

Indian Opinion

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RIGHTS OF EXEMPTED INDIANS IN TRANSVAAL

AN IMPORTANT JUDGMENT

S. B. MEDH vs. IMMIGRANTS APPEAL BOARD

AN important judgment in the case of S. B. Medh vs. Immigration Appeal Board was delivered on April 27 in the Supreme Court (Transvaal Provincial Division) by Mr. Justice Krause which settled in the community's favour the question of rights of holders of Exemption Letters in the Transvaal. The following is the full text of the judgment:—

KRAUSE J.: This is a stated case, in accordance with the provisions of section 3 (2) of Act 22 of 1913. It would appear that the matter has already been before this Court, and there is only one point that we have to consider and deal with at the present moment.

The appellant is an Indian and, on the facts set out by the Board, he took part, from 1908 until the settlement which was arrived at with the Government, in what is called the "Passive Resistance movement." He entered the Transvaal on several occasions, was deported time after time, and, as a matter of fact, imprisoned for defying the law which at the time existed, until eventually he obtained, in May, 1911, a temporary permit, entitling him to remain in the Transvaal under the provisional settlement which ended the Passive Resistance struggle. It would appear from paragraph 5 of the stated case that, he had on that occasion, also entered the Transvaal without authority. This temporary permit was extended from time to time, and the appellant, according to the stated case, left the Transvaal for India, returned again to the Transvaal and eventually, in 1913, his temporary permit was extended to the 30th June 1913, and he continued then to reside in the Transvaal. Then, on the 1st August 1913, Act 22 of 1913 came into operation. Section 25 of that Act makes provision for the granting of certain rights to persons: it provides, in sub-section (1): "Anything to the contrary notwithstanding in this Act contained, the Minister may, in his discretion, exempt any person from the provisions of paragraphs (a), (b), (c), (d), of sub-section (1) of section four or, subject to the provisions of section seven, may authorise the issue of a temporary permit to any prohibited immigrant to enter and reside in the Union or any particular Province upon such conditions as may be lawfully imposed by regulation."

Evidently, after the expiry of his temporary permit, the appellant, on the 30th July, 1914, obtained what is called in paragraph 11 of the stated case a "letter of exemption" issued to him by the Minister of the Interior. It is alleged that this was granted under the Immigrants Regulation Act No. 22 of 1913. These are facts as found by the Board and submitted to us and of course we have to accept and act upon these facts.

The letter of exemption is in the following terms: "I am to say that it appears desirable with the expiry of the temporary permit issued to you as one of the specially selected Indian entrants who, in

terms of the understanding with the Government were to be admitted to the Transvaal during the year 1911 that you should be placed in possession of some written intimation from this Department that your entry was permitted and that so long as you maintain a domicile in the Transvaal you are authorised to reside in that Province. This letter will therefore serve to show that your entry into the Transvaal was permitted by the Minister of the Interior and that your residence there, so long as you maintain a domicile, is authorised."

The appellant left the Transvaal again for India in 1916, returned in 1917, and again in 1918 he left for India and returned only on the 30th June, 1927. The Board finds that he has never been lawfully resident in the Transvaal for a continuous period of three years otherwise than under terms of conditional or temporary permit, and is also satisfied that the appellant, when he left for India in 1918, did not intend to return to the Transvaal. Attached to the stated case is a letter dated 30th April, 1919, on the subject of letters of exemption addressed to the Transvaal British Indian Association by the Secretary for the Interior, Clause 19 of this letter is invoked and the Court is asked from it to infer what was really intended by the Minister at the time when the appellant was given his letter of exemption in 1914.

The subject head of clause (19) is: "Exempted Indians in the Transvaal should be placed on the same footing as those holding registration certificates" and it reads as follows: "Holders of letters of exemption are entitled to all privileges possessed by Indians in the Transvaal who are there under registration certificates, but as the law stands at present it is impossible to secure trading rights to holders of letters of exemption. It is hoped that the Select Committee previously referred to will deal with this matter in their report to be presented to Parliament."

The question, therefore, which we are called upon to decide is, what is the meaning of or the interpretation to be attached to the above letter of the 30th July, 1914, given to the appellant.

I do not think there can be any doubt that, when a public official, like the Minister, grants a privilege to any subject, he must be taken to intend to act, and does act, under some provision of a law; he cannot dispense any privileges except in terms of some statute which empowers him to do so. He is not an autocrat, but a constitutional Minister. Now this letter is an exemption given to an Indian *qua* Indian, and he is described as one of the "specially selected Indians." We know as a fact that Indians *qua* Indians, as a class, in terms of section 4 (1) (a) of Act 22 of 1913, which is the Immigrants Regulation Act, are considered by the Government as falling under a specific class of persons who are *per se* prohibited immigrants. It was contended by Mr. Naser, who appears on behalf of the respondent, that in this

letter the Minister never intended to exempt the appellant from the provisions of section 4 (1) (a), and he says that the very fact that, in the letter, the question of maintaining a domicile is specifically referred to, goes to show that the Minister could not have intended to bring the appellant under the provisions of section 4 (1) (a), because, he says, a person who has an exemption under section 4 (1) (a)—namely, that he does not fall under the class there specified as a prohibited immigrant—could never obtain or secure a domicile in the Transvaal.

It seems to us, however, that we must give a reasonable interpretation to this letter; in other words we must give some beneficial effect to it. If one looks at the facts which are disclosed and to the letter itself it is evident that the Minister never intended to give a purely nugatory or valueless document. We must take it that the Government is presumed to have acted in good faith, and that when the letter itself refers to an "understanding" arrived at between the Indians in the Passive Resistance Movement and the Government we must infer that certain privileges which these Indians had been contending for had eventually been granted to them by the Government, and that the Minister, in this letter, purported and intended to give effect to that honourable understanding which had been arrived at. As I have already indicated, as Indian *qua* Indian is considered by the Government as a prohibited immigrant, falling under the class described in section 4 (1) (a), and therefore the question is, what value is this letter—as it is admitted to be a letter of exemption—to the appellant? It is perfectly true the letter itself does not mention paragraphs (a), (b), (c) and (d) as set out in the section of the Act, but we are satisfied that we should give the letter such an interpretation as would naturally give effect to the intention which must have been present in the mind of the Minister at the time when these circumstances prevailed; in other words, we are entitled to rely upon the surrounding circumstances which have been disclosed in the stated case to us, in order to enable us to arrive at the real intention of the Minister. This is not a case where the Court is bound by the ordinary rules of interpretation, which stipulate that the Court cannot travel outside the words themselves of the document in order to ascertain the intention of the parties thereto. Here the stated case discloses to us the peculiar circumstance under which the letter came to be written; it also discloses the fact that the appellant is a "specially selected entrant," further that it was an amicable understanding arrived at, then also we have the letter of the 30th April, 1919, which states what the grievances were and what view the Minister at the time took as to what should be the effect of any letter of exemption granted to any Indian who had taken part in the Passive Resistance movement. In view of those circumstances, I think the only reasonable interpretation we can give to this document is that the appellant is exempted in terms of section 25 (1) of the Act and, as no restrictions, with the exception of the one I shall refer to presently, have been imposed upon him, he is entitled, on this letter of exemption, to all the privileges which at the time the Minister, in his discretion, was entitled to grant to an individual who obtained such a letter of exemption. Mr. Neser, in his argument, as already indicated, has argued very strenuously that this letter of exemption did not bring the appellant under section 4 (1) (a), by reason of the fact that he must maintain a domicile in the Transvaal. But as pointed out by Mr. Millin, nowhere in this section 25 does it appear that the Minister is entitled to impose any conditions in any letter of exemption which he may grant to any person. The second portion of the section, dealing with temporary permits, does not show that conditions might be imposed if provided for by regulation. But those con-

ditions would be by regulation approved of by the Governor-General, because it is the Governor-General who may make those regulations. As far, however, as the first part of section 25 (1) is concerned, namely, dealing not with prohibited immigrants, but with persons whom the Minister may, in his discretion, exempt from these particular provisions, there is no power granted to the Minister to impose any condition in any letter of exemption. It has been decided in this Court, and other South African Courts, that where a public official or body is by law entrusted with discretion to grant or refuse any particular right or privilege, and the law itself does not empower that person or body to impose any conditions in the grant, if the person or body does impose a condition which there is no power to impose, or which is in conflict with the law itself, then in effect the person or body purports and intends to exercise a discretion which is not actually entrusted to him or it, with the result that any such condition which is not authorised is of no effect and is absolutely void, and the grant stands with the condition deleted therefrom.

We have therefore come to the conclusion that the provision in this letter of exemption, namely that the appellant should maintain a permanent domicile in the Transvaal is entirely nugatory and void. For these reasons, the question put to the Court must be answered in favour of appellant.

With regard to the costs of the previous hearing, I understand that the appellant has agreed to pay the wasted costs, but he is entitled to the costs incurred in respect of the hearing of this point.

MR. MEDH WINS HIS CASE

MR. S. B. MEDH accompanied by Mr. P. K. Desai returned from India, it will be remembered, about a year ago and on entering the Transvaal were declared prohibited immigrants on the grounds that the exemption letters they were in possession, (for they were among the specially exempted entrants in the Transvaal after the Passive Resistance Struggle in 1913), were invalid as they had failed to maintain their domicile in the Transvaal as provided therein, they having stayed too long in India. They were therefore allowed to be in the Transvaal on temporary permits having deposited a bail of £50 each.

On appeal to the Board the Board upheld the decision of the Immigration Officer and dismissed the appeal, and on a point of law the matter had come before the Supreme Court of the Transvaal in the form of a stated case and the judgment was given on April 27 in Mr. Medh's favour the text of which we publish elsewhere in this issue.

Taken at its face value the letter of exemption gave little hope of Mr. Medh's succeeding but light was put on the spirit in which the exemption was granted at the

time and that has obviously impressed the learned Judges.

The question at issue was whether the provision in the letter of exemption of maintaining a permanent domicile in the Transvaal had any meaning. This was not the first occasion when the question of these specially exempted entrants was raised, for, as far back as 30th April 1919, a letter was addressed to the Transvaal British Indian Association by the Secretary for the Interior, in which it was stated that: "Holders of letters of exemption are entitled to all privileges possessed by Indians in the Transvaal who are there under registration certificates, but as the law stands at present it is impossible to secure trading rights to holders of letters of exemption." This was a clear definition of the rights of holders of letters of exemption.

Now, it was never incumbent upon the holder of a registration certificate to maintain his domicile. He came whenever he liked and was allowed to enter without any question. And the same rule, according to the above letter, should apply to exempted Indians. But the Immigration authorities in the case of Messrs. Medh and Desai chose to comply strictly with the wording of the document.

Mr. Justice Krause in his judgment, however, states that, "this is not a case where the Court is bound by the ordinary rules of interpretation, which stipulate that the Court cannot travel outside the words themselves of the document in order to ascertain the intention of the parties thereto. Here the stated case discloses to us the peculiar circumstances under which the letter came to be written; it also discloses the fact that the appellant is a 'specially selected Indian entrant,' further that it was an amicable understanding arrived at, then also we have the letter of the 30th April 1919." In view of these circumstances, the learned Judges thought the only reasonable interpretation they could give to the document was that appellant was exempted in terms of section 25 (1) of the Act and was entitled to all the privileges which at the time the Minister, in his discretion, was entitled to grant to an individual who obtained such a letter of exemption.

Dealing with the condition imposed upon the appellant in the letter, that he should maintain his domicile in the Transvaal, the

learned Judges held that there was nothing in section 25 which entitled the Minister to impose any conditions in any letter of exemption which he may grant to any person. That if conditions may be imposed it would be provided for by regulation approved of by the Governor-General, because it is the Governor-General who may make those regulations, but as far as the first part of section 25 (1) was concerned dealing with persons whom the Minister may, in his discretion, exempt from these particular provisions, there was no power granted to the Minister to impose any condition in any letter of exemption. It was further pointed out by Mr. Justice Krause, that in circumstances where a condition was imposed when there was no power to do so or which was in conflict with the law itself, the South African Courts had previously decided that such a person or body, in effect, had purported and intended to exercise a discretion which was not actually entrusted to him or it, with the result that any such condition which was not authorised was "of no effect and was absolutely void, and the grant stood with the condition deleted therefrom."

Thus the learned Judges have decided the case in favour of the exempted Indians in the Transvaal. It is gratifying to feel that in South Africa, where the outlook for a voiceless community such as the Indian community is so dismal, there is an impartial tribunal to which we can look to for justice.

We would have wished that this case had not gone to Court. More than a case of right it was a case of keeping an agreement honourably arrived at between the Government and Indians. These exemptions the Government were pleased to grant when the Indian community on their part agreed to a closed door policy. And this particular one was one of those which the Government had been pleased to grant to specially selected Indians in recognition of the sufferings they had undergone. It would be highly creditable if the Government in the present instance would take their defeat good-humouredly and not proceed with the matter further, for after all, these are perhaps the only two and the last cases that they have been faced with. We, however, regret to learn that they are contemplating to take the matter to the Appellate Division.

TRUTH ABOUT INDIAN EDUCATION

THE memorandum on Indian Education in Natal by Mr. Kailas P. Kichlu, M.A., the Indian Educational Expert sent by the Government of India to assist the Educational Inquiry Commission, and who is at present in our midst, is a document which will stand as an everlasting monument to his visit to South Africa and his immeasurable services to the Indian Community in respect of education. Mr. Kichlu has revealed some truths about Indian education in Natal which are not only unchallengable by the Authorities but which will put them to shame if they have any. We can just imagine the faces of the Commissioners—how they must have paled when this memorandum was submitted to them. Any person who knew nothing about the real facts would no doubt be staggered by the revelations made in this memorandum unless, of course, as the *Natal Advertiser* very appropriately puts it, he was cast in a peculiarly impervious mould.

According to Mr. Kichlu's memorandum during the two years 1925-26 and 1926-27 a sum of £168,914 and £22,966 was spent by the Provincial Administration on European and Coloured education respectively in addition to the amount received as subsidies for the two sections, whereas in the case of Indian education, during the same period, not only was the whole subsidy received for the purpose not spent thereon, but a sum of £18,817 was actually saved from the subsidy for that branch of education and added to the Provincial revenues. This sum added to the sum of £8,398 saved in 1927-28 and further to the sum of £9,000 which it is calculated would also be saved in 1928-1929 unless the budget estimates for the year are raised to a figure not less than the amount of the subsidy to be received for that year and the amount so provided is actually spent in that year on Indian education, we arrive at a total of £36,215 being saved by the Provincial Administration during the five years from subsidy received for Indian education!

The above figures relate to recurring expenditure only through which Mr. Kichlu has shown how shabbily Indians have been treated in respect of education. He then enters into the matter of capital

expenditure on school buildings and goes to show that even in this connection while European schools have been treated in a very generous manner the Indian schools have not received even bare justice. Quoting from the Provincial Auditor's Report for 1926-27 Mr. Kichlu points out that during the last 17 years while the Provincial Administration has spent the large amount of £903,779 on buildings of European Coloured and Native schools, (the bulk of the expenditure being on European school buildings), it has spent during the same period a small amount of £19,158 on buildings of Government Indian schools. There are two Government schools which are badly housed in rented buildings and no Government buildings have been constructed for them while the condition of Government-aided school buildings, is simply pitiable. Mr. Kichlu points out further that the total cost of the latter buildings comes to £22,755, towards which the Indian community has, in the shape of local subscriptions and school fees, contributed about £15,000 while the Administration has given only £3,685 in all as building grants for these schools.

The memorandum is full of further valuable information dealing with the different aspects of Indian education but time and space does not permit us to deal with it in this article.

The above figures are too glaring to need any comment. They are sufficient to show how Indian education in the Province has been neglected and who is responsible. The Provincial Administration cannot boast of having spent a brass farthing on Indians in respect of their education but it has, on the contrary, starved Indian education to the extent of £27,215 in the three years 1925-26, 1926-27, and 1927-28 in order that the revenues of the Province may profit.

The past, however, will have to be forgotten but it is high time that things were now viewed in the light of the Capetown Agreement and steps taken to remedy the wrongs done. In this connection we have to note with gratification the stand taken on the side of right and justice by the *Natal Advertiser* and the *Natal Witness*.

Agreement Discussed In Parliament

Working Of The Repatriation Scheme

Dealing with the illicit entry of Indians into the country, during the consideration of the vote for the Department of the Interior in the House of Assembly last Tuesday, Mr. D.F. Malan pointed out that the bonus given to repatriated Indians was in the nature of a *quid pro quo*, and there was a definite understanding with the Indian organisation that they would not countenance the illegal entry of Indians. The Indians' own association had set their faces sternly against it, and so far as he knew, the undertaking given was operating fairly well. There were certain sections of the community against it, but they were in a small minority.

Indians who entered illicitly and wished to have their offence condoned had to approach the Government through their own organisation and were given until October 1 to report. If they did not their case would not be considered, no matter how long they had been in the country.

A member: What will you do with them?

The Minister: I will deport them.

A voice: You will never get them.

The Minister: I may not, but I hope the police will.

Dr. Malan went on further to explain that the repatriation of Indians accounted for £55,000.

"I don't think," remarked Dr. Malan, "any hon. member will object to this, because it is a definite policy laid down by the Government and approved of by Parliament. Surely you do not grudge this £55,000 extra. And if we should increase it to £200,000 a year I do not think the House will object, because with this repatriation scheme we have arrived at a most amicable solution of a very pressing problem."

The scheme, said the Minister, had now been working for eight months, for which period the number of repatriated Indians numbered 4,118. This was a very considerable increase on past figures, the highest number of repatriates in any one year prior to the agreement with India being 2,900 in 1921. After that year the figures declined, and with the introduction of the Class Areas Bill in 1924 the number of Indians leaving the country dropped almost to nil. But since the agreement came into operation there was a steady increase, and on the basis of the figure of 4,118 for the period of eight months mentioned it might be accepted that the figures would reach 6,000 a year.

Arrangements With Indian Government

"Full arrangements for receiving repatriates had not yet been completed with the Government of India, but he hoped that arrangements would soon reach a stage when they would have the most beneficial effects upon the scheme in future years."

Before the recent agreement 600 Indians a year were returning to the Union. Under the agreement, slight changes had been brought about in the conditions. The effect of the changes had been that more Indian women were entering the country.

Mr. Nel: Why?

Dr. Malan: For the very good reason that their husbands are here.

"There has been a very big reduction in the number of boys entering the country," went on the Minister. "The effect of the agreement will be that the former stream of Indian youths entering the country will practically cease, while for a time more women will arrive. That will make for a more settled home life, and the discontinuance of the emigration of Indians born with India."

Illicit Entrance

"It has been said that the number of Indians entering the Union illicitly is very much on the increase," continued Dr. Malan. "If members have any information give it to the police. But my department considers that there is very little illicit entrance."

Mr. Nel: No; that is quite wrong.

The Minister: It is the hon. member's duty to inform the police if he knows of cases; but it is no use making these unsubstantiated statements here.

"Another question that has been raised," said the Minister, "is that of provincial barriers against Indians. Mr. O'Brien had made an attempt to induce the House to do away with these barriers, but we do not want another revolution in this country. I do say, however, if we do away with these barriers we certainly will have a revolution in at least three provinces."

Mr. O'Brien Disappointed

Mr. O'Brien expressed deep disappointment at the Minister's decision not to permit any breaking down of provincial barriers as far as Asiatics were concerned. Poor whites were being sent to Natal in their thousands, and Natal expected a *quid pro quo*, and was quite willing to do its share towards the solution of the poor white problem, though it never had any poor whites of its own.

But, went on Mr. O'Brien, they asked for barriers against the movement of Indians in the Union to be removed. Natal had never been consulted before the Indian agreement was entered into. True, Mr. Boydell was at the round table conference, but did he state the wishes of Natal in connection with the problem?

The figures given by the Minister meant nothing, and in the next two years the country would know whether the Asiatics who were leaving the country were leaving for good or whether they were merely going on holiday.

Mr. O. R. Nel thought the Minister was sublimely innocent if he thought the Asiatic organisation would divulge the names of Indians entering the Union illegally. He said that Portuguese territory was a stepping-off ground for Indians entering the country.

Further, Mr. Nel asked the Minister if he had any knowledge of the insidious attempts to gain a firmer footing by the purchase of land by Indians.

The Minister said there was a slight falling off in the number of Indians leaving under the bounty scheme. He attributed this to the reluctance of Indians to travel during the monsoon season.

The Minister denied the statement made that he had demanded technical education for Indians in Natal. The furthest he had gone in Natal and the Transvaal was to suggest that technical colleges should consider the requirements of all classes of the community.

Mr. Alexander regretted that the question of the Indian agreement had been brought up so frequently. Such attacks, he said, were unfair and prejudicial to the working of the agreement, which had only been in force for a short time. He also regretted that Mr. Nel was so prejudiced that he could not trust the Indian Association.

"After all—and I think the Minister will bear me out, in nearly all cases where illegal entries have been discovered—it has been because of the information volunteered by the Indians themselves," said Mr. Alexander.

The Minister: That is so.

Mr. Nicholls regretted that the Minister had by quoting large figures inculcated in the minds of the public the mistaken belief that all Indians would ultimately leave the country. The Minister must have been aware that the numbers he quoted as leaving were not as great as the birth-rate.

The Minister: There is a reduction in the population of Indians.

Mr. Nicholls: I fear not. Indians born here are not leaving.

Dr. Malan: Thirty-three per cent of Indians leaving are South African born.

Mr. Nicholls: I don't think the departures are keeping pace with the natural increase. I don't wish to criticise the agreement, but it has placed a very big, unbearable burden on Natal. We should like some more consideration of our point of view.
—*Natal Witness.*

Activities of Indian Social Service Committee

Appalling Conditions In Corporation and Railway Indian Barracks

A scathing indictment of the conditions under which Indian employes are housed in the various corporation barracks, is contained in a report drawn up by the Indian Social Service Committee, which was formed last year for the purpose of investigating and improving the sanitary and housing conditions of the poorer classes of the Indian community.

"Some months ago" (the report states) "we drew the attention of both the M. O. H. and the Town Clerk to the uninhabitable state of the Indian barracks near the Power Station, and our chairman was informed that those buildings were to be pulled down and that plans for new quarters and the necessary vote for putting the plans into operation had already been passed and building construction had actually been commenced; but we still find that no improvement has been effected.

"We have already completed our visits in the whole of the Borough, and having visited all the quarters provided for by the Municipality for their Indian employes, we have been directed by our Committee to bring to your notice the state of affairs as we have found it. The following are our observations:—

Squalor And Degradation

"The barracks near the Power Station are the worst we have seen of your premises. The buildings are in a very dilapidated state. One can see the sky through some of these rooms. The roofs are old, rusty, patched up irons. The verandahs are all broken. There are no gutters of any kind to carry away the storm water. There are two gulleys right in front of some of these rooms, which are death traps. The drain conveying the dirty water from the Indian market passes under these buildings and is quite open. The two ditches close by on either side of the road are a breeding ground for mosquitoes. The accommodation given to family men is quite inadequate. The kitchens are mere pretensions for such. The lavatories for men and women are under the same roof, and there is no privacy whatsoever. We are given to understand that there have been cases of natives having molested Indian women in the bath rooms. Natives also make use of these bath rooms and latrines. There is no screen whatsoever to the women's bathroom.

"At the time of the smallpox outbreak in 1926, and even before that, these buildings were condemned, and yet not one finger has been moved to better the housing conditions of these people.

No Privacy

"At the Depot Road barracks the quarters provided for the bachelors are in a scandalous state. In small sheds which are in a rotten condition, with broken windows, pieces of dirty sacks and old cardboard serving the purpose of window panes, 10 to 12 men are required to accommodate themselves, cook their food there, eat and sleep.

"The accommodation provided for a family of five or six souls is quite insufficient. The greater portion of the rooms are uninhabitable. The latrine and facilities are quite inadequate, and the objectionable feature of these facilities is that they are under the same roof, only a wall dividing the men's from the women's, and there exists no privacy whatsoever in either. We understand that although extensive alterations were recommended and passed by the Council over a year ago to these barracks, nothing has been, so far, done.

"As to the stable barracks near the Beach, at the end of Ordnance Road, although there is plenty of fresh air available, the buildings are more or less of the type to be found at the Depot Road barracks. The windows here cannot be opened, the sash cords being broken and the windows nailed to prevent them from falling, and a good many of the window panes are also missing:

"Here, too, the bathrooms and lavatories are built under the same roof for men and women, with only a partition wall and no manner of privacy for the users thereof. What is still worse is that natives working for the Corporation at the Beach foreshore make use of them.

"Shameful Conditions"

"We are regretfully compelled to draw your attention to the disgraceful state of the Corporation lavatory at the junction of Commercial Road, Grey and Pine Streets.

"A very frequent complaint is made by the Indian market gardeners, squatters, and others that the lavatory built near the said market is constantly used by the natives also. We certainly think that this practice should be stopped if any serious affray is to be avoided.

"The employes having been removed from the Brand Road barracks to their new quarters in Alsea Street, we do not wish to comment upon those buildings.

"Most of these wood and iron quarters have no lining and ceiling, and we just leave it to your imagination to describe how the unfortunate creatures who occupy them will feel in winter and summer.

"Our Committee respectfully ventures to suggest that wherever lavatories are built for the use of Indians, there be placed in some conspicuous spot some distinctive sign denoting that the same is for their use, and similarly for the use of the men and women.

"In view of the report in the local papers a few days ago that a sum of £50,000 is to be earmarked for the Indian housing scheme, our committee is confidently hopeful that the above matters need only be brought to the notice of your august body, and that you will give your sympathetic and favourable consideration to remedy the evils complained of."

Conditions In Railway Quarters

The Committee has also submitted a report to the General Manager of the South African Railways. This report, among other things, states:—

"In making the periodical visitation to the quarters provided by the Railways and Harbours Administration for their Indian employes, we are deeply pained at the total inadequacy, and in one case, the utter unsuitability of these quarters for human habitation, and the deplorable and scandalous state of conditions under which these unfortunate people are compelled to live.

"I am directed by the Committee to bring to your notice the following matters, which we venture to urge require the serious consideration of the Department over which you have the honour to preside in this Province:—

"(1) To a married man with a wife and two or three children, there is only one room about 8 x 10 given; and in this one room they are expected to cook their food, eat and sleep, store the necessaries of life

and the cooking utensils, etc. The worse type of room is in Point Road, the place known as the African Boating Company Barracks (Native Compound) which is about 6 x 9.

"(2) At the Barracks in Depot Road, there are no bathing facilities for women. There was, we understand, a bathroom previously, under the same roof as the men's, with a partition in the middle, which is now used by the Native males, who reside in the adjoining barracks.

"(3) The convenience for men and women are not adequate, and those that exist are under the same roof.

One Kitchen for 10 Families

"The bathrooms for men and women at the barracks in Camperdown Street are under the same roof, there being only a dividing wall. At this barracks one kitchen with three fire-places is provided for 10 families, and the railing upstairs has no proper protection or wire netting to prevent children from falling off. All along the railing there are pieces of planks and old sacking, hammered here and there. There are big gaps everywhere in the old wire-netting, making it a grave danger to the children of these poor people. We were informed that about three or four weeks ago a child actually fell off the balcony and very narrowly escaped from being killed.

"(5) The quarters at the African Boating Company Barracks, in Point Road, are the worst of all; very poorly ventilated. In the broad daylight they were so dark that only with difficulty was one able to find his way; just a narrow passage divides the rooms, and here they were practically packed like sardines. There is no bathroom here, and they are expected to bathe in the lavatory.

"(6) At the Depot Road Barracks the Native employees in the adjoining barracks go through the Indian Barracks, which should be stopped if any serious affray is to be avoided, as we are informed that Indian women are frequently exposed to insult by the Natives.

"(7) The practice of allowing Native and Indian employees to be accommodated in the same compound as in the case of the African Boating Company Barracks (Native Compound), in Point Road, and the one for the harbour employees, at the extreme end of the Point, is detrimental to the best interests of both races.

"(8) There is no privacy of any kind in the lavatory and bathing arrangements, wherever they exist."

Borough Engineers Report

Dealing with the Town Council's plans for the construction of new Indian barracks, Mr. H. Serridge, Acting Borough Engineer, writes in his monthly report—

"Of the two amounts, viz., £4,500 and £25,000, placed on the estimate for the erection of new barracks for Indian employees, the former has been expended on new buildings at the rear of the car sheds, and one-third of the latter will be required for the two blocks of buildings about to be erected at the magazine site, Depot Road. The plan shows that further buildings can be erected at the magazine site without first demolishing any of existing wood and iron structures; and it is recommended that another contract be let for the erection of two additional blocks of buildings together with sanitary convenience. The expenditure involved is £9,000, exclusive of the cost of hardening the yards, sewer extensions, and main stormwater drains.

"Attention is drawn to the necessity of paving the yards between the buildings at Alice Street barracks. The most suitable type of pavement would be one course concrete similar to that laid at the adjoining native barracks. It is recommended that an expenditure of £500 be incurred on this work."

Of 14 tenders submitted for the magazine barracks quarters, the lowest was £8,574, which Mr. Serridge recommends for acceptance. He also asks for authority to prepare plans and specifications and invite tenders for two further blocks at an estimated cost of 10,000.

The Story of My Experiments With Truth

[BY M. K. GANDHI]

Part IV. Chapter XI.

INTIMATE EUROPEAN CONTACTS

This chapter has brought me to a stage, where it becomes necessary for me to explain to the readers how this story is written from week to week.

When I began writing it, I had no definite plan before me. I have no diary or documents on which to base the story of my experiments. I write just as the Spirit moves me at the time of writing. I do not claim to know definitely, that all conscious thought and action on my part is directed by the Spirit. But on an examination of the greatest steps that I have taken in my life, as also of those that may be regarded as the least, I think it will be improper to say that all of them were directed by the Spirit.

I have not seen Him, neither have I known Him. I have made the world's faith in God my own, and as my faith is ineffaceable, I regard that faith as amounting to experience. However as it may be said that to describe faith as experience is to tamper with truth, it may perhaps be correcter to say that I have no word for characterising my belief in God.

AS THE SPIRIT PROMPTS ME

It is perhaps now somewhat easy to understand why I believe that I am writing the story as the Spirit prompts me. When I began the last chapter I gave it the heading I have given to this but as I was writing it, I realised that before I narrated my experiences with Europeans, I must write something by way of a preface, which I did and altered the heading.

Now again, as I start on this chapter, I find myself confronted with a fresh problem. What things to mention and what to omit regarding the English friends I am about to write of is a serious problem. If things that are relevant are omitted, truth would be dimmed. And it is difficult to decide straightway what is relevant, when I am not sure even about the relevancy of writing this story.

I understand clearer to-day what I read long ago about the inadequacy of all autobiography as history. I know that I do not set down in this story all that I remember. Who can say how much I must give and how much omit in the interests of truth? And what would be the value in a court of law of the inadequate *ex parte* evidence being submitted by me of certain events in my life? If some busy-body were to cross-examine me on the chapters already written, I know that he might be able to shed much more light on them, and if it were a hostile critic's examination, he might even flatter himself for having shown up 'the hollowness of many of my pretensions.'

I, therefore, wonder for a moment whether it may not be proper to stop writing these chapters. But so long as there is no prohibition from the voice within, I must continue the writing. I must follow the sage maxim, that nothing once begun should be abandoned unless it is proved to be morally wrong.

I am not writing the autobiography to please anyone. Writing is in itself one of the experiments with truth. One of its objects is certainly to provide

some comfort and food for reflection for my co-workers. Indeed I started writing it in compliance with their wishes. It might not have been written, had Jeramdas and Swami Anand not persisted in their suggestion. If, therefore, I am wrong in writing the autobiography, they must also share the blame.

FRIENDSHIP WITH EUROPEANS

But to take up the subject indicated in the heading. Just as I had Indians living with me as members of my family, I had English friends too so living with me in Durban. Not that all who lived with me liked this. But I persisted in having them. Nor that I was wise in every case. I had bitter experiences in some cases, but these included both Indians and Europeans. And I do not regret the experiences. In spite of them, and in spite of the inconvenience and worry that I have often caused to friends I have not altered my conduct and friends have kindly borne with me. Whenever my contacts with strangers have been painful to friends, I have not hesitated to blame them. I hold that believers who have to see the same God in others that they see in themselves, must be able to live amongst all with sufficient detachment. And the ability to live thus can be cultivated thus not by fighting shy of unsought opportunities for such contacts, but by hailing them in a spirit of service, and withal keeping oneself unaffected by them.

Though, therefore, my house was full when the Boer War began, I received two Englishmen come from Johannesburg. Both were Theosophists, one of them being Mr. Kitchin of whom we shall have occasion to know more later. These friends too often caused the wife bitter tears. Unfortunately she had many such occasions on my account. This was the first time that I had English friends to live with me as intimately as members of my family. I had stayed in English houses during my days in England, but there I conformed to their ways of living and it was more or less like living in a boarding house. Here it was quite the contrary. The English friends became members of the family. They adopted the Indian style in many matters. Though the appointments in the house were in the Western fashion, the internal life was mostly Indian. I do remember having had some difficulty in keeping them as members of the family, but I can certainly say that they had no difficulty in making themselves perfectly at home under my roof. In Johannesburg these contacts went farther forward than in Durban.

Hotel Employees In Northern Districts

Will Be Granted Temporary Permits

Pundit Bhawani Dayal Sanyasi who had recently been in the Northern Districts of Natal on behalf of the Congress to assist Indians in those Districts in connection with Act No. 33 of 1927, had made representation to the Honourable the Minister that the majority of the Hotel servants, who had been resident for many years in the Northern Districts, did not desire to register under the Act but preferred the issue of temporary permits, their objection being that the conditions attached to temporary permits would not allow the individual to transfer his services from one hotel to another within the Northern Districts. He asked whether the disability could not be removed in those cases of servants resident for over three years on condition that they remained in the same class of employment.

As a result of these representations the Honourable the Minister has agreed to the issue of temporary permits to hotel servants who have been resident in the

districts, and that they may transfer from one employer to another, provided:—

- (1) That an application is made to the Registrar of Asiatics, Pretoria, prior to the transfer being effected.
- (2) That there is no interval in the move from one employer to another.
- (3) The new employment is in a capacity similar to that engaged in by the applicant at the time of transfer; and
- (4) That the new employer completes a guarantee in respect of experiences incurred in the removal or repatriation of the servant should that course be considered necessary within the validity of the permit.

News From India

Child Marriage Abolition League.

In pursuance of a resolution passed at the last session of the All-India Women's Conference, Her Highness the Rani of Mandi has started an All-India Child Marriage Abolition League. The objects of the League are to arouse and educate public opinion throughout India against the institution of child marriage, and to attain the goal of 16 years as the minimum age of marriage for girls, and 18 years as the minimum age of marriage for boys. In order to make the organisation countrywide, the All-India Committee shall appoint a man and a woman from each province and wherever possible from each State or State Agency to form provincial committees. Similarly the provincial committees shall appoint men and women to form District Committees, and urge on them the necessity of holding public meetings, arranging lectures at schools and colleges, distributing literature and get boy-scouts and similar organisations to go round singing propaganda songs. About the beginning of next year, an annual meeting of the All-India Committee and representatives of the provincial committees will be held for the purpose of directing the policy, and discussing reports etc. The headquarters of the All-India Committee will be situated at Delhi, or in Simla according to the season. The All-India Committee of Child Marriage Abolition League is presided over by the Rani of Mandi, and among its members may be mentioned Kumar Shri Fatteh Singhji of Limbadia, Mr. T. Rangachariar, Maharani Saheba of Porbander and Pundit Hridayanath Kunzru. Her Highness the Rani of Mandi has started a general fund by contributing Rs. 1000 while Kumar Fatteh Singh of Limbadia has paid Rs. 500.

An Excellent Lead Towards Abolition Of The Purdah

Writes the *Bombay Chronicle*:—Her highness the Heir-Apparent of Bhopal deserves to be congratulated on her courage in giving up the purdah at the opening of the second session of the Legislative Council of Bhopal by His Highness the Nawab Saheb. We have no doubt this royal example will be widely followed. The purdah, as it is now in vogue in India, has never been enjoyed by Islam. It is a pure convention based partly on false notions of respectability. Whatever may have been its utility in the tumultuous medieval days, it is in the present peaceful times a cumbersome, unaesthetic and unhygienic fashion. That is why we welcome any distinguished person dropping the fashion, as the rank and file then become bold enough to follow their example. Doctors in Bengal have attributed the wider spread of anaemia among the Muslim women of the province than among the Hindu women to the effects of the purdah. We hope the next All-India Conference of Muslim women will have done more for the purification of the