to what fell from the Maharaja of Alwar. He said that if we do not invite him, he will invite himself.”

Maharaja of Alwar: “ I did not quite say that.”

General Smuts: “ Let me say this, Maharaja. Nobody would be more welcome in South Africa than you; and I would welcome nothing more than that you should come, as a great representative of India, to look into the conditions in South Africa yourself, convince yourself of the situation there, and convince yourself also that apart from the far-reaching political difficulties we have, our fundamental attitude towards our Indian fellow citizens is one of justice and fairplay. I do not think our Indian fellow subjects in South Africa can complain of injustice. It is just the opposite. They have prospered exceedingly in South Africa. People who have come there as coolies, people who have come there as members of the depressed classes in India, have prospered. Their children have been to school. They have been educated and their children and grand-children to-day are many of them men of great wealth.

“ I noticed the other day the Rev. C. F. Andrews, who is a great friend of the Indian cause in South Africa, publicly advised the Indians in South Africa not to go back to India. The Government of South Africa actually pays for their tickets, give them pocket-money and other inducements in order voluntarily to return to India, and thousands avail themselves of that policy and return to India. That gentleman, who is a great protagonist of the Indian cause, has publicly advised Indians not to fall in with that policy. He says: ‘ You will be worse off in India.’ I quote this to show that there is no unfairness, no injustice to our fellow citizens in India; but when they come forward and make claims which politically we cannot possibly recognise, our attitude of friendliness will worsen and the position as regards them will become very difficult and complicated.”

Maharaja of Alwar.—“ I should like to get my mind a little more clear on one point, and that is with regard to the settlers in Natal who have built their houses, invested their money and spent their lives there. What would you propose about them? ”

General Smuts: “ They have all the rights, barring the rights of voting for Parliament and the Provincial Councils, that any white citizen in South Africa has. Our law draws no distinction whatever. It is only political rights that are in question. There, as I explained to you, we are up against a stone wall and we cannot get over it.”

(h) *Sir Tejbahadur Sapru replied as follows:—*

“ There is an essential confusion in the position which General Smuts takes. Really the fact of the matter is this: you cannot, according to the modern law of citizenship, and according to the latest development of thought on this subject, have two kinds of citizenship in the same Empire, a higher and a lower. When I go to your country and satisfy the requirements of the law of franchise, you have no right to tell me that because I am an Indian subject of His Majesty I shall not be entitled to exercise my Parliamentary rights. Therein lies the whole position General Smuts has taken.

“And with regard to the disability of the Indians in the purchase of town lands and in respect of trade licences and other things, General Smuts, as I said before, had not a word to say in his speech this morning. Therefore the position remains this: that while I receive support, substantial and general, from His Majesty's Government and all the Dominion Prime Ministers, I have received no support from General Smuts. On the contrary, he has expressed the desire that the resolution of 1921 should be repealed. I hope for the reputation of this Conference, for the reputation of the Dominion Prime Ministers, and for the reputation of His Majesty's Government, nothing of the kind will be done; and though you may tell my countrymen that the problem is undoubtedly a difficult one I request you also to say you are trying to discover means of solving it. If you do that, you will change our attitude with regard to the great Imperial questions.

“There is only one more remark I will make with regard to General Smuts' speech. He referred to the desire for repatriation and the advice of the Rev. C. F. Andrews. Let me tell you that if any one understands Mr. Andrews, or knows him intimately, I do. There are hundreds and thousands of my countrymen in South Africa who cannot even speak their mother tongue. They have settled there. Their fathers have settled there; and it is very easy to understand how difficult they will find it to leave a land in which they and their fathers and grandfathers have lived. It is for those reasons Mr. Andrews advised, and it is for those reasons I should advise them, not to leave that country, but fight their battles until their position was recognised some day or other as that of equal citizens.*

“General Smuts said that as a British subject I could not claim that this problem would pass from the stage of a domestic problem to that of a foreign problem. He misunderstood me. It is not difficult to foresee the stage being reached when even the Government of India—whom he has attacked over its attitude in regard to Kenya, but I must admire for the very same attitude,—may find it necessary to appeal to His Majesty's Government and say that one part of the Empire is standing against the other, and it is for you and His Majesty's Government now to treat this problem, inside your own Commonwealth, as you would deal with a problem of foreign policy. That is what I meant, and I anticipate a stage like that being reached at no distant date in so far as the relations of India with South Africa are concerned.”

* This was not the true reason. I publicly advised the Natal Indians, in 1920, not to go back under the voluntary repatriation scheme, because the Union Government had transgressed the voluntary character of the scheme and had sent Mr. Wynne Cole *recruiting* Indians to return, and had issued leaflets in the Indian vernaculars giving what I knew to be an untrue representation of Indian labour conditions.—C.F.A.

APPENDIX D.

STATEMENTS CONCERNING NATAL AND INDIAN IMMIGRATION.

Proclamation issued, in 1843, by Her Majesty's Government.

“ There shall not be in the eye of the law any distinction or disqualification whatever founded upon mere distinction of colour, origin, language, or creed, but the protection of the law, in letter and in substance, shall be extended impartially to all alike.”

Address of the Durban Corporation to the Government, 1859.

“ Independently of measures for developing the labour of our own Natives, we believe your Excellency will find occasion to sanction the introduction of a limited number of coolies, or other labourers from the East, in aid of the new enterprises on the coast lands, to the success of which sufficient and reliable labour is absolutely essential; for the fact cannot be too strongly borne in mind, that on the success or failure of these rising enterprises depend the advancement of the Colony or its certain and rapid decline. Experimental cultivation has abundantly demonstrated that the issue depends solely on a constant supply of labour.”

Section 51, Law 2, of 1870.

“ When any Coolie Immigrant shall be desirous to commute his right to a free passage for the value in land to the amount of the cost of such passage, and the Lieutenant Governor shall see fit to grant such immigrant out of the Crown lands of the Colony a piece or parcel of land equal in value at the upset price of the Crown Land to the amount of the cost of such return passage, such immigrant shall have the same in lieu of his right to a full passage.”

Report of the Indian Commission in Natal, 1886.

“ Free Indians thrive in Natal; their industrious habits cause them to prosper in nearly every occupation in which they engage. They show commendable industry in fishing and fish curing; the Indian Fishing settlement on Salisbury Island in Durban Bay has been of manifest advantage, not only to the Indian but to the white inhabitants of the Colony.

“ They do remarkably well as cultivators, in the coast districts, of small parcels of land rented on short leases. In such agricultural pursuits, they have competed with their former masters, and the quantity of maize grown by them has been no unimportant factor in lowering for some years the market price of that cereal. In numerous localities in the uplands as well as in the coast districts they have converted waste and unproductive land into well kept gardens, planted with vegetables, tobacco, maize and fruit trees. Those settled in the vicinity of Durban and Pietermaritzburg have succeeded in winning for themselves almost entirely the supplying of the local market with vegetables . . .

“ In fairness to the free Indian, we must observe that the competition is legitimate in its nature, and it certainly has been welcomed by the general community.

“ There can be no doubt that Natal is admirably suited whether as a temporary or a permanent home to Indian immigrants.

“ We are impressed with the necessity, at a time when the Colony is labouring under a depression of the most serious nature, of so moving that its agricultural development shall not be restrained. We are anxious not to imperil the interests of those persons who have been induced, by an abundant and continuous supply of Indian labour, to invest their capital in large industries of undoubted benefit to the whole of the Colony.”

Statement of Mr. J. R. Saunders, one of the members of the Commission.

“ If we look back to 1859, we shall find that the assured promise of Indian labour resulted in an immediate rise of revenue, which increased fourfold within a few years. Mechanics who could not get away, and were earning 5s. a day and less, found their wages more than doubled, and progress gave encouragement to every one from the Berg to the sea. But a few years later, alarm arose that it would be suspended. Simultaneously, down went revenue and wages. Immigration was checked, and retrenchment and reduction of salaries were the main thing thought of. And yet another change came some years later in 1873. A fresh promise of renewed Indian Immigration created its effect, and up again went the revenue, wages and salaries, and retrenchment was soon spoken of as a thing of the past.”

Evidence of Sir Henry Binns before the Commission.

“ In my own opinion, the free Indian population is a most useful section of the community. A large proportion of them—considerably larger than is generally supposed—are in service in the Colony, particularly employed as house-servants in the towns and villages. They are also considerable producers, and from information, which I have taken some trouble to gather, I conclude that the free Indians have grown about one hundred thousand muids of maize per annum for the last two or three years, besides considerable quantities of tobacco and other articles. Before there was a free Indian population, the towns of Pietermaritzburg and Durban had no supply of fruit, vegetables and fish; at present all these things are fully supplied. We have never had any immigrants from Europe who have shown any inclination to become market gardeners and fishermen; and I am of opinion, that but for the free Indian population, the markets of Pietermaritzburg and Durban would be as badly supplied now as they were ten years ago. Were coolie immigration to be permanently stopped . . . in a very short time, after such stoppage, there would cease to be as much employment for Europeans as there is now. Tropical cultivation never has been and never will be carried on without Indian labourers.”

Evidence of Sir J. L. Huellet before the Commission.

“ I consider that the free Indians, at present in the Colony, are an immense benefit, being largely engaged in agricultural pursuits. I do not think that the competition of the free Indian has interfered in the slightest degree with the development of the country by European settlers.”

Mr. J. Chamberlain's letter to the Prime Minister of Natal, 1894.

“ Electors of important constituencies in Great Britain have considered Indian Gentlemen worthy not merely to exercise the franchise, but to represent them in the House of Commons. I desire, however to guard myself from the supposition that I regard this question merely from the point of view afforded by the experience of this country, and that I have not paid due regard to local considerations. It is manifestly the desire and intention of your Government that the destinies of the Colony of Natal shall continue to be shaped by the Anglo-Saxon race, and that the possibility of any preponderant influx of the Asiatic voters should be averted . . . But the Bill under consideration involves in a common disability all Natives of India without exception, and provides no machinery by which an Indian can free himself from this disability, whatever his intelligence, his education, or his state in the country; and to assent to this measure would be to put an affront on the people of India such as no British Parliament could be a party to.”

Sir John Robinson's speech introducing the new Franchise Bill, 1896.

“ I said in the course of my remarks, in connection with the second reading of the original Bill, that our object was to save the Electorate from being swamped by men who had had no experience in connection with the exercise of privileges of freedom or franchise . . . This Bill will disqualify all persons who are precluded by virtue of their inexperience

from the exercise of the high privileges of citizenship. . . . This Bill is the result of negotiations carried out in perfect good faith with Her Majesty's Government, and, any departure from the terms thereof would be as far as the Government are concerned be an act of bad faith. I want honourable members to bear in mind that this Bill is in the nature of an agreement which has been entered into between the Home Government on the one part and this Government on the other part. As far as we are concerned, we have done our best in the course of this agreement which have involved considerable negotiations extending over a period of at least one and half years. We have done our best in the agreement to provide that the wishes of this Colony, and the interest and necessities of this Colony, as regards this question, shall be fully and completely met. As far as the Home Government are concerned they undoubtedly have done their best to meet our wishes in every respect in so far as the political difficulties they have to deal with will allow."

Speech of Mr. Harry Escombe, Attorney-General, 1896.

"And here we say, while it is absolutely wrong and it would be wickered were we to allow the Indian vote to become paramount in this Colony. . . . I believe it is equally wrong that where these highly educated Indians come to this Colony—men educated at the Universities; men for all we know practising at the Indian Bar, or perhaps lately having a seat in the House of Commons representing one of the largest London constituencies, I say, if gentlemen of Indian extraction, having social standing and advantages such as that, are not to have a means whereby they can obtain an entry to the franchise, the thing is wrong in principle, and we cannot justify the exclusion."

The Secretary of State for India's Despatch, 21st July, 1897.

"We regret the necessity for restrictions which exclude the British Indian subjects from South Africa, but accept the prohibition of further immigration in order to secure the fair treatment of those who are lawfully settled there. We therefore are entitled to demand fair and equitable treatment involving complete equality before the law for those Indians who have already been allowed to settle in Natal, or who might hereafter under the new Immigration law be permitted to do so."

Government of India Despatch, 14th May, 1903.

"We are constrained to recognise the fact that if emigration is to continue, and if reasonable treatment is to be secured for Indian settlers in Natal, measures must be taken to prevent the rapid increase in the number of settlers which has been so marked in recent years. We realise that if those numbers should continue to increase greatly, the Colonial Anti-Indian feeling would become intensified and would be more difficult to control, especially in the towns. The irritation excited against the Indian might take shape in measures and actions which would increase ill-feeling and resentment in India and might even become a source of embarrassment to the Imperial Government."

Lord Curzon's Despatch, 1904.

"He (Lord Milner) regards it as deeply to be deplored that the Government of India should refuse to permit its subjects of the labouring class to come to this country. The fact is that we are not in the least anxious for Indians to go to the Transvaal at all. The relief thereby given to our Indian problem is infinitesimal, and we only lay up for ourselves a crop of trouble in the future. Outside the Government of India itself, where the Imperial sentiment is strong, I know of no class, community or individual in India, who wants the Indian to have anything to do with the Transvaal. The bitter example of Natal is before them."

Letter of the Colonial Secretary, January 5, 1906.

"I am to state that it appears to Lord Elgin (then Colonial Secretary) that in order to secure the fair treatment of the Indians now in the Colony. Lord Selborne (then Governor of the Transvaal) suggests that His Majesty's Government should be prepared to approve Legislation having the practical effect of excluding Asiatics from entering the Transvaal in future. Lord Elgin regards this as the only possible course to adopt in the circumstances."

Letter of Secretary of State for India in reply.

"The Secretary of State for India-in-Council, while regretting the necessity for a step which entails the practical exclusion of Natives of India from a British Colony, agrees with Lord Elgin that the compromise proposed by Lord Selborne is likely to afford the only practicable solution of this difficult question."

From Report of Commission of 1907.

"Absolute and conclusive evidence has been put before the Commission that several industries owe their existence and present condition entirely to indentured Indian labour. The expansion of industries, made possible by the presence of Indians, has provided the Native with further openings.

"The existence of these industries has been, is still, and in the future will be increasingly beneficial to a very large number of the people in the Colony and to the Colony as a whole, and their exhaustion or restriction, by whatever cause brought about, would be serious and irreparable to the individual and general interests.

"Further, the employment of Indian labour has provided opportunities for whites which would not otherwise have existed.

"The Indians are industrious, law-abiding, and, on the whole, sober in their habits, and it has been proved that their presence has had no injurious effect on the morals of the whites or Natives."

Mr. (afterwards Sir Benjamin) Robertson's letter, December 18th, 1908, announcing the prohibition (on the part of India) of indentured labour to Natal.

"It is more particularly in view of the continued failure to secure the necessary Amendment of the Dealer's Licences Act that the question of prohibiting emigration to Natal has again been raised. After giving their best consideration to all the issues involved, the Government of India have formed the conclusion that emigration to Natal should be stopped. So long as Natal maintains her present attitude they consider that they would not be justified in permitting the continuance of a system which must have the effect of increasing the number of Indians who may be ultimately affected by the measures adopted by the Colony. With a constantly increasing free Indian population, the divergence between the Indians' and Colonists' standpoints will necessarily be multiplied and the difficulties which have to be faced in securing fair treatment will be similarly aggravated."

On the earnest representation of the Natal Government the Secretary of State for India agreed to permit the emigration of indentured Indians for a period not exceeding one year, on condition that a law was enacted allowing the right of Appeal to Supreme Court against a refusal to renew a dealer's licence.

Secretary of State's letter December 2nd, 1908.

"I am to say that the Government of Natal have passed an Act amending the Dealer's Licences Act so as to give the right of Appeal to the Supreme Court against the withdrawal of licenses. The Secretary of State gives an assurance that the immigration of indentured Indians will not be stopped until the Union Government has come into existence and decided on its future policy in the matter. It is understood that the duration of the period will not exceed one year from the present date."

The Government of India finally prohibited the emigration of indentured labour from India to Natal on 1st July, 1911.

From Report of the Economic Commission, 1914.

“ The Indian population of the Union, located for the most part in Natal, may be divided into those brought there under indenture and those who followed them on their own initiative and at their own expense. Of the latter, in the main a trading class, many opened stores at first for the supply of Indian and Native requirements; few have been drawn into industrial pursuits. It is chiefly the ex-indentured Indians who are noticeable in manufacture. The indentured Indian of the early days, when his term of service expired, often took up land and grew vegetables, mealies and tobacco. To a certain extent he re-indentured or took service with Europeans, but of late years he has increasingly entered the semi-skilled and skilled trades. To-day he is engaged in the building trades, printing, boot repairing, tailoring, painting, mattress-making and other miscellaneous callings of the semi-skilled trades. Many so engaged are Natal-born Indians, and numbers who speak English are employed as cooks, waiters, drivers, vaumen, and in lawyers' offices as junior clerks and touts. The Natal-born Indian is a problem in himself; he is often fairly educated and in many cases owes his education to self-sacrifice of the lowly indentured parents. His education does not, however, link on to manual labour as a rule and he looks to less strenuous and more highly paid callings. Here he finds the way largely blocked, and naturally becomes dissatisfied. The majority who follow field work, either as re-indentured or free Indians, or who work in the coal mines, brickfields, and so forth, do not receive much more than able-bodied natives. In other callings, their earnings are much below those of whites.

“ In the skilled trades, the efficiency of Indians is distinctly beneath that of white men, and there is no doubt as to the extent to which they undertake work for white people. So far as they labour for their own people, objection to their advancement is not even plausible. That they perform tasks of a not very expert kind in painting, carpentering, bricklaying, and so forth, to the direct order of white consumers is beyond dispute; but it would be impossible to determine the extent of the work in question, and how far the skilled white man is affected by it. Much of the work is evidently that of the handyman rather than of the expert artizan. Again, there was conflict of testimony as to the amount of skilled work performed by Indians indirectly for white consumers. Skilled Indians work for shops kept by Indians; but the degree of recourse to these shops by whites, it is hopeless to attempt to measure. It was alleged further that work, such as the making up of clothes, was put out by white shopkeepers to Indian skilled workers; but certain Indian witnesses examined by your Commissioners declared that the bulk, at any rate, of the work was done for Indian shops to the best of their knowledge.

“ Again the extent of the trade done among other than Indian manufacturers employing Indians only, is unknown; but it seems likely that in cheap tinware, especially for Natives, it is relatively considerable. It may be avowed that skilled Indians either bring their knowledge from India or pick it up through being employed for rough work where skilled whites pursue their avocations. Your Commissioners failed to discover evidence proving that skilled labour has suffered seriously from the competition of Indians.

“ Your Commissioners desire to call attention to certain Municipal actions with reference to Indians, including those born in Natal, the aim of which is to protect white employment. Some years ago Indians began to show enterprise in small shop-keeping and simple manufacturing on an insignificant scale; and recently, in consequence, new licenses to trade or manufacture for sale have been generally, if not invariably, refused to Asiatics in Natal, though old licenses have been renewed. In the Cape also, similar action, though possibly not stringent action, has been taken. Your Commissioners are convinced that the drastic course adopted in Natal was harsh and imprudent. Indians have been left under the impression that they are to be definitely debarred in the future from sharing in the licensed trades merely on the ground of their nationality. How much unrest and anxiety has been occasioned by the unnatural system of importing Asiatics on contract is too obvious to need more than a bare statement.

“ Reviewing the whole situation as regards the competition of white and non-white in the skilled and semi-skilled callings, your Commissioners conclude as follows:—

“ The competition is greatest with the Cape Coloured, and next in magnitude with the Indians. None of the evidence proved that the sphere of white labour

was being absolutely restricted in the Union, and the wages of the whites had fallen. It is a plausible view that some of the so-called encroachments of the non-whites should properly be regarded as a filling of the gaps left by the attraction of the whites to superior situations, which could not have existed in the absence of competent people to fill the lower positions. Several witnesses affirmed that there was a dearth of capable white labour, and that a good man soon found a better opening for his talents. The complaints of grinding competition can be understood, since anybody who experiences competition feels it, even if his rivals are losing ground. But here and there white labour may have been displaced, and a constant fear of displacement is prevalent, which is comprehensible, particularly as the non-white workman usually gets a lower wage. The low wage of the non-white, combined with the fact that he readily drops his supply price when demand slackens, is apt to cause a substitution of non-white for white labour when business is depressed. Finally your Commissioners conclude, that in initiative, resource, and powers of control, the white races unquestionably stand pre-eminent. It is important that the rising generation of the whites should fit themselves to fill supervisory and highly skilled positions, so that such competition as may be felt in the future may force them upwards rather than downwards. The state and local authorities can assist movement in the right direction by providing educational facilities with reference to industrial needs. Success cannot be achieved by the white man in South Africa by keeping the Coloured man down, but by raising himself up."

[Most of the above statements are taken with acknowledgment from M. P. Subramania Aiyar's book, "The Indian Problem in South Africa."]

APPENDIX E.

THE GOVERNMENT OF INDIA'S POSITION.

(i) Sir Benjamin Robertson's Statement before the Lange Commission.

The Government of India have thus agreed that further immigration of Indians into the Union should be prohibited. They themselves stopped indentured emigration to Natal, and they refused to allow indentured emigration to the Transvaal. They accepted the various Immigration Restriction Acts passed by the Colonies before Union. They accepted the Union Immigrants Regulation Act of 1913. They accepted the Resolution of the Imperial Conference of 1918 that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities. They have gone further than this, for they have acquiesced in the extension of the principle of the Resolution to the different Provinces of the Union; and they do not ask for any relaxation of the laws regulating inter-provincial emigration until the Provinces themselves are satisfied that such relaxation will not be harmful.

On their side, Governments in South Africa have, from time to time, given undertakings and assurances that Indians who are lawfully settled in the country, will be fairly treated, and their existing rights safeguarded. The assurances given by General Smuts in 1917 and by Mr. Burton in 1918 have already been quoted. Previous undertakings in regard to particular laws are summarised below. In addition, there was the so-called Smuts-Gandhi Agreement of 1914, to which the Government of India were not a party, but were, in a sense, a witness. Recently there appears to have been a tendency to narrow unduly the application of this agreement; and in the Transvaal it seems to have been construed as an undertaking by the Indians there that they would apply for no new trading licences. The correct interpretation of the agreement in regard to trading in the Transvaal is examined in more detail later on. It is desired to emphasise here that the agreement is of general application to the whole of the Union. As reported to the Government of India, it is embodied in two letters, both dated the 30th June, 1914, exchanged between Mr. Gorges, then Secretary to the Department of the Interior, and Mr. Gandhi. The Union Government undertook to give relief on the points in issue in the passive resistance movement, and in consideration of this undertaking passive resistance was ended. One of the points in issue, as stated by Mr. Gandhi in his letter dated the 21st January, 1914, to the Minister of the Interior, was "an assurance that existing laws especially affecting Indians will be administered justly and with due regard to vested rights." The required assurance was given by Mr. Gorges in his letter, dated the 30th June, 1914, in the following terms:—

"With regard to the administration of existing laws, the Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner and with due regard to vested rights."

The Government of India interpret this undertaking as implying that no new law would be passed imposing fresh restrictions on Indians. An undertaking to administer existing laws in a just manner appears to them to be meaningless, if the rights which Indians are entitled to exercise under those laws can be restricted at will by fresh legislation. The writer of a South African article in the March number of the "Round Table" has stated that this was generally admitted in South Africa at the time. "It would probably be fair to say," he writes, "that all reasonable men in South Africa at that time recognised that new difficulties would arise and would have to be met; and that in meeting them they would be bound by no obligation except that of at least maintaining the Indian in the status which he acquired in 1914."

In addition to the general undertakings applicable to the Union as a whole, special obligations have been incurred by particular Provinces. The memorandum which has been placed before the Commission by the Natal South Coast Indians

is a clear and cogent statement of the peculiar claims of the indentured Indians and their descendants in Natal. It will be admitted that it would be inequitable to deprive them or their descendants of rights which were open to them at the time of their introduction into the Colony, and were, in effect, conditions of their recruitment.

Again, as has already been stated in paragraph 5, the Natal Act No. 22 of 1909, providing for an appeal to the Supreme Court against refusal to renew a dealer's licence, was the condition on which indentured emigration was permitted for another year. Natal has received full consideration for this Act, and is not now free to repeal it.

(ii) *Speech of Lord Reading, Viceroy of India, December 26th, 1925.*

Let me assure you that I have watched the position of Indians in South Africa with anxiety and sympathy for some years past and have taken all measures, as opportunity offered from time to time, which appeared calculated to ameliorate their condition. I am deeply grieved at the present situation. It is natural that you should seek to ascertain at first hand in India the feelings of the people and Government of India on these questions and to fortify your cause with what you will undoubtedly carry away with you the warm sympathy of the people and Government of India. Great indignation has been felt and expressed in India and public opinion has been deeply pained by the status which the projected legislation in South Africa proposes to assign to Indians. It has been observed with apprehension that in introducing the Bill, Indians have been described as an alien element in the population of the Dominion and intentions have been expressed of solving the problem by securing a very considerable reduction in the Indian population of the Union.

I fully understand the depth of the feelings by which your community and Indian opinion generally is exercised: I do not underrate the strength of the apprehensions you entertain. Nevertheless, whilst it is natural that you should present your cause with considerable vigour it must be remembered that the issue is now in South Africa. South Africa is a Dominion. Its Parliament has full power to pass legislation regarding its internal affairs. Feeling in South Africa is naturally sensitive to interference from outside in those affairs. I have never in my experience known a good case to suffer by sober presentment.

I and my Government emphatically hold that we have a right to make representations regarding measures prejudicial to Indians domiciled in South Africa. It is a duty from which we shall never shrink; and we claim that our views should be heard and considered. We have reason to know that our right to make representations and be heard is not disputed by the Union Government. Indeed I gratefully acknowledge that they have on various occasions given effect to our suggestions. At the same time we recognise that the position of that Government must be respected and that no claim can be sustained by us of a right to interfere in their domestic affairs. Should the Union Government be unable in the end to accede to our request, we reserve to ourselves freedom to take such action as may seem desirable in the circumstances of the case. We have always kept His Majesty's Government fully informed through the Secretary of State for India of the strength of feeling in India on the question of Asiatic legislation in the Union and of our own views on these questions.

I cannot consider the prospects hopeless. I believe that the Union Government will give careful consideration to our views, based as they are on facts and equitable considerations. It is evident that in the absence of Indian franchise, the Union Government recognise that they have a special responsibility for Indians in South Africa. The present Union Government have not yet carried any anti-Asiatic legislation. The Colour Bar Bill was rejected by the Senate. The fate of the present bill is still undecided. . . . Let me assure you that whatever differences may exist in India on other political questions, there is unanimity of opinion regarding the position of Indians in South Africa. I and my Government believe that any representations that may be made and any action that may be taken in the interests of India and the Empire on behalf of the Indians in South Africa will have the whole-hearted support of the people. No course which can legitimately and constitutionally be taken will be left unexplored and all reasonable measures calculated to ameliorate the situation will be taken.

APPENDIX F.

MR. GANDHI'S LETTER OF JULY 7TH, 1914.

Phœnix, Natal,
7th July, 1914.

“ Dear Mr. Gorges,

“ I have now got a moment to submit my note on the Gold Law. As you know, after mature consideration, I refrained from pressing for the insertion of a special clause defining ‘ vested rights ’ in connection with the Gold Law and Townships Amendment Act, because I felt that any definition in the correspondence might result in restricting the future action of my countrymen. However, so far as my interpretation of ‘ vested rights ’ is concerned, I think that I should reduce it to writing. General Smuts was good enough to say that he would endeavour to protect vested rights as defined by me. The following is the definition I submitted to Sir Benjamin Robertson, who, I understand, submitted it to General Smuts. My letter to Sir Benjamin containing, among other matters, the definition is dated the 4th March, 1914 :
“ ‘ By vested rights I understand the right of an Indian and his successors to live and trade in the townships in which he was living and trading no matter how often he shifts his residence or business from place to place in the same township.’ I am fortified in my interpretation by the answer given by Mr. Harcourt in connection with the matter, in the House of Commons, on the 27th June, 1911 :—

‘ Complaints against that legislation (the Gold Law and Townships Amendment Act) have been made and are now being investigated by the Government of the Union of South Africa, who have lately stated that there is no intention of interfering with any business or right to carry on business acquired and exercised by Indians prior to the date of the legislation.’

“ I have also traced the note by Mr. de Villiers which I alluded to in our conversation. It is contained in a White Paper published in London in March, 1912, and has the following :—

‘ No right or privilege which a coloured person has at the present time is taken away by the new Act (Act 35 of 1908).’

“ And again—

‘ Section 131, which, before the Bill was introduced into Parliament, formed the subject of questions in the English House of Commons and of despatches from the Secretary of State to the Governor, has been amended in Committee so as to safeguard any rights which a coloured person may, at the present time, have of occupying land in mining areas.’

“ Certainly, prior to the passing of the Gold Law, no restrictions were, to my knowledge, placed upon the movement or the trade of British Indians in the gold areas. There can, therefore, be no justification for any restriction now, especially in regard to those who are already settled in their respective townships.”

“ I am, etc.,

“ (Sgd.) M. K. GANDHI.”

The meaning of this letter has been disputed. Some have made it actually a part of the Smuts-Gandhi Agreement, though it was clearly, from its contents, a note written a week after the agreement was signed. It has also been taken to define the full extent of vested rights about which an assurance was given in the Agreement instead of merely referring to the vested rights in connexion with the Gold Law and Townships Amendment Act. Below will be found some of the principal statements bearing on the subject.

Sir Benjamin Robertson, who is referred to in Mr. Gandhi's letter, has recorded before the Lange Commission what he regarded as the meaning of this disputed letter as follows:—

“ § 54. Mr. Gandhi's letter dated the 7th July, 1914, relates only to a side-issue in the settlement of 1914. As is clear from the opening sentences of Mr. Gandhi's letter, his definition of 'vested rights' referred to such rights *only in connection with the Gold Law and Townships Amendment Act*. The Smuts-Gandhi agreement, as reported to the Government of India, consists of the two letters of the 30th June, 1914; and the letter of the 7th July was not made known to them until it was published in the report of the Select Committee of 1919. Its meaning, however, seems clear enough.

“ The amendment of the Gold Law and the Townships Amendment Act was not an issue in the passive resistance movement. They fell within the category of existing laws which the Union Government undertook to administer 'in a just manner and with due regard to vested rights.' General Smuts promised that he would endeavour to protect vested rights as defined by Mr. Gandhi. Mr. Gandhi accordingly submitted the following definition *in connection with these two particular laws* in his letter of the 7th July:—

' By vested rights I understand the right of an Indian and his successor ' to live and trade in the township in which he was living and trading, no ' matter how often he shifts his residence or business from place to place in ' the same township.'

“ The Government of India understand this to mean that any such trader who might be occupying land in contravention of the Gold Law or the Townships Amendment Act, would not be evicted. Section 1 of Act No. 37 of 1919 gives legal validity to General Smuts' promise, and by extending the period until the 1st July, 1919, more than fulfils the undertaking which was given in 1914.”

Mr. Gandhi's statement about his own letter is as follows:—

“ But there is a third letter, totally irrelevant, considered as part of the agreement, which has been used for the curtailment of trade rights. It is my letter of 7th July addressed to Mr. Gorges. The whole tone of it shows that it is purely a personal letter setting forth only my individual views about 'vested rights' in connection with the Gold Law and Townships Amendment Act.”

Mr. Polak, who was left behind after the Agreement as Mr. Gandhi's successor, in order to clear up any minor points at issue, has cabled from London as follows:—

“ Mr. Gandhi's letter of June 30th, 1914, referred to all existing laws throughout the Union. This alone formed part of the Settlement. Mr. Gandhi's letter of July 7th was private, unofficial, written after the Settlement and not binding on anyone. He confined his views in it, meaning his expression of opinion to be applied to Gold Law and Township Amendment Act. See Sir Benjamin Robertson's statement before Lange Commission, § 54.” (Quoted above.)

The indirect evidence of Sir William Solomon's Commission may be quoted as follows (p. 32):—

“ We have now reached the fifth and last of the alleged grievances which have been formulated by Mr. Gandhi in his letter to the Minister on January 21st, 1914, in which he requires 'an assurance that the existing laws specially affecting Indians will be administered justly and with due regard to vested rights.' The representations which have been made to us on this subject deal mainly with the Immigration and Licensing Acts.”

It would appear from the above that there was no idea in the minds of Sir William Solomon's Commission that the phrase "vested rights" had to be confined to the Gold Law and Townships Amendment Act of the Transvaal.

Two public bodies dealt with the same subject in the South African Union in the years 1919 and 1921, respectively.

(i) *A Select Committee on Disabilities of British Indians in Transvaal under the Chairmanship of Mr. Edward Rooth reported on 30th April, 1919 as follows:—*

“ It appears that an agreement was arrived at in June, 1914, with regard to Indian traders in the Transvaal between General Smuts as representing the Government of the Union and Mr. Gandhi as representing the Indian Community that vested rights acquired by Indians would be respected, such vested rights being the right of an Indian and his successors to live and trade and to shift his residence or business from place to place in the same township.”

It should be noted that the Select Committee was only dealing with certain “ Disabilities of British Indians in the Transvaal.” It appears, therefore, to confine itself to that part of the Smuts-Gandhi Agreement of 1914, which had reference to the Transvaal, and rightly to give no opinion in its own Report with regard to the Agreement as a whole. The Agreement itself, which contained the assurance of “ due regard to vested rights,” was an Agreement relating to the whole South African Union.

(ii) *The Lange Commission of March, 1921, has the following reference:—*

“ § 83. It was further pointed out by Indian witnesses as well as by the Representative of the Government of India that when defining ‘ vested rights ’ in his letter of the 7th July, 1914, Mr. Gandhi was referring to rights in connection with the Gold Law and Townships Amendment Act only. The Amendment of these two Acts was not in issue in the passive resistance movement; and they were regarded as falling within the category of existing laws which General Smuts undertook to administer ‘ in a just manner and with due regard to vested rights.’ ”

Other references appear only to deal with the letter in connexion with the Gold Law and Townships Amendment Act, to which it rightly applies.

The Lange Commission rules out this letter of July 7th as in any way being an actual part of the Agreement. It states, §74:—

“ That Agreement is embodied in two letters which passed between Mr. Gorges, Secretary for the Interior and Mr. Gandhi on June 30th, 1914.”

STATEMENT presented by the Government of India
Deputation to the Select Committee of the Union
House of Assembly on the Areas Reservation and
Immigration and Registration (Further Provision) Bill.

STATEMENT PRESENTED BY THE GOVERNMENT OF INDIA
DEPUTATION TO THE SELECT COMMITTEE OF THE UNION
HOUSE OF ASSEMBLY ON THE AREAS RESERVATION AND
IMMIGRATION AND REGISTRATION (FURTHER PROVISION)
BILL.

The circumstances in which we, the Deputation of the Government of India, have been authorized to give evidence before your Committee are set forth in the correspondence between the Government of India and the Union Government, which was laid on the Table of the House of Assembly by the Honourable the Minister of the Interior on the 17th February. We understand that the procedure of referring a Bill to a Select Committee of the House before second reading is unusual, and has been adopted in the case of the Areas Reservation and Immigration and Registration (Further Provision) Bill to "widen the scope of evidence so as to include the principles of the measure." These principles, as we hope to show, have stirred Indian sentiment everywhere to its utmost depths, and vitally affect the contentment and well-being of the Indian community in South Africa. The exceptional procedure of which the Select Committee is the outcome was, we assume, approved by the Government and Parliament of the Union in appreciation of this aspect of the situation. We also feel sure that this step was taken in consequence of an earnest desire on the part of the Government and Parliament of this country to ensure that the proposed legislation should not be placed on the Statute Book without the fullest investigation of its necessity and its implications. We therefore appear before the Committee in the hope that they will give the most earnest and impartial consideration to our representations.

2. In paragraph 3 of their telegram to His Excellency the Governor-General of South Africa, dated the 9th February, 1926, the Government of India intimated that their objections to the Areas Reservation and Immigration and Registration (Further Provision) Bill were fundamental, and that we, their Deputation, would be permitted to present the Indian case against it only in respect of general principles. In the following paragraphs, therefore, we have endeavoured to set forth the objections to the measure in the light of broad considerations of imperial solidarity and obligations and of elementary justice. We have made no attempt to discuss the details of the Bill, since our opposition to its basic principles is radical, and it follows that our objection to the main provisions is no less profound.

3. Our observations, however, are based not only on considerations of equity and imperial exigency, but also on our study in the Union of the "general position and economic condition" of the Indian community in South Africa. That study, though short, has been intensive. It included an inquiry into local conditions at Durban and its suburbs, Stanger, Verulam, Tongaat, Pietermaritzburg, Ladysmith, Dundee, Glencoe and Vryheid in Natal; at Johannesburg, Springs, Benoni, Boksburg, Vrededorp, Germiston, Potchefstroom and Pretoria in the Transvaal, and at Cape Town and its suburbs, Port Elizabeth, East London, and Kimberley, in the Province of the Cape of Good Hope. In the course of our investigations we ascertained the intensity of the Indian opposition to the Bill, and the reasons for that opposition. We also endeavoured to visualize the effect of the application to the Indian community of the principle of compulsory segregation for purposes of residence and trade; and to assess the extent and strength of the alleged prejudice against the Indian, and the reasons for that prejudice. Our conclusions, therefore, have been arrived at after careful consideration of the situation in the Union as it presented itself to us.

4. We shall first try to describe the historical and psychological background which is necessary for a correct understanding of the Indian attitude. Addressing the Imperial Conference in 1923, Lord Peel, then His Majesty's Secretary of State for India, said that the position of Indians in other parts of the Empire was "a matter of sentiment and feeling." The point requires some elucidation with reference to India's place in history and her present position in the Empire.

For racial pride and racial aspirations are the product of tradition. It would be impossible to appreciate fully and correctly the strength of Indian feeling throughout the world on the position of Indians in South Africa, without a brief retrospect of India's past, or reference to her present-day achievements and her legitimate expectations as an integral portion of the British Commonwealth. Since the days of Alexander, the march of events in the great sub-continent has found faithful chroniclers. Its history stretches into a remoter antiquity; but their records bear ample testimony to India's civil splendour and military renown. Before the Christian era Indian colonists penetrated into Java and portions of the Far East: the temples of Borobadur and Nakhon Vat still bear testimony to the impress of their genius on these countries. India gave birth to two of the world's greatest religions, Hinduism and Buddhism. Among her earliest rulers was Asoka, whose temporal power was greater than that of Charlemagne, and whose spiritual fervour firmly established Buddhism in China and Tibet. Among her earliest poets was Kalidasa, whose beautiful lyrical drama, "Sakuntala," won the spontaneous homage of Goethe. Schopenhauer eulogized one of her best-known systems of philosophy in the following words: "In the whole world there is no study so elevating as that of the Upanishads. It has been the solace of my life—it will be the solace of my death." The confluence of philosophic subtlety and mysticism characteristic of early mediæval Hindu society, with the artistic energy and political genius of her Muhammadan rulers, further enriched Indian civilization. Numerous travellers and ambassadors from Europe have written of the magnificence and organization of the most illustrious Mussulman dynasty that governed India. The fabled peacock throne is a memory of that magnificence; the Ani-i-Akbari an impartial witness to that organization. We shall not enlarge on either at too great length. We shall only mention the two most abiding monuments of Moghul influence: the magic mausoleum of the Taj Mahal at Agra, and the system of land revenue organization, which the British power in India has adopted. When dominion in India passed to the British Crown, the civilization of her people received recognition in the gracious declaration of Her Majesty Queen Victoria that neither their colour nor their creed shall be a bar to their advancement. That promise, which was reaffirmed by His late Majesty King Edward VII and His Majesty King George V, has already been fulfilled in a generous measure, for Indians have been promoted to the British Peerage and His Majesty's Privy Council, have been elected to the British House of Commons, and, with the exception of the Vice-Royalty, have held every high office in India. In the world of literature and science they have vindicated their ready adaptability by the completeness with which they have assimilated western culture. In literature and art, Tagore; in science, Roy, Bose and Raman; in oriental scholarship, Bhandarkar and Shibli; in mathematics, Ramanujan; in educational statesmanship, Sir Syed Ahmad; in politics, Gokhale have worthily upheld India's claim to be included in the world's intellectual aristocracy. In sport, which occupies so important a place in the life of western nations, the pre-eminence of an Indian, Prince Ranjitsinghi, is universally acknowledged. Her industrial advance has been no less remarkable. It is submitted, therefore, that by virtue of the antiquity and vitality of their civilization, Indians have established a strong claim to be treated as the equals of any race. Most civilized countries recognize this in their treatment of Indian nationals.

5. This claim is further strengthened by the position which India now occupies in the British Commonwealth as well as the comity of nations. In accordance with the declaration made on behalf of His Majesty's Government on the 20th August, 1917, a substantial measure of self-government was conferred on India in 1921. *Vis à vis* the other Dominions of the Empire, India has already acquired a status of equality. Since 1917 she has participated in every Imperial Conference on the same footing as the Dominions. Her representatives were admitted to the Imperial War Cabinet on terms of equality with those of the autonomous parts of the Empire. Her representatives, like those of the other Dominions, signed the treaties of peace concluded after the Great War. Like the other component States of the Empire, she is an original member of the League of Nations. At every international conference held since the conclusion of the Great War at which the British Empire has been represented by the spokesmen of Great Britain as well as the Dominions, a representative of India has been included in the Imperial delegation. We would refer to the conference on the Reduction of Armaments at Washington as the most notable example. And, in recognition of her position as one of the foremost industrial

nations of the world, she occupies a seat on the governing body of the International Labour Office.

6. Apart from her position in the family of nations, India has established a special claim for considerate and equal treatment from her sister nations within the British Commonwealth on account of the part which she has played in the Empire's development and defence. The following quotation from one of India's most brilliant Viceroys, Lord Curzon, indicates the extent of her contribution to the Empire's defence and development. Addressing a distinguished gathering at the Mansion House, London, in 1904, his Lordship said:—

"If you want to rescue the white men's legations from massacre at Peking, and the matter is urgent, you request the Government of India to despatch an expedition, and they despatch it; if you are fighting the Mad Mullah in Somaliland, you soon discover that Indian troops and an Indian General are best qualified for the task, and you ask the Government of India to send them; if you desire to defend any of your extreme outposts or coaling stations of the Empire, Aden, Mauritius, Singapore, Hong-Kong, even Tien-tsin or Shan-hai-Kwan, it is to the Indian Army that you turn; if you want to build a railway to Uganda or in the Sudan, you apply for Indian labour. When the late Mr. Rhodes was engaged in developing your recent acquisition of Rhodesia, he came to me for assistance. It is with Indian coolie labour that you exploit the plantations equally of Demarara and Natal; with Indian-trained officers that you irrigate Egypt and dam the Nile; with Indian forest officers that you tap the resources of Central Africa and Siam; with Indian surveyors that you explore all the hidden places of the earth."

The prosperity of Malaya and British Guiana, of Ceylon and Fiji bears testimony to the patient industry and agricultural skill of her children. Of her part in the Great War we would let the tribute paid by General Smuts to her contributions to the Allied cause speak for itself. Replying to an address presented to him by the Indian community at Durban in 1919, he said:—

"I have been proud of the privilege of having had under me in East Africa so large a number of your countrymen. . . . Your countrymen fought not only in East Africa, but took part in other theatres of war. The conquering of the Turkish Army was in the main the work of the Indian Army. The burden of the work in Mesopotamia, Turkestan and the Indian Frontier fell almost entirely upon the Indian Army. . . . The stupendous part Indians have played in this great struggle had considerable effect on the result of the war."

We would only add to the theatres of war enumerated in this passage Gallipoli, Flanders and France. To help the Committee to appreciate the measure of this assistance, we would also point out that India's contribution in men was 1,302,000, and in treasure well over £200,000,000. In East Africa alone 34,000 Indian combatants and 12,500 non-combatants shared, along with South African troops, the heat and burden of the conflict.

7. In regard to the treatment of her nationals in Africa, it is submitted that India has special claims to considerate treatment which is normally her due as a valued member of the Commonwealth. Her intercourse with the Continent dates from prehistoric times. Her nationals have traded along the East Coast of Africa for centuries. Until the construction of the Suez Canal, the Cape of Good Hope was, in the phrase of the great Indian reformer, Raja Ram Mohan Roy, the half-way house between the East and the West. Indians have often shed their blood in defence of Imperial interests in Africa; the part played by Indian troops in defending the Suez Canal and in the conquest of German East Africa are the most recent examples of their devotion. By their labour and enterprise, Indians have contributed substantially to the prosperity of the various British possessions on this continent. It will be sufficient to tell the story of what Indian labour accomplished for Natal in the words of official commissions appointed at different periods by the Natal Government.

"Emigration from India to Natal commenced in 1860. . . . Immigration continued until 1866 and then totally ceased. From 1866 to 1874, when immigration recommenced, the native labour of the Colony proved more and more unreliable. In 1874 crops were rotting on the ground, and although planters and others competed in endeavouring to obtain assistance from the Chiefs, they could secure no labour at any price. . . . This was the culminating point to a long series of protests and complaints, and, in deference to the popular cry for the re-establishment of imported labour, the door was again opened to Indian immigration."

The effect of this, to quote the testimony of Mr. J. R. Saunders, who was one of the Members of the Wragg Commission, was that "up went the revenue, wages and salaries, and retrenchment was soon spoken of as a thing of the past." Speaking nearly 35 years afterwards before the Asiatic Inquiry Commission, Colonel Frank Addison, a planter of long experience, said:—

"The Indian has made Natal. Without the Indian on the coast you would not have had any sugar, tea or coffee plantations; coffee, of course, is now out of date, but the whole of the industry on the coast is due to the Indian."

Of the work of the ex-indentured Indians who settled on the land we can do no better than reproduce the verdict of the Wragg Commission:—

"They do remarkably well as cultivators, in the coast districts, of small parcels of land rented on short leases. In such agricultural pursuits they have competed with their former masters, and the quality of maize grown by them has been no unimportant factor in lowering, for some years, the market price of that cereal. In numerous localities, in the upland as well as in the coast districts, they have converted waste and unproductive land into well-kept gardens planted with vegetables, tobacco, maize and fruit trees. Those settled in the vicinity of Durban and Pietermaritzburg have succeeded in winning for themselves, almost entirely, the supplying of the local markets with vegetables."

In April, 1920, Mr. Leon Renaud, who has nearly 30 years' experience of Indians in Natal, made the following remarks on the same subject before the Lange Commission:—

"So far as agriculture is concerned, the Indian has fulfilled his duty to the country. They" (the Indians) "brought into cultivation and under production land which was otherwise idle. . . . So far as the coast-belt is concerned here," i.e., in Natal, "they have done the same thing as the peasants have done in France. . . . I know some parts of the land which at the present time have been reclaimed from nature, and which would never have been occupied by Europeans."

8. Of the Indian trader, commonly but erroneously described as "Arab"—in the course of our inquiry we did not come across a single non-Malaya Mohomaden merchant or trader who was not an Indian—whose alleged competition has for some time been the subject of special complaints, the following remarks made by the Wragg Commission may prove of interest to the Committee:—

"We are content to place on record our strong opinion, based on much observation, that the presence of these Indians has been beneficial to the whole Colony, and that it would be unwise, if not unjust, to legislate to their prejudice."

In the course of his statement before the Asiatic Inquiry Commission (1920-21), Sir Benjamin Robertson said:—

"He" (the Indian trader) "has a peculiar economic value to the rural community which may be summed up from the evidence as follows:—

"(i) He plays an important part in the development of isolated districts by establishing small stores in places where the turnover is insufficient to support a European business.

(ii) "He is more considerate than his Jewish rival in his dealings with the farmers, gives longer credit in times of scarcity, and is content to regard trade as an end in itself, and not as a means of foreclosing on his customer's land.

"(iii) He studies the requirements of the native population more carefully than the white trader does."

From the evidence that we received we think that his utility would be willingly acknowledged by the large mass of dispassionate customers, both rural and urban, British and Dutch, to-day.

9. In the light of this short survey of Indian history and tradition, and of the part played by Indians in the development of South Africa, it will, perhaps, be admitted that the Indian's expectation of respect and of the same treatment as is accorded to other classes of his Majesty's subjects is rational and legitimate. Nevertheless, his actual status in South Africa to-day is, in many respects, inferior to that of the European subjects of His Majesty, and he is denied privileges which are extended to those who owe no allegiance to the King-Emperor—in

fact, even to ex-enemy subjects. Thus, except in the Cape Province, he is not in enjoyment of the political franchise. The municipal franchise for which, until recently, he was eligible in Natal was taken away from him by the Natal Boroughs Ordinance (No. 19 of 1924) and the Natal Township Franchise Ordinance (No. 3 of 1925). A series of resolutions and laws ending with the Asiatic (Land and Trading) Amendment Act (Act No. 37 of 1919) has completely prohibited the acquisition by him of immovable property in the Transvaal, except in such localities as Government may for sanitary reasons assign to him for purposes of residence. The Durban Borough Lands Alienation Ordinance (No. 14 of 1922) and the Natal Borough and Township Lands Ordinance (No. 5 of 1923) have had the effect of imposing a similar disability on the Indian in respect of purchasing or leasing land belonging to municipalities in Natal.

In the administration of the provincial licensing laws the Indian is treated with peculiar severity almost throughout the Union. In the Orange Free State he may not trade at all, and even in the Cape Province in some municipalities and for certain localities Indians find it difficult to obtain trading licences. As regards the province of Natal, the position is best described in the words used by the principal Licensing Officer of Durban, Colonel Molyneux, who, in giving evidence before the Asiatic Inquiry Commission, said:—

“We do what we can to restrict further Indian licences. A European licence is granted as a matter of course, whereas the Indian licence is refused as a matter of course, if it is a new one.”

This is typical of municipalities in that province. Durban and other municipalities in Natal have also used their licensing powers to confine Indians to special areas for purposes of trade. The municipality of Pietermaritzburg only last December made use of its authority under the Natal Township and Borough Lands Ordinance to eject a number of old-established Indian merchants from their premises, mainly because the locality adjoined the European trading areas. In the rural areas of the province the same restrictive policy is being pursued under the Natal Rural Dealer's Licensing Ordinance (No. 4 of 1923). In the Transvaal Indians cannot get licences to carry on trade “on any of the stands outside townships granted after the Gold Law of 1908 came into force,” or on “stands inside townships whether now held under the Gold Law title or under a title converted into freehold under the Townships Act No. 3 of 1908.” Elsewhere they are eligible for such licences. But their position has been rendered precarious by the new Transvaal General Dealer's (Control) Ordinance, which makes it obligatory for every applicant for a general dealer's licence to obtain a certificate of eligibility from the local authority if he wishes to carry on business under a municipality, or from a “board” if he wishes to trade within a “declared area.” Indians have no representation on municipalities; the elements that are opposed to them have, and can, therefore, influence municipal policy to their disadvantage. An instance is provided by the action of the Balfour municipality, which has already utilized its new powers to refuse licences wholesale to Indians.

Except on suburban lines in the Cape Province, Indians may not travel by rail in compartments other than those specially reserved for non-Europeans; in some places they may use only reserved seats on tramcars, and only reserved taxicabs and rickshaws. Except in the Cape Province, they may, also, not transact the normal business in post and telegraph offices at counters other than those specially set apart for non-Europeans. In the law courts in Durban we saw a notice prominently exhibited in the Registrar's Office requesting lawyers to send only Europeans to take out processes of the Court, as non-Europeans would not be attended to. Popular prejudice is responsible for their exclusion from hotels and places of amusement like theatres and cinemas. It is not suggested that the laws or administrative orders or the racial prejudice of which this differential treatment is the consequence are now in issue. The recital of these disabilities is intended solely to illustrate the contrast between legitimate Indian expectations and the actual status of the Indian community in South Africa.

11. It is sometimes contended that the Indian's services to one section of the community cannot be allowed to complicate the racial problems of South Africa. This cannot, however, be treated as an excuse for subjecting him to invidious treatment. In the first place, the Indian labourer did not come to

Natal of his own accord. In spite of the opposition to Indian immigration which emanated from certain quarters, the movement was, for a considerable period, actively encouraged by the authorities. Though the contract for hire on which the Indian came to the country was originally for a limited number of years, he was assured that he could engage in agricultural or commercial pursuits and move about with the same freedom as other sections of the community. Later, to achieve the same object, he was permitted to commute his right to a free passage to India for the equivalent value in land. In the second place, as the Clayton Commission pointed out in 1909, the employment of Indian labourers was widespread, and not confined to one or two particular industries. General farmers evidently found them as useful as the owners of sugar estates, and Government railways and coal mines employed them by the thousand. And, as has already been indicated in para. 7 of this statement, their activity has been of great benefit to the province as a whole. The trader who came in the wake of the labourer ministered first to the wants of his own fellow-countrymen and later to the needs of the whole community. As several Europeans, including bankers and large wholesale merchants, told us, their standard of commercial honesty is as high as that of any other race, their dealings with their customers are fair, and they are always considerate and courteous to their clients. In the third place, the bulk of the Indian population in South Africa was born in the country and knows no other home. According to the Census of 1921, the percentage of Indians born in the Union was 67.27 per cent.: many of them are complete strangers to India, her languages and customs. In the fourth place, to quote the words of Mr. W. H. Dawson, a recent writer on South Africa who is not unduly sympathetic to the Indian: "Fair-minded Europeans readily admit that the best of their Indian neighbours are quiet and unassuming in civic and business relationship, keeping themselves to themselves, rendering ready obedience to the laws of the country, so far as they are understood, and maintaining an orderly and exemplary domestic life."

In the circumstances, they can legitimately claim that they are not an alien but an integral part of the community, an element to be nursed, not to be discarded; an asset and not an embarrassment. That, in spite of all the circumstances which we have briefly enumerated, they are, on racial grounds, subjected to disabilities from which new-comers are exempt, naturally cuts them to the quick. To them it is a bitter reflection that treatment from which they would be protected in a foreign country by treaty-rights or by the active intervention of His Majesty's Government is, paradoxically enough, the reward of their services to South Africa, and the recognition of their common allegiance to the same Sovereign.

12. Their attitude of unrest and alarm at their position in the Union, which is scarcely in accord with any principle of equity, is influenced by three other factors. First, the Indian community in South Africa and Indian opinion throughout the world looks upon all fresh restrictions as a breach of the settlement of 1914, popularly known as the Smuts-Gandhi Agreement, which they regard as a guarantee that the status which Indians in South Africa had acquired in 1914 would at least be maintained. Second, they are unable to understand why, even though the white population of South Africa is no longer threatened with an Asiatic influx, the few rights that they still enjoy are being steadily curtailed. Speaking at the Imperial War Conference in 1917, General Smuts said: "Once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions would be considered subsidiary, and would become easily and perfectly soluble. That is the position in which we are now—that the fear which formerly obsessed the white settlers has been removed; the great principle of restricting immigration for which they have contended is on our Statute Book with the consent of the Indian population in South Africa and the Indian authorities in India; and that being so, I think that the way is now open for a peaceful and statesmanlike solution of all the minor administrative troubles which occurred and will occur from time to time. Of course, the main improvement has been the calling of India to the Council Chamber of the Empire. Here, if any question prove difficult of treatment, we can discuss it in a friendly way and try to find a solution in consultation, and I am sure we shall ever find it. I for one do not consider that among the multitudinous problems which confront us in our country, the question of India will trouble us much in the future." In 1918, on a similar occasion, Mr. Burton made the following statement: "As far as we

are concerned, it is only fair to say—and it is the truth—that the Indians in our midst in South Africa, who form in some parts a very substantial portion of the population, are good, law-abiding quiet citizens, and it is our duty to see . . . that they are treated as human beings with feelings like our own and in a proper manner.” Indians find it difficult to reconcile restrictive legislation such as has been enacted in Natal, or is now contemplated in the provisions of the Colour Bar Bill and the Liquor Laws Consolidating Bill specially affecting Asiatics, with the principles of policy embodied in the pronouncements of two responsible South African statesmen who, at the time the statements were made, spoke on behalf of the Government of the Union. They can still less understand so deep an affront to their self-respect and so drastic a diminution of their present rights as is involved in the Areas Reservation and Immigration and Registration (Further Provision) Bill. Third, they feel that the Union Government which, when the Act of Union was passed, was made the sole guardian of their interests owes them special protection; since, except in the Cape Province, they are denied the political franchise which, wherever representative institutions prevail, is the surest safeguard of the rights and interests of any section of the community.

13. The Bill appears to be incompatible with these assurances. It is a deep affront to the sentiment of an ancient and civilized people and inherently unjust. Its three basic principles are:—

- (i) Compulsory commercial and residential segregation;
- (ii) Restriction of rights of acquisition of immovable property; and
- (iii) Further restriction of rights of immigration and inter-provincial migration.

We shall deal with these *seriatim* in the light of information which we have collected and impressions which we have been able to form as a result of our inquiries.

(i) *Compulsory Commercial and Residential Segregation.*—Commenting on the proposals for residential segregation which were frequently made by witnesses of an anti-Asiatic complexion, the Lange Commission said: “The result of our visits of inspection to some of the locations or so-called bazaars at present set apart for Asiatics in the Transvaal was not such as to inspire confidence in a general policy of segregation.” “At Johannesburg Indian merchants appeared before the Commission who proved by their books and their income-tax receipts that their individual incomes amounted to several thousands of pounds per annum. . . . From their annual household expenditure, as shown by their books, which were carefully and accurately kept, their standard of living appears to be quite equal to that of ordinary well-to-do classes amongst Europeans. . . . It seems monstrous, therefore, to suggest that these men who have by their industry and commercial ability worked themselves up to such a position should now be forced to remove into locations.” On these grounds they came to the conclusion that “indiscriminate segregation of Asiatics in locations would result in eventually reducing them to helotry, and that such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European.” They accordingly recommended that “there should be no compulsory segregation of Asiatics.” Indians without exception look upon the application of the principle of compulsory segregation to themselves as a racial stigma. It is galling to their national pride to feel that though members of their race may sit in the Council Chamber of the Empire beside the most distinguished statesmen, in South Africa they may not live in proximity to the humblest of their white fellow-subjects; that Tagore, though he was worthy of the Nobel prize in literature, could, if he were in South Africa, reside only in a slum like Boksburg or Germiston. The fact that the Bill provides for exemptions is no consolation to them; for they realize that no Indian, truly proud of his origin, will seek personal aggrandisement at the sacrifice of association with his fellows—a severance of association which would most effectively destroy his value as a factor in the uplift of his nationals.

Their sense of humiliation is aggravated by the knowledge that the Bill seeks to place them on a lower level than certain Coloured elements of the popula-

tion of the Union. Where Indians have inter-married with the Malay community, it is feared that to racial humiliation will be added the bitterness which is born of a consciousness of inequality between husband and wife. From the commercial point of view segregation would spell ruin to many Indians and ultimate restriction of opportunity to all. Businesses which now rely on a European clientele will be extinguished within a generation; in the majority of cases, much sooner. Indian trade will be restricted, geographically, to a special area, practically to a section of the community which will probably be the poorest. The consequences, immediate as well as remote, of such a drastic curtailment of existing rights need no undue elaboration. We would merely ask the Committee to reflect on the results of the restriction now contemplated on the many Indians who carry on business at present in premises owned by themselves or hired from Europeans, in areas that may be set apart for the latter. From our experience we can assure them that there are many such in Natal; that in the Transvaal, where the acquisition of fixed property by Indians has always been restricted, probably the majority of Indian traders hold land on lease from Europeans; that in the Cape Province, where men of various races trade alongside each other—the dividing line is the class of business or financial capacity—segregation for the purpose of trade will impose very great hardship.

Further, with their experience of municipal administration of laws affecting them and their impotence to influence municipal policy, Indians regard their future under segregation, whether for purposes of residence or trade, with feelings of dismay. In view of the conditions prevailing at Germiston, Boksburg, Springs and other Asiatic Bazaars which we visited in the Transvaal, we consider that they have good reason for the fear that, in practice, the policy of segregation will be administered in a spirit of racialism rather than of even-handed justice. The interests which are hostile to them, and which are in possession of the political franchise will, always, be able to influence the administration of the proposed law to their disadvantage, for neither local bodies nor Government are likely to disregard the wishes of the electorate.

(ii) *Restriction in regard to Acquisition of Property.*—In the Orange Free State Indians cannot hold immovable property at all. In the Transvaal they were subject to stringent limitations until 1st May, 1919, and since then acquisition of property has been prohibited. In the other two provinces where they have been subject to no such disability, the restrictions now contemplated in the Bill constitute a drastic innovation. The effect of these restrictions in so far as they are designed to subserve the policy of racial and commercial segregation has already been indicated in the preceding paragraph. They will also reduce the value of property owned by Indians in European areas by restricting the market for its sale. But grave consequences will ensue from the creation of the Coast Belt. It is in Natal that the Asiatic population is highest; at the last Census the numbers were 141,000 out of a total of 165,000 for the whole Union, of whom 161,000 were Indians. Nearly 48,000 were concentrated in Durban and its suburbs. If the total for the area likely to be included within the proposed 30-mile belt were taken the figure would be larger. A considerable proportion of these are agriculturalists whose sole ambition is to own their own plot of land and cultivate it. Some of them own the land on which they grow crops; but the majority are squatters on land which does not belong to them but mostly to Europeans. This is the class which will be hit hardest by the establishment of the coast belt with the attendant condition that members of one race shall not, within that belt, outside class areas, buy or lease land from members of another race. Its effect will be to drive Indian squatters on European land from their natural métier into the labour market. The squatter will lose a congenial employment if not his livelihood; the agricultural labourer will lose all prospect of investing his savings in land, for the area of agricultural land owned by Indians is strictly limited; the general consumer will suffer from a shrinkage of the supply of vegetables and fruit, and a consequential increase in the price of these articles; the labour market from a glut of cheap labour, and the urban community generally from congestion in towns, especially Durban, whither the squatter, deprived of his holding, will drift in quest of work. This particular phase of the restrictive policy will probably be a source of grave embarrassment to the entire community; for the indentured Indian and his descendants who have done so much for Natal it will be disastrous.

(iii) *Further Restriction of Rights of Immigration*.—In para. 3 of their telegram No. 609 O.S., dated the 12th October, 1925, the Government of India made the following observations of principle on the restrictions proposed in the Bill in regard to immigration and inter-provincial migration:—

"Clause 16 (b) of the Bill will have the effect of restricting further entry of Asiatics lawfully resident in other parts of the Union into Natal and the Cape of Good Hope. The reasons for proposing this provision are unknown to us, but we venture to point out that the restrictions of freedom of Inter-provincial movement must seriously affect vested interests. Again, imposition of the time limit in respect of the entry into the Union of wives and children of lawfully resident Indians prescribed in (ii) of the proviso to clause 17 is scarcely in consonance with terms of para. 3 of the reciprocity resolution of 1918, which did not contemplate any such limitation, and which representatives of South Africa accepted. In view of the disparity between the two sexes of the resident population, it will inflict great hardship on unmarried Indians

"(ii) Sub-section (e), which clause 17 substitutes for the present sub-section (e) of section 5 of the Immigrants Regulation Act (No. 22 of 1913), empowers Ministers to withdraw from Asiatics, born of parents lawfully resident in any province of the Union, domicile that they have already acquired or may hereafter acquire in another province. Here again we fear that existing rights will be seriously prejudiced."

With regard to the restriction now contemplated in relation to the entry into South Africa of wives and children of lawfully domiciled Indians, we would add that it constitutes a serious curtailment of a privilege which the Indian community in the Union secured as part of the settlement which led to the abandonment of the passive resistance movement in 1914.

14. We have avoided any discussion of the details of the Bill, for, as we have already pointed out, the objection of the Government of India to its underlying principles is fundamental. Our comments on the principles purports to show how they involve a drastic curtailment of his already attenuated rights—rights which fall far short of his legitimate claims as a subject of the Empire, a useful citizen of the Union and a civilized human being. In the course of our investigations we have had evidence of the existence in certain circles of a feeling hostile to him. The Bill presumably constitutes an attempt to placate this feeling. We would urge that, so far as we have been able to ascertain, the sentiment to which the Bill is a concession is not founded on fact. Since the Asiatic Inquiry Commission definitely rejected the idea of compulsory segregation, the Indian has made no encroachment on the sphere of the European. On the contrary, in the municipalities of Natal, the number of European trading licences has increased by 15 per cent. as against an increase of only 5 per cent. in Asiatic licences. In the Transvaal in the municipalities of Krugersdorp, Johannesburg, Zeerust, Middelburg, Pietersburg, Volksrust and Potchefstroom, where opposition to the trading activities of the Indian community was most vehemently voiced before the Asiatic Inquiry Commission, the number of Asiatic General Dealers' licences had fallen from 1,901 in 1921 to 1,669 in 1924. In the whole province the decrease in such licences during the same period was 306. Official comparative figures of European and Indian employment in the various industries are not available. Individuals who were most positive in stating that the Indian had ousted the European from certain trades could produce no consolidated statistics, but only isolated instances. Information for the magisterial districts of Durban and Pinetown, which was compiled by the Director of Census for the period 1916-1917 to 1922-1923, gives such figures in respect of Europeans and non-Europeans. Among the latter, Natives and Coloured persons are also included. These statistics reveal no change in the position since 1919 which can even remotely be described as a setback for the white worker. On the contrary, in several of them the percentage of non-Europeans has actually diminished. In any case, an attempt to solve the problem of economic competition, whether in industry or trade, on racial lines is neither equitable nor sound. It is not equitable since on no principle can the Indian be assigned a position of racial inferiority. It is not sound since economic evils require economic remedies. It is suggested that the only way to secure a healthier relation between various elements of the population and safeguard the proper economic development of the country is to aim at raising the educational and economic standards of the Indian section of the community to those of the European. Co-operation between different elements of the population on a footing of equality, not conflict engendered by a sense of grievance, should be the aim of policy. In India and other parts of the Empire such co-operation, notwithstanding differences of

religion and customs, has been successfully tried. The experience gained in India provides the most convincing justification of the value of such co-operation. We are confident that were such co-operation attempted in South Africa there would be no Asiatic problem.

15. On the 18th September, 1922, the Third Assembly of the League of Nations passed the following resolution, on the motion of the representative of South Africa:—

“The Assembly expresses the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the Treaties and by the regular action of the Council.”

The object of this resolution was to ensure that the progressive nations of the world should strive to remove from the minds of different sections of their constituent populations all consciousness of injustice. We commend the resolution as enunciating the only right policy for a nation like South Africa to follow.

16. In the preceding paragraphs we have tried to show how the disabilities to which Indians in South Africa are subject are incongruous with their civilization, their position in the British Commonwealth of Nations and their services to the Empire and to South Africa. We have endeavoured to indicate the nature of the feelings with which Indians of all classes in the Union regard the proposed Bill. We have also tried to explain that though there is a feeling of alarm among the white community regarding the competition of the Indian, it is not well-founded. We hope we shall not be misunderstood if, before we conclude, we also emphasize the strength and universality of feeling which the Bill has roused in India. Passionate regard for *Izzat*—a national phrase for which “honour” is but a feeble substitute—is the link which unites Indians throughout the world. Indians in India look upon the treatment of fellow-Indians who have settled in other parts of the Empire as the test of their own status in the Empire. Any humiliation inflicted on them they resent as an affront to their own honour. This sentiment is as genuine as it is widespread. It is not the product of artificial agitation, but the spontaneous reaction of a highly sensitive national temperament. It would be a mistake to infer that this sentiment is animated by any arrogant or aggressive desire to interfere in the internal affairs of another portion of the Empire. Nothing is further from the mind of the people of India. They are, on the contrary, anxious to live on terms of friendship with all their fellow-subjects. All they seek is reciprocity in honourable treatment. It is a grievous disappointment to them that although South Africa is no longer menaced with an influx of immigrants from India, the rights of the Indian community in the Union are being progressively diminished. They feel such treatment to be incompatible with the spirit of the assurances they received when the Government of India passed to the British Crown that there shall not be in the eye of the law any distinction against them by virtue of their colour or creed. They feel it to be inconsistent equally with the assurances given subsequently by responsible South African statesmen like General Smuts and Mr. Burton. They fail to understand why relations between India and South Africa, which are geographically near to each other, and whose friendship should be mutually advantageous in commerce and defence, should be subjected to a strain which with goodwill and sympathetic understanding could easily be allayed. The present Bill they regard as an unnecessary incentive to estrangement. They feel that the Indian problem in South Africa should be susceptible of a solution honourable and satisfactory to both parties if the two peoples and their Governments approach it with sympathy and vision. To achieve such a solution it is imperative to establish a calmer atmosphere for consultation and discussion. It was with this object that the Government of India suggested a conference, whether in South Africa or in India. Considerations of amity, justice and expediency still require that such an atmosphere should be established. The passage of the Bill will only aggravate the situation. We hope that the Parliament and people of South Africa will deal with the problem in a spirit of friendliness, wisdom and justice.

Cape Town,
3rd March, 1926.

G. F. PADDISON.
RAZA ALI.
DEVAPRASAD SARVADHIKARI.