

Indian Opinion

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UNHAPPY RAMSAY MACDONALD!

THE *Christian Century* of Chicago writes:—"Gandhi in jail weighs heavily upon the conscience of mankind. Man may consider that his incarceration had become necessary. They may consider his methods wrong. They may consider his aims mistaken. Most men, it is probable, have serious misgivings as to the wisdom and practicability of his course. But the thought of the Mahatma in prison raises questionings that are not easily put down.

Does the arrest of this apostle of revolution by "soul force" indicate a conflict between Gandhi's world and our own, much more fundamental than any conflict between India and Britain.

The problem placed before the British administration of India by the Gandhi campaign of mass civil disobedience have not been quite simple. There are men in power to-day in London, and women, who have known what it means, to sacrifice a career for a faith. There is a Viceroy in Delhi who has shown an unaccustomed capacity to comprehend the validity of the intangible forces which animate the Indian leader. But qualify the contrasts in the situation as you may, the one faith that rivets world attention remains unchanged. Mahatma Gandhi who would gain liberty for his people without resort to violence, is in jail. What are men to think in the light of that fact?

What is Ramsay MacDonald thinking? Of all the men who must touch this problem closely, our sympathy goes out to MacDonald. Gandhi in jail is an enviable figure when compared with Ramsay MacDonald sitting in Downing Street, with the control of British power as his responsibility.

Consider the things for which the imprisoned Gandhi stands—the revolt against capitalistic exploitation, the substitution, of reason for force, the right of self-determination for weak peoples, the supremacy of the conscience over the demands of the State. These things have been the very stuff of life for Ramsay MacDonald.

Were Stanley Baldwin in power to-day and Ramsay MacDonald in his accustomed seat in the opposition, how confidently would the House of Commons and the world listen to hear from him an exposition of the spiritual significance and the significance for human liberty, of this struggle!

The question posed by this strange figure in an Indian jail is not merely as to whether Britain shall go on ruling India. It is the question as to what shall go on ruling 'us'.

Until we can make an entirely different answer that candour today compels, there is probably nothing that the men who rule on our behalf can say to men of the Gandhi stripe but "To jail with you!"

Ireland over again! Ireland over again! But Ramsay MacDonald is enough of a liberal, a historian, a Christian, not to believe in the methods that England used in Ireland. He knows that such methods do not work, that in the long run Ireland gets what it is after, and both Ireland and England have only appalling misery to show for their conflict.

Ramsay MacDonald has no more faith in the

appeal to force than Mahatma Gandhi. But what else will the pressure of public wrath, the demand for the assertion of an empire's power, allow? Dark must be the thoughts to-day, coursing through the mind of Britain's prime minister. Unhappy Ramsay MacDonald!

What are the Christian people of Great Britain to make of Gandhi in jail? For there are Christian people in Great Britain; thousands of them. People who are honestly trying to follow Jesus Christ. Nineteen centuries have not been altogether thrown away.

Moreover, the world war was not a total loss. The slogans for which men died—"Freedom," "Self-determination," "The rights of weak people," are not entirely forgotten. John Masefield not Rudyard Kipling, is the new laureate. Kipling has gone out for style, save in the penitential mood of his *Recessional*. Then what are the Christians of Great Britain to make of the imprisonment of a man who insists on the method of love and of non-violence as a means of achieving the ends of State? What are they to make of a movement that insists upon confronting the power of the State with the desire for martyrdom?

But what are the Christians of all the West to make of the imprisonment of this man? Let us not try to deceive into any belief that the issues here involved affect only Englishmen and Indians.

We are, of all generation, most blind if we see in Gandhi in jail only figure in protest against British rule. Gandhi in jail is one philosophy of life awaiting crucifixion at the hands of another. It is against everything that has come to be most characteristic of our western life. That Gandhi stands in revolt. And it is against these things as they are much as among Englishmen, the domination of the stock market and the machine. Against the will to power; against demand for order at the behest of power. These things that we think inevitable, inexorable, Gandhi denies.

Here, for instance, is an extract from an interview which M. Negley Farson, correspondent of the *Chicago Daily News* had with Mr. V. J. Patel, the recently resigned president of the house of the Indian Legislative Assembly. Mr. Farson's dispatches from India have been by far the best reporting of development in the Orient that American journalism has recently exhibited. In this quotation from Mr. Patel he paints what is to most of the West, an unintelligible picture—

Until You Feel Ashamed

"I am going to make you beat me so outrageously that after a while you will begin to feel ashamed of yourself, and while you are doing it, I am going to put up such an outcry that the whole street will know about it; even your own family will be horrified at you."

"And after you have stood this scandal long enough, you will come to me and say, "Look here,

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"GOVERN or GO"

REUETER cable from Poona during the week announced that the negotiations for bringing about peaceful conditions in India are now closed. The well-meant efforts of Sir Tej Bahadur Sapru and Mr. Jayakar have in the long run failed. When these two ambassadors of peace on their own behalf undertook this great task, the Nationalist leaders in India felt that the time for peace movement was not yet arrived because they felt that there was nothing in the Viceroy's speech that can encourage the Indian National Congress to seriously think about the ways and means of peace. Both Mahatma Gandhi and Pandit Motilal Nehru had laid all their cards on table long ago with respect to the conditions of compromise. In fact Pandit Motilal Nehru gave an interview in Bombay to the representative of the *Daily Herald* in which he made an offer for peace. He said he would advise the Congress to go to the Conference not to argue a case for Dominion status but to frame a constitution for a free India, subject to adjustments of our mutual relations as are required by the special needs and conditions of India and our past associations. We must be masters in our own household, but we are ready to agree to reasonable terms for the period of transfer of power from a British administration to a responsible Indian government. We must meet the British people to discuss these terms as a nation to a nation and on equal footing. Within a few days after this interview the Government arrested the great Pandit and put him behind the bars. What did it show? It did not show the change of heart on the part of the Government of India. On the contrary the arrest of the great Pandit was a challenge to the Indian National Congress. Therefore the Congress leaders were not enthusiastic over the negotiations for peace. However, the efforts of Sir Sapru and Mr. Jayakar now helped to bring the issues quite clear before the country and the world at large. Correspondence in connection with the peace negotiations shows that no solution would be satisfactory unless it were recognised that India had the right to secede from the British Empire. One essential was a complete national government responsible to the people and in control of the defence forces. The right to refer to an independent tribunal such British claims and con-

cessions including the Indian public debt was also claimed. Obviously the Viceroy was not in a position to agree to these demands and hence the failure. *The Daily Mail* of London says "In India we must govern or go and we do not intend to go despite Lord Irwin and his friends. Such boasts and showing of fists to India do not terrify her to-day. She means business this time. If the determination of three hundred millions of her children is sincere as it seems to be 'go' they will have to. If the nation of three hundred millions of a glorious and ancient land speak with one voice and take an united action England must finally surrender. Can she ever govern without the co-operation and consent of the Indian people? It is open to England to do that. Can she go on governing India by putting thousands of her best sons and daughters into prison? Let the world see such might of England to do that.

FREEDOM'S CAUSE

THE essential distinction between the idealist and the materialist is that the former worships a principle because to him it stands for righteousness, *per se*, the latter gives it his assent because it accords with his own desires, aims or ambitions. The one serves, the other appropriates and exploits. The one would that all the world should share the joy of Freedom's sunshine, the other is concerned only to secure a place in the sun for himself. The former is a devotee, a sacrificer, a true worshiper; the latter an idolator in whom selfishness masquerades in the guise of principle. History's pages are dark with examples of the latter, of battles waged in freedom's name, of Freedom betrayed when her cause has been won, of selfishness and tyranny enthroned in her stead. The war that was to have "made the world safe for democracy" furnishes the latest example. The South African War of 1899 to 1902, an earlier, but scarcely less impressive one. To the Indian, whether of India or other portion of the Empire, the lessons learnt by comparing promises with performances have sunk too deep ever to be forgotten. Between 1914 and 1918 India gave of her treasure in life and possessions, joyously and without stint because to her Freedom is a goddess to whom, whenever necessary, the fullest sacrifice must be made. Since it is the toad beneath the harrow that best

knows where the harrow squeezes, India was well qualified to appreciate the value of freedom as applied to herself. That she was inspired in the sacrifices she offered during those four years by the promises made and the hopes encouraged that a place in Freedom's sunshine should be hers, too, admits of no doubt. The results of her disillusionment are to-day patent to all the world.

We Indians of the Transvaal find it no less difficult to forget that Great Britain did not hesitate to utilise our grievances, comparatively few and light as they were, and to invoke freedom's name and liberty's cause in justification, in part at least, of her war upon the Republic. We have reason to remember that the hoisting of the flag under which many of us had fought synchronised with not only the calculated retention of the racial distinctions that had been the subject of such vehement protest, but with the imposition of others far severer and still more degrading. Finally, we are at this very hour confronted with the spectacle of a denial to us of the most elementary claims to freedom by those on both sides who professed to be waging war as her champions. Oh! Blessed shade of the great "Autocrat" whose pious editor "believed in Freedom's Cause—"as far away as Payris is"! How well he knew his people!

Licensing Appeal At Ladysmith

The recent refusal of the Ladysmith Licensing Officer, Mr. G. A. Milburn, to grant the transfer from V. S. Pillay to H. D. Mahomed of an eating-house and fresh produce dealer's licence in Illing Road, resulted in an appeal being heard before the Town Council on Tuesday.

Mr. E. R. Rawlinson appeared for the applicant, Mahomed.

In support of the application, it was stated that the business would in no way compete with Europeans, and that it was only for the convenience of Indians and Natives. No extra licence would be created it being in effect a transfer.

The Licensing Officer had based his refusal on the ground that no necessity for the business existed in the particular quarter and that with 14 licenced premises of a similar nature in the Borough he considered the town was sufficiently catered for.

Mr. Rawlinson pointed out, however, that the business had been established years ago, and that since the granting of the licence to Pillay other licences had been granted.

In reply to a question by a Councillor, the Licensing Officer stated that all rates and fees on the premises had been regularly paid.

Granted Conditionally

Councillor Shearer remarked upon the fact that Licensing Officer had granted renewal of this licence at the beginning of the year and he doubted if trade had fallen off to such an extent since as to

warrant the refusal of the application on the grounds of no necessity. He considered that if the licence was taken away they would be playing into the hands of the remaining licencess in the locality.

The Licensing Officer stated that it was true the licence had been renewed, but it was not then a new licence. Although the application was simply for transfer, in reality a new licence would require to be issued. There was nothing in the Ordinance to say that one might refuse to renew a licence unless the premises were unsuitable, or the applicant was not keeping books according to law.

After a short retirement the Board granted the application subject to Pillay surrendering the licence at present held by him.

Council's Refusal To Grant Licence

Appeal Court Upholds Public Body

Before the Judge-President, Mr. Justice Gey van Pittius, and Mr. Justice Barry, arguments were heard in the Supreme Court, Pretoria, recently in an appeal from a judgment of Mr. Justice Tindall in the Witwatersrand Local Division, refusing an application to set aside the refusal of the Town Council of Springs to issue a general dealer's licence to H. H. Laher and his son.

Mr. Brink, K.C., and Mr. Thompson appeared for appellants (Laher and son) and Mr. Vyiera for respondent Town Council.

It appeared that on January 10 Laher applied for and was granted a general dealer's licence in respect of a certain Springs erf. Shortly afterwards he acquired another property, in respect of which he desired the issue of a licence in the name of himself and his son. The Council refused the application on the grounds that the first applicant was not a fit and proper person, the second applicant was inexperienced, and neither possessed a working knowledge of either of the official languages of South Africa.

The Judge came to the conclusion that no grounds were shown for interfering with the exercise by the Town Council of its discretion in regard to the application; there was evidence on which a reasonable man might have come to the conclusion that the first applicant was not a fit and proper person and that the other suffered from inexperience. There appeared to have been a bona fide exercise of discretion.

Against this finding an appeal was brought.

The Court held that no grounds were shown for upsetting the decision and the appeal was dismissed.

NOTICE

Transvaal Indian Congress

A Mass Meeting of the Transvaal Indian Congress will meet on Sunday the 21st September 1930 at 2 p.m. at Osrin's Picture Palace, Corner Marshall & Wolhuter Streets to protest against the Transvaal Asiatic Tenure Bill. All Indians are requested to attend the meeting in time. Up-country Indians are also requested to attend.

SURENDRA BAPOOBHAI MEDH,

Hon. Secretary T. I. Congress,

8-9-30

Johannesburg.

this sort of business cannot go on any longer now, why cannot we two get together and settle something?

"How does jail answer a movement that is based on a philosophy of that sort?"

This is what confronts the world in Gandhi's imprisonment. It is a challenge for which the west, as it now is, has no answer. No answer, that is, different from the old answer of Rome. And men and women in the Christian churches, with consciences that are not willing to acquiesce in the Roman answer, are reduced by this concrete crisis to the necessity of emphasizing Gandhi's mistakes in strategy, or the failure of his followers to measure up completely to his ideals, as a reason for supporting the State in its action.

In saying this we are not, in the slightest degree, singling out the Christians of Britain for criticism. If Gandhi were a Filipino, the Christians of America would stand in no different position. Indeed, we doubt whether there would be even as great a measure of questioning of the action of the State in America as there is to-day in England.

The truth is that none of us, living in the west, has any real answer to a jailed Gandhi. For when all is said, Gandhi is the prophet of a new—or at least another—world order. Dimly we receive that this order strives after ends we would, in our reflective moods, acknowledge as superior to the ends which now engross us. Even do we admit that they are ends which our own prophet—He who spoke the Sermon on the Mount—held up to our eyes. But they are ends impossible, grotesque, fantastic, while goal of life remains acquisition, and the measure of life remains power.

M. K. Gandhi Library And Parsee Rustomjee Hall

Ninth Anniversary

Sir Kurma Reddi On Value Of Reading

An urgent appeal for an Indian lending library was made by Mr. A. Christopher at the ninth anniversary and annual general meeting of the M. K. Gandhi Library and Parsee Rustomjee Hall. "There is a crying necessity for a lending library," Mr. Christopher said. It had been mentioned at the previous annual meeting, but nothing had come of it. They could not expect the people to come to the library day after day to read a book through from beginning to end. If their women did not have the facility to get easy access to the treasures in the library how could they be expected to educate themselves? There were workers for whom educational classes had been started, and they were not in a position to buy books. If they really loved books did they ever consider the craving of the poor man, the poor boys and poor girls, for the knowledge that lay within books? They might find themselves in the position of an independent lending library being formed. He knew of a person who was willing to give 500 books to a lending library, and then there was the probability of the Carnegie people taking an interest in the library and making it one of their depots. Since they had so many valuable volumes in the library why not put these apart in a reference department and take the cheaper volumes for a lending library with a covering deposit of, say, 5s.?

Several other speakers touched on the subject and spoke of the practical difficulties that had been encountered when considering the matter before and also questions of finance.

Value Of Reading

Sir Kurma V. Reddi, Agent in the Union for the Government of India, paid a sincere tribute to the work done by the library committee and its secretary during the past year. Librarians, he said, were more or less regular institutions in the world to-day. These institutions were educational and useful to everybody. He noticed that between those who attended the library and to whom books were given there was a considerable difference, there being very many readers of newspapers. Newspapers were essential, Sir Kurma said. But having got what was necessary out of the newspapers, might he add that the reading of books, especially about India, was also very necessary. They inherited all the traditions of India even if they were born in this country. Thousands of years of traditions, philosophy and art of India enabled them to say that their country was not lagging behind in the scale of nations in this respect. He urged them most strongly to educate their womenfolk.

The Deputy Mayor, Councillor J. K. Murray, Mr. William Doull, secretary and trustee chairman of the Bai Jeebhai Rustomjee Trust, and Professor Oxley, of the Technical College, also spoke.

[We have received from the secretary Mr. B. M. Patel the ninth annual report of the library which we are compelled to hold over for want of space. It will be published in our next issue—Ed. I. O.]

✓ Sakuntala On The Stage

The Dramatic Society of the Witwatersand University is producing the famous Indian play 'Sakuntala' by Kalidas. Mr. Sastri while acting as Agent to the Government of India in the Union addressed the University students and public on this famous play. He also addressed the Capetown University students and gave a public lecture in Durban Town Hall on this drama. Advocate Hazaree who is nominated by the Indo-European Council as one of their members to be co-opted on the production committee writes that twelve male students and twelve female students of the University are taking part in it. Myself and Mr. Morarjee Desai are doing our best to introduce the right atmosphere dresses, movements etc. His own son Cassim is taking the part of 'Bharata.' The whole got up of the play is beautiful. The University has fixed three nights for the play. 18th September 1930 is kept a special night for the Indian public at 8-15 a.m. in the Assembly Hall University Johannesburg, 19th and 20th for Europeans. Of course those Indians who wish to attend on these nights will be allowed to do so through the Indo-European Council. Tickets could be had from Mackay Bros. at 2/6 each. From Sindhi Silk Ware House and from Mr. I. I. Hazaree.

Western India was desolated in the fifth century by foreign invaders, until a great Indian prince arose. Vikramaditya the Great is to the Hindoos what Alfred the Great is to the English people. He expelled foreign invaders, founded a very powerful Empire and revived literature, science and arts. As a literary period his reign is one of the most brilliant in Indian history, and Kalidasa is assuredly the foremost poet of India. Kalidasa was one of the "Nine Gems" of Vikramaditya's court. He has a world-wide reputation and his immortal drama 'Sakuntala' translated into English in the last century, first attracted the attention of European scholars to the wealth and beauty of ancient Sanscrit literature. The play describes the love of a legendary prince for a forest maiden born of a nymph, and the freshness, tenderness and pathos of the drama have seldom been excelled by any other creation of the human imagination. The first meeting of the prince and the simple forest girl is well described; love is followed by a secret marriage and when at last the girl leaves her rural

home to join her consort the scene is indescribably pathetic. We give below a few passages from Sir William Jones's translation :—

Kanva—Hear, all ye trees of this ballowed forest; ye trees in which the sylvan goddesses have their abode; bear and proclaim that Sakuntala is going to the palace of her wedded lord; she who drank not, though thirsty, before you were watered; she who cropped not, through affection of you, one of your fresh leaves, though she would have been plac'd with such an ornament for her locks; she whose chief delight was in the season when your branches are sprangled with flowers!

Chorus of Invisible wood nymphs. May her way be attended with prosperity! May propitious breezes sprinkle for her delight the odoriferous dust of rich blossoms! May pools of clean water, green with the leaves of the lotus refresh her as she walks! And may shady branches be her defence from the scorching sunbeams!

Sakuntala—Ah! what is that clings to the skirts of my robe and detains me?

Kanva—It is thy adopted child, the little fawn, whose mouth, when the sharp points of the Kusa grass had wounded it, has been so often smeared by the hand with the healing oil of Ingudi; who has been so often fed by thee with a handful of syamaka grass, and now will not leave the footsteps of his protectress. Sakuntala—why dost thou weep, tender fawn, for me, who must leave our common dwelling place? As thou wast reared by me, when thou has lost thy mother, who died soon after thy birth, so will my foster father (Kanva) attend thee, when we are separated, with anxious care. Return, poor thing, return, we must part [she bursts into tears.

Kanva—Come, my beloved girl, give a parting embrace to me, and thy tender companions.

Sakuntala—Must Ansuva and Priyamvada return to the hermitage?

Kanva—They too, my child, must be suitably married; and it would not be proper for them to visit the city; but Gantami will accompany thee.

Sakuntala—[embracing him] Removed from the bosom of my father, like a young sandal tree, rent from the hills of Malay, how shall I exist in strange soil?

The whole play is full of tenderness and pathos. We whole-heartedly wish every success to Prof. Kirby and Mrs. Hardinge under whose direction the play is to be staged by the students of this great university. We hope the Indian community in the Transvaal will patronise and turn out in hundreds to see this glorious play. ✓

News Of Independence Struggle In India

Poona, Sept. 6.—Sir Tej Saprū and Jayakar in a joint statement trace the course of the their abortive negotiations between the Viceroy and the Congress leaders at present in gaol.

The beginning was an interview at Bombay, which Motilal Nehru who was arrested on June 30, gave to Mr. George Slocombe, correspondent of *The Daily Herald* on June 20 and as a result of which Mr. Slocombe drafted terms with which Motilal Nehru agreed.

The terms were that if the Imperial Government was able to give a private assurance that it would support the demand for full responsible government for India, subject to mutual adjustments and terms of transfer, then Motilal Nehru would undertake to convey such assurance to Gandhi and Jawaharlal Nehru.

The Viceroy in July agreed to Sir Tej Saprū and Jayakar seeing Gandhi, Motilal Nehru and Jawahar-

lal Nehru, with a view to persuading them to restore peace. Gandhi gave the intermediaries a note for the two Nehrus, saying that the round-table conference should be restricted to a discussion of the safeguards necessary in connection with full self-government during the transition period, but that the question of independence should not be ruled out. The Nehrus replied jointly registering their "insistence" on the demands contained in the resolutions adopted by the Annual Congress at Lahore—complete independence.

Gaol Conference

Eventually all met in Yeroda gaol in mid-August and, as a result, Gandhi gave the intermediaries a letter laying down the Nationalists' demands. The Viceroy's rejection of these demands was shown to Motilal Nehru, who was "disappointed," while Gandhi finished the negotiations on Sept. 5 by saying that the Nationalists "seeing no meeting ground between the Government and Congress."

Gandhi added that as long as the British Government and the British people considered India's right to secession as impossible and untenable. "Congress must continue to fight for freedom."

Correspondence in connection with the abortive peace negotiations shows that the Nationalist leaders laid down that no solution would be satisfactory unless it were recognised that India had the right to secede from the British Empire. One essential was a complete national government, responsible to the people and in control of the defence force.

The Nationalists claimed the right to refer to an independent tribunal such British claims and concessions including the Indian public debt, as appeared unjust. Civil disobedience would be called off if the terms were acceptable to Britain, but the picketing of foreign cloth and liquor shops and the illicit manufacture of salt would continue.

Release Of Prisoners

Other demands were for the release of political prisoners who were not guilty of violence, the restoration of confiscated property, the repayment of fines, the reinstatement of villiage officers who resigned or were dismissed, and the repeal of all special ordinances. It was further demanded that the composition of the round-table conference in London and the Indian representation on it should only be decided after the settlement of the foregoing so-called preliminary demands.

The Viceroy, in reply, regretted the tone adopted by the Nationalists and their blank refusal to recognise the grave injury they were doing to the country by the civil disobedience movement. He declared that no useful purpose could be served by attempting to deal with the suggestions in detail, as the proposals were impossible. The Viceroy added, however, that if the civil disobedience movement were called off, the ordinances would be withdrawn.

Lord Irwin said he was unable to give an assurance in regard to the release of political prisoners, but would recommend local governments sympathetically to consider cases on their merits. He was prepared to give the All-India Congress adequate, as distinct from majority, representation on the round-table conference.—(Reuter.)

Unrest Spreading In India

London, Sept. 7.—While Congress leaders are insisting that non-violence is assured, events are belying their

statements, cables *The Daily Telegraph's* Bombay correspondent, who mentions serious troubles with insurgents at Selampur; where, despite all the peaceful efforts of the Magistrate, troops had to fire during the week-end, killing several rebels. Two hundred women under the Congress flag added to the troubles.

The Mahratta agriculturalists were friendly to the Government, and their changed attitude shows how powerful the Congress influence is now in hitherto peaceful and loyal villages.

The correspondent also mentions fighting in the Gujarat Valley, an assault on the Magistrate at Balsar, resulting in injuries, the discovery of bombs and a regular arsenal in the Punjab, and the growing unrest in the North-West Frontier Province.

Meanwhile the civil disobedience movement is growing in Bombay. The police are ignoring saltmaking, contenting themselves with arresting the leaders. Even the Indians themselves are amazed, though expressing admiration at the patience of Lord Irwin.

"We Must Govern or Go"

PRESS COMMENTS ON INDIA

London, Sept. 6.—The Indian peace talks are the main subject displayed in the morning papers, many of which have already devoted leaders to the subject.

The Daily Herald believes that "with wisdom on both sides success can still be secured." The paper urges the British Government to make it plain that the round-table conference will be summoned to arrange for the essential temporary safeguards for a self governing India and that the conference not be confined within the limits of the Simon Report. It urges Congress, "on that promise and on condition that political prisoners are granted an amnesty," to call off civil disobedience and participate in the conference.

The Times says that in their letter to the Viceroy the three prisoners laid down conditions which would be more appropriate if imposed by the leaders of a partially successful military revolution. They demanded the Government's complete surrender.

Tributes are paid to the patriotic efforts of Sir Tej Saprú and Jayakar. The paper states that the Government of India was fully justified in assisting them to the utmost. It was desirable that Congress should be represented at the round-table conference, but the presence of their delegates was not indispensable and the Government and those who co-operated with it could continue their preparations for the meetings in London with a clear conscience.

The Morning Post hopes that the Government, "having proved by sad experience the futility of these proceedings," will turn to their real business, which is to govern India and restore order."

The Daily Mail says: "In India we must govern or go, and we do not intend to go, despite Lord Irwin and his friends."—(Reuter.)

British Disciple Of Gandhi

Calcutta, Sept. 9.—Thirty women were arrested to-day in the Congress Square in connection with a procession formed after the arrival from Madras of Gandhi's English disciple, Miss Sted, who is known as Mirabai.

The crowd threw stones at the police who ordered the procession to disperse. One inspector and two European sergeants were injured. The police subsequently raided a building attached to the Calcutta University. Ten students and 10 other persons were injured.—Reuter.

Congress Leader Released

Allahabad, Monday.

Pundit Motilal Nehru has been released from gaol for health reasons.—Reuter

Pundit Motilal Nehru is a colleague of Mr. Gandhi

and one of the leaders of civil disobedience movement. He was acting president of the All India National Congress when his son, Jawaharlal Nehru was put in gaol. He did not retain the position long when he was also sent to gaol for a political offence. Pundit Motilal is in his 70th year.

Vishwaroop Temple And Dharamsala (Tongaat)

Public are kindly invited to attend the Annual General Meeting of above Temple which will be held on Sunday the 14th. October 1930 at Gokhale Memorial Hall Tongaat at 1 p.m.

Business;—1 Minutes, 2 Secretary's Report, 3 Financial Statement, 4 Chairman's speech, 5 Election of officials, 6 Mr. Timolram's offer of gift 10 acres of land, 7 General

Chairman R. MAHARAJ.

Secretary V P DESAI.

FOR SALE

Citrus Fruit for 1931 season consisting of Orange, Naartjes, Mandarines and Lemons situated in large garden.

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Many women have reason to think the day they started to take Dr. Williams' Pink Pills—to them it has meant the dawn of a new day; for these pills have given new health and vitality to thousands of nervy, depressed, run-down women.

Is it any wonder that so many women suffer a breakdown in health? Day after day spent in the same surroundings, her manifold tasks the cares and worries of the home—these alone are enough to cause irritability and depression.

Dr. Williams' Pink Pills create new blood, rich with the elements on which the nerves thrive; it is in this way that they restore regular health, give increased energy, and strengthen the nerves.

DR. WILLIAMS' PINK PILLS

Of any dealer, or direct from Dr. Williams' Medicine Co., P.O. Box 604, Cape Town 35, 3/6 for one bottle, and six for 18s., post free.

THE ASIATIC LAND TENURE (AMENDMENT) BILL

[CONTINUED FROM LAST ISSUE]

SECTIONS OF THE BILL.

Section 7.

Section two of Act No. 37 of 1919 is hereby repealed and the following new sections two, three, four, five, six, seven, eight, nine, ten and eleven substituted therefor the existing section three becoming section twelve.

2. (1) The expression "fixed property" in Law No. 3 of 1885 (Transvaal) and in this Act shall be construed as meaning any real right in immovable property in the Province of the Transvaal outside an area assigned for the occupation of Asiatics under paragraph (b) of article two of the said Law, as an exempted area in terms of the Transvaal Asiatic Tenure (Amendment) Act, 1930; other than a mortgage bond over immovable property securing a bona fide loan granted in the ordinary course of business, for an amount which either alone or together with any other mortgage bond having priority over the first mentioned mortgage bond, does not exceed one half of the value of such property as at the time of the registration of such mortgage and shall include any lease of immovable property for a period of ten years or longer or any lease which empowers the lessee to renew it for any period or periods which, together with the period of the original lease, equal or exceed a period of ten years.

2 (2) No Asiatic Company shall hold any fixed property.

2. (3) The provisions of sub-sections (1) and (2) shall not apply in respect of any fixed property which, on the first day of May 1930 stood lawfully registered in any deeds registry in favour of—

- (a) any Asiatic, as long as that fixed property is held by him or by any other Asiatic who inherited it from an Asiatic; or
- (b) an Asiatic company while held by such company.

2. (4) No person shall hold any fixed property on behalf of or in the interest of an Asiatic or Asiatic company, and any person who purports or agrees to hold any fixed property on behalf of or in the interest of an Asiatic or an Asiatic company shall be guilty of an offence; provided that the provisions of this subsection shall not apply in respect of any fixed property held immediately prior to the fifteenth day of May, 1930, by any person on behalf or in the interest of an Asiatic or an Asiatic company, while so held by such person.

COMMENTS THEREON.

Section 2 of Act 37 of 1919 is repealed and new sections numbering 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 are substituted.

This section defines the expression "fixed property" as meaning any real right in immovable property, *malis fide* mortgages, and leases of ten years and over, other than land set apart in locations for sanitary purposes by Government under paragraph of Article 2 of Law 3 of 1885. The effect of this section is to prohibit ownership of land anywhere excepting in locations set apart, and areas defined in Clause 5 of the Bill.

This section prohibits any Asiatic Company from holding fixed property. Prior to the passing of Act 37 of 1919, ownership of property was acquired by forming companies or corporate bodies, and this was held to be legal. But section 2 of Act 37 of 1919, prohibited the ownership of fixed property by companies and the holding of bonds otherwise than as security for a bona fide loan or investment in the ordinary course of business to companies in which Asiatics have a controlling interest. After 1st May, 1919, Indian companies in which Europeans held majority of shares acquired ownership of several properties. These transactions are not protected by the proposed Bill. It may, however, be stated here that companies formed in this way were registered by the State, which was the test that there was no legal prohibition against such transactions.

This section protects fixed properties of Asiatics in whose name they stood lawfully registered as at 1st May, 1930. The section is not clear as to whether right to transfer land so held to other Asiatic during the life time of the holder exists, as to whether the protection is limited to inheritances that took place before 1st May 1930, or as to whether the protection is extended to future inheritors.

This section introduces a new disability and sweeps away existing rights in relation to holding of properties in trust by Europeans for Indians. Europeans held properties for Indians since Law 3 of 1885 was enacted, and this was held to be valid by the Supreme Court (see case of *Khamissa vs. Mohamed*, 1913 T.P.D. 597). The present provision of the Bill makes it illegal and a punishable offence for a person to hold fixed property on behalf of or in the interest of an Asiatic, but protects properties so held prior to 15th May, 1930.

2. (5) Any fixed property registered in any deeds registry in favour of any Asiatic company which such Asiatic or company is debarred from holding by virtue of the provisions of Law No. 3 of 1885 (Transvaal) or of this Act, shall become the property of the State and any person other than the registrar of deeds or registrar of mining titles or any of their subordinate officers, who is in any way instrumental in effecting any such registration, in favour of an Asiatic or in favour of a company which is, on the date of such registration, an Asiatic company, shall be guilty of an offence:

Provided that if any such Asiatic or company purports to transfer such property to a person who may lawfully hold it, the rights of the State under this sub-section in respect of such property, shall terminate on the expiration of one year after the registration of such transfer, in a deeds registry.

2. (6) Any condition or provision inserted after the fifteenth day of May, 1930, in any document whatever purporting to empower any Asiatic or Asiatic company to exercise any influence upon the transfer of fixed property shall be void.

3. (1) Whenever any private company holds any fixed property, any share in or debenture of such company held by or pledged to—

- (i) an Asiatic; or
- (ii) an Asiatic company; or
- (iii) any person on behalf or

in the interest of an Asiatic or an Asiatic company, shall be forfeited to the State.

(2) It shall be the duty of the secretary and of every director of any company referred to in sub-section (1), which holds any fixed property, to notify the registrar of companies whenever an Asiatic or Asiatic company or any other person on behalf or in the interest of an Asiatic or Asiatic company holds any share in or debenture of such first mentioned company.

(3) Any secretary and director who fails to comply with the requirements of sub-section (2) shall be guilty of an offence unless he proves that he was ignorant of the fact which it was his duty, in terms of sub-section (2), to convey to the registrar of companies and that he could not reasonably have ascertained that fact.

4. The provisions of section three shall not affect any share in or debenture of any company which was, on the first day of May, 1930, held by an Asiatic and not transferred by him since that date or by any other Asiatic who inherited it from an Asiatic; provided that such company did not after the said date acquire any fixed property.

The effect of this section is that it gives powers to the State to confiscate any fixed property which an Asiatic or Asiatic company is debarred from holding by Law 3 of 1885 or by Act 37 of 1919, and subject to penal offence any person (other than proper officers) who is instrumental in effecting registration of such properties in favour of an Asiatic or Asiatic company. An Asiatic or Asiatic company will have to transfer the property to a person who may lawfully hold it, and the rights of the State to confiscate the property are to terminate at the end of one year after the registration of such transfer. This section, it seems, has been framed in order to confiscate properties owned by limited companies formed after 1st May 1919, which are stated to have been illegally formed. Even if companies were found to have been illegally formed to acquire property no provision is made to give an Asiatic company time within which to dispose of its property, and the State would have the right to confiscate without giving an opportunity to the Asiatic concerned. This confiscation carries with it no compensation, and the section, it seems has a retrospective effect in that it brings within its purview properties acquired contrary to Law 3 of 1885 or Act 37 of 1919. Evidently it is intended to test the legality of properties owned in this way and to confiscate them if they are declared to have been illegally acquired.

The effect of this sub-section is to make void any condition inserted after 15th May 1930 in and deed of transfer giving power to an Asiatic or Asiatic company to exercise any influence over the transfer. This is to prohibit any conditional transfer on the part of an Asiatic over a property which he may transfer to Europeans, and over which he may desire to exercise control.

The provisions of this section are self-evident. It prohibits Asiatic, or Asiatic company or any person on his or its behalf from holding any share, or debentures in any private company holding fixed property, and the penalties are confiscation by the State. Secretary and Director of such companies, failing notification, are liable to be punished. This section is intended to tighten up the existing laws even to the extent of debarring Indians from holding legitimately shares or debentures in companies which may, besides other activities, hold fixed property. This is a further example of unjust restrictions placed upon Indians.

This section protects from the operation of section 3 an Asiatic who held shares or debentures in any company, or other Asiatic who inherited the same from an Asiatic as at 1st May 1930 with the condition that such company, shall not after that date acquire fixed property. It only protects individuals and not companies, or individuals who hold properties in trust on behalf of Indians. The protection given is to be withdrawn upon such companies acquiring fixed property after 1st May 1930.

5. (1) The secretary of any company a share wherein or a debenture whereof has been forfeited to the State in terms of section three shall make such entries in any register, book or document under the control of such company and issue such documents as the registrar of companies may direct for the purpose of giving effect to such forfeiture. (2) Whenever any such secretary fails to comply with any direction given to him by the registrar of companies in terms of sub-section (1), such secretary shall be guilty of an offence.

6. Whenever it has been proved in any proceeding under this Act, whether civil or criminal, that an Asiatic holds any share in or debenture of any company or that any other person holds any such share or debenture on behalf or in the interest of an Asiatic, such company shall be deemed to be an Asiatic company, unless the contrary is proved.

7. (1) No foreign company (as defined in section two hundred and twenty-nine of the Companies Act, 1926 (Act No. 46 of 1926) shall acquire any fixed property or shall be capable of holding any fixed property acquired after the first day of May, 1930, unless it has a place of business in the Union and has complied with the requirements of section two hundred and one of the said Act.

(2) No Asiatic may occupy any land (other than land situate in an area wherein an Asiatic may hold immovable property) if such land is held by any foreign company or by any company in which a foreign company holds a controlling interest or if any such company holds any real rights in respect of such land other than a mortgage bond referred to in sub-section (1) of section two or if any such company holds in respect of such land a lease referred to in that sub-section, provided that the provisions of this sub-section shall not apply to any Asiatic who is the bona fide servant of any person in lawful occupation of such land. Any Asiatic contravening this sub-section shall be guilty of an offence.

8. If any company which has issued any shares or share warrants or debentures entitling the bearer thereof to any rights in regard thereto, holds any land (other than land situate in an area wherein an Asiatic may hold immovable property) or a real right in respect of such land other than a mortgage bond referred to in sub-section (1) of section two or holds in respect of such land a lease referred to in that sub-section no Asiatic shall occupy such land (except as a bona fide servant of any person in lawful occupation thereof) and if any Asiatic occupies any such land in contravention of this sub-section he shall be guilty of an offence and if such occupation was permitted or could have been prevented by such company, the secretary and every director hereof shall likewise be guilty of an offence.

9. (1) Any authority entrusted by law with the issue of any certificate which any person desiring to take out a licence to carry on any business or trade in the province of Transvaal is required to produce before such licence may lawfully be issued to him, shall, subject to the provisions of sub-section (3) of section one, not issue any such certificate to any person applying therefor unless such person proves that the proposed holder of such licence and the person who will be in actual control of the business or trade to be licensed, are not Asiatics, or if they are Asiatics, that they may lawfully carry on the business or trade for which a licence is desired on the premises whereon such business or trade is to be carried on.

This casts a duty upon the secretary of a company to give effect to forfeiture of shares and debentures in the manner required by the registrar of companies, and failure to do so makes him liable to an offence.

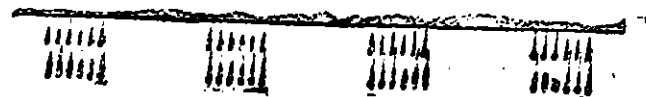
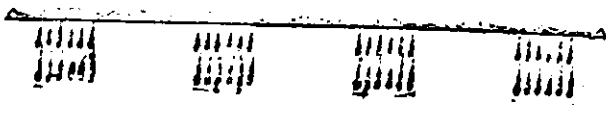
This section requires no explanation, but it remains to be pointed out that section 3 gives ample powers for the forfeiture of shares or debentures in any private company which holds fixed property. The intention is to confiscate landed property as well in terms of section 5.

This section lays down that no foreign company shall acquire fixed property unless it complies with the Companies Act in certain respects. It further lays down that no Asiatic may occupy land held by a foreign company (other than in a defined area) unless he is a bona fide servant of a person in lawful occupation of such land. There may be cases where Indians are in occupation of land not covered by Gold Law, or the Townships Act or by any restrictions in private title deeds, yet no protection is given to such cases. This is another typical example of deprivation of existing rights, with no safeguard to protect vested interests.

This section prohibits an Asiatic from occupying land held by a company, which has issued bearer shares or debentures entitling the bearers thereof to any rights in regard to such land, and makes him liable to punishment for any contravention. Secretary and every director of company permitting such occupation are to be guilty of an offence. No protection is given to existing cases which come under this head, and vested interests are completely swept overboard.

This section gives authority to local authority to refuse the issue of certificates to an Asiatic to trade unless such Asiatic, and the person who will be in actual control of the business prove that they are lawfully entitled to carry on the business on the premises whereon such business or trade is to be carried on.

(To be Continued)



ઈન્દિયાન ઓ પિન્દિયાન

“ઈન્દિયાન ઓ પિન્દિયાન”

શુક્રવાર, તારીખ ૧૨ સપ્ટેમ્બર ૧૯૩૦

આવતા માસની શરૂઆતમાં લંડનમાં શાહી પરિષદ મળશે.

હિંદુસ્તાન તરફથી ખીકાનેરના મહારાજાજી હવે તે ઉઠે છે તથા સર મદમદ શાહી પ્રતિનિધિઓ તરીકે એ શાહી પરિષદમાં દાખરી આપશે.

શહી કમીને માં માનવપાત્રી પશુ એમની જોડે જશે. ટ્રાંસવાલમાં હાંદીઓને કેસ આં શાહી પરિષદમાં ખસ મચાવેલો જોઈએ. અરસા હટ કેસ પશુ એમાં દાખરી આપવાના છે.

શાહી પશુ એ સમગ્ર લંડનમાં હશે. ટ્રાંસવાલ ધનિયાન કેસની માસે આ છેલ્લીનું લખ ખાંડી છે તેના આ પ્રસંગે સંસ્કર ઉપગો કરી લેવો જોઈએ. સા આ ધ. કેસની એકઠીયુટીવે આ ખીકને લગતું એક પેમ્પ્લેટ તથાવાર કર્યું છે અને અમને સમાચાર મળ્યા છે કે એ પેમ્પ્લેટ હાથ મળ્યું છે અને માલુમ હાંદીવાના મેલમાં તે જોપડીઓ વિલાપત રવાના થઈ જશે માં પોલાક પશુ વિલાપતમાં છે તેમની જોડે પત્રવ્યવહાર કરી તેઓ ખીકાનેરના મહારાજા સર શાહીને મળીને પરિષદમાં ટ્રાંસવાલના હાંદીઓને કેસ બરાબર રહુ થાય તેવી જોઈનજી વાર મારકને દુરવજ થતી જોઈએ. ટ્રાંસવાલ કેસની સેક્ટરી માં સુરેં મેડ અમને દર્શાવે છે કે એકીયાટી ટેન્ડર ખીકની સામે પ્રોટેસ્ટ કરવા માટે તમા સુખ માં સુખે રે રક્ષારે જે વાગે દારનર એકે મારકત અને વોલહુર રટીમાં આવેલા જોસરીન પીકર પેલેસમાં એક માસ મીટીંગ મોઝારામાં આપી છે અને આજ રાખીને જોઈએ કે ટ્રાંસવાલના દરેક દરેક હાંદી આ અલત મદરની સભામાં દાખરી આપવાનો પોતાનો ધર્મ વિચારે. ટેન્ડર ખીક કેષ પશુ સંજોગમાં કામને મંજુર થઈ શકે એમ છે નહિ અને મીટીંગમાં સખતમાં સખત કાવો થવાનું જોઈએ. કલમના એક જોદાથી ટ્રાંસવાલના હાંદીઓની જડ નીકળી જાય, તેના અસ્તીત્વનો નાશ થઈ જાય એવી છેલ્લી ધડી આવી રહેલી છે તેવું સંખ્યે પશુ ટ્રાંસવાલના હાંદીઓને મોં ઘેર નિદ્રામાં પડ્યાં રહેશે તે તેઓ ખીકાનેર જોડે હોય શકાડી શકે એમ નથી. અરસા આ ખીક અસિદ થઈ છે લારથી આ પત્રમાં અમે ટ્રાંસવાલના હાંદી ભાષણોને જેટલી ચેતવણી આપવી જોઈએ તેટલી આપવામાં કયાશ રાખી નથી ટ્રાંસવાલના હાંદીઓમાં શું આને એટલી પશુ માર્ગની નથી રહેલી કે પેતાના સર્વ રવનો નાશ થઈ જતો હોય તેવા પ્રસંગે વીરની મદક, મદોની માદક ખડા થઈ પોકાર પડી જહેર કરે કે આ ખીકને કામદો થશે તે અમાઈ સર્વજ્વ જનું કરી તેની સામે

જુગીયું! અરે પશુઓ જેવાં અવાચક પ્રાણીઓ પશુ તેના મહોમાંથી આવેલો કાળજો લખ લેવામાં આવતો રોમ તે તે શીકાં મારે છે, શાતો મારે છે અને પેતાના શરીરને પે.પા માટેનાં સાધનોનું રક્ષણ કરે છે. અમે આ પ્રસંગે ટ્રાંસવાલમાં વરતા દરેક દરેક હાંદી ભાષણોને આમલ કરીને જોઈએ કે તેઓ તા. ૨૧ મીની સભામાં દાખરી આપવાનું ખીકુક યુકે નહિ. માં મેડ અમને દર્શાવે છે કે ખીક વિષેનું જે પુસ્તક તેમને મળ્યું છે તે પાંચ શીકાંમની કોપને તેમની પાસેથી મળી શકશે. તેમનું શીરનાયું એસ. ખી. મેડ. જોન. સેક્ટરી ડી. ઈ. કોચિય મોક્સ ૪૮૨૮ છે. જેમને એ જોપડી જોઈએ તે તેમની પાસેથી મેળવી શકે છે.

૨૨ મહારાજાજી માલુમ હાંદીવામાં પુત્રોની દર્શાવે છે કે સર તેજ મહારુર સર અને મી. અમ-ધુન્ડીલાખ ઝીંદાખાદ કરના સુલેહનો પ્રયાસો નીજળ નીચ્યા છે. ખરી રીતે એમ

કશું આમલ પામવા જેવું છે નહિ. તેઓને સુલેહને લખો પત્રવ્યવહાર બહાર પડ્યો છે તે ઉપરથી મહારાજાજી રાજ માગણી શું છે તે વધુ ખુલા રવરમાં હાંદીની પ્રભ સામે અને અગત સામે રહુ થઈ શકી છે. મહારાજાજી વોલસરોલ પાસે જે માગણીઓ મોકલી આપી તેમાં મુખ્ય માગણીઓ કવી છે કે પ્રખતે જોખમવાર એવી રાષ્ટ્રીય સરકાર જોઈએ, લરકરે ઉપરને સંપુર્ણ કાણુ જોઈએ અને શાંટીક સામ્રાજ્યમાંથી છુટા થાનો અધિકાર પશુ જોઈએ. અને દુકમાં એવું કર્ષ છે કે કોમીનીઅસે જે સખતું કોમીનીઅન રેટલ જોગવે છે તે અને તે ઉપરાંત સામ્રાજ્યમાંથી છુટા પડી જવાનો અધિકાર પશુ જોઈએ લાહેરની મહારાજાજી સંપુર્ણ સ્વાતંત્ર્યનો દર્શાવ કરેલો તેજ આ માગણીમાં પુર્ણપણે સમાઈ જાય છે. જોખમેલ પરિષદ મોલાવવાની જોગ જોખ વાતો વોલસરોલે વિલાપતની સરકારની સંમતિ લઈને આજ સુધી કર્ષ કરી, તે નાકવના ઉપર લખે જોઈ પકિ મચે છે. શાંટીક મુલદીઓ હાંદીને જોખમેલ પરિષદમાં રમાડી લેવાની યુક્તિ રચ્યા કરતા હતા તે બજી હવે પડ્યાં ગઈ છે. મહારાજાજી પેતાની માગણી ઉપર સખતવાથી અને કટાથી ઉભી છે. સુલેહની નિજળાની વાને બહાર આવી કે દુરવજ હવે જોખ પરિષદમાં મોક્સ હાંદીઓને લખ જવાની વાત બહાર આવી છે અને હાંદીના ડેલીગેટોનાં નામો પ્રસિદ્ધ કરવામાં આયા છે. જેમકે સોમ કેશી રાજાજી છે. નામદાર આજ ખાન શાહેજ, મેસર ઝન્ડા, અમનરાજ, પર મીમનલાલ શોલવાલ, સર શીરોજી શેઠા, કાલીજી, સર તેજ મહારુર સર આ સર મદમદ શાહી, મેં જી પ્રતિનિધિઓ વરીકમાં સર શાહીનાં હાંદી તથા ખીસીક કુમાવનાં નામ છે. મી. જયકરવું નામ પશુ છે. શાંટીક હાંદી પ્રતિનિધિઓની