

# Indian Opinion

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## NOTES AND NEWS

A MASS meeting of the Indian community of Durban was held at the Madressa Hall, Pine Street, on Tuesday evening, for the purpose of electing delegates to the South African Indian Conference at Johannesburg. Mr. Mohamad Ebrahim presided. Messrs. V. S. C. Patheer and S. Eumamally were acting joint secretaries. The following were elected as delegates: Messrs. Leo. R. Gopaul, A. Christopher, M. E. Vanker, A. I. Kajeer, Lazarus Gabriel, Sorabjee, Rustomjee, M. Beehasee, S. Eumamally, S. Amud, G. D. Lalla, L. Panday, John I. Roberts, M. B. Naik, and B. L. E. Sigamoney, all of whom, being present, accepted the nomination. The Chairman, Mr. A. H. Moosa, Mr. R. S. Patheer, and Mr. Rustomjee liberally subscribed towards the expenses of the delegates.

We were glad to note the enthusiasm displayed at Tuesday's meeting. Although we may regret the inability of some of our prominent Durban men to accept the position of delegate, we feel that the delegates appointed will fairly represent every section of the community.

At the same time we should be grateful to those merchants and others, unable themselves to attend the convention, who have assisted in other ways in arranging for the delegates to proceed to Johannesburg.

At a mass meeting of Indians held at Maritzburg, it was decided to send seven delegates to Johannesburg. Mr. Amud Bayat presided at the meeting, which was representative both of the Mohammedans and the Hindus.

We are informed that a meeting of Tongaat and District Indians was held at the Andhra Dharma Pathshala on the 25th instant and the following delegates were elected to the South African Indian Conference:—Messrs. A. A. Gandhi, Essa Osman, E. J. Choondo, Mahomed Saib and V. M. Naidoo.

"The True Meaning of the *Bhagavad Gita's* Teachings" is the title of a Satyagraha leaflet recently issued by Mr. Gandhi. He says in the course of the leaflet:

The *Bhagavad Gita* is not a historical work, it is a great religious book, summing up the teaching of all religions. The poet has seized the occasion of the war between the Pandavas and the Kauravas on the field of Kurukshetra for drawing attention to the war going on in our bodies between the forces of Good (Pandavas) and the forces of Evil (Kauravas) and has shown that the latter should be destroyed and there should be no remissness in carrying on the battle against the force of Evil, mistaking them through ignorance for forces of Good. In Islam, Christianity, Judaism, it is a war between God and Satan, in Zoroastrianism between Ahuramazd and Ahriman. To confuse the description of this universally acknowledged spiritual war with a momentary world strife is to call holy unholy. We who are saturated with the teachings of the *Bhagavad Gita* but who do not pretend to any special spiritual qualifications, do not draw our sword against our relations whenever they perpetrate an injustice, but we win them over by our affection for them.

A Reuter telegram from London to Indian papers states that many Indians were present in the galleries of the Commons when Mr. Montagu introduced the Indian Budget. Mr. Montagu in his speech said that the currency situation was causing renewed anxiety owing to the increase in the price of the silver, it was difficult to decide how long we should continue to purchase silver in the rising markets. He had decided to appoint a new Currency Commission presided over by Sir Henry Babington Smith and the names of members who would represent British and Indian commerce would be published later.

Referring to India's place in the Peace Conference, Mr. Montagu emphasised that she not only had separate access to the Peace Conference and the King had empowered her representatives to sign the Peace but as Members of the British Empire Delegation the Indian representatives shared the task of concerting the policy of the British Empire. The Maharaja of Bikanir and Lord Sinha and himself had devoted themselves all the more concentratedly to the interests of India because they realised that they were the representatives of a people not yet unfortunately self-governed.

Speaking at a ratepayers' meeting in Durban, Councillor Gilbert, discussing the question of Indians on tram-cars, said this was a question of great difficulty, but that they must remember that the well-dressed and better-class Indian had as much objection to travelling next to a dirty coolie as we had. He maintained that to arrive at a solution of this question they would have to consult with the leading Asiatics, and get their views on the matter, for if they continued to hammer away at it themselves they were likely to get still more befogged. Another solution might be to have a terminus at Grey Street, similar to what they had at the Post Office, which could be used by Indians coming to town for the Market, and to run in connection with trams from Overport, Umbilo, and Umgeni.

Councillor Gilbert's idea with regard to that vexed question of Indians on trams was rather novel, but at the same time offers perhaps a possible solution, (says the *Natal Mercury*). He suggests a conference with the leading Asiatics in order to devise some method of dealing with the subject. There still remains, however, the Native passenger to be dealt with, but the Asiatic traveller is the more difficult problem.

A tribunal, such as that which tried the *Tribune* case, which knows the serious difficulties under which the accused laboured—he was refused Counsel of his choice—but which in spite of this convicted him and awarded the severe sentence of rigorous imprisonment for two years and a fine of Rs. 1,000, in default, an additional period in prison of six months, is not exactly the sort which we have learnt to associate with British justice, says the *Hindu*, (Madras). Mr. Kali Nath Roy, editor of the *Tribune*, was charged with sedition under Section 124-A in respect of certain articles in the *Tribune* newspaper.

Reuter's correspondent at Bombay telegraphs that the Indian Merchants' Chamber, replying to the Government of India, who invited the Chamber's opinion as to the best method of developing trade between India and East Africa, expresses the opinion that the trade can be largely developed provided the grievances of Indians and the colour prejudice are removed, but it will not be surprising if Indians hesitate to settle and sink capital in East Africa fearing there will be a repetition of the harassing treatment with which they are painfully familiar in South Africa. The Chamber strongly approves of the Indian Government appointing an Indian Trade Commissioner in East Africa, who should preferably be an Indian of commercial experience.

Sir Satharan Nair, a member of the Government of India, recently gave the following written expression of his views on recent legislation:—"Under the law which we have recently passed (the Rowlatt Act) and under certain Regulations which were passed at the commencement of the last century to meet certain exceptional classes of cases, it would be open to an Executive Government in a province to deprive a man of his liberty and of his freedom of speech without the orders of the Magistrate or any other judicial tribunal. The Press may also be deprived of its freedom by executive action, the ordinary Courts being deprived of their jurisdiction. The Governor of a Province has the power of depriving a person who attacks him of his liberty of person and of his property without affording him a public opportunity of proving his allegation before the ordinary tribunals of the country. Under this law no Indian paper would venture to indulge in criticisms distasteful to the head of a Province. The Home Rule agitation or in fact any constitutional agitation may be suppressed without the interference of a judicial tribunal solely at the instance of an executive Government. In these circumstances it seems to me to be imperative that the Indian element and the popular element should be powerful in the Government of a province."

An Indian exchange says that Mr. Andrews was at Simla on the 12th instant and was allowed to have an interview with the Viceroy. It is said that he gathered from his talk with His Excellency that he could go to the Punjab to see things for himself. On the 13th instant no sooner he had reached Amritsar at about 9 a.m. than he was at once arrested, placed in the down train and sent back to Delhi. Thus he had a taste of the strong methods of the "strongest ruler."

After referring to the successful launching of the Dominions on a great career, which, he asserts, will ever rank as one of the most outstanding achievements of British political genius, General Smuts urges that there should be no delay in the realisation of the principles of freedom and of self-government for India and Egypt, which he regards as essential for the preservation of the Empire's existence. Obviously (he says) the solution which is effective in the case of the Dominions will not apply in their case, but he adumbrates suggestions for replacing the present bureaucratic domination.

The following cable sent on the 12th instant from Bombay from Mr. Dinshaw Petit, the President of the Imperial Indian Citizenship Association, was received by the Chairman of the Transvaal British Indian Association:

Meeting citizens of Bombay convened under auspices Imperial Indian Citizenship Association expresses deep sympathy with British Indians of Transvaal in their struggle for liberty and preservation of ordinary rights of British citizenship against heavy odds. Congratulate them on their courage and patient endurance in carrying on the struggle and heartily assures them of continuous help from Mother country.

Mr. Shawani Dayal, who has spent a good deal of thought and energy on behalf of the Hindi-speaking section of the Indian community, having been the prime mover in several educational institutions throughout the country, is leaving for India by the *Kathiawar*. He takes with him his son Ramadutt Varna and nephew Krishnadutt Varma, and it is his intention to place them in charge of the Gurukula, at Haridwar, where they will study for a period of 24 years. We wish them a safe voyage and success in their studies which, we hope will fit them to serve their Motherland.

Farewell Addresses were presented to Mr. Shawani Dayal from the Hindi Arya Ashram, the Arya Yuvak Sabha and Vidya Pracharini Sabha, at well-attended gatherings.

#### A GOVERNMENTAL REPLY

THE Government's reply to the Cape Indian Conference held in January last has fallen into our hands by a sort of accident, and we have thought it in the public interest to publish it in full. It will be found in another column. After all, the letter is, on the whole, a suitable reply to the ill-considered representations of that badly organised and unrepresentative organisation. The publication of this letter at the time when the Emergency Convention is about to sit at Johannesburg is opportune. It will demonstrate how not to do a thing. The series of complaints enumerated could only be proved before a commission of inquiry. If, therefore, the Johannesburg Convention feels tempted to copy the stupid example of the Cape Conference and seek redress of a catalogue of grievances, we hope that *Punch's* advice "to those about to marry" will be taken, and that is—*don't*. As we have been informed definitely that a Government commission is to be appointed to inquire into the position of Indians in the Union, ample opportunity will be afforded of proving cases of hardship in the administration of existing laws.

There is, however, one paragraph of Mr. Shaw's letter (par. 8), dealing with the admission of Educated Entrants from India to the Cape and Natal Provinces, which demands some attention. It speaks of an arrangement at present existing, by which entrants from India are admitted to the Cape, Natal and Transvaal Provinces to the extent of ten for each Province per annum. This is news to us. We do not know with whom such arrangement was made or how long it has been in existence. We are quite sure, however, that we have never heard of a single educated Indian being admitted to Natal since 1913, although it is possible that some may have come without our knowledge. But if such have come, it is a pity that the community is deprived of even the knowledge of their existence among us, not to speak of the undoubted advantages which one would expect the community to derive from their presence. We hope that the Minister will be questioned further on this point. As far as any alleged arrangement is concerned, we fail to find any record of it. We have always been under the impression that it was only in regard to the Transvaal that any such understanding existed. The Minister has the power to admit any number. There might be one or a hundred and one. As a matter of fact we object to any arrangement being made whereby the number of educated entrants shall be limited, and we hope that the Convention will make that quite clear.

## GOVERNMENT'S REPLY

## TO THE CAPE CONFERENCE

The following letter from the Acting Secretary for the Interior has been received by the Secretary to the Conference held at Capetown in January last—

No. C. T. 218.

Department of the Interior,  
At Cape Town,  
30th April, 1919.

The Secretary,  
South African Indian Conference,  
236 Long Street,  
Cape Town.

Sir,—With reference to the Deputation from the conference of the Indian community which waited upon the Minister of the Interior on the 1st February last in connection with certain matters which the conference wished rectified, I am directed by Sir Thomas Watt to advise you that he has now fully enquired into the representations then made and wishes me to reply as follows:—

In looking through the representations made by the members of the deputation, I have noticed that while some of the items are essentially provincial others affect the Indian community as a whole in the Union of South Africa, and I have therefore dealt with those affecting the Union in one reply instead of dealing with the representations as they were made to the Minister by representatives from each of the Provinces.

(1) *Restricted free movement of Asiatics throughout the Union.*

The provisions of sub-section (a) of section 4 of the Immigrants Regulation Act, 1913 (No. 22 of 1913) have in the past been carried out strictly in accordance with the law in so far as the movements of Indians between the Cape and Natal are concerned. In regard to the other Provinces, it should be borne in mind that prior to 1914, Immigration Officers only were authorised to issue permits in favour of Indians travelling from one Province to another, but as the result of the Solomon Enquiry Commission of 1914, all Magistrates were empowered to issue such permits excepting only in the case of a permit required for business purposes. At the present time, however, permits are also issued for business purposes to the extent of one permit per individual per year. Special cases of hardship can be represented to the Minister and will receive careful consideration.

(2) *Asiatic Trading License Difficulties.*

This question, admittedly, raises wide considerations and, as you are no doubt aware, is at present forming the subject of a Select Committee of Parliament which will no doubt report very shortly the result of its findings. No definite reply can therefore be made at the present time pending the issue of the report of the Committee, but it should be borne in mind that legislation will be necessary to deal with this matter satisfactorily. A reply under this head will be communicated to you as soon as Parliament has further dealt with the matter.

(3) *Ownership of Fixed Property.*

This question also must remain in abeyance pending the report of the Select Committee referred to in the reply to No. (2).

(4) *Hardship and injustice done to Cape Indians in regard to the admission of their bona fide wives and children who join their husbands or parents in South Africa.*

This matter was also dealt with very fully by the Solomon Enquiry Commission in 1914, and, as the result of the recommendations made by that Commission, forms were prescribed which had to be completed by the applicants and sent to India in order to secure

the admission of their wives and children. As far as the experience of the Department is concerned, there have been no difficulties where the procedure advocated by the Commission has been followed, and, unless specific instances of hardship are quoted it is not possible to give a reply on a general question of this nature which, as stated, was fully enquired into by the Commission and satisfactorily provided for.

(5) *System of the authority regarding the Indians giving thumb impressions when application is made for identification certificates.*

It is not quite clear what "system of authority" is referred to. The Certificates of Identity in use provide for the identification marks of the holder to be furnished and departmental requirements can only be met if such identification marks are given in the form of thumb impressions.

(6) *Difficulty of inter-provincial travelling of domiciled Indians by means of depositing system of £11 in temporary visiting of administrative provinces.*

This has already been referred to under No. (1), but it may be added that deposits are required by law and are necessary to secure compliance with the conditions of the permit. It may be mentioned, however, that deposits have, in the past, been waived in exceptional cases, and this policy will be continued in the future.

(7) *Difficulty Indian passengers have in obtaining boats from India, and in securing passports.*

From a communication recently received from the Home Office it is hoped that the difficulties as regards passages have now been removed. It should be remembered that owing to war conditions shipping was extremely scarce, and therefore the Indians had to suffer the same inconvenience which Europeans have experienced in connection with shipping from England. As far as the question of passports is concerned, under present arrangements no such documents are necessary, as the Certificate of Identity which Indians take out when proceeding to India is sufficient authority for their re-admission to the Union after the endorsement of the certificate by the authorities in India.

(8) *Admission of Educated Entrants from India to the Cape and Natal Provinces.*

Under the arrangement at present existing, educated entrants from India are admitted to the Cape, Natal and Transvaal Provinces to the extent of 10 for each Province per annum. In addition to this, temporary permits are granted in those Provinces to persons requiring admission as priests or teachers to the Indian community, as so long as the persons admitted carry out the vocations of the office for which they were admitted, the temporary permits are automatically extended on representations from the school authorities or the community affected.

(9) *Representations regarding the estate of Mahomed Essack valued at £40,000.*

In regard to the representations which have been made on behalf of the heirs to this estate, authority has now been given for their admission on temporary permits for a period of not exceeding six months to enable them satisfactorily to conclude the business of the estate.

(10) *Delays to Indians returning from India to the Cape, via Natal, and being required to deposit £11 on arrival.*

It should be borne in mind that Indians travelling to India are not required to take out passports which carry a revenue stamp of £1, but are supplied with certificates of identity carrying a face value of 2s. 6d. only. If the ships by which Indians are travelling proceed to the Cape, Indians domiciled in that Province are necessarily required to continue their journey by sea to their destination. Every effort is, however, made to prevent

delays, and when such delays are likely to be extended or the ship does not proceed to a Cape port, arrangements are made by the Principal Immigration Officer for the passengers to proceed by rail.

(11) *Purdah ladies coming from India are subjected to an examination by male officers, which is resented by the community.*

It is necessary to exercise the greatest care under the Immigration law, more especially as cases have come to notice in which Indians have endeavoured to introduce male relatives in the garb of females. The Immigration Officers have strict instructions not to offend the susceptibilities of those concerned, and no representations have been received that any officer has failed to carry out those instructions. The number of female entrants is so few that the employment of female officials to deal with such entrants cannot be justified for reasons of economy.

(12) *Admission of plural wives and children to join their husband and father.*

This question was also fully enquired into by the Solomon Commission in 1914 and no facts are advanced to shew in what respect the compact is not carried out. Indian Societies and Associations were requested, in terms of the agreement with Mr. Gandhi, to submit by a certain date, lists of wives and children coming within the terms of the compact. The information furnished was, however, not found sufficient to enable the Department to deal with the cases and an arrangement was made under which each case was dealt with on its merits. Several such cases have been considered and the admission of the plural wife or child agreed to.

(13) *Holding of Appeal Board sittings at office of the Immigration Officer.*

No facts have been advanced to prove that the holding of the sittings of the Appeal Board at the Office of the Immigration Officer is not conducive to inspire confidence in the verdict of the Board. It should be remembered that all the records are in the Immigration Offices and much difficulty and inconvenience would be caused by holding the Appeal sittings away from those offices and would result in adjournments being asked for for the production of other records and thus waste the time of the officials.

It should be mentioned also that no charges have been made against the personnel of the Appeal Boards, and unless clear proof can be adduced that justice has not been administered by the Boards, it is regretted that a change in the present procedure cannot be agreed to.

(14) *Indians returning from India, on reaching Natal, are detained on board the steamer one or two days without rhyme or reason, even though their permits are in order.*

It is impossible to deal with a general statement of this nature. If instances of delay have occurred, it is advisable to quote such cases, giving full details in order to enable further enquiries to be instituted.

(15) *A Transvaal born Indian named R. K. Naidoo, now residing in Natal, applied for registration certificate, but the Registrar of Asiatics declined to give same.*

This man came to the Transvaal in 1910 merely for business purposes. He applied for registration in 1911 but after full enquiry it was found that he had no claim, having been born in Natal, which circumstance was duly certified on a Colonial-born pass of which he was the holder. Later on he attempted to persuade the authorities that he was actually born at Johannesburg and then again at Krugersdorp. Under the circumstances it is clear that a registration certificate for the Transvaal was rightly withheld from Mr. Naidoo.

(16) *An Indian merchant named J. B. Metha applied for a permit to bring in his prospective wife, as*

*his first wife in Natal became insane and had to return to India, but the authorities refused.*

This is a matter which can only be dealt with under the laws obtaining in the Union which prevent the admission of a wife under such circumstances.

(17) *By virtue of section 3 of the Indians Relief Act it deprives any Indian who has divorced his first wife and has children of the first in the Union, the right of bringing in his second wife.*

The introduction by Indians of wives married after the divorce of the first wife has, as the result of representations by the Transvaal British Indian Association in October last, been agreed to on the condition that the man has no other wife in South Africa.

(18) *The Immigrants Regulation Act, No. 22 of 1913, is harshly administered; and especially in cases where Indians desire to enter the Transvaal through Delagoa Bay they are subjected to delay and sometimes indignities at Komatipoort.*

Owing to the larger number of clandestine entries of Asiatics to the Union via Portuguese territory which have taken place in the past, it is necessary for the credentials of all Asiatics to be carefully examined at Komatipoort, and where there is a large number of passengers on the train delays are inevitable. Every endeavour has been made not to give offence and to expedite the examination, and Indians have been told that if they feared delay at Komatipoort they should leave Lourenco Marques by the morning train which arrives at Komatipoort in ample time for the examination to be concluded before the arrival of the fast through train at that station. Instructions have recently been issued to the Principal Immigration Officer to proceed to Komatipoort to enquire into these charges of delays and indignities in order to provide further facilities and to prevent delays in the future.

(19) *Exempted Indians in the Transvaal should be placed on the same footing as those holding Registration Certificates.*

Holder of Letters of Exemption are entitled to all privileges possessed by Indians in the Transvaal who are there under Registration Certificates, but as the law stands at present it is impossible to secure trading rights to holders of letters of exemption. It is hoped that the Select Committee previously referred to will deal with this matter in their report to be represented to Parliament.

(20) *The recommendation of the Solomon Commission is not carried out to the letter.*

You have already been communicated with and asked in what respect the recommendations of the Commission have not been carried out, as it is impossible to deal with a general statement of this nature.

(21) *Unions contracted in accordance with the tenets of Hindoo and Mahomedan religions are not recognised, the wife and progeny of such Unions are declared illegal and illegitimate, which requires remedying.*

As the result of the report of the Solomon Enquiry Commission of 1914 and representations made by the Indian community at that time, legislation was provided for under Act No. 22 of 1914, but the Minister regrets that the Indian and Mahomedan communities have not taken advantage of the provisions of section 7 of that Act. The matter is, therefore, one entirely in the hands of the Indian and Mahomedan communities themselves.

(22) *The settlement arrived at between Mr. Gandhi and the Government in regard to the sympathetic administration of the laws, with due regard to vested rights, has not been carried out, the Government taking up an attitude which is totally contrary to their undertaking.*