

Indian Opinion

No. 15—VOL. XVIII.

FRIDAY, APRIL 9TH, 1920.

Registered at the G.P.O. as a Newspaper.
PRICE THREEPENCE.

NOTES AND NEWS

THE Asiatic Inquiry Commission began its sittings in Johannesburg on April 6. The first witness (says Reuter), was Capt. Percy Trotter, who said he had 30 years experience of Asiatics. He said that emigration should be restricted to suit the needs of the Union, but the restriction should not be confined to Asiatics from India, but should apply to many others, including the scum of the population of Eastern and Southern Europe, who came here and conducted all sorts of degrading trades. The Indians were not opposed to segregation so far as living in separate townships was concerned, but men of birth and caste objected to being placed with Natives of the country. They wanted also to be able to purchase their business sites. He knew that in the country districts people would sooner trade with Indians than with Jewish traders, because they were more considerate.

Johannesburg, April 7 (Reuter).—At the Asiatic Inquiry Commission to-day the Principal Immigration Officer and Registrar of Asiatics at Pretoria stated that the issue of identity certificates showed that 1,347 Asiatics, including 100 Chinamen, left the Transvaal in 1919. Such certificates entitled the holder to return to the Transvaal, and he had never heard any Indian express his determination to leave the country for good. The impression of witness was that during the last two or three years the tendency had been for Indians to bring their families here. Among the older men there was a tendency to retire to India on having made their pile. In 1913 68 women and 270 minors entered the Transvaal, and the numbers witness gave showed increasing numbers till last year, when 234 women and 531 minors came in. Owing to restrictive legislation, Asiatics were compelled, if they were particularly anxious to get into the Province, to resort to all sorts of measures, and they would pay a large sum to anyone assisting them over the border. Attempts at illicit immigration were many, but success were few. Deportees in 1919 totalled 91, of whom 71 were Indians, and these were practically prohibited immigrants. Asiatics who were prohibited immigrants tended to flock to the larger centres of population, and there were 400 or 500 on the Reef, on which there was no great check. Steps were taken to prevent illicit immigration.

The *Daily Telegraph* reports a threatening speech by Mr. Gandhi at a Mahomedan meeting at Bombay, says the London correspondent of the *Natal Advertiser*. A resolution was adopted warning the Government to dissociate itself "from the irresponsible anti-Turk agitation in Great Britain," if it desired to retain India within the Empire.

Mr. Gandhi said: "The resolution foreshadowed unmistakably that the last stage of the Khalifat movement will be a bloody revolution. The feeling on the question ran so high that an unsatisfactory solution of the Turkish problem might land India in a revolutionary movement the like of which has never been seen before."

The following cablegram was received by Mr. Parsee Rustomjee, from Mr. C. F. Andrews from Ahmedabad: "Arrived safely, Mahatma Gandhi Well, Love to all."

The *Natal Advertiser* is now publishing the series of articles written by Mr. C. F. Andrews on the Indian problem of South Africa, to which we have referred to some time ago in these columns.

Says a writer in the *Natal Mercury*.—

It is stated that the French Government intend to erect memorial to the Indian troops who fell there in the war of 1914-15, and that it will be a replica of the famous Taj Mahal, near Agra. At least that is the suggestion. The Taj Mahal in replica would be a very appropriate memorial to the valour of the men of India, but there can only be one Taj Mahal. The glorious beauty of that sublime conception can never be imitated. At best it can only be a pale shadow of the original. Should the idea take tangible shape, it will, perhaps, not take so long to materialise. Twenty thousand workmen were employed for 20 years in putting the Taj Mahal into concrete shape. For artistic beauty the Taj Mahal is without peer in the architectural world. One wonders who was the architect or architects to whom Shah Jehan entrusted the raising of the mausoleum to the memory of his wife, Arjmand Banoo.

INDIANS IN EAST AFRICA

[By C. F. ANDREWS.]

IN this leading article I wish to picture, for those Indians who are living in South Africa, the main differences and similarities between the position in East Africa and their own.

The first great difference is this, that Indians were the first settlers in East Africa, not Europeans. Even after the country became a Protectorate, it was, for a long series of years, fully intended to make British East Africa a colony administered on the Indian model and drawing its chief official administrators from India.

I can explain this best by an illustration. When I first came out to India at the beginning of 1904, I had an introduction to Colonel Montgomery. Colonel Montgomery had attained to a very high position in the Punjab Civil Service, but shortly after I had made his acquaintance he told me that he had been appointed Lands' Commissioner in British East Africa. When I arrived quite recently in British East, I heard his name often mentioned and found that his son-in-law was the Government Secretary in Uganda. This intimate contact with India goes all through the administration. When you travel in the Uganda Railway there are the old familiar Indian railway carriages. You purchase your ticket with rupees. You find Indian names for stations such as 'Sultan Ahmad.' When you go out into the District, you discover that there is a Commissioner, and deputy Commissioner and an Assistant Commissioner. Cases are tried in Courts of Law under the Indian Penal Code etc., etc.

Now all this Indian administration is hateful to the European, (whether Dutch or British) who has come

up from South Africa, and he is doing his best to change it. In an evil day for Indian,—who was the first settler,—it was discovered that certain uplands, whose height ranges from 5,000 to 8,000 feet, were inhabitable by the European, even though they lie on the Equator. It has yet to be proved whether they can be permanently settled by Europeans, and the fact that the Government regulations insist on a furlough every three years for the European officials does not seem to give much hope of permanent residence and to rearing of European children. Leading doctors, who know the country, have given an adverse opinion.

The greater proportion of the European settlers, who flocked into these uplands between the years 1902-1912, came from the Free State and from the Transvaal. Very few came from Natal or the Cape. The immediate consequence of this invasion has been a bitterly anti-Indian campaign, which has grown fiercer throughout the war and has reached its climax last year. I can only compose the present state of things with what I have found recently in the Transvaal.

It is interesting to find how the very same plan of campaign is being adopted. Licences are being refused, on the ground that such and such streets are reserved for Europeans. Locations are being mapped out in every rising townships, strictly segregating Indians from Europeans. In order to show how intolerable this has become for the Indian, I would mention the case of a Barister from Surat District, who has to pay 300 rupees, each month, in *rent*, for a house that is not a good one, simply because he is obliged to live in the congested Indian area. If he were allowed to build his house only a short distance further down the street, he would be able to have a much more commodious and convenient house at 60 rupees, a month, rental!

But it is not merely in these administrative acts that the hardship is felt. Far more is the misery brought home owing to the daily treatment of the Indian by the European. In Mombasa, the old sea-port town, where Indians and English have been together before the South African invasion, things are not so bad. But at Nairobi and Nakuru and at other places in the uplands, the treatment of the Indians by the Europeans is frequently disgraceful. One of the very worst features, in more recent days, is the incitement of the African native to treat the Indian rudely. The East African native is on a very much lower level of civilisation than in South Africa, and he is very subservient to the European, who has far too often used the lash (*kipoko*) unsparingly. Therefore the African native has a great fear of the European and a kind of dog-like obedience to him. When he is incited by Europeans to offend Indians, he does so; and the situation for the Indian becomes intolerable. I often have wondered how it is possible to endure it.

I would add, in conclusion, that there are very many Europeans who feel most deeply the injustice that is being done to the Indian. They feel that it is utterly unfair to demand the exclusion of Indians from East Africa, when Indians were the first to arrive and to settle and have built up the country. But these Europeans are in a minority and it is difficult for them to make their voice heard amid the din of harsher voices.

One further point needs to be made quite clear. The Europeans have brought against the Indians in East Africa the scandalous charge of moral depravity and vice. They have accused the Indians of teaching these things to the African natives. No more serious charge could possibly be brought than this; and it is an outrageously false charge! Almost 80 per cent of the Indian population in East Africa are Gujaratis. I have tested this accusation in every possible way, and I have found that it is shamelessly untrue. You will understand what burning indignation it has caused me. I felt that it was impossible to rest, until this terrible accusation had been sighted to the very foundation. Now, it has been proved to the whole world to be a gross and scandalous libel.

I feel that the touch between the Indians in East

and South Africa ought to be much closer, especially among the Gujaratis. It is my great hope that *Indian Opinion* may have wider circulation in East Africa and that the *East African Chronicle* may have a wider circulation in South Africa. This is, at least, one way of keeping in touch with each other.

ASIATIC AFFAIRS IN THE UNION

COMMISSION'S SITTING AT CAPE TOWN

PETITION FROM THE CAPE BRITISH INDIAN UNION

The Asiatic Commission sat on the 24th March at Marks' Buildings, Parliament Street, Capetown.

George Woollends stated that he had been farming on Plumstead Flats, but was now living in Cape Town. He had been intimately acquainted with the Indians in the Peninsula, and in his experience they were as clean as any other race. White and coloured people in poor circumstances could not always keep up their standard of life, but without hesitation he said the Indian who could afford to live as high a standard of life as Europeans.

Mr. Khok Baxter, representing the Cape British Indian Union, formed out of an amalgamation of the South African Indian Association and Cape British Indian League, presented a memorandum, praying for the safeguarding of the various rights which the Indian community at present enjoyed in the Province of the Cape, and particularly the right to acquire land and to trade.

The memorandum further submitted that the law should not differentiate as between Europeans and Indians having the right to trade, nor should it be possible in the administration of the laws and regulations to differentiate between such traders solely on the ground that the latter are Indians. The Indians were quite prepared to subject themselves to all laws and regulations, but claimed that they should be impartially administered.

The memorandum asked for the provision by an Act or Ordinance that the reason for the refusal to grant or transfer a licence should be given. It asked for "British justice," which always furnished a reason for the destruction of the liberty of the subject. The furnishing of such reasons, the Indians claimed, would lead to more uniformity and less arbitrariness in the methods and administration of the several municipalities. Arbitrary refusal to transfer licences caused great hardship both to the licence-holder and to the wholesale merchant. The memorandum also asked that the applicant should be heard before the certificate was refused.

The Union urged the right of appeal on points of law and on facts, but its attitude was one of defence; a desire to safeguard their existing rights.

CONNECTED WITH AN EMPIRE

Mr. Baxter urged the Commission to bear in mind that the matter was not an individual one—an Empire to which the Indian races belonged was connected with it. The Union recognised that he (Mr. Baxter) was against just as the whole feeling of South Africa was against the overwhelming of this country by Indians. They had heard from Dr. Anderson, the Medical Officer of Health, that the number of Indians in the Cape Province was between 6,000 and 7,000. Well, surely Acts, Ordinances and regulations could be framed and put in force to keep in hand such a small number. At any rate what the Union sought to do, as indicated in the petition, was to urge upon the Commission to make no recommendations which would have the effect of taking from the Indians in the Cape the rights which they had already. The Indians were ready to subject themselves to all regulations and laws, and if they were contravened (by overcrowding, etc.) it was the fault of the administration. His Union did not

wish for Indians to spread themselves indiscriminately throughout the towns. As to their low standard of living, he pointed out that the "ghee," which constituted their fat, now cost as high as 6s. per lb., which was more than Europeans paid for their butter. The rice and butter-eating Indians were domiciled in Natal, and not in the Cape. The Indians were in possession of trading and other rights, because premises were let to them by European landlords and merchants. It was unfair to attempt to deprive them of rights now enjoyed? the only fair course was to apply all existing regulations with stringency and impartiality.

In reply to the Chairman, witness said that it was true that the difficulties in the way of transfer of licences were not so great now as they had been previously. In view of the broader policy of the municipalities, the Union did not any longer ask that the granting of licences should be taken out of the hands of the municipal bodies, and placed in those of the Magistrates, but they wished to ask for some means of protection in the event of unreasonable refusal. In regard to Dr. Anderson's remarks in regard to overcrowding, surely the Health Department could carry out its duties at night as well as in the day, and he would suggest that night inspections should be made of places where overcrowding by Indians was suspected.

THE CHINESE COMMUNITY

Mr. William Lucas, Registrar of Deeds, Cape Town, said it would be an impossibility to furnish the Commission with statistics in regard to property registered by Asiatics. The fact, however, that since the beginning of the present year approximately 60 mortgage bonds had passed through bearing Asiatic names showed that Asiatics were purchasing property. Mortgage bonds were now being registered at the rate of over 60 a day, so that the figures he had given were really an infinitesimal proportion.

Everard Brandt, Chief Immigration Officer, Cape Town, said he could not give any reliable figures regarding the increase or decrease in the Indian community in South Africa. So far as the Chinese were concerned, on December 31, 1919, there were 695 males and 56 females distributed in a few of the principal towns in the Union. They were mostly laundrymen, and only a few general dealers.

CITY COUNCILLOR GIVES EVIDENCE

Mr. William Daniel Hart, chairman of the Licensing and Trades Committee of the Cape Town Council, and Mr. Arthur John Ball, Licensing Clerk of the Council, gave evidence.

Mr. Hare said applications for licences by Asiatics to the City Council were taken individually and voted upon. No reasons had to be given by members of the committee for the manner in which they voted, for it was impossible to say why refusals were made.

INTERESTING FIGURES

The witness then proceeded to give the following interesting figures of trading licences held in the City of Cape Town at the beginning of 1918: General dealers: British, 1,160 (49 per cent. of the whole); naturalised British, 319 (11 per cent.); Russians, 446 (15 per cent.); other nationalities, 203 (7 per cent.); Indians, 667 (23 per cent.); Cape coloured, 86 (2 per cent.); Butchers: British, 58 (31 per cent.); naturalised British, 20 (10 per cent.); Russians, 17 (9 per cent.); other nationalities, 3 (1 per cent.); Indians, 73 (39 per cent.); Cape coloured, 15 (8 per cent.); Bakers: British, 27 (62 per cent.); naturalised British, 1 (2 per cent.); Russians, 8 (18 per cent.); other nationalities, 4 (9 per cent.); Indians, 1 (2 per cent.); Cape coloured, 2 (4 per cent.); Greengrocers: British, 109 (21.8 per cent.); naturalised British, 26 (5.2 per cent.); Russians, 39 (7.8 per cent.); other nationalities, 56 (11.2 per cent.); Indians, 121 (24.2 per cent.); Cape coloured, 140 (29.8 per cent.).

Mr. Hare explained that the latter class included cafes and shops where milk was sold.

The Chairman: Would Greeks come under the heading of "other nationalities"?—Yes, and they form a large portion of that percentage.

In reply to Mr. Duncan Baxter, witness undertook to forward statistics regarding hawkers' licences.

Proceeding, witness said the bulk of new applications by Indians had been refused, but the majority of the renewals and removals were granted. Most of the refusals were on the grounds of undesirability. Strong recommendations regarding the applicants were sometimes made by Mr. Ise Levy, who was usually appointed trustee in the insolvent estates of these people. On these recommendations the committee had frequently acted.

Witness thought it would hardly be fair to make it compulsory for members of the committee to give reasons for refusal, and he believed there would be a strong objection to it on the part of the Council. Witness could not say that, since he had been chairman of the committee, licences had been refused to Indians simply because they were Indians.

By Col. Wylie: There was no differentiation in the treatment by the committee of applications.

By Mr. Hofmeyr: The decisions of the committee did not become final until approved by the Council itself. Before an application was considered, reports from the police and the medical officer of health had to be before the committee. Witness believed there was a fairly general practice by which Indians went back to India with no intention of returning, but leaving behind with some other person their power of attorney whereby the business was carried on, and the licence renewed in the ordinary way. The only event in which the Council had power to interfere with any licence already granted was when there was a breach of the Public Health regulations.

By Mr. Duncan Baxter: The only right the Administrator had of interfering was in the case of the Council refusing removals. The question of applicants having some recourse, in the event of refusal of a licence to another authority had not been officially before the Council, nor had witness ever thought of it.

Mr. Hofmeyr: But it is not a matter which should be discussed by the Council, for the Commission is being pressed to make a recommendation to this effect.

Mr. Hare: I would like to think over this matter, but it seems as if such a course would be equivalent to doing away with the authority of the Council in this connection altogether and handing it over to the Magistrates.

Mr. Hofmeyr: It would do away with the intervention of the Administrator.

NO "HONEST INSOLVENCES"

Mr. Ise Levy said he had for some 18 years had the handling of many insolvent Indian estates. His experience had led him to the conclusion that a great deal of trafficking in licences was going on at the present time. Often insolvents failed to give up their licence, which in witness's opinion were used again. There were even cases where the licence held by someone deceased was being used by another person. Neither the City Council nor the Revenue Department took up any steps in the matter.

Witness could never remember an Indian insolvency which was an honest one.

The Chairman: I wonder these people get so much credit.

Witness: It is the tremendous competition among the merchants that is responsible for it, I think.

Mr. Baxter: Do you not think that the amount of trade done with Indians by the merchants proves that, as a whole, they are honest in their dealings?—I can only speak of my experience. I am not against the Indian community as a whole, but I am of the opinion that the merchants are foolish in giving them so much credit.

"ENTITLED TO BE HEARD"

"NATAL MERCURY" ON ASIATIC REPRESENTATION IN THE SENATE

The Government state that they are going to erect Native Councils, and that will go some way toward giving the Natives some charge over their own affairs, but we would go further (says the *Natal Mercury*), and train themselves to possess a straightforward representation to Parliament, and this can be done by granting the Natives the right to elect a given number of members to the Senate. What is wanted is representation as a right, and the Natives have a claim to this privilege. They pay taxes, and, under the old cry, "No taxation without representation," they are entitled to be heard in the counsels of the State.

The same argument applies to the Indians and the coloured population. At the present moment there is a strong feeling, particularly among the Dutch population, against the so-called Asiatic menace, and there is a good deal of wild talk about repatriation and compensation, but the speakers seem to forget that thousands of the Asiatics were, born in the country, and consequently there is no State not even India, to which place they could be repatriated. We sympathise largely with the feeling that the Asiatic is crushing the life out of the white trader through his lower standard of living and the poor scale of wages that he pays, but the question of compensation is outside practical politics. What can be done is to limit the menace, and this could be best accomplished by a sagacious consideration by a body like the re-constituted Senate we suggest. If the Indians had some representation in the Senate, there would be no ground for these frequent references to the Indian Government, and these recurring Commissions which can do no good, as neither the Government of India nor the Home Government can exercise any control over the actions of the Union Parliament. The new status of South Africa precludes any interference in its internal affairs, even the old prerogative of the King's veto and the consideration of Bills by the British Cabinet has practically gone by the board. This fact makes it the more incumbent that the Asiatic population should have some say in the affairs of the Union, for they comprise a large and growing section of the inhabitants.

ASIATIC COMMISSION

INQUIRY OPENED IN KIMBERLEY

EVIDENCE OF LOCAL INDIANS

The Asiatic Enquiry Commission appointed to enquire into the provisions of the law affecting the acquisition of land by and trading rights of Asiatics and to make recommendations with regard to any difficulties and grievances which have arisen, (says the *Diamondfield Advertiser*), opened its sittings in the Supreme Court, Kimberley, on March 30th. The members of the Commission were: Sir John Lange (Chairman), Mr. W. Duncan Baxter, Mr. H. J. Hofmeyr, Colonel J. S. Wylie, D. S. O., K. C., M. V. O., with Mr. J. R. Hartshorne, Secretary.

MR. F. W. LANGE.

Mr. F. W. Lange (Messrs. Hearhoff, Hertzog and Lange) said he appeared to introduce the seven members of the Indian community who had been appointed to attend the Commission. These gentlemen had been duly appointed delegates from the Indian Political Association of Kimberley, which represented the whole of the Indian community in Kimberley, about 400 in number. A petition had been drawn up and approved by the association, setting forth their views. Their position was this. Today, so far as Kimberley Indian community was concerned, there were no grievances, at least in regard to the two matters to which this Commission had been

referred, viz., the acquisition of land and facilities for trading. There were other points upon which they had grievances, but he (Mr. Lange) had told them they could not go beyond the terms of reference of the Commission. They had grievances, such as the segregation on railways, immigration laws, inter-Provincial laws, the question of finger prints, &c. They had a whole string of grievances, but they well knew to-day they were not there to deal with these points. But when they said they had no grievances at present, they must not be taken to admit that the laws of the Cape Province were perfectly satisfactory in that regard. They contended the reason they were able to come here and say there were no grievances was not that the laws were perfectly satisfactory, but they were fortunate to have a municipal body here which interpreted and administered those laws in such a way as to give them no grievances. The Kimberley Council, they contended, had always dealt with them in a most fair and reasonable way. No licence for permission to trade had ever been refused here merely on the ground that the applicant was an Asiatic. But they apprehended there might come a time when the City Council must be composed of members who might take a less broad-minded view than the present Council. It was for that reason they suggested there should be some slight alteration of law in regard to the application for certificates to trade. They submitted the present system whereby the City Council was able to refuse a licence without ascribing any reason was not as it should be. There was undoubtedly a loophole afforded to any Councillor, or body of Councillors, who wished to exclude the Indian trader entirely, and they could do so merely by refusing the licence, and giving no reason for doing so. They felt everything might be put right by a provision which compelled the municipality to give a reason for its refusal. Then if the reason was that the applicant was an Asiatic they would know what to do—the Courts would put that right. As regarded land, they were in exactly the same position as Europeans, and there was no reason to alter it. Their chief reason in coming here was to endeavour to induce this Commission to use its influence to safeguard their present rights. They recognised in parts of the Union, notably the Transvaal, their brother Indians were not so well off as they were, and they feared in the future there might be a serious attempt made to organise legislation affecting the Indian community in such a way as to bring the laws of the Cape Province more into line with the laws of the Transvaal and other parts of the Union. That was the main inducement that led them to come forward to-day and place their views before them. Their cry was not so much of grievance, as "Let us alone."

INDIANS' PETITION.

Mr. P. M. Dawson then read a petition as follows:—
To the Chairman and members of the Commission appointed by His Excellency, the Governor-General of the Union of South Africa, to inquire into certain matters concerning the Asiatic community in the Union.

The Petition of Valoo Samy, P. M. Dawson, S. Naidoo, G. N. Naidoo, Mahomed Sherif, Sijid Mahomen, and Sheik Mahomed, all of Kimberley, representing the Indian Political Association of Kimberley, humbly sheweth:

1. That a mass meeting of Indian citizens, held at Kimberley on March 28, 1920, under the auspices of the Indian Political Association, your petitioners were duly elected to represent that association and those present at the meeting at the sittings of your Commission in Kimberley.
2. The contents of this petition were submitted to the said meeting, and all the statements, comments and suggestions concluded herein had the hearty approval of those present, and were unanimously adopted by the meeting.

3. Dealing first with the question of the acquisition of land by Asiatics and their rights in respect thereof, your petitioners are happy to be in a position to state that the Indian Community as a whole have no grievances whatever, and desire no alteration in the law, so far as the Cape Province is concerned.

4. The dwellings and business premises of a considerable portion of the Indian community of this city are situated upon the estate of De Beers Consolidated Mines Ltd. The conditions of the leases held by our people over the properties they occupy are fair and reasonable, and their treatment by their landlords does not differ in any respect from that accorded to the Europeans resident upon the company's estate, either in regard to the conditions of their tenancy, or in respect of the facilities for subletting or transferring their rights.

5. In so far as the acquisition of freehold property and their rights therein are concerned, the Asiatics enjoy the same rights and privileges as Europeans.

6. Turning now to the question of the facilities for trading allowed to the Indian community, your petitioners humbly submit that the provisions of the law obtaining in the Cape Province should be amended to the extent indicated below.

7. Under the Licences (Consolidation) Ordinance, 1916, no person may obtain a licence to trade unless and until he shall have received from the local authority concerned a certificate allowing the issue of such licence. The local authority is either the Municipal Council, the Village Management Board or the Divisional Council, according as the locality where it is proposed to carry on business lies within the area of jurisdiction of a municipality, Village Management Board or Divisional Council. In areas where none of these local authorities exists the application is made to the Magistrate.

8. No definite rules are laid down by the Ordinance for the guidance of the members of the local authority or the Magistrate (as the case may be), as to the various points which should be taken into consideration in deciding as to the grant or refusal of an application, and your petitioners humbly submit that the provisions of the law are deficient in this respect.

9. The main objection of our people, however, is to the system whereby the grant or refusal of the application for a certificate for a licence to trade is the unfettered discretion of the local authority or Magistrate, and that, in the case of a refusal, there is no machinery whereby the local authority or Magistrate can be compelled to give reason for such refusal.

10. At this stage your petitioners would point out that so far as the Indian community of this city are concerned, they have no reason whatever to complain of their treatment. On the contrary, they have always been treated by the Municipal Council and other public bodies in a very reasonable and sympathetic manner in regard to applications for licences to trade and otherwise. No single instance has ever come to your petitioners' notice in which there has been any suggestion that an application for a certificate for a licence to trade has been refused by the Kimberley City Council merely on the ground that the applicant is an Asiatic. Your petitioners desire to make it clear that while the provisions of the law continue to be administered in Kimberley in the broad-minded and sympathetic manner to which they have become accustomed, the Indian community of this city, as a whole, have no grievance whatever.

11. Your petitioners submit, however, that their people are in this fortunate position, not by reasons of the provisions of the law, but in spite of such conditions. The fact that the local authorities referred to above are not bound to furnish reasons for their refusal to grant a certificate allowing the issue of a licence affords to those of their members who desire to exclude the Indian trader an excellent opportunity of refusing the certificate merely upon the ground that the applicant is an Asiatic, a ground which the Courts

of this country have held to be invalid. Cases of a refusal for a certificate solely on this ground have come to the knowledge of your petitioners, more particularly from the country districts.

12. Your petitioners humbly submit that a provision that in all cases of a refusal to grant a certificate, the local authority or Magistrate shall be bound, if called upon to furnish written reasons for such refusal would meet the difficulty.

13. Your petitioners realise, however, that the lot of the Indian community in the Cape Province is a far happier one than that of their brother Indians in the Transvaal and elsewhere, but they fear that there may be a tendency in the future to bring the statutory enactments in the Cape Province, dealing with the acquisition of land by Asiatics and their facilities for trading, more into line with the provisions obtaining in other parts of the Union. Your petitioners' main object, therefore, in presenting this petition, is to beseech your Commission to use its influence to safeguard and protect the rights at present enjoyed by the Indians in the Cape Province, and to recommend that no alteration be made in the laws of this Province which would operate to impair those rights.

Wherefore your petitioners humbly pray :

1. That they be allowed to suggest the following alterations in the law :

(a) That the Licences (Consolidation) Ordinance, 1916, be amended by the insertion of a provision indicating clearly the considerations—and the only considerations—to which weight should be attached by a local authority deciding upon the grant or refusal of a licence to trade.

(b) That the applicant for such licence, or his legal adviser, should he so desire, shall be heard in support of his application before the same is refused.

(c) That in the case of a refusal to grant a certificate for the issue of a licence, the local authority, when called upon, shall furnish the applicant with its written reasons for such refusal.

(d) That the applicant, in case of refusal, shall be at liberty, as of right, to prosecute an appeal, direct to the Provincial or Local Division of the Supreme Court, having jurisdiction.

2. That your Commission, in making its report will see fit to give effect to the sentiments expressed in paragraph 13 hereof by recommending that there should be no alteration made in the laws of the Cape Province which will in any way, interfere with or prejudice the rights at present enjoyed by the Indian community of this Province.

EVIDENCE OF INDIANS.

The Chairman said the petition would receive due consideration from the Commission.

Mr. Dawson, invited to make a statement if he chose said, Dr. Anderson, in Capetown, referred to the cleanliness of Indians, and standard of living. He (Mr. Dawson) maintained Indians, whenever they could afford to do so, adopted the European standard. Of course, there were those who could not afford to do so, just as certain poor Europeans and coloured could not afford to live above a certain standard.

Mr. Dawson then was granted permission to read a memorandum from Indians of De Aar, where there were about 20 or 30 Indians. This memorandum from the British Indian Association at De Aar said so far as De Aar was concerned, until now they had no cause for complaint, although they laboured under other grievances and disabilities, which obviously did not come within the terms of the present inquiry. They enjoyed trading rights and the acquisition of land and property, but they feared in the near future these rights might be filched away, as in the case of Transvaal Indians. They prayed the Commission might be pleased to frame its recommendations in such terms as to safeguard their existing rights and privileges as enjoyed hitherto, and to raise the status of the Indian

community in the other Provinces to the level of the Cape Province.

In answer to the Chairman, Mr. Dawson said there were about 400 adult male Indians in Beaconsfield and Kimberley who carried on business as green-grocers, butchers, barbers, waiters, hawkers etc. He had been here 30 years, and he thought in 1887 there were as many Indian males here as to-day, perhaps more. In the last ten years he thought there had been a decrease. Many had gone back to India and not returned, and some had gone to Capetown and other places, but the inter-Provincial restrictions would prevent them going to the Transvaal.

In answer to Col. Wylie, Mr. Dawson said he would say 100 or more of the 400 were married. They got wives from the local population.

Mr. Naidoo, assistant secretary of the association, also bore testimony to the fairness of the local bodies. He asked that none of their existing rights should be curtailed, and Indians should enjoy the status of free citizens in the Union. He urged that cultivated Indian men and women should be able to travel freely from one Province to another without unfair restrictions. In this town there was no competition with any class of trader. All the traders here were carrying on business very peacefully. They desired that other parts of the country should treat Indians with the fairness they enjoyed. They wanted all Indians in business in this country to enjoy the rights and privileges they had in Kimberley.

In answer to Col. Wylie, witness said there was a National Indian School in Kimberley, and about 30 attended it.

TOWN CLERK INTERROGATED

Mr. James Hopwood Thorp, Town Clerk of Kimberley, who attended, with Councillor Moir, as representing the City Council, answered a number of questions put to him by members of the Commission. He said that it had been suggested by Indians that the Municipal Council should give a reason where the certificate for a licence was refused, but he pointed out the reason was not given in the case of a European or Chinaman. The Council would oppose any legislation that would compel them to give a reason for refusal of a licence. He thought the Indian population locally was more or less stationary.

Col. Wylie: You don't look upon Indians here as severe competitors with Europeans or likely to displace them?—I am not in trade, and do not know how far the competition extends.

There is no talk of Europeans being displaced by Indians here?—I have heard that applied to the green grocery business.

Is it not that business Indians are naturally adapted for against the Europeans?—Yes, I think that is so.

In answer to the Chairman, witness said the fruit and vegetable shops were almost wholly held by Indians in Kimberley, and several Indians had stalls in the Market also. He thought the principal purchasers of fruit and vegetables on the Market were Indians. The population of Kimberley and Beaconsfield, including the Natives in the mines, compounds, was about 50,000, composed of about 18,000 Europeans, 9,000 coloured and Indians, and 24,000 natives, including the compounds.

Mr. V. A. Pillay, representing the British India Council of Port Elizabeth, read a statement in which dissatisfaction was expressed with the manner in which the local authorities at the port dealt with licences, and it was complained the local authority might, without assigning a reason, refuse to grant a licence. Even the transfer of business in the same district, it was said, could not be effected. They suggested the control of trading licences should be placed in the hands of a body similar to the Licensing Board, and there should be a right of appeal to the Superior Courts.

The witness also gave evidence, and related certain hardships which had befallen him personally.

Mr. John Pooley, secretary of the Griqualand West Loan, Trust and Estate Agency, Ltd., for the past 31 years, said as executor of estates he had had a great deal to do with Indians who owned a lot of property in Kimberley. He had also had business relations with a great many Indians in that time. He said he had found them, as a body, to be most trustworthy in business matters. They attended to their business, were punctual in their payment, and were a quiet and law-abiding people.

In answer to the Chairman, Mr. Pooley said he thought the trading they did was rather beneficial. They traded in a small way with small people. Possibly their charges were a trifle under those of the big shopkeepers, but it was only a ticky or so. It was an advantage to small people to deal with the Indian hawkers.

The Chairman: You think the Indian hawker is a great advantage to the ordinary European householder?—Yes.

DURBAN TOWN COUNCIL REPORTS

The Market Committee of the Durban Town Council have instructed the Borough Engineer to carry out any improvement which could be effected in the ventilation of the Indian Market. The Borough Engineer has submitted plan showing the type of ventilator which it is proposed should be constructed. It is estimated that at least 16 of these ventilators would be required and the total cost of constructing same would be about £550. The Committee recommends that the Borough Engineer be instructed to proceed with the work of providing.

The Estates and Parks Committee recommend:— That the Council approve of the insertion of the following restrictive clause in the Deed of Cession and Transfer over Lot K, Block Umbilo:—

"The property hereby transferred or any portion thereof may not at any time be sold or transferred to Asiatics or persons of Asiatic descent."

That consent be given for the insertion of the following clause in the Deed of Cession and Transfer of Sub-division 13 of Lot K, Block Umbilo:—

"The property hereby transferred, or any portion thereof, may not at any time be sold or transferred to Asiatics or persons of Asiatic descent."

Amongst the other recommendations of the Estates and Parks Committee is the following:—

That the Indian Recreation Grounds be immediately put into playing order at an approximate cost of £125.

The Public Health Committee recommend:—That the attention of the Estates and Parks Committee be drawn to the insanitary condition of certain Corporation owned Indian houses at Brickhill Road, with a suggestion from this Committee that the necessary notice to terminate the occupancy thereof be given.

The Council-in-Committee report as follows regarding Indian Butchers:—We have considered petitions received from Stallholders in the Indian Market and Indian Butchers protesting against the Shop Hours Bye-Laws in so far as such Bye-Laws affect their businesses. We have also received a Deputation who pointed out *inter alia* that the Butchers at the Indian Market and elsewhere have no cold storage facilities, that they can only offer for sale meat that is purchased at the sale at the Abattoir held at 10.30 in the morning; that such meat is brought to the market at about 12 o'clock and they are obliged to close their shops under the new regulations at 2 p.m.; further that they do not supply by orders, but only in small quantities by retail.

The Committee recommends: That the necessary steps be taken to amend the Shop Hours Bye-Law (j) by the insertion of the words "other than butchers carrying on business within the Native and Indian Markets." Further, that, prior to submitting the above recommendation to the Town Council, the Town Clerk

be authorised to communicate with the Butchers' Association asking for an expression of their views on the above proposal.

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Printed and Published by Manilal M. Gandhi at Phoenix Settlement, Phoenix, Natal.

ઈન્ડિઅન ઓપિનિઅન.

પુસ્તક ૧૮ અં.

ફ્રીનીક્ષ, શુક્રવાર, તારીખ ૨ એપ્રિલ ૧૯૨૦

અંક ૧૬

નોંધ અને સમાચાર

મી. સી. એફ. એન્ડ્રુસ તરફથી મી. પારસી રસ્તમજને અમદાવાદ ખાતેથી ગયા અઠવાડીયામાં મળેલા એક તાર ઉપરથી માલુમ પડે છે કે મી. એન્ડ્રુસ હિંદ સહીસલામત પહોંચી ગયા છે અને તેઓએ મી. ગાંધીની મુલાકાત લીધી છે. મી. ગાંધીની તંદુરસ્તી સારી હોવાના તેઓ ખબર આપે છે અને અત્રે સહુને પોતાના સલામ પહોંચાડવા જણાવે છે.

‘નાટાલ એડવરટાઇઝર’ નો ખબરપત્રી લંડનથી જણાવે છે કે મી. ગાંધીએ મુંબઈમાં મળેલી મુસ્લીમોની એક સભામાં ધમકી આપનારું ભાષણ કર્યું હતું તેનો ‘ડેલી ટેલીગ્રાફ’ હેવાલ પ્રસિદ્ધ કર્યો છે. સરકાર જે શહેનશાહતમાં હિંદને કાયમ રાખવા ઇચ્છતી હોય તો તેને ગ્રેટ બ્રીટનમાં તુર્કી સામે ચાલી રહેલી બીનજવાબદાર ચળવળથી દુર રહવા વિનંતિ કરનારો ઠરાવ સ્વિકારવામાં આવ્યો હતો.

મી. ગાંધીએ જણાવ્યું હતું કે : “એ ઠરાવ અચુકપણે એવી નિશાની બતાવનારો હતો કે ખીલાફતના સવાલનું આખર પગથીયું ખુની બળવાનું થશે. એ સવાલ ઉપર લાગણી એટલી બધી તીવ્ર થઇ ગઇ છે કે તુરકી સવાલનું સંતોષકારક સમાધાન નહિ થાય તો હિંદુસ્તાનમાં જેવી અગાઉ કદી જોવામાં આવી નથી એવી રાજ્યમાં ઉચતપાયલ કરનારી હિંદચાલ ચાલશે.

એપ્રિલ તા. ૬ ઠીએ એશીયાટીક કમીશનની પહેલી બેઠક જોહાનીસબર્ગ ખાતે મળી હતી. કેપ્ટન પેરસી ટ્રોટરે પહેલી જુબાની આપતાં જણાવ્યું કે પોતે એશીયાટીકોનો ૩૦ વરસનો અનુભવ ધરાવતા હતા. તેમણે જણાવ્યું કે એમી-ગ્રેશન ઉપર યુનીયનની જરૂરીયાતોને અનુકુળ પ્રતિબંધ મુકાવો જોઈએ પણ એ પ્રતિબંધ હિંદથી આવતા એશીયાટીકા ઉપરજ મુકાવો નહિ જોઈએ પણ પુર્વ અને દક્ષિણ યુરોપથી લાંબી વસ્તીનો કચરો અહિ આવે છે અને અનેક જાતનો નામેશી ભરેલો વેપાર ચલાવે છે તેઓની ઉપર પણ પ્રતિબંધ મુકાવો જોઈએ. જ્યાં સુધી અલગ ટાઉનશીપમાં રહેવાની સાથે લાગે વળગે છે ત્યાં સુધી તો ધલાહીદા થવા સામે એશીયાટીકોને કશો વાંધો નથી, પણ તેઓ નેટીવોની સાથે મુકાવા સામે વાંધો ઉઠાવે છે. વળી તેઓ પોતાના વેપારના સ્થળો ખરીદવાનો હક માગે છે. કેપ્ટન ટ્રોટરે વધુમાં જણાવ્યું કે પ્રજાઓમાં વસતા થોડા તો જ્યુધ્ધ વેપારીઓ કરતાં હિંદીઓ સાથેજ વેપાર કરવા ઇચ્છે છે કારણ કે તેઓ વધારે વિવેકી હોય છે.

જોહાનીસબર્ગથી એપ્રિલ તા. ૭ મીનો રટરનો તાર જણાવે છે કે એશીયાટીક કમીશન સમક્ષ આજરોજ પ્રીટોરીયા

ખાતેના પ્રીન્સીપલ ઇમીગ્રેશન ઓફીસર અને રેજીસ્ટ્રાર ઓફ એશીયાટીકસે જુબાની આપતાં જણાવ્યું હતું કે આઇડેનટીટી સરટીરીફેટો અપાઈ છે તે પરથી માલુમ પડે છે કે ૧૯૧૬ માં ૧૦૦ મીના મળી ૧૩૪૭ એશીયાટીકોએ ટ્રાંસવાલ છોડ્યું છે. એ સરટીરીફેટો તેને ધરાવનારાઓને ટ્રાંસવાલમાં પાછા દાખલ થવાની છુટ આપે છે અને કોઇ પણ હિંદીએ હમેશને માટે દેશ છોડવાનો નિશ્ચય બતાવેલો તેના સાંભળવામાં આવ્યો નથી. બલકે સાક્ષીના ધારવામાં એમ આવેલું છે કે છેલ્લા બે કે ત્રણ વરસ થયાં તો હિંદીઓની પોતાના કુટુંબોને અહિ લાવવા તરફ વલણ રહી છે. જુના માણસોમાં તેઓએ પોતાના ગર્જવાં ભરી લીધેલા હોવાથી હિંદુસ્તાન ચાલી જવા તરફ વલણ રહે છે. ૧૯૧૩ માં ૬૮ સ્ત્રીઓ અને ૨૭૦ નાની વયના છોકરાંઓ ટ્રાંસવાલમાં દાખલ થયા હતા. અને એ સંખ્યામાં ગયા વરસ સુધી વધારો થતો જોવામાં આવ્યો છે. એ વરસમાં ૨૩૪ સ્ત્રીઓ અને ૫૩૧ ન્હાની વયના છોકરાં દાખલ થયાં છે. પ્રતિબંધ વાળા કાયદાને લીધે, એશી-યાટીકોને, જે તેઓ પ્રાંતમાં દાખલ થવાને ખાસ ઈન્ટેન્શર હોય તો, દરેક જાતના ઉપાયો લેવા પડેલા છે અને જે કોઇ તેઓને સરહદમાં દાખલ થવામાં મદદ કરે તેને મોટી રકમો આપવી પડે છે. ખોટી રીતે દાખલ થવાના પ્રયાસો ધણા થયા છે પણ સફળ થોડાજ થઇ શક્યા છે. ૧૯૧૮ માં ૯૧ ને દેશનિકાલ કરવામાં આવ્યા હતા જેમાંનાં ૭૧ હિંદી-ઓ હતા અને તેઓ બ્યવહાર રીતે બાધિત ઉતાડ્યો હતા. જે એશીયાટીકા બાધિત ઉતાડ્યો હોય છે તેઓ વસ્તીના મોટા ભાગમાં ભળી જાય છે અને એવા રીફમાં ૪૦૦ થી ૫૦૦ છે. ખોટી રીતે દાખલ થતા અટકાવવાના પગલાં લેવાય છે.

‘ઓએ કોનીકલ’ જણાવે છે કે ડો. સલપાલ તા. ૧૩ મી ફેબ્રુઆરીએ અમૃતસરથી તારદ્વારા અમૃતસરનાં સ્ત્રી પુરષો અને બાળકો ઉપર જે જુલમ ચુભરવામાં આવેલો તેના થોડા દાખલા આપે છે. તે કહે છે કે તેમણે પોતાની નજરોનજર જોયું છે કે (૧) એક માણસના હાથ બાંધી લઇને અને તેના મોંમાં કુચો મારીને તેની હથેળી ઉપર ડામ પાડેલો હતો. (૨) બીજા એક માણસને એવો રીબાંધવામાં આવ્યો હતો કે તેણે કુવામાં પડીને આપઘાત કરવાનો પ્રયત્ન કર્યો પણ તેને છૂટતો કાઢીને ફરી તેને રીબાંધવામાં આવ્યાથી તે પોતાની પાછળ નિરાધાર નેનાં બચ્ચાને મુકીને મરણને શરણ થઇ ગયો. (૩) અંધરેલો, મસજીદના ઇમીનિયું અપમાન કરવામાં આવ્યું હતું, તેમની અવગણના કરવામાં આવી હતી, તેમની દાહી ખેંચવામાં આવી હતી, તેમને જુતીયાંનો માર મારવાની ધમકી આપવામાં આવી હતી, તેમને પેટીઓનાં ખોખાં ઉપર કલાકોના કલાકો સુધી ઉભા