

Indian Opinion

No. 31—Vol. XXVIII.

Friday, August 1st, 1930.

Registered at the G.P.O. as a Newspaper.
PRICE FOURPENCE NICK.

ENGLAND'S ATROCITIES IN INDIA

WE publish below the resolutions passed by the Working Committee of the Indian National Congress which throw light on the present political situation in India:—

1. Spirit Of Non-violence

On a careful survey of the progress of events in all parts of the country since its last meeting, this Committee puts on record its thankful appreciation of the general spirit of non-violence, the cool courage and patient endurance of suffering displayed by the people under the grave provocation of cruel and unwarranted firings and brutal *lathi* assaults by the military and the police. The Committee congratulates the country on this great achievement and warns the Government that no end of lawlessness committed in the name of law and order will deflect the people of India from their firm determination to win Swaraj at all costs.

2. Repressive Policy Of The Government

Whereas the Government has indulged in a regular orgy of relentless repression to stifle the Satyagraha movement and has established a reign of terror throughout the country by actively encouraging or conniving at open acts of lawlessness and violence committed on the people by the very officials charged with the maintenance of law and order.

And whereas the following among other unlawful acts have been committed in pursuance of this policy, that is to say (1) cruel and indiscriminate beating of unarmed and unresisting men, women and children by, in the presence and under the orders of responsible British and Indian officers in many towns and places in the country, (2) indecent assaults on men and women and hitting them on their private parts, (3) shootings without any justification, (4) inhuman treatment of the wounded and obstructing the private Red Cross and ambulance work, (5) arrests and convictions on false charges, (6) uncalled for application of Martial Law, (7) unlawful introduction of Martial Law conditions without the formal application of Martial Law, (8) misuse of Sec. 144 of the Cr. P. C. and other provisions of the law, (9) trespasses on private property and forcible ejection of lawful occupants, (10) suppression of authentic news and the issue of false and misleading communiques, and (11) fomenting Hindu-Muslim differences

And whereas the Governor-General has recently promulgated three Ordinances, namely the Press Ordinance, the Prevention of Intimidation Ordinance and the Unlawful Instigation Ordinance, the first of which has killed free and independent nationalist journalism and the last two have made it criminal to organise the peaceful picketing of liquor and foreign cloth shops, the social boycott of Government officers participating in various kinds of excesses and to carry on propaganda for non-payment of taxes not voted by the representatives of the people

And whereas the statements issued by the Governor-General justifying these Ordinances contain allegations which are contrary to facts showing that the Governor-General is either kept in com-

plete ignorance of the actual happenings in the country or is intentionally ignoring them

Now therefore the Committee calls upon the country to meet the situation thus created, by publicly disobeying the three Ordinances aforesaid with calm and unflinching courage and strict observance of non-violence under the gravest provocation as heretofore, and carry out fearlessly all the resolutions of the Congress, the A.I.C.C. and the Working Committee regardless of the said Ordinances.

In particular the Committee advises the people to carry on with redoubled vigour the peaceful picketing of liquor and foreign cloth shops, social boycott of Government officers known to have participated in unjustifiable assaults on Satyagrahis and others and to extend the campaign for non-payment of land tax to parts of Gujarat, Maharashtra, Karnatak, Andhra and Tamil Nad where it has not yet been started, and also to intensify and extend the campaign for non-payment of *Chokidari* tax in Bengal, and start it in Behar and Orissa.

3. Dharasana, Wadala, Contai and Tamluk Atrocities

The Committee has learned with horror the blood-curdling account of the barbarous atrocities committed on peaceful Satyagrahis at Dharasana. The Committee notes that these atrocities included, among others, beating Satyagrahis mercilessly with *lathis* until they dropped down unconscious and thereafter causing them to be trampled by horses ridden by European officers, stripping Satyagrahis naked and thrusting sticks into their private parts, driving babul thorns into the body of a young lad and striking heavy blows on the scrotum.

The Committee is satisfied that the atrocities committed at Wadala, Contai and Tamluk were with slight differences of detail on a par with those perpetrated at Dharasana and were equally inhuman and unworthy of any civilised Government.

This Committee holds that the high British and Indian officers of the Government are directly responsible for these inhuman acts by having permitted or failed to stop them, and warns the Government that it is only driving the iron deeper into the soul of the people whose determination cannot be shaken by the cruellest forms of torture.

The Committee conveys to the Satyagrahis of Dharasana, Wadala, Contai and Tamluk its heart-felt sympathy with their sufferings and its high admiration for their cool courage and patient endurance.

4. Lucknow Atrocities

Whereas a statement of the occurrences of the 25th May in the city of Lucknow issued by a committee of prominent citizens with Mr. S. M. Habibullah, O.B.E., M.L.C., as chairman, discloses the following facts:

1. That 'grievous hurt and fractures were caused to the Satyagrahis who according to all correct information had in no way resisted the police and

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BARBAROUS ATROCITIES IN INDIA

ELSEWHERE in this issue we publish the full text of the resolutions passed by the Working Committee of the Indian National Congress. The Government of India have established strict censorship on the news of the struggle of India for freedom to such an extent that as if a state of war exists to-day between India and England. Reuter in this country has been supplying us with such news which would not lower the prestige of the Government of India in the eyes of the world. The world is purposely kept in the dark about the happenings in India. Fortunately we receive Indian papers from India which give us very encouraging news of this great struggle. The barbarous atrocities committed on peaceful and non-violent volunteers at Dharasana, Wadala, Contai, Tamluk, Lucknow and at many other places are of such horrifying nature and are so inhuman that it is absolutely unworthy of any Government that calls itself civilised. The Working Committee rightly says that it holds that high British and Indian officials of the Government are directly responsible for such inhuman acts by having permitted or failed to stop them and warns the Government that it is only driving the iron deep into the soul of the people whose determination cannot be shaken by the cruelest forms of torture. The active participants in the civil disobedience movement are carrying on their work on absolutely peaceful lines offering not the slightest provocation or resistance. They cheerfully court arrest and imprisonment. It is for the authorities to arrest them and send them up for trial for the technical breaches of the law they intentionally commit. But the measures taken by the authorities against non-violent crowds and the Congress volunteers are conducted in such a way that a person ignorant of the true political situation in India would believe that the British Government were waging a fight against an armed force that was violently attacking them. The authorities have discarded all the constitutional methods in dealing with the non-violent and peaceful volunteers of the country. Mr. V. J. Patel the ex-Speaker of the Legislative Assembly in describing this state of affairs in India said that there is no more constitution left in India. The

British Raj is at an end and in its place the Lathi Raj is established. Pandit Motilal Nehru, the ex-Acting President of the Indian National Congress who is now serving six months imprisonment, declared publicly before a large meeting in Bombay that 'the experience he earned in Bombay during his short stay was that there was no more a civilised Raj in the country in general and in the Bombay city in particular. It was a Raj of Lathis (sticks) and lies. The Lathi was being used to crush the spirit of the people and the Government is indulging in lies to hide the truth from the world.' India to-day is widely awakened, that no amount of repression could stop the movement of freedom now. The Government of India may go on breaking as many heads and bones as they liked but India would not be deterred by that. A day will come when England will have to repent for what she is doing in India. Truth must eventually prevail. That is the law of nature.

THE FATE OF OUR STATUS

"There is a tide in the affairs of man,
Which, when taken at the flood
Lands on to fortune."

Thus, Shakespeare, who like all true poets was both seer and philosopher.

We in South Africa are confronted with the gravest crisis with which our community has ever been called upon to deal. The fate of both our status and of our future opportunities is at stake, and the breathing space secured to us through the timely intervention of the Agent-General of the Government of India is drawing rapidly near its end. We have been assured that the Bill upon which our future turns is to be pressed through Parliament early next session, and there is little, if any, doubt that its sponsors are determined that it shall be passed without alteration in any important particular. We, for our part, have proclaimed that the Bill is wholly unacceptable to us, that the spirit of it is poisonous, that for us to dally with it, even, is tantamount to our acquiescence in our own death sentence. We have made unmistakably clear the position we as a community take up, and to which we are resolved to adhere, and the position is, that we consider that the time has come for us to insist that a halt be called to this statutory branding of us as a community of undesirables, of outcasts, a leper community,

the segregation of which is necessary in the interests of clean and decent people. We have been long-suffering enough. Forbearance we have practised, out of an instinctive respect for constituted authority, and more still, in patient expectation of the long-promised change of heart for which we were encouraged to hope.

But, gradually the fact has been driven home to us that our patience is mistaken for fear, our trust for foolishness, that we "mere Indians" are regarded as no better than a flock of helpless sheep to be repeatedly shorn at the instance of our masters whenever our fleece appears to have grown to any appreciable extent. We say that it is now time to insist that a stop be put to these indignities and exploitations. We may say that this long story of our persecution must be brought to an end. We say that there is a limit to the contumely and insult which a people with any pretence to self-respect may tolerate. And, we say, finally, that in our case that limit has been reached.

The tide that has been directed against us, and which threatens to overwhelm us by means of segregation, must be not only resisted; it must be pushed back. Our efforts must be directed not merely towards toleration, but to complete rehabilitation.

Nothing less will satisfy our duty to ourselves and those whose honour is in our keeping.

Governor-General Visits Indian School At Stanger

On July 23rd His Excellency the Governor-General visited the new Government Indian School where a large crowd of Indians had gathered to bid him welcome and farewell. Following the usual Indian custom, he was garlanded.

The Governor-General expressed his pleasure at the opportunity of meeting the Indian community of Stanger before leaving South Africa. "The last few years," he said, "have seen a considerable improvement in the lot of the Indian communities in South Africa, and I am indeed glad that this should be so. This happy result has been arrived at, as you are aware, not by violence of speech or of action, not by any extravagance of attitude and demeanour—but by calm and reasonable discussion, and a spirit on both sides of wise toleration and compromise.

"It is my earnest hope that that spirit will be maintained and those methods continued in the discussion of any questions which may in the future arise.

"I was very glad while in Durban to learn of the progress made by the Sastri College, and of the good work it is steadily achieving. I am sure I need not impress on you what an asset such an institution must prove to the Indian community, and how deserving it is of your support."

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were mostly beaten while squatting or lying on the ground.

2. That 'the force employed was not of the kind that should be used for dispersing such a crowd but in attacking a foreign foe with a view to destroy or physically cripple the enemy.'

3. That such use of force 'was not limited to the processionists or the crowd about them but was used also on members of the civil population who innocently happened to be present in the vicinity.'

4. That assaults were committed on 'persons who were in the adjoining houses as spectators and these included ladies and children.'

4. And whereas the above facts have been fully corroborated at a personal investigation on the spot by the Acting President of the A.I.C.C. and Sjt. Purshottamdas Tandon, a member of the Committee.

And whereas at the said personal investigation the following further facts have been ascertained, namely,

1. That among the ladies assaulted were Mrs. Bakshi, a highly respectable lady belonging to a well-known family and Mrs. Moti Ram, wife of Dr. Moti Ram, a respectable medical practitioner.

2. That these ladies were first struck by a European sergeant named Himes and the beating was continued by the Indian police.

3. That people on the terraces and balconies of their houses were shot at and wounded by the police from the streets on the 26th May.

4. That certain shops were looted by the police.

5. That the Deputy Commissioner, the Superintendent of Police and other district officers were present on the scene and looked on these brutalities with approval and occasionally shouted *shabash* to the police.

6. That at the conclusion of the orgy sweets and rewards were distributed to the police for their inhuman conduct.

This Committee puts on record its definite and considered opinion that the communique of the Commissioner of Lucknow relating to the said occurrences is wholly inaccurate and misleading and that the true facts are as stated above.

This Committee welcomes the appointment of the Oudh Bar Association Committee of Enquiry and hopes that further light will be thrown on the incidents of the 25th and 26th May by its investigation. It urges all those who have suffered from or have any knowledge of those incidents to come forward fearlessly and make their statements before that Committee.

5. Women Satyagrahis

This Committee offers its respectful congratulations to all the women Satyagrahis who have been assaulted, ill-treated or imprisoned in the course of the present Satyagraha campaign, and assures them that the national movement has been greatly strengthened by their suffering and self-sacrifice.

In particular this Committee places on record its grateful appreciation of the patriotic services rendered by Shrimatis Sarojini Naidu (ex-President, Congress), Kamaladevi Chattopadhyaya, Rukmani Lakshmi (Member, A. I. C. C.), Satyavati (Member, A. I. C. C.), Mitra, Durgabhai, Kamaladevi (Member, A.I.C.C.) and Anjali Ammal.

6. Duty of Military and Police Forces

The Committee takes this opportunity to impress upon Indians employed in the military and police forces of the Government that it is as much their duty as that of other Indians to strive for the freedom of their country and expects them to treat Satyagrahis and others engaged in the achievement of that freedom as their own brethren and not as enemies. The Committee draws their attention to the fact that it is not only a part of their duty to

commit cruel assaults on unarmed and unresisting people but that they are criminally liable for such assaults even though committed under orders of their superior officers.

7. Dacca Inquiry Committee

The Working Committee deeply sympathises with the sufferers during the Dacca riots. It has received complaints making grave and serious charges against Government officials and others in connection with the sad riots, but in the absence of fuller information appoints a Committee consisting of Syta. N. R. Sarkar, Rajendralal Ray, Prabhu Dayal, Himalsinha, Atul Ch. Sen, Shamsuddin Ahmad, Mujibur Rahman (Editor, the *Musalman*), Ch. Ashrafuddin Ahmad and Shyamapada Mukharji, with power to co-opt to make a full inquiry into the recent disturbances and take all necessary steps to bring about a settlement of the differences between the Hindus and the Musalmans of Dacca.

8. Musalmans and the National Movement

This Committee repels the charge of apathy to the national movement levelled by Government officials and interested persons against the Musalmans of India and notes with satisfaction the patriotic part taken by them in the movement throughout the country, notwithstanding the strenuous efforts of officials and reactionaries to keep them out of it. In particular the Committee puts on record its keen appreciation of the brave stand made by the Musalmans of the N.W.F., the Punjab and Bombay for the present Satyagraha campaign carried on by the Congress.

9. Jamiat-ul-Ulema

This Committee welcomes the resolution of the Jamiat-ul-Ulema passed at their 9th annual session held at Amroha making common cause with the Congress in its campaign of civil disobedience for the attainment of Complete Independence and appealing to Musalmans to strive for the liberty of their country and religion by joining the Congress whole-heartedly in the fight for freedom. This Committee reiterates the resolution passed at the Lahore session of the Congress that no solution of communal questions will be acceptable to the Congress that does not give full satisfaction to the Musalmans and other minorities and assures the Jamiat and Musalmans in general that the Congress will at all times respect the liberty of all religions and cultures in India and appeals to Musalmans to cast off all doubts and misgivings created in the minds of some in that respect by interested persons. The Committee trusts that Hindus and Musalmans fighting shoulder to shoulder will establish a spirit of comradeship which will be an effective safeguard against all communal differences.

Damage By Floods In India

Thirty Thousand Homeless

Karachi, Wednesday.—A review of the Sind flood shows that 30,000 people have evacuated the affected areas and gone to Sokkur. Thousands of people have been rendered homeless, and over 100 villages have been submerged.

The waters are closing in on Shikapur from the north and west. An area of 150 square miles from the river to Shikarpur has been inundated. Enormous damage has been done to the crops, and many cattle have been lost.

Three hundred dacoits plundered houses at Khanpur vacated by wealthy merchants, and looted property valued at 60 lakhs of rupees.—Reuter.

News Of Independence Struggle In India

Gandhi Talks For Four Hours

Bombay, Friday.—Closeted alone in a prison cell, Sapru, Jayakar and Mahatma Gandhi to-day spent four hours discussing India's present political situation.

Strict precautions were taken to prevent the admittance of outsiders, and a warder posted near the door stopped anyone eavesdropping.

It is understood that the discussion centred round the British Labour Party's solution to the Indian problem.

The interview began at 11 a.m. and continued until 3.30 p.m., when Sapru called in a servant, who was waiting outside the gaol, with two baskets of fruit for Gandhi. Gandhi and Sapru then proceeded to the women's quarters, where they met Mrs. Sarojini Naidu, and talked to her for a short while.

An army of pressmen who waited for four solid hours outside the forbidding prison walls were disappointed to find that neither Gandhi nor Sapru would say anything. When asked to make a statement regarding the trend of negotiations Sapru smiled happily, indicating the possibility of a successful interview.

Sapru intends meeting Gandhi again to-morrow before he leaves for Bombay, en route to Simla, where he will explain to the Viceroy the result of the negotiations.

Sastri's Part In Negotiations

The Poona correspondent of *The Statesman* of Calcutta understands that so far as Gandhi is concerned the Sapru-Jayakar mission, with the exception of a few details which can be settled later, has been successful, and that if Pandit Motilal and Jawaharlal Nehru do not prove obdurate there should be an improvement in the situation in a very short time.

Gandhi, it is stated, has received many letters and cables, not only from England, but from practically every part of the civilised world, urging on him the great necessity for a peaceful atmosphere in India and requesting his assistance in bringing about an improved situation.

It is further understood that important messages have been exchanged between Srinivasa Sastri, now in London, and Gandhi. Immediately Sastri had read the full text of the Viceroy's address to the Central Legislature he cabled Servants of India Society, of which he is President, urging that the Liberals should respond to the Viceroy's gesture. Three days later Sastri sent a long cable to Gandhi suggesting a move for an honourable settlement.

Gandhi's reply to Sastri encouraged the latter to cable his friends in India suggesting that a "peace mission" should discuss the situation with Gandhi.

Gandhi's Message

The Bombay correspondent of the *Natal Witness* says: It is believed that a precious missive with a far-reaching influence on the history of India is in possession of Sir Tej Bahadur Sapru.

This is Mr. Gandhi's written message to Pandit Motilal Nehru, which is believed to contain a suggestion to suspend the civil disobedience campaign on certain conditions.

The negotiators are taking the letter to Allahabad as evidence of Gandhi's opinion, but they refuse absolutely to divulge further information.

Gandhi And Nehrus May Meet

Allahabad, Wednesday.—Sir Tej Sapru, who, together with Mr. Jayakar, has been consulting with Gandhi in order to bring about a settlement of the present strain, has issued a statement saying that he and Jayakar made representations to the Viceroy (Lord Irwin) suggesting the desirability of allowing the Nehrus to meet Gandhi and some others whom they might like to consult.

—Reuter.

Indian Conference In London

During question time in the House of Commons, Mr. Ramsay MacDonald said that it was not contemplated that the Governments of the Dominions would be represented at the Indian round-table conference in London in October.

MacDonald Opposes Simon As Member

London, July 29.—During question time in the House of Commons the Prime Minister announced his readiness to agree to the Opposition Parties each appointing four members to the round-table conference in London on the Indian Constitution. They would be fully accredited delegates, but the Government would retain complete freedom regarding subsequent legislation.

Mr. Ramsay MacDonald opposed the suggestion to appoint Sir John Simon or other members of the Statutory Commission as delegates.—Reuter.

India At Empire Conference

Mr. Wedgwood Benn, Secretary of State for India, the Maharajah of Bikaner and Sir Muhammad Shafi will represent India at the Imperial Conference.

The Maharajah of Bikaner was granted an honorary commission in the British Army in 1900, attached to the Bengal Lancers, and served in China and during the European War. He was twice mentioned in dispatches, and attained the rank of Major-General. He represented India at the Imperial War Conferences in 1917 and 1919.

Sir Muhammad Shafi, K.C.S.I., is a barrister of the Middle Temple, and has held many important posts in India. He is President of the All-India Muslim League and of the Punjab Liberal League. He was Education member of the Viceroy's Executive Council, 1919-1922; Vice-President of the Council, 1922-1924; and Leader of the Council of State, 1922-1924.

England And India

In an editorial note in the *Unity* Mr. John Haynes Holmes exposes the untruth that Great Britain rules India for India's good:

The case of England in India has never been more frankly put than by the *Manchester Guardian* in a recent outspoken article:

"There are two chief reasons," says the paper, "why a self-regarding England may hesitate to relax her control over India. The first is that her influence in the East depends partly upon her power to summon troops and to draw resources from India in time of need. This power will vanish when India has Dominion status. The second is that Great Britain finds in India her best market, and that she has a thousand million of capital invested there. The British Government has already gone far towards stripping itself of power to modify India's financial and commercial policy in favour of British interests, but it is still in a position to protect them against unfair discrimination and—what is more important—to maintain law and order without which British trade and investments must suffer, if we may not speak of Indian lives."

It is not to be supposed that this statement represents the views of the *Guardian*. The great and fearless newspaper has never been the champion of a "self-regarding" England. What it is doing here is to reveal the reality that exists behind the camouflage of England's claims to being in India for India's good. These claims are hypocrisy of the worst description. They can fool nobody at this late date. England is in India, as she has been there

from the first, for nobody's good but her own. And that is the reason why she is so alarmed by the present crisis. If the situation and its outcome affected only Indians, England need not, and for that matter would not, be so greatly disturbed. We believe that she would find it possible to be reasonably philosophical if results threatened nothing but the prosperity and peace of an alien people. No, her great concern at this hour is of course for herself and the imperial interests which a century and a half of occupancy have rooted deep in the soil of this ancient land. And her concern may well be great.

The Government And Indians

The following, by "Fair Play" appears in the *Star* (Johannesburg):—

Sir,—Dr. D. F. Malan, the Minister of the Interior, in presenting the report of the Select Committee on Asiatics in the Transvaal to the House of Assembly, has attempted to show that the Select Committee took due "cognisance of the existence of the Cape-town Agreement of 1927, as well as the fact that by mutual consent a period of five years was considered to be necessary to give the agreement a fair trial" and that their conclusions as embodied in the Transvaal Asiatic Tenure Amendment Bill were justified in view of the evasions of law by the Asiatics. But a perusal of the Asiatic Select Committee report, and especially of the proceedings of the committee, hardly supports his contention.

We see that the Indian case was fairly represented by the Indian Government representative and Indian organisations, but it is a sad aspect of the recommendations that the Select Committee was prejudiced from the very start and was hardly eager to heed Indian representations for fair play, justice and goodwill. Dr. Malan's intention was clear when he requested the Legislature to adopt his motion for the appointment of a Parliamentary Select Committee to consider the tightening of the laws which were already a hardship to the Indian community, and this viewpoint he expressed plainly just on the second sitting of the Select Committee as follows: "A large number of Asiatics are occupying their land illegally and they are trading illegally. We have to consider what is the best thing to do under the circumstances and whether any legislative action is necessary. I think this describes correctly the whole problem with which the Select Committee has to deal." This pre-conception and pre-decision of the Committee's work was in itself a serious reflection on the impartial character of the Minister's motive. Although the Indian representation was invited as a matter of courtesy to give colour to the representative character of the evidence from both sides, the Select Committee's only work was to devise ways and means to jeopardise the Indian interests and pacify the anti-Asiatic element.

While the Select Committee was not appointed, the Indian community was given to understand that steps were to be taken to restore the trading rights of Indians whose certificates for licences were held over and that the Union Government intended to improve the status of the Indians. Although it was a forlorn hope, we were deluded to trust the sincerity of the Government, which afterwards exposed itself in a policy to ruin the Indians who have long been established citizens of the country in view of their residence of more than a score of years, their civic integrity, their commercial morality and their law-abiding habits.

This policy of the Government is a breach of faith with the Government of India, with which she signed the Capetown Agreement, but did not consult her in the appointment of the Select Committee and drafting of the Asiatic Tenure Amendment Bill.

Another serious reflection on the political integrity of the Government could be traced in the frank refusal of Dr. Malan to accept Mr. Patrick Duncan's amendment on Clause 5 of the draft report on the Bill. The clause read: "In order to avoid undue hardship your committee further recommends that the municipalities concerned shall be empowered and prevailed upon by the Government to offer to the Asiatics affected trade facilities in suitable areas set aside for them in addition to land ownership on easy terms." Mr. Duncan wanted to omit all the words after "that" and to substitute the following: "abolition of the businesses concerned shall not be effected unless and until the municipalities concerned, with the approval of the Minister, set apart suitable areas for Asiatics providing trading facilities and the right to own and occupy land." Even that harmless amendment was not accepted, as Dr. Malan had not the slightest desire to look to the economic welfare of the Indians whom he intended to segregate, the latter decision being also a contravention of the Capetown settlement.

Indian Market Rents To Be Increased

The special Town Council Sub-Committee which has been investigating the advisability of rearranging and increasing the rentals paid for stalls at the Indian Market, has approved of the principle in accordance with the recommendations of the Borough Marketmaster, Mr. R. J. Westbrook.

Such a recommendation to the Town Council is framed with a view to placing the Borough Market finances on a sound basis. The Sub-Committee decided that it be left to the Acting Town Clerk, Col. G. Molynsev, to comply with the necessary formalities and arrange for a proper tariff of charges to be submitted to the Town Council.

In view of the fact that the fish section at the Indian Market was not being utilised to its full extent, it was recommended that the Borough Marketmaster be authorised to let this portion to the best advantage. The Council was also asked to approve of the establishment of the proposed enclosure for Indian market squatters on Warwick Avenue and that the Borough Engineer proceed with the work, for which £15,000 would be provided on next year's estimates.

Provision of the sum of £5,000 for the erection of a building on the site adjoining the Native Women's Hostel to accommodate Native butchers will also be made if the Sub-Committee's recommendations are adopted.

"The Borough Marketmaster has rightly recommended that the activities of this market should be so rearranged as to make both sections self-supporting," the Sub-Committee stated, with reference to the market proper and the squatters' section. "For this purpose it has been necessary for us to concentrate on ways and means by which the rentals of the stalls at the Indian market can be justly increased so as to bring about a more favourable financial position in respect of this undertaking."

The increased rentals at \$100 a month will yield an annual income of \$1,100 as against \$7,300 under the present scale for stalls. The estimated surplus under the proposed new tariff is £922 per annum.

Negro Progress

Intellectual Advance In America

The extraordinary advance in the intellectual and cultural fields made by American negroes since their emancipation 65 years ago, after having been held down by the bonds of slavery for 250 years, was emphasised by Dr. George E. Haynes, M.A., Ph.D. (formerly Professor of Sociology at Fisk University) at the Witwatersrand University.

For many years, up to as recently as 1915, Americans hotly argued that negroes should not be educated, except in manual crafts, on the ground that education would spoil them as workmen, and that in any case they would not be able to put higher education to good use. But such arguments were now no longer heard. In the short space of their freedom negroes had made good in almost every sphere of knowledge and endeavour. There were many thousands of graduates among them to-day, over a score holding the highest degree obtainable in the best American universities. They had their own doctors and professors, poets and writers, editors and other leaders in the higher realms of thought. Their universities and normal colleges were staffed by men of their own race.

Dr. Haynes, who was lecturing at the vacation course in Bantu studies, described the rise of the various negro colleges and universities in the Southern States. From the outset their institutions devoted less attention to classical training traditional to the old aristocracy, and more to the training of character through the expression of work as being more in harmony with the requirements of the new democracy of freed men. The democratic content in their education has since been adopted by the older white universities. Manual training was at first looked down upon by the whites, as manual work had been regarded as the badge of servitude. But experience had shown that slavery had done more harm to the white class than to the negroes.

Seats Of Character Building

Their universities, said Dr. Haynes, were not so much seats of learning as of character-building. As much emphasis was laid on the way a student lived in the dormitories and the manner in which he entered into the larger social life of the universities as on the academic work he did.

Their schools and colleges had shown wonderful results, and then it had to be borne in mind that the length of the school terms in negro institutions was from a month to two months shorter than that of white schools, and the cost to the State of negro education was only from a half to one-third that of white education per capita. Education was compulsory in all the Southern States, but, even so, 70 per cent. of the negro children of school-going age (six to 20 years) were enrolled.

An interesting adjunct to rural education described by Dr. Haynes is the movable school—or school on wheels—which had been inaugurated by T. M. Campbell, who, on account of his skin, the lecturer compared to a "good solid Zulu." A movable school, he said, was a big bus fully equipped by models, diagrams and so forth and staffed by an agricultural demonstrator, a nurse and an industrial instructor. These movable schools went from farm to farm, stopping at each for a week to instruct boys and girls in the duties of the farm appertaining to their sex. Dr. Haynes suggested that the rural schools in South Africa might be specially interested in this type of school which had now become a regular part of the educational system in the South States of

America.

Dr. Haynes emphasized that the negro system of education had produced men of character and leadership, and mentioned as a case in point a negro who was to-day the most outstanding chemist in the South, and who, as a child, had been sold for a "barrel of whisky."

Worse Earthquake In Italy

Thousands Homeless And Many Killed

Rome, Sunday.—Official earthquake figures, based on returns received up to eight o'clock on Friday night, are 2,142 dead and 4,551 injured. An increased total of victims is foreshadowed.

The further shock at Ariano caused only one death, but renewed the state of panic and accentuated the tremendous relief problem.

The population is disregarding Mussolini's edict against charitable contributions, and offerings are steadily pouring into the Prime Minister's office, and there is already a total of over 1,000,000 lire.

Soldiers and peasants worked for three days to extricate a girl from the wreckage of her home.

They were spurred on by the prisoner's cries, which gradually became fainter, and were within sight of victory when a wall crashed down and the starving girl was killed instantly.

King Helps Rescuers

King Victor Emanuel resumed his tour of the stricken tour at dawn, visiting Ariano and neighbouring villages, and atates a message from Avellino.

The King climbed alone among the most dangerous debris and helped to unearth the dead.

Several injured persons who had been buried for four days were discovered in the course of the rescue operations.

As far as can be ascertained at present 25 villages have been destroyed or badly damaged, of which nine are in the Province of Avellino. The houses destroyed are generally of no great value.—Renter.

Mr. Tyson's Statement To The Select Committee

(Continued from page 250)

43. The third paragraph of the Terms of Reference (working of Act 37 of 1919) opens the whole question of the rights of Indians to own and occupy fixed property in the Transvaal. Speaking very broadly and allowing for exceptions and reservations due to legislation and to decisions of the courts, the position is that ownership of fixed property by Indians has been prohibited in the Transvaal since the law of 1885, ownership even by indirect means being sought to be prohibited by the second section of Act 37 of 1919. Occupation of fixed property by Indians both for residence and for trading is still legal in the province as a whole, but has been restricted in various localities either by the terms of the title deed in private townships or, since 1908, by statutory restrictions in certain areas proclaimed as public diggings and certain townships where leasehold rights can be under statute converted into freehold. In those areas to which statutory restrictions apply, Act 37 of 1919 purports to give a measure of protection to Indians trading under licences lawfully acquired by the 1st May,

1919. It may be remarked that the Indian's right to trade in the Transvaal was recognised by the imposition of a tax on Indian traders in the original law of 1885; and his right to obtain a trading licence anywhere in the Transvaal was recognised in *Molan's* case in 1904, a decision the effect of which has been modified only to the extent that local bodies have certain powers to refuse licences on general (not race) grounds, under the General Dealers Control Ordinance of 1926, and that in respect of the areas in which the Indian is, by virtue of private covenants or of statutory restrictions, prohibited from occupying sites, his right to hold a trading licence is of no avail.

44. The legal history of this question is long and not free from difficulties. It is set out in historical form in the Report of the Asiatic Inquiry Commission of 1921 in paragraphs 12 to 92, to which the attention of the Select Committee is respectfully invited. The importance of this narrative from the point of view of the present inquiry lies in the fact, therein made evident, that no Government in power in the Transvaal has as a matter of fact ever enforced segregation laws against Indians in respect of residential occupation, still less in respect of occupation for trade. The Republican Government wished to read Law 3 of 1885 as empowering it to put Indian traders into locations for purposes of trade as well as of residence. This was resisted on the ground that the law envisaged segregation for residential purposes only and then only for sanitary reasons. Though the Transvaal Government won its points in *Tayob Hauji's* case in 1897, no effective action was taken to enforce this interpretation of the law before its reversal in the case of *Habib Molan*, in 1904, in which it was held that "Law 3 of 1885 does not apply to the business places but only to the residences of Asiatics. The Government, therefore, has not the power under that law to refuse to grant to Asiatics licences to trade in places outside the boundaries of the location allotted to them for occupation." In the *Khota's* case in 1909 even sections *ninety-two* and *one hundred and thirty-three* of the old Transvaal Gold Law of 1898 were interpreted as entitling Asiatics (a) to obtain leases, though not of course freehold rights, for stands created under that Gold Law and (b) to exercise the right to hold general dealers' licence (as opposed to mining licences) on diggings. The legislation of 1908 (the townships Amendment Act No. 34 and the Gold Law No. 35 of that year) were the first laws which imposed restrictions on Asiatic occupation for trading in areas proclaimed as public diggings. These two Acts were passed under Responsible Government. It may be mentioned in passing that assent to the first of these two Acts was given only after an assurance that, in the interests of coloured persons affected, conversion from leasehold to freehold (the latter being subject to a clause restrictive of occupation by coloured persons) should not be obligatory; and that assent to the Gold Law was also given on the understanding, which subsequently proved to be unfounded, that no restriction on occupation by "coloured" persons was imposed by the new law which had not been imposed by the Gold Law of 1898. (The nature of the misunderstanding is set out in paragraphs 66-70 of the Asiatic Inquiry Commission's Report). Even after the legislation of 1908 no active steps were taken to enforce the restrictions then imposed, and in 1919 "vested rights" acquired up to that date were recognised and protected by Act 37, though the further recommendation of the Select Committee of that year that no new businesses should be permitted or new licences issued was not put into force. As will presently be

shown, interests unprotected by the Act of 1919 have been permitted to grow up since that date, while Indians who were protected by that Act have for a variety of reasons lost that protection though continuing to trade and to receive trading licences.

45. Now as regards ownership of fixed property, the Indian community have never acquiesced in or ceased to protest against the restrictions of Law 3 of 1885. The attitude of the Government of India on this point, prior to the enactment of Act 37 of 1919, was made clear in the memorandum presented by Lord Sinha to the Imperial War Conference of 1918 of which paragraph 3 reads as follow:—

"The following would appear to be some of the principal grievances of South African Indians:—

(3) *The Ownership of Land.*—Unlike their compatriots in Natal and at the Cape, Transvaal Indians, under the old Republican Law 3 of 1885, remain under the disability that they are denied the right to own fixed property, i.e., from having the legal ownership registered in their own names. The system of indirect ownership, in other words, nominal European ownership, originally suggested by the Republican Government themselves, prevailed until quite recently and is still occasionally adopted. The process is roundabout, cumbersome, and expensive, but the facts are notorious, and the circumstances are legally recognised by the courts.

Since about the year 1914, the practice has grown up of forming and registering, under the Transvaal Companies Act, 1909, small private companies, with limited liability, whose members are all Indians (frequently an Indian and his wife), and possessing an independent legal persona for the purpose, amongst other things, of acquiring fixed property. All these transactions have recently received judicial recognition. It is said that attempts are now being made by interested parties to deprive Indians of this right of indirect ownership of fixed property. Recently, a question was put on the subject in Parliament, and the Government spokesman replied, that it was intended to examine into the question when the new companies law was under consideration. Advantage has frequently been taken by Indians of these indirect, but quite legal, methods to open businesses in townships whose private regulations prohibit the sale of stands to Indians, which, in themselves, are intended indirectly to compel Indians to reside and trade in special locations, which, again, would mean financial ruin to most of them, and against which attempt, the Indian community has fought since long before the Boer War.

On the contrary, the prohibition against Indian ownership of fixed or landed property should be repealed by Parliament, on the grounds that it tends to foster insincerity on all sides, to deprive Indians of some of the elementary rights and responsibilities of citizenship, which are not denied, even to the aboriginal natives and other non-Asiatic coloured people of the Province, and which are possessed by their compatriots in the coast Provinces, and especially in Natal, where the bulk of the Indian population of the Union is to be found. Transvaal Indians ought not to be compelled to regard themselves as possessing an inferior status, in this respect, to their compatriots resident in the coast Provinces, and such a statute

as Law 3 of 1885 is an anachronism and opposed to the spirit of modern legislation."

It was felt that, when immigration to South Africa and interprovincial migration within South Africa had been all but closed, the Indian, having no voice in the political or municipal administration of the country, should as a taxpayer, not be denied the other elementary rights of citizenship. The point might be still further pressed in view of the undertakings of the Union Government in the Capetown Agreement with regard to the upliftment of that part of the Indian population which will remain to form part of the permanent population of the Union. It is arguable, for example, that the erection of premises worthy of a decent citizen in a self-respecting township can hardly be expected, unless that citizen is entitled to own the site on which his premises are to be situated.

(To be Continued)

NOTICE.

A meeting of the master tailors will be held at the Surat Hindoo Association Hall, Victoria Street on 2nd August, Saturday, at 3 P. M. All master tailors are cordially invited.

Albert Christopher,
Advocate.

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IT
BE
THE
SAME
GIRL?



She used to be so languid and pale; nothing seemed to interest her; she had no appetite, suffered from headaches, palpitation, and was peevish and irritable. Now she is bright and full of energy; the pink flush of health is on her cheeks, she is ready for her meals, and relishes both work and recreation.

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DURBAN MUNICIPAL ELECTIONS

Ward 2.

Ward 1.



Mr. P. Osborn.



Mr. Geo. Reyburn.

Ward 5.



Mr. W. Wanless.

SUPPORT CONGRESS CANDIDATES

On Wednesday next Durban will go to the Polls to elect its candidates to the Town Council. Of the six Wards only three have Indian voters in any number. And they are Wards 1, 2, and 5. The greatest number of Indian voters is, of course in Ward 2, previously Ward 4. In each of these Wards there is to be a contest.

In selecting their candidates Indian voters will have to bear in mind that notwithstanding the talk that at the moment the feelings between the European and the Indian are better than they were before the advent of the Rt. Hon. V. S. Srinivasa Sastri into this country, there is a tendency to yet curtail the rights of the Indians. A striking instance is the case of the Indian Hawkers. Despite the protests of the Natal Indian Congress, the By-Laws, which were framed by the Chief Constable, and which have now received the assent of the Administrator, deprive the livelihood of about 45 of the poorer class of Indians, whose average profit per day is 4/-. These By-Laws have been approved of by a Council, the members of which are supposed to be broadminded, and to be more tolerant on all questions affecting the Indians. If the Town Council has a few members who look to the Indian votes as a deciding factor for their election, the Indian community can always count upon their support. And it is for this reason that we would warn the Indian voter to be careful in selecting his candidate.

As we have said, we are only concerned with Wards 1, 2, and 5. Of the various candidates who are seeking election in these Wards, Messrs. P. Osborn, Geo. Reyburn, and W. Wanless should receive the support of the Indian voters. Mr. Osborn, who is standing for Ward 1, is a new man to the Council. He will be remembered as the builder of the Sastri College. His views are broad, and he can therefore be looked upon as a friend of the Indian.

Mr. Geo. Reyburn was a member of the Town Council before he was elevated to the Union Parliament. We must confess that as a Town Councillor he was not pro-Indian. That was six years ago. Since then much water has passed under the bridge. And six years have wrought a complete change in Mr. Reyburn. His visit to India with the Beyers Deputation, his constant interviews and consultations with Mr. C. F. Andrews and the Rt. Hon. V. S. Srinivasa Sastri have all contributed to make him a new man. He is more tolerant, and holds the view that the Indian should not be deprived of his legitimate rights. As a member of the Select Committee that sat to enquire into the Areas Reservation Bill, he moved the amendment in favour of the Round Table Conference which resulted in the Gentlemen's Agreement. Mr. Reyburn is now free from anti-Indian tendencies.

Mr. W. Wanless, who is soliciting the support of the voters in Ward 5, is a tried member of the Council. He is undoubtedly a friend of the Indian. He believes in justice and fair-play being meted out to the Indians. On all matters affecting the Indian community we have never found him to have failed. He deserves the fullest support of the Indian voters in Ward 5.

Since writing the above we have been informed that the Committee of the Natal Indian Congress, after having had a full and frank discussion with Messrs. Osborn, Reyburn, and Wanless, have decided to advise the Indian voters to vote for them.