

Indian Opinion

No. 3—VOL. XX FRIDAY, MARCH 31ST, 1922.

Registered at the G.P.O. as a Newspaper
Press Publication.

MR. GANDHI AND THE VICEROY

ULTIMATUM, REPLY AND REJOINDER

FOLLOWING is the full text, as published in the Indian papers, of Mr. Gandhi's ultimatum to the Viceroy of India in which he gave a period of seven days, before embarking on Civil Disobedience, for the Government to consider the advisability of changing their policy of repression. We also give below the reply given by the Indian Government to the ultimatum and Mr. Gandhi's rejoinder:—

THE ULTIMATUM

To His Excellency the Viceroy, Delhi:

Sir,—Bardoli is a small *tehsil* in the Surat District in the Bombay Presidency, having a population of about 87,000 all told.

On the 29th ultimo it decided under the presidency of Mr. Vithalbhai Patel to embark on mass civil disobedience, having proved its fitness for it in terms of the resolution of the All-India Congress Committee which met at Delhi during the first week of November last. But as I am perhaps chiefly responsible for Bardoli's decision, I owe it to your Excellency and the public to explain the situation under which the decision has been taken.

It was intended under the resolution of the All-India Congress Committee, before referred to, to make Bardoli the first unit for mass civil disobedience in order to mark the national revolt against the Government for its consistently criminal refusal to appreciate India's resolve regarding the Khilafat, the Punjab and Swaraj.

Then followed the unfortunate and regrettable rioting on the 17th November last in Bombay, resulting in the postponement of the step contemplated by Bardoli.

Meanwhile repression of a virulent type has taken place with the concurrence of the Government of India in Bengal, Assam, the United Provinces, the Punjab, the Province of Delhi and in a way in Bihar and Orissa and elsewhere. I know that you have objected to the use of the word "repression" for describing the action of the authorities in these provinces. In my opinion when action is taken which is in excess of the requirements of a situation, it is undoubtedly repression. The looting of property, assaults on innocent people, the brutal treatment of prisoners in the jails including flogging can in no sense be described as legal, civilized or in any way necessary. This official lawlessness cannot be described by any other term but lawless repression. Intimidation by non-co-operators or their sympathisers to a certain extent in connection with *hartals* and picketing may be admitted but in no case can it be held to justify the wholesale suppression of peaceful volunteering or equally peaceful public meetings under a distorted use of an extraordinary law which was passed in order to deal with activities which were manifestly violent both in intention and action, nor is it possible to designate as otherwise than repression, action taken against innocent people under what has appeared to many of us an illegal use of the ordinary law, nor again can the administrative interference with the liberty of the press under a law that is under promise of repeal be regarded as anything but

repression.

INTIMIDATION ADMITTED

The immediate task before the country, therefore, is to rescue from paralysis freedom of speech, freedom of association and freedom of the press. In the present mood of the Government of India and in the present unprepared state of the country in respect of complete control of the forces of violence, non-co-operators were unwilling to have anything to do with the Malaviya Conference whose object was to induce Your Excellency to convene a Round Table Conference. But as I was anxious to avoid all avoidable suffering, I had no hesitation in advising the Working Committee of the Congress to accept the recommendations of that Conference. Although in my opinion the terms were quite in keeping with your own requirements as I understood them through your Calcutta speech and otherwise, you have summarily rejected the proposal.

THE ONLY WAY

In the circumstances, there is nothing before the country but to adopt some non-violent method for the enforcement of its demands including the elementary rights of free speech, free association and free press. In my humble opinion the recent events are a clear departure from the civilised policy laid down by Your Excellency at the time of the generous, manly and unconditional apology of the Ali Brothers viz, that the Government of India should not interfere with the activities of non-co-operation so long as they remained non-violent in word and deed. Had the Government's policy remained neutral and a lowed public opinion to ripen and have its full effect, it would have been possible to advise postponement of the adoption of civil disobedience of an aggressive type till the Congress had acquired fuller control over the forces of violence in the country and enforced greater discipline among the millions of its adherents. But this lawless repression (in a way unparalleled in the history of this unfortunate country) has made the immediate adoption of mass civil disobedience an imperative duty. The Working Committee of the Congress has restricted it to only certain areas to be selected by me from time to time, and at present it is confined only to Bardoli. I may, under said authority, give consent at once in respect of a group of 100 villages in Guntur in the Madras Presidency, provided they can strictly conform to the conditions of non-violence, unity among different classes, the adoption and manufacture of handspun *khadi* and untouchability.

REVISION OF POLICY ASKED FOR

But before the people of Bardoli actually commence mass civil disobedience, I would respectfully urge you, as the head of the Government of India, finally to revise your policy and set free all the non-co-operating prisoners who are convicted or under trial for non-violent activities and to declare in clear terms a policy of absolute non-interference with all non-violent activities in the country whether they be regarding the Khilafat or the Punjab wrongs or Swaraj or any other purpose and even though they fall under

the depressive sections of the Penal Code or the Criminal Procedure Code or other repressive laws subject always to the condition of non-violence. I would further urge you to free the Press from all administrative control and to restore all the fines and forfeitures recently imposed. In thus urging I am asking Your Excellency to do what is being done to-day in every country which is deemed to be under civilised Government. If you can see your way to make the necessary declaration within seven days of the date of publication of this manifesto, I shall be prepared to advise postponement of civil disobedience of an aggressive character, till the imprisoned workers have, after their discharge, reviewed the whole situation and considered the position *de novo*. If the Government make the requested declaration I shall regard it as an honest desire on its part to give effect to public opinion and shall therefore have no hesitation in advising the country to be engaged in further moulding public opinion without violent restraint from either side and trust to its working to secure the fulfilment of its unalterable demands. Aggressive civil disobedience in that case will be taken up only when the Government departs from its policy of strictest neutrality or refuses to yield to clearly expressed opinion of the vast majority of the people of India.

I remain,

Your Excellency's faithful servant and friend,
M. K. GANDHI.

GOVERNMENT OF INDIA'S REPLY TO MR. GANDHI

The Government of India (Home Department) have issued the following communique in reply to Mr. Gandhi's letter:

The manifesto issued by Mr. Gandhi on the 4th February, justifying his determination to resort to mass Civil Disobedience, contains a series of misstatements. Some of these are so important that the Government of India cannot allow them to pass unchallenged.

NO POLICY OF LAWLESS REPRESSION

In the first place, they emphatically repudiate the statement that they have embarked on a policy of lawless repression and also the suggestion that the present campaign of Civil Disobedience has been forced on the Non-co-operation party in order to secure the elementary rights of free association, free speech, and of free press. The Government of India desire to draw attention to the fact that the decision to adopt a programme of Civil Disobedience was finally accepted on the 4th November before the recent notifications relating either to the Seditious Meetings Act or the Criminal Law Amendment Act, to which Mr. Gandhi unmistakably refers, were issued. It was in consequence of serious acts of lawlessness committed by persons who professed to be the followers of Mr. Gandhi and the Non-co-operation movement, that the Government were forced to take measures which are in strict accordance with the law for the protection of peaceful citizens in the pursuit of their lawful avocations. Since the inauguration of the Non-co-operation movement, the Government of India, actuated by a desire to avoid anything in the nature of the repression of political activity, even though it was of an extreme character, have restricted their action in relation thereto to such measures as were necessary for the maintenance of law and order and the preservation of public tranquility. Up to November no steps, save in Delhi last year were taken against Volunteer Associations. In November, however, the Government were confronted with a new dangerous situation. In the course of the past year, there have been systematic attempts to tamper with the loyalty of the soldiers and the police, and there had occurred numerous outbreaks of serious disorder, directly attributable to the propaganda of the Non-co-operation party amongst the ignorant and excitable masses. These outbreaks had resulted in grave loss of life, the growth of a dangerous spirit of lawlessness and an increasing disregard for lawful authority. In

November, they culminated in grave riot in Bombay in which 53 persons lost their lives and approximately 400 were wounded. On the same date, dangerous manifestations of lawlessness occurred in many other places, and at this period it became clear that many of the Volunteer Associations had embarked on a systematic campaign of violence, intimidation and obstruction, to combat which proceedings under the Penal Code and the Code of Criminal Procedure had proved ineffective. In these circumstances Government were reluctantly compelled to resort to measures of a more comprehensive and drastic character. Nevertheless, the operation of the Seditious Meetings Act was strictly limited to a few districts in which the risk of grave disturbances of the peace was specially great, and the application of the Criminal Law Amendment Act of 1908 was confined to associations, the majority of the members of which had habitually indulged in violence and intimidation. It is impossible here to set out in detail the evidence which justified the adoption of these measures in the different provinces. Abundant proof is, however, to be found in the published proceedings of the various legislative bodies, in the communiques of different Local Governments, and the pronouncements of heads of Provinces. While resolute in their determination to enforce respect for law and order, and to protect loyal and peaceful subjects of the Crown, the Government have, at the same time, taken every precaution possible to mitigate where desirable, the conditions of imprisonment, and to avoid any action which might have the appearance of vindictive severity. Ample proof of this will be found in the orders issued by the Local Governments. Numerous offenders have been released, sentences have been reduced and special consideration has been shown in the case of persons convicted of offences under the Criminal Law Amendment Act. There is thus no shadow of justification for the charge that their policy has been one of indiscriminate and lawless repression.

NO DEPARTURE FROM CIVILISED POLICY

A further charge which has been brought by Mr. Gandhi is that the recent measures of the Government have involved a departure from the civilised policy laid down by His Excellency at the time of the apology of the Ali Brothers, namely, that the Government of India should not interfere with the activities of the Non-co-operators, so long as they remained non-violent in word and deed. The following citation from the communique of the Government of India, issued on the 30th May, conclusively disproves this statement. After explaining that, in view of the solemn undertaking contained in the statement over their signatures, it had been decided to refrain from instituting criminal proceedings against Messrs. Mahomed Ali and Shaukat Ali, the Government of India observed: "It must not be inferred from the original determination of the Government to prosecute for speeches inciting to violence that promoting disaffection of a less violent character is not an offence against the law. The Government of India desire to make it plain that they will enforce the law relating to offences against the State as, and when they may think fit, against any person who may commit breaches of it."

THE VICEROY AND THE BOMBAY CONFERENCE

It remains for the Government of India to deal with the allegation that His Excellency summarily rejected the proposal for a Conference although the terms put forward by the Conference at Bombay and accepted by the Working Committee of the Congress were quite in keeping with His Excellency's own requirements, as indicated in his speech at Calcutta. How far this is from being the case will be manifest from a comparison of His Excellency's speech with the terms proposed by the Conference. His Excellency, in that speech insisted on the imperative necessity as a fundamental condition, precedent to the discussion of any question of a Conference, of the discontinuance of the unlaw-

activities of the Non-co-operation party. No assurance on this point was, however, contained in the proposals advanced by the Conference. On the contrary, whilst the Government were asked to make concessions which not only included the withdrawal of the notifications under the Criminal Law Amendment and the Seditious Meetings Acts and the release of persons convicted thereunder, but also the release of persons convicted of offences designed to affect loyalty of the Army, and the submission to an Arbitration Committee of the cases of other persons convicted under the ordinary law of the land, there was no suggestion that any of the illegal activities of the Non-co-operators other than hartals, picketing and Civil Disobedience should cease. Moreover, it was evident from the statements made by Mr. Gandhi at the Conference that he intended to continue the enrolment of Volunteers in prohibited associations and the preparations for Civil Disobedience. Further, Mr. Gandhi also made it apparent that the proposed Round Table Conference would be called merely to register his demand. It is idle to suggest that terms of this character fulfilled in any way the essentials laid down by His Excellency, or can reasonably be described as having been made in response to the sentiments expressed by him.

MR. GANDHI'S DEMANDS

Finally, the Government of India desire to draw attention to the demands put forward in the concluding para of Mr. Gandhi's present manifesto which exceed even the demands made by the Working Committee of the Congress. Mr. Gandhi's demands now include: (1) The release of all prisoners convicted or under trial for non-violent activities. (2) A guarantee that the Government will refrain absolutely from interference with all non-violent activities of the Non-co-operation party, even though they fall within the purview of the Indian Penal Code, or in other words an undertaking that Government will indefinitely hold in abeyance, in regard to the Non-co-operators, the ordinary and long established law of the land.

In return for these concessions he indicates that he intends to continue the illegal and seditious propaganda and operations of the Non-co-operation party, and merely proposes to postpone Civil Disobedience of an aggressive character until the offenders now in gaol have had an opportunity of reviewing the whole situation. In the same paragraph, he reaffirms the unalterable character of the demand of his party. The Government of India are confident that all right-thinking citizens will recognise that this manifesto constitutes no response whatever to the speech of His Excellency at Calcutta, and that the demands made are such as no Government could discuss, much less accept.

THE GOVERNMENT'S APPEAL

The alternative that now confront the people of India are such as sophistry can no longer obscure nor disguise. The issue is no longer between this or that programme of political advance, but between lawlessness with all its dangerous consequences on the one hand, and on the other the maintenance of those principles which lie at the root of all civilised Government. Mass Civil Disobedience is fraught with such danger to the State that it must be met with sternness and severity. The Government entertain no doubt that in any measures which they may have to take for its suppression, they can count on the support and assistance of all law-abiding and loyal subjects of His Majesty.

MR. GANDHI'S REJOINER

Mr. Gandhi has sent the following reply to the Government of India's communique of the 6th February:—

I have very carefully read the Government's reply to my letter to His Excellency. I confess that I was totally unprepared for such an evasion of the realities of the case as the reply betrays. I will take the very

first repudiation. The reply says:—“They, (the Government) emphatically repudiate the statement that they have embarked on a policy of lawless repression and also the suggestion that the present campaign of Civil Disobedience has been forced on the Non-co-operation party in order to secure the elementary rights of free association, free speech and a free press.” Even a cursory glance at my letter would show that whilst Civil Disobedience was authorised by the All-India Congress Committee meeting held on the 4th November at Delhi it had not commenced. I have made it clear in my letter that the contemplated Mass Civil Disobedience was indefinitely postponed on account of the regrettable events of the 17th November in Bombay. That decision was duly published, and it is within the knowledge of the Government as also the public that herculean efforts were being made to combat the still lingering violent tendency amongst the people. It is also within the knowledge of the Government and the public that a special form of pledge was devised to be signed by volunteers with deliberate purpose of keeping out all but men of proved character. The primary object of these volunteer associations was to inculcate amongst the masses the lessons of non-violence and to keep the peace at all Non-co-operation functions. Unfortunately the Government of India lost its head completely over the Bombay events and perhaps still more over the very complete hartal on the same date at Calcutta. I do not wish to deny that there might have been some intimidation practised in Calcutta, but it was not, I venture to submit, the fact of intimidation but the irritation caused by the completeness of the hartal that maddened the Government of India as also the Government of Bengal. Repression there was even before that time, but nothing said or done in connection with it; but the repression that came in the wake of the notifications proclaiming the Criminal Law Amendment Act for the purpose of dealing with volunteer associations and the Seditious Meetings Act for the purpose of dealing with public meetings held by Non-co-operators came upon the Non-co-operation community as a bomb-shell. I repeat then that these notifications and the arrests of Dushbaadhu Chit and Ranjan Das and Maulana Abul Kalam Azad in Bengal, the arrest of Pandit Motilal Nehru and his co-workers in the U. P. and of Lala Lajpat Rai and his party in the Punjab made it absolutely necessary to take up not yet aggressive Civil Disobedience but only defensive Civil Disobedience otherwise described as Passive Resistance. Even Sir Hormasjee Wadia was obliged to declare that if the Bombay Government followed the precedents set by the Governments of Bengal, U. P. and the Punjab he would be bound to resist such notifications, that is, to enrol himself as a volunteer or to attend public meetings in defiance of Government orders to the contrary. It is thus clear that a case has been completely made out for Civil Disobedience unless the Government revises its policy which has resulted in the stopping of public meetings, public associations and the Non-co-operation press in many parts of India.

FACTS BEYOND CHALLENGE

Now for the statement that the Government ‘have embarked on a policy of lawless repression.’ Instead of an ample expression of regret and apology for the barbarous deeds that have been committed by officials in the name of law and order I regret to find in the Government reply a categorical denial of any ‘lawless repression.’ In this connection I urge the public and Government carefully to consider the following facts whose substance is beyond challenge:—

- (1) The official shooting at Batalia in Calcutta and the callous treatment even of a corpse;
- (2) The admitted brutality of Civil Guards;
- (3) The forcible dispersal of a meeting at Dacca, and the dragging of innocent men by their legs

although they had given no offence or cause whatsoever.

(4) Similar treatment of volunteers in Aligarh.

(5) The conclusive (in my opinion) findings of the Committee presided over by Dr. Gokul Chand Narang about the brutal and uncalled for assaults upon volunteers and the public in Lahore.

(6) Wicked and inhuman treatment of volunteers and the public at Jallander.

(7) The shooting of a boy at Dehra Dun and the cruelly forcible dispersal of a public meeting at that place.

(8) The looting admitted by the Bihar Government of villages by an officer and his company without any permission whatsoever from any one, but as started by Non-co-operators at the invitation of a planter and the assaults upon volunteers and burning of Khadder and papers belonging to the Congress at Sojapur.

(9) Midnight searches and arrests in Congress and Khilafat offices.

I have merely given a sample of the many "infallible proofs" of official lawlessness and barbarism. I have mentioned not even a tithe of what is happening all over the country, and I wish to state without fear of successful contradiction that the scale on which this lawlessness has gone on in so many provinces of India, puts into shade the inhumanities that were practised in the Punjab if we except the crawling order and the massacre at Jallianwala Bagh. It is my certain conviction that the massacre at Jallianwala Bagh was a clean transaction compared to the unclean transactions described above, and the pity of it is that because people are not shot or butchered, the tortures, through which hundreds of inoffensive men have gone through, do not produce a shock sufficient to turn everybody's face against this Government; but as if this warfare against innocence was not enough, the reins are being tightened in the jails. We know nothing of what is happening to-day in the Karachi jail, to a solitary prisoner in the Sabarmati jail and to a batch in Benares jail, all of whom are as innocent as I claim to be myself. Their crime consists in their constituting themselves trustees of National honour and dignity. I am hoping that these proud and defiant spirits will not be beat into submission to insolence masquerading in the official garb. I deny the right of the Authorities to insist on high-souled men appearing before them almost naked or pay any obsequious respect to them by way of salaaming with open palms brought together or rising to the intonation of "Sarkar Ek hai." No God-fearing man will do the latter even if he has to be kept standing in stocks for days and nights as a Bengal school master is reported to have been.

For the sake of the dignity of human nature, I trust that Lord Reading and his draughtsmen do not know the facts I have adduced or being carried away by their belief in the infallibility of their employees, refuse to believe in the statements which the public regard as God's truth. If there is the slightest exaggeration in the statements that I have made, I shall as publicly withdraw them and apologise for them as I am making them now, but as it is I undertake to prove the substance of every one of these charges if not the very letter, as much more of them before any impartial tribunal of men or women unconnected with the Government. I invite Pandit Malaviyaji and those who are performing the thankless task of securing a Round Table Conference to form an impartial commission to investigate these charges by which I stand or fall.

It is the physical and brutal ill treatment of humanity which has made many of my co-workers and myself impatient of life itself, and in the face of these things I do not wish to take public time by dealing in detail with what I mean by the abuse of the common law of the country, but I cannot help correcting the misimpression which is likely to be created in connection those of the Working Committee. I claim that they

with the Bombay disorders. Disgraceful and deplorable as they were, let it be remembered that of the 53 persons who lost their lives over 45 were Non-co-operators or their sympathisers the hooligans, and of the 400 wounded, to be absolutely on the safe side, over 350 were also derived from the same class. I do not complain. Non-co-operators and the friendly hooligans got what they deserved. They began the violence—they reaped the reward. Let it also not be forgotten that with all deference to the Bombay Government it was Non-co-operators, ably assisted by Independents and Co-operators, who brought peace out of that chaos of the two days following the lateful 17th.

I must totally deny the imputation that "the application of the Criminal Law Amendment Act was confined to associations the majority of the members of which had habitually indulged in violence and intimidation." The prisons of India to-day hold some of the most inoffensive men and hardly any who have either resorted to violence or intimidation and who are convicted under that law. Abundant proof can be produced in support of this statement as also of the statement of the fact that almost wherever meetings have been broken up, there was absolutely no risk of violence.

The Government of India deny that the Viceroy had laid down upon the apology of the Ali Brothers the civilised policy of non-interference with the non-violent activities of Non-co-operators. I am extremely sorry for this repudiation. The very part of the communique reproduced in the reply is, in my opinion, sufficient proof that the Government did not intend to interfere with such activities. The Government did not wish it to be inferred that "speeches promoting disaffection of a less violent character were not an offence against it, but I have stated, as I repeat now, that it was not the intention of the Government then to prosecute for non-violent activities although they might amount to a technical breach of the law.

CONDITIONS OF ROUND TABLE CONFERENCE

As to conditions of the Conference the Government reply evidently omits to mention the two words "and otherwise" after the words "Calcutta speech," in my letter. I repeat that the terms as I could gather from "the Calcutta speech and otherwise" were nearly the same that were mentioned in the resolutions of the Malaviya Conference. What are called unlawful activities of the N. C. O. party, being a reply to the notifications of the Government, would have ceased automatically with the withdrawal of those notifications, because the formation of volunteer and public meetings would not be unlawful activities after the withdrawal of the offending notifications. Even while the negotiations were going on in Calcutta the discharge of Fatwa prisoners was asked for, and I can only repeat what I have said elsewhere that if it is disloyal to say that military or any service under the existing system of government is a sin against God and humanity I fear that such disloyalty must continue.

The Government communique does me a cruel wrong by imputing to me a desire that the proposed Round Table Conference should be called "merely to register my decrees." I did state in order to avoid any misunderstanding regarding the Congress demands, as I feel I was in duty bound, in as clear terms as possible. No Congressman could approach any conference without making his position clear. I expected the ordinary courtesy of not considering me or any Congressman to be impervious to reason and argument. It is open to anybody to convince me that the demands of the Congress regarding the Khilafat, the Punjab and Swarajya are wrong or unreasonable, and I would certainly retrace my steps and so far as I am concerned, rectify the wrong. The Government of India know that such has been always my attitude.

The communique strongly enough says that the demands set forth in my Manifesto are even larger than

fall far below the demands of the Working Committee, for what I now ask against total suspension of Civil Disobedience of an aggressive character is merely the stoppage of ruthless repression, the release of prisoners convicted under it and a declaration of policy. The demands of the Working Committee included a Round-Table Conference. In my manifesto I have not asked for a Round Table Conference at all. It is true that this waving of a Round Table Conference does not proceed from any expedience, but it is a confession of present weakness. I freely recognise that unless India becomes saturated with the spirit of non-violence and generates disciplined strength that can only come from non-violence she cannot enforce her demands, and it is for that reason that I now consider that the first thing for the people to do is to secure a reversal of this mad repression and then to concentrate upon more complete organisation and more construction, and here again the communique does me an injustice by merely stating that Civil Disobedience of an aggressive character will be postponed until the opportunity is given to the imprisoned leaders of reviewing the whole situation after their discharge, and by conveniently omitting to mention the following concluding sentences of my letter:—

"If the Government make the requested declaration I shall regard it as an honest desire on its part to give effect to public opinion and shall therefore have no hesitation in advising the country to be engaged in further moulding public opinion without violent restraint from either side and trust to its working to secure the fulfilment of its unalterable demands. Aggressive Civil Disobedience in that case will be taken up only when the Government departs from its policy of strictest neutrality or refuses to yield to clearly expressed opinion of the vast majority of the people of India."

THE ALTERNATIVE BEFORE PEOPLE

The alternative before the people therefore is not, as the communique concludes, between lawlessness with all its disastrous consequences on the one hand and on the other the maintenance of those principles which are at the root of all civilised Governments. "Mass Civil Disobedience," it adds, is fraught with such danger to the state that it must be met with sternness and severity." The choice before the people is Mass Civil Disobedience with all its undoubted dangers and lawless repression of all activities of the people. I hold that it is impossible for any body of self-respecting men for fear of unknown dangers, to sit still and do nothing effective whilst looting of property and assaulting of innocent men are going on all over the country in the name of law and order.

M. K. GANDHI

NOTES AND NEWS

IN spite of so many complaints having been made so often there is apparently not the slightest improvement in the treatment meted out to Indians travelling on the Darban tram cars by some conductors. We drew the attention our of readers the other day to the case of Mr. B. L. E. Sigamoney who was brutally assaulted by a conductor for disobeying his orders and now another case is reported of an Indian named C. W. Bundut who was charged with refusing to alight from a tram when asked by a conductor, thus causing a delay to the traffic. The accused was found guilty and fined £3 by Mr Brunton Meneaud in the Borough Court. According to the evidence of the conductor the car was full. It stopped at the Umbilo Road corner; a European and his wife boarded the car; the Indian named above attempted to follow suit. "As the people were standing in the passage way and some five persons were crowded on the

platform, he asked the Indian to alight. The man refused. The police was called after which the accused gave his name and address and consented to go."

That the conductor in the present case was totally in the wrong has been proved beyond doubt by his own evidence. The car being full he had firstly no right to take any further passengers and it was against the regulations to allow passengers to stand on the platform. Yet he allowed a European and his wife to board the car and disallowed the Indian. The accused was quite justified in saying in his defence that "had he a European he would not have been asked to alight, whereas the colour was against him in the present instance." This is not an isolated case. Similar cases happen almost always and we have witnessed with our own eyes some cases where not only Indian men but Indian women with little children have deliberately been prevented from boarding the car even when many seats were vacant while Europeans have been allowed freely to do so even when the car has been fully packed.

Under the circumstances Inspector Alexandra's remarks that "a certain section of the Indian community was determined to aggravate and annoy as far as it lay in its power the tramway conductors in the execution of their duty" we think were totally uncalled for. If Inspector Alexander were to inspect personally and without any racial feeling, how things are, we feel sure, he would hold a different opinion to what he has given expression to. The duty of the conductors is to treat all alike and if they executed their duty rightly we do not think there would be any cause for trouble, for we do not think there is any Indian who goes out of his way to seek for trouble. If the object of the Law courts is to preserve peace, such statements as the one made by Inspector Alexander are far from assisting to achieve that object. For they tend only to encourage the conductors in their highhandedness and thus create more friction.

Stanger Indian Ratepayers' Association have sent a resolution to His Honour the Administrator protesting against the "Townships Franchise Ordinance 1922" proposed to be introduced by Mr. G. H. Hulett M.P.C., in the Provincial Council, "as the said ordinance, if passed, will deprive the Indians of one of their existing rights and thus add to the many disabilities under which they suffer", and praying that His Honour will use his influence against the said ordinance receiving the sanction of the Council."

The officials of the Hindu Young Men's Association of Pietermaritzburg have applied for and obtained from the Minister of Interior, a permanent exemption for the introduction of a qualified Tamil teacher and his wife from India into Natal. The selection of a teacher is in the hands of capable men in India, and it is expected that in a month or two the teacher will be on his way to Natal. The impracticability of securing competent teachers in South Africa is generally accepted. This has in no small degree retarded the growth of Tamil education, which is now eagerly sought for by Tamil parents for their children. With a view to meeting expenses of bringing out a teacher and of extending the H.Y.M.A. School, where 278 children are being taught, it has been decided to collect funds from friends resident in the North Coast Districts. The officials of the Association will make personal appeal for funds during the Easter holidays; and it is hoped that their appeal will meet with a generous response.

MR. GANDHI'S IMPRISONMENT

THE sentence of Mr. Gandhi to six years imprisonment has set the minds at rest, at least of those outside India, who are more concerned about the British supremacy being maintained rather than the so-called British principles. As to whether the sentence has altered the situation in India as desired by the British authorities is very doubtful. Since the imprisonment of Mr. Gandhi, news supplied us by Reuter's agency about the National movement in India are scarcer than ever. This gives us reason to believe that the situation has not grown any the weaker by the latest step of the Indian Government. There were but two alternatives before the Indian Government, viz., either to remove the real causes that led to the present unrest in India or to keep India's eyes closed to all the injustices done to her by that Government and remove all the elements that may be in its way in so doing. The real causes it does not yet want to remove and it has therefore adopted the latter course. It has thus imprisoned practically all the leaders of India and now it has taken the last step by imprisoning Mr. Gandhi who was the soul of the whole movement. We feel that the efforts of the British Government in India to maintain their supremacy by doing the wrong will prove in vain this time. India is now wide awake and the heart of every man and woman is burning with indignation at the injustices they have been subjected to under the British yoke and they are determined to have those injustices removed. This is their supreme test.

Mr. Gandhi's imprisonment has caused a great deal of sensation among the Indians in South Africa and as a mark of respect for their leader and protest against the action of the Indian Government they closed their businesses and held protest and prayer meetings. And in Durban they had also a procession of Indian children. All this has aggravated both our Durban contemporaries the *Natal Mercury* and the *Natal Advertiser*. The former found it difficult to understand what reason Mr. Gandhi's admirers in South Africa had for "passing resolutions by the dozen protesting against his arrest and sentence" and for "attempting to compel other Indians to observe a so-called "day of mourning." If tribute is paid to Mr. Gandhi even in official quarters it should surely not be difficult for the *Natal Mercury* to understand how much more it is the duty of Indians, as Indians, to respect their recognised leader and if they failed in that duty they could no longer be considered fit to take a place among the civilized nations of the world. As to compulsion we do not know where our contemporary has had its information. We know that there has not been compulsion in closing the shops. All shops were closed voluntarily and those that did not wish to close their shops kept them open and were not interfered with by anybody.

The Editor of the *Natal Advertiser* gives a fatherly advice to the Indians in this country and especially the South African born ones. We give below the very words:—

"The Indians in this country, and notably the South African born ones, are not without friends in the Union. At the same time they imperil rather than promote this friendship by their quite gratuitous identification with Gandhi's movement in India. This movement is anti-loyal and unconstitutional, and those who support it, however excellent their motive, cannot escape the charge that they are disloyal to the State to which they owe allegiance. It is

necessary to speak plainly on this matter, because of the growing dangerous sectional tendencies nowadays to divide allegiance between two or more irreconcilable fealties. We have Labour recognising two banners—the Union Jack and the Red Flag. We have Irishmen claiming they can be "loyal" to Britain and to the Republican ideal. We have Hindoos professing to be law-abiding South Africans, good Indians, and faithful followers of Gandhi. The thing is, of course, impossible, and, but for the torpsy-turvy condition of the modern political world, would be recognised for what it is—a palpable absurdity. Gandhi "fasts," Gandhi "mournings," Gandhi "demonstrations" may, for all we know, indicate a steadfast loyalty to some Indian idealism above and beyond our Western conception. The effect they have on European minds is to convince them that, even were he enfranchised to-morrow, the Natal Indian would be as keen as heretofore to stir the cauldron of Imperial troubles. The European, in other words, says that the Indian is bent on agitation, and ought just as well be left a real, as an imaginary, grievance to agitate about. This attitude of mind may be illogical, but it is human: and there is a great deal of human nature even in the very best of us."

Our contemporary considers the Non-co-operation movement in India to be anti-loyal and unconstitutional. In our opinion the Non-co-operation movement is carried much more constitutionally than the Government's policy of repression to suppress that movement. We have not the least bit of doubt in our mind that such a policy in any other country but India would not be tolerated for one minute. As to disloyalty we do not see where disloyalty comes in the movement. Is it disloyal to ask for the redress of the Punjab wrongs; is it disloyal to ask the Prime Minister to redeem the pledge he gave to the Indian Moslems with regard to their holy places; is it disloyal to revive the industries of one's own country and save the millions from conditions of semi-starvation and semi-nakedness? And what is the remedy for a people whose unanimous voice for justice will not be heard by an obstinate Government? The remedy adopted by India is not to co-operate with the Government and suffer all the consequences. No more honourable course could be conceived of. This is the movement that is being carried on by the Non-co-operators in India with Mr. Gandhi at the head, and our contemporary advises our countrymen here not to support this movement lest we may imperil the friendship of those who may be our friends in this country. We believe that one who is not loyal to one's own country cannot be loyal to any other. Indians in this country do not in the least identify themselves with the acts of violence committed in India for they consider people who commit such acts to be even more disloyal to their country and countrymen than to the State. But Indians in this country do certainly openly and whole-heartedly support the Non-violent Non-co-operation movement that is being carried on in India and they believe that that will be the movement which will ultimately bring everlasting freedom to India and improve the lot of her children outside. Lastly, we would say, let "human nature" be what it may but no rights are worth having at the price of one's self-respect and national honour.

TOWNSHIPS FRANCHISE AND LICENSING ORDINANCES

NATAL INDIAN CONGRESS PETITION

The following is the text of a petition sent to the Chairman and Members of the Provincial Council of Natal by the Natal Indian Congress in connection with the proposed Townships' Franchise Ordinance:—

TO THE CHAIRMAN AND MEMBERS OF THE PROVINCIAL COUNCIL OF NATAL

The Petition of the undersigned humbly sheweth:—

1. That your petitioners are the President, and the Honorary Secretaries of the Natal Indian Congress, having its headquarters in Durban.

2. That the Natal Indian Congress with its branch at Pietermaritzburg represents the British Indian community in the Province of Natal.

3. That your petitioners beg to state that an ever-growing number of the British Indian Community is constituted of British Indians born in the Union of South Africa.

4. That your petitioners view with deep concern and dismay the Draft Ordinance entitled "To amend the Local Townships' Law No. 11 of 1881 in regard to the qualification of voters in Townships" proposed to be introduced by Mr. G. H. Hulett, M.P.C., into the Provincial Council of Natal, providing for the disenfranchisement of persons (who not being of European origin) are natives or descendants in the male line of natives of countries which have not prior to the coming into force of the South Africa Act of 1909, possessed elective representative institutions founded on the Parliamentary franchise.

5. That your petitioners strongly, but with respect, object to the said Ordinance on the following among other grounds, namely:—

(a) That it is submitted that the proposed Ordinance is *ultra vires* the powers of the Provincial Council.

(b) That it is unreasonable and arbitrary to seek to dispossess non-Europeans residing in Townships and conforming to the obligations and responsibilities under laws operating in Townships in common with the European section of the Burgesses, of their existing rights to vote in Townships.

(c) That the grounds of disqualification make racial discrimination between sections of Burgesses resident in a Township and substantially affect and interfere with the existing and future rights and interests of Indians.

(d) That your petitioners would urge the Council that the saving clauses in the proposed Ordinance do not in themselves justify the existing and future rights of the British Indian community being taken away in a British Country.

(e) That an Ordinance similar in terms to the proposed ordinance which is now being introduced into the Provincial Council was vetoed by the Governor-General of the Union of South Africa last year.

Your petitioners pray to be heard in person or by Counsel in support of this petition, or be permitted to give evidence before a Select Committee.

Wherefore your Petitioners respectfully pray that the said Ordinance may be rejected.

And for which your petitioners as in duty bound will ever pray.

Dated at Durban, Natal, this 25th day of March, 1922.

(Sd.) ISMAIL GORA, President.

(Sd.) A. CHRISTOPHER

(Sd.) SORABJEE RUSTOMJEE

Hon. Secretaries,
Natal Indian Congress.

169a, Grey Street,
Durban.

A similar petition in connection with the "Rural Dealers' Ordinance" has also been addressed to the chairman and members of the Provincial Council of Natal. Similar Petitions have also been forwarded by the Congress (Maritzburg Branch)

CORPORATION LAND SALES AND INDIANS

WARD 2 RATEPAYERS' REMARKS

At the quarterly general meeting of the Durban Ward 2 Ratepayers' Association held at Umbilo on March 28, some remarks were made in connection with the question of Corporation land sales as affecting the Indian community. The chairman, dealing with the subject is reported to have referred to the demonstration at the recent sale in the Town Hall, and said a resolution had been adopted by the executive of the Association urging the Town Council to take necessary steps to prohibit the sale of land to Indians in European residential areas. Mr. Bennett referred to the demonstration, and said that the European market in Durban was no longer a European market, but an Indian market. There was no segregation and the conditions there were disgraceful. It was time a stop was put to that sort of business. He wanted to know what was to be done in regard to the land that had already been sold to Indians.

A resolution was adopted by the meeting confirming the action of the executive in regard to the sale of municipal land in European residential areas to Indians.

Dr. Francois, referring to land sales, said the Councilors had sought powers from the Provincial Council some years ago, but the Administrator had told them they would not get the powers. The Council were endeavouring to get powers to sell land to recognised buyers, but he had been told on very good authority that they would not get the powers from the Provincial Council, but if they did receive those powers it would take them a very long time to receive them.

MARITZBURG JOTTINGS

[FROM OUR OWN CORRESPONDENT]

On the occasion of the 81st birthday of Mr. John H. Merriman, the Maritzburg Congress sent the following telegram to him:—"In the name of Indian community congratulate you heartily on your 81st birthday. May you live long and lead the light of justice in and out of Parliament", to which the following reply was received:—

"Thank you for your kind message, we shall do our best."

The Hindu Young Men's Association has opened a public reading room, where all leading Tamil journals from India can be read. The hours are from 2 to 9 p. m. daily.

What will the Indian bureaucracy do with Mahatma-jee is the question asked by everyone. In their reign of repression they will of course assign him the same fate as the Ali Brothers. It will then be a step forward in the N. C. O. as the India papers say.

The sensational term of Indian affairs—the resignation of Mr. Montagu, and the arrest of Mahatma-jee, and the anticipated resignation of Lord Reading has led the European Press in South Africa to write long reviews as regards the situation in India. Mr. Montagu's dismissal is hailed with joy, and the hope is expressed that a "strong man capable of initiating a policy which will lead to the recovery of British prestige in India will be appointed" as Secretary for India. Mr. Gandhi is called a sedition monger. He is one of the deadliest enemies the British Empire ever had.

The South African European Press draws its inspiration from papers published in England such as the Northcliffe papers, upon which, it seems, they mainly depend for their Indian news. Recent reports upon Indian happenings, as has been proved several times, are highly coloured, and cannot be relied upon in many instances. The misunderstanding, misrepres-

education, and the lack of knowledge upon Indian affairs, lead one irresistibly to appeal to our leader to carry on a propaganda work to throw light upon the true situation in India.

MR. GANDHI'S IMPRISONMENT

SOUTH AFRICA'S PROTEST

ZEEERUST

A correspondent from Zeerust states:—On receipt of the news of the sentence of Mahatma Gandhi to six years' imprisonment all Indian businesses were kept closed on the 22nd March and a protest meeting was held under the chairmanship of Mr. Goolam Rasool Vahed. The following cable message was sent by the Indian community of Zeerust to the All India Khilafat Committee, Bombay:—

"Indian community deprecates and protests against arrest of Mahatma Gandhi and fully supports his aims convey our sincere congratulations to Mahatma."

BENONI

As a mark of protest against the imprisonment of Mr. Gandhi all Indian businesses were kept entirely closed on the 22nd March.

AN ENGLISH LADY BLESSES

[By Mr. M. K. GANDHI IN "YOUNG INDIA"]

An English lady who sends her name and address, writing from Calcutta says:—

"It elevates one to see the admirable way in which Mr. Gandhi shows us the truth and opens our eyes to the atrocious things that our so-called noble Government are doing daily. The letter that an 'English missionary' has written is admirable. I am afraid, there are many more like her, but are too proud to come forward and acknowledge the noble work that Mr. Gandhi is doing. His patience and work are like the spring that lies hidden far below. No matter what the world may preach, God will give him a harvest greater than he expects. It is only those who work in silence reap the harvest. Millions are watching and judging him. But there is One above all, watching and judging each struggle in his daily life, and when his toil and struggle are over, his work and name will live for ever. His name will be worshipped by millions who have gained freedom by his hard work. God bless and spare him and his dear wife, and give them both health and strength to go on until this struggle is over, which will not be long."

It is not without hesitation that I share this letter with the reader. Although written impersonally, it is so personal. But I hope there is no pride in me. I feel I recognise fully my weakness. But my faith in God and His strength and love is unshakable. I am like clay in the Potter's hands. And so in the language of the Bible, the compliments are laid at His feet. The blessings such as these, I consider, are strength-giving. But my reason for publishing this letter is to encourage every true non-co-operator in the non-violent path he is pursuing, and to win the false ones from their error. This is a terribly true struggle. It is *not* based on hate though men of hate are in it. It is a struggle which is based on love, pure and undefiled. If I felt any hate towards Englishmen or those who in their blindness are associated with the blind administrators, I have the courage to retire from the struggle. A man who has the least faith in God and His mercy, which is His justice, cannot hate men, though at the same time he must hate their evil ways. But having abundant evil in himself and ever standing in need of charity, he must not hate those in whom he sees evil. This struggle, therefore, is intended to make friends with Englishmen and the whole world. It cannot be by false flattery, but by plainly telling Englishmen of India that their ways are evil and that we will not co-operate with them so long as they retain them. If we are

wrong in so thinking, God will forgive us, for we mean no ill to them and we are prepared to suffer at their hands. If we are right, as sure as I am writing this, our suffering will open their eyes even as it has opened those of 'an English lady.' Nor is she the only one. I meet Englishmen during my travels. I do not know them, but they greet me cordially and wish me success and pass on. True, as against scores who thus bless me, there are hundreds that curse me. These curses also I am bidden to lay at His feet. They come from ignorance. Many Englishmen and even some Indians consider me and my activity to be mischievous. Non-co-operators must tolerate even these. If they get angry and retaliate, they lose the battle, whereas if they suffer, they win without fail and without delay. *The whole of the delay is due, I am convinced, to our shortcomings.* We have not been always non-violent. We have, contrary to our pledge, harboured ill-will. Our opponents the English administrators, their co-operators, the Talukdars, the Rajahs have distrusted us and have felt afraid of us. We are bound by our pledge to clothe them with the fullest protection. Whilst we may not help them in the exploitation of the poor and the weak, we must not harm them. Though they are in a hopeless minority, they must be made to feel safer in our midst than they are behind the bayonets. If we were in a hopeless minority, ours would be an easier position—we would long ago have proved our faith. As it is, our numbers embarrass us. The dissatisfaction with the present regime is common to us; but the burning faith in violence. We must not be satisfied till we have rendered impossible the disgraceful scenes that took place in Madras. We must not, with non-violence on our lips, obstruct court proceedings. Either we seek imprisonment, or we do not. If we do, we must let the Government take us away as fast as they wish. The struggle is prolonged to the extent that we fail understand the implications of non-violence.

NON-PAYMENT OF TAXES

[By Mr. M. K. GANDHI IN "YOUNG INDIA"]

The idea of non-payment of taxes is in the air. The Andhras have made us more familiar with the cry than any other part of India. Whilst the Congress has given provincial autonomy to every Province, I have ventured to warn the provinces against embarking upon a non-payment campaign till I had tried the experiment myself in some area under my own supervision. I abide by that warning. I must also draw attention to the fact that we are not to start offensive civil disobedience till the 31st instant; or if it is sooner, till the Malaviya Conference Committee knows the result of its negotiations and knows that the proposed round table conference is not to come off. Therefore any suspension of taxes at the present moment can only be regarded as temporary holding back pending the result of the negotiations carried on by that Committee. But 31st January will be soon upon us. And it is necessary to consider the question of non-payment of taxes in all its bearings.

On this subject a friend who is in deep sympathy with the national movement, and who is a fairly accurate student of it, thus expresses his apprehensions:—

"I have often thought to what extent the non-violent non-co-operation movement transgresses the religious limits, when it embarks on civil disobedience in the form of non-payment of taxes. I look upon the non-violent non-co-operation as essentially a spiritual movement. I know Mr. Gandhi does not think it otherwise. Will not the programme of the non-payment of taxes transgress the religious limit and lead to violence and bring into the movement people who are not as yet saturated with the principle of non-violence? Is not Mr. Gandhi holding out, however unconsciously, a material bait for his spiritual movement by which he

means to conquer the Government? Recent events have shown that the temper of violence and the belief in violence are not eliminated from our character in the mass. And therefore it would be a leap in the dark fraught with disastrous consequences to carry out the programme of civil disobedience in the form of non-payment of taxes. I am therefore most anxious that Mr. Gandhi should not begin civil disobedience in the form as yet."

The validity of the objection lies in the statement that the non-payment campaign will bring into the movement people, who are not as yet saturated with the principle of non-violence. This is very true, and because it is true, non-payment does 'hold out a material bait.' It follows, therefore, that we must not resort to non-payment because of the possibility of a ready response. The readiness is a fatal temptation. Such non-payment will not be civil or non-violent, but it will be criminal or fraught with the greatest possibility of violence. Let us remember the experience of Pandit Javaharlal Nehru when the peasants, after they had taken the pledge of non-violence, told him that if he advised them to do violence, they would be certainly ready to do so. Not until the peasantry is trained to understand the reason and the virtue of *civil* non-payment and is prepared to look with calm resignation upon the confiscation (which can only be temporary) of their holdings and the forced sale of their cattle and other belongings, may they be advised to withhold payment of taxes. They must be told what happened in holy Palestine. The Arabs who were fined were surrounded by soldiers. Aeroplanes were hovering overhead. And the sturdy men were dispossessed of their cattle. The latter were impounded and left without fodder and even water. When the Arabs, stupefied and rendered helpless, brought the fine and additional penalty, as if to mock them, they had their dead and dying cattle returned to them. Worse things can and certainly will happen in India. Are the Indian peasantry prepared to remain absolutely non-violent, and see their cattle taken away from them to die of hunger and thirst? I know that such things have already happened in Andhra Desh. If the peasantry in general knowingly and deliberately remain peaceful even in such trying circumstances, they are nearly ready for non-payment.

I say 'nearly ready', for non-payment is intended to transfer the power from the bureaucracy into our hands. It is therefore not enough that the peasantry remain non-violent. Non-violence is certainly nine-tenths of the battle, but it is not all. The peasantry may remain non-violent, but may not treat the untouchables as their brethren; they may not regard Hindus, Musalmans, Christians, Jews, Parsis, as the case may be, their brethren; they may not have learnt the economic and the moral value of the *charka* and the *khaddar*. If they have not, they cannot gain Swaraj. They will not do all these things after Swaraj, if they will not do them now. They must be taught to know that the patience of these national virtues means Swaraj.

Thus civil non-payment of taxes is a privilege capable of being exercised only after rigorous training. And even as *civil* disobedience is difficult in the case of a habitual offender against the laws of the state, so is *civil* non-payment difficult for those who have hitherto been in the habit of withholding payment of taxes on the slightest pretext. Civil non-payment of taxes is indeed the last stage in non-co-operation. We must not resort to it till we have tried the other forms of civil disobedience. And it will be the height of unwisdom to experiment with non-payment in large or many areas in the beginning stages.

I hear the talk even of refusing payment of rent to Zamindars. It must not be forgotten that we are not non-co-operating with Zamindars, whether Indian or foreign. We are engaged in a fight with one big Zamindar—the bureaucracy—which has made of us and the Zamindars themselves serfs. We must try to

bring round the Zamindars to our side, and isolate the big Zamindar. But if they will not come to us, we must be patient with them. We may not even proclaim a social boycott against them. That is to say, we may not refuse social service such as dhobie, barber etc. to them. In areas under permanent settlement therefore, there can be no non-payment campaign except in respect of cesses that might be payable directly to the Government. But the mention of Zamindars merely shows the difficulties that beset us in the pursuit of no-tax campaign. All things considered, therefore, it is my deliberate opinion that the no-tax movement for the objects of the Congress should be for the time being left to me; meanwhile workers can develop their own districts along constructive lines. They can discover various other methods of offering mass civil disobedience, and then, as the people become purified and enlightened, lead them on to non-payment.

As for the Andhras where preparations on an intensive scale have already been made, I do not wish to damp the ardour of the workers. If they are satisfied that the people in the selected areas fulfil all the tests laid down at Delhi, and that they are capable of endless suffering without retaliation, I have nothing to say but to pronounce 'God bless the brave Andhras.' They must know that the responsibility will be entirely theirs for any mishap that may occur. They will not be blamed by anybody if they do not take up the no-tax movement.

BOOKS FOR SALE

To be obtained from the *Indian Opinion Press, Phoenix, Natal*. Postal Orders to be made payable at Durban.

The Hon. Mr Gokhale and the Indenture System	1 0
Essays on Indian Art, Industry and Education, by E. B. Havell	2 0
The Indian National Congress, its Origin and Growth	2 6
My Indian Reminiscences by Dr. Paul	2 6
Life Irrigation	3 9
The Swadeshi Movement	3 9
Speeches on Indian Affairs by John Morley	3 6
Hindu Psalms and Hymns	2 0
The Hon. Mr. Gokhale's Tour in South Africa : Special INDIAN OPINION Souvenir.	2 6
The Ethics of Passive Resistance	2 3
Indian Home Rule, by M. K. Gandhi	1 6
A Book—and its Misnomer	1 0
Bhagavad Gita. Mrs. Besant's Translation	2 6
Asiatics Registration Amendment Act (1908) in English and Gujarati	0 6
Shri Madhwa Charya	1 6
Position of the Women in the Vedas	2 6
Hinduism, by Dr. Barnett	2 0
Letters of John Chinaman	2 6
Improvement of Indian Agriculture	2 6
The Tragedy of Empire	1 9
Hindu Social Ideals, by P. J. Mehta	2 0
M. K. Gandhi, " " "	2 6
Rise and Growth of Bombay Municipal Govt.	4 6
Agricultural Industries in India	2 6
Speeches and Writings of Dr. R. S. Bhatry Ghose	3 6