

# Indian Opinion

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## STATEMENT TO THE HON. MINISTER OF THE INTERIOR PRESENTED BY SOUTH AFRICAN INDIAN CONGRESS

THE following memorandum was submitted to the Honourable Minister of the Interior at Capetown on the 14th February, by the South African Indian Congress, with reference to the Bill to amend the Laws relating to Immigration and certain Asiatics, now before Parliament and to be read a second time on the 16th February, 1931.—

We, the undersigned members and officials of the Executive of the South African Indian Congress, beg leave to submit the following observations and objections of our Congress as representing the Indian community of South Africa in regard to the Bill to amend the Laws relating to Immigration and certain Asiatics for the consideration of the Honourable Minister of the Interior with the prayer and hope that he will be pleased to grant our community relief in the direction hereafter stated.

At the outset, we desire to express the considered opinion of our Congress that the introduction of any measure which aims at the alteration of the Immigration Laws which adversely affect, directly or indirectly the Indian community, as the Bill proposes, is most emphatically objected to on the following grounds:—

(a) That when the Indian community agreed to the closed door policy which was instituted by the passing of Act 22 of 1913, it did so on the understanding that existing Immigration rights would not be interfered with.

(b) That Act 37 of 1927 was passed as an addition or amendment to Act 22 of 1913 and further that it was passed for the purpose of implementing certain of the conclusions arrived at by the Cape Town Conference.

Therefore, the Indian community agreed to its passing on the understanding it did not interfere with existing Immigration rights any more than Act 22 of 1913, of which it was an amendment, had done. If the Union Government is now of the opinion that Act 37 of 1927 does not fully give effect to the conclusion arrived at by the Cape Town Conference, surely, it is only right that they should not alter the existing laws, without previous consultation, but should wait before making any amendment until the next Conference, especially as no need for an emergency measure has arisen.

There are certain clauses of the present Bill which will have considerable effect on the members of our community. These may be divided into two classes. First, those which apply to Europeans and Indians alike, but by which Indians will be peculiarly affected and, secondly, those which repeal special Indian legislation passed as a result of agreement arrived at between the Transvaal and the Union Governments and the leaders of the Indian community.

1. In the first class we take the following two clauses of the proposed Bill:—

(a) Section 2 (d) deleting para. (f) of Sub-Section (1) of Section 4 Act 22 of 1913 and substituting this new clause.

(b) Section 2 (e) adding Sub-Section (j) to Section 4, Act 22 of 1913.

2. Under the second class which apply solely to Indians we include the following four clauses:—

a. Clause 2 (f) which inserts in para. (a) of Sub-Section 2 of Section 4 of Act 22 of 1913 the following words after the word "Province" "and having since that commencement retained a domicile in the Union.

b. Clause 2 (g) which repeals Sub-Section 2 (b) of Section 4 of Act 22 of 1913.

c. Clause 2 (H) which inserts a new Sub-Section (2) (A) after the existing Sub-Section (2) of Section 4 of Act 22 of 1913.

d. Clause 5 which repeals Sections 2 and 11 of the Transvaal Asiatic Registration Act 36 of 1908.

### I. A

In regard to Section 2 (d) which seeks to repeal para. (f) of Sub-Section (1) of Section 4 of the principal Act 22 of 1913 and substitute by this new clause, our Congress desires that the Minister may be pleased to give an assurance that political offenders such as those who have been charged and convicted in any country or at any time under a Passive Resistance or a non-violent non-co-operative movement for political offences such as high treason, sedition etc. *at any time* will not be affected and that this new Section will not be applied to such persons. We may point out that there are several prominent members of our community who have at one time or another here and in India suffered imprisonment for their political principles and their conscience sake, without having committed any act of violence against the state.

### I. B

Clause (e) adding Sub-Section (j) to Section 4 of Act 22 of 1913. Those Indians who returned to the Union before July 5th 1930, but have been held to have lost their domicile before their return and to be therefore compelled to re-earn their domicile will be liable to deportation under the Minister's order if they are convicted of any offence during the three years period of reacquiring domicile. Further the rights of children of domiciled Indians who are allowed to enter the Union or the Province, as the case may be, under the age of 16 years in terms of Section 5 (g) of the principal Act 22 of 1913 will be detrimentally affected in as much that in future a child introduced at the age of 15 would always be liable to deportation if he committed *any offence* before he reached the age of 18 years. i.e. until he acquires a right of domicile. It is hoped that some kind of assurance will be given by the Hon'ble the Minister to the effect that this section will not be applied to those who are re-earning their domicile and convicted of trivial offences.

### II. A

With reference to Section 2 (f) which comes under the second class. We earnestly desire to submit the following objections of our Congress to the proposed amendment:

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## THE NEW MOVE

**A**S anticipated in our issue of the 6th February, the Transvaal Asiatic Bill is to be shelved, but perusal of the draft Immigration Bill just to hand makes it painfully clear that it is but one more instance of scorpions replacing whips. Let it not be forgotten that apart altogether from the Transvaal Asiatic Bill the position of the Transvaal Indian community remains dangerously insecure and precarious to a degree, by virtue of existing statutory prohibitions and sanctions, notably those of the Gold Law and Townships Amendment Act. So long as those and other laws to which they were designed to be complementary remain on the statute book, there is always danger of their strict enforcement, and were a policy of their enforcement on the lines of the interpretation now officially advanced seriously adopted, the withdrawal of the Transvaal Asiatic Bill would make but little difference. The community is far from being out of the wood in this regard.

The Immigration Bill if enacted will constitute nothing less than an instrument for the terrorising of the whole Transvaal Indian population. As we view it, one of its principal effects, to adopt the words of an eminent legal authority, will be to make Registration Certificates no better than scraps of paper. It will empower the Asiatic Department to challenge the validity of every Registration Certificate held, that is, of the right of every Indian to be in the Transvaal quite apart from any question of domicile. It will furnish the Government with an inquisitorial weapon for the "smelling out" of as many of us as may fail to survive the inquisitorial machinery through which we shall be passed. In plain language it is obviously a device to provide a "satisfactory" alternative to the voluntary repatriation scheme from which so much was expected by the Government under the Gentleman's Agreement, but which in this respect has not worked out according to plan. It is becoming more and more evident that the Capetown Agreement as viewed through official South African eyes was primarily a scheme for getting rid of us, and that the "uplift" part of it counted about as much as did Germany's obligation to respect Belgium's neutrality. It is also sufficiently apparent that the plan mapped out for the Indian community is, on the one hand an intensive "smelling out" with a view to

shipping back to India as many as can be got rid of altogether, and on the other the lumping together for all practical purposes of the remainder with the coloured helotry of South African origin.

Freedom is a goddess not lightly wooed and won! Only the truly brave and self-sacrificing may hope to claim her for their own. Yet once again are we Indians being tried and tested.

## THE NEW IMMIGRATION BILL

( BY O. F. ANDREWS )

**I**T needs to be very clearly understood by Europeans in South Africa that the Indian community is *not* objecting to any new legislation, throughout the Union, whereby all immigrants are treated alike. It is only where a new Bill affects Indians as such that our strong objection is raised. Even here, we do not object in this Bill to the removal from the Statute Book of certain antiquated measures, which dealt with indentured labour conditions; for in that respect the Indian community itself had already asked for relief, which is now to be granted.

But it is quite another thing when the value of the Transvaal registration certificate is to be taken away; because herein a vested right is attached, which was for very many years a matter of sharp contention in the Transvaal, and in the end, after much suffering, was amicably settled in our favour and also to the advantage of the Union. Before this amicable settlement was reached, nearly 3,000 Indians in the Transvaal were obliged to court the pain and indignity of imprisonment. Many of these suffered very serious hardships. In certain cases, life itself was shortened. Mr. Kachalia, as leader of the Transvaal Indians, invited ruin to himself in his own trade owing to his magnificent firmness of Satyagraha. In the end, he sacrificed everything for the cause and died before his time. Mahatma Gandhi was obliged on two occasions to go to prison and suffered these imprisonments cheerfully for the sake of the Indian community which he served. The whole story is told at length by Mahatma Gandhi himself in a book called 'Satyagraha in South Africa'. The story is a deeply touching one; and every Indian in South Africa ought to read it, either in Gujarati or English.

Thus a deep sentiment has become attached to these registration certificates, on behalf of which such a splendid moral warfare was waged. It is unthinkable for Indians in South Africa now in 1931 to surrender them, at a moment's notice, as far as their present value is concerned, and in this manner to give up another vested right among the very few that are left.

When Mahatma Gandhi agreed to the restriction of immigration into South Africa, he obtained the pledge, (which was given in many forms and became part of the Gandhi-Smuts Agreement) that all vested rights would be respected. This promise was made again and again, and it is binding upon the Union Government.

It may actually be true, that, since the Immigration Laws of South Africa have been altered, more than three years' absence at one time from the Union will not be allowed in future; therefore the right, which still remains attached to the registration certificate, of entering and going out at any time, would be very rarely exercised; for it might be expected to lead to litigation. Nevertheless, there is sentiment attached to any vested right and there is no reason why such a right should be nullified by a mere stroke of the pen without any previous consultation.

After the Capetown Agreement was passed in 1927 by both Governments, the settlement reached was implemented by an Immigration (Amendment) Act. When that Act had been passed in May, 1927, it was naturally assumed by the Indian community that no further trouble would be caused by further legislation during the currency of the Agreement. If the matter should be one of extreme urgency because of miscarriage of justice or any such cause there might be some reason for disturbing the present friendly atmosphere; but there appears, in this instance, no extreme urgency and no miscarriage of justice. The probability is, that for the next few months no action will be taken by any Indian, which would affect this peculiar point of immigration at all. Therefore, the request that the sections of the new Bill should be deleted where they harmfully affect the Indian community seems to us to be in every way reasonable. We may still continue to hope that the Minister of the Interior may see his way to grant such a reasonable request.

## BIRTHDAY CONGRATULATIONS

REV. C. F. ANDREWS completed his sixtieth year and entered into the sixty-first year on the 12th of February. He received many wires from all parts of South Africa from many Indian public bodies and individuals. Sir Kurma Reddi, Agent to the Government of India, arranged a small lunch party at his residence and congratulated Mr. Andrews and wished him a long and happy life. Mrs. Gool in the evening held a dinner party in his honour at 7 Buitencingle, and the President of the Cape Indian Congress gave tea party where Mr. Andrews was congratulated and various speakers wished him a long and happy life. This trusted friend of the Indian community has endeared himself by his self-sacrificing and humanitarian work. His love towards India is so great that wherever he went he is loved. Throughout India he is known as Dinbandoo i.e. a friend of the poor. In his nature he is as simple as a child. He has a noble heart and a saintly character. A true Christian living a true Christian life of service without any reward. We congratulate him on behalf of the Indian community of South Africa on his birthday and pray to God to spare him for many years to come to carry on the noble work that he is doing.

## Withdrawal Of Transvaal Asiatic Bill

The Capetown political correspondent of the *Rand Daily Mail* writes:—

The Indian Tenure Bill is not to be proceeded with. It may be remembered that it was held over last year. This was done at the special request of the Viceroy and the Government of India.

Recently the Cabinet had discussed the question of cancelling the agreement with India, as there were now in South Africa 100,000 Indians born in the country who were South African nationals, while there were 34,000 Indians born oversea, and this number was on the decrease.

For some months, Sir Kurma Reddi, backed by the Rev. C. F. Andrews, the friend of Mahatma Gandhi, has been urging upon the Government the advisability of putting off the discussion and passing of the Indian Tenure Bill until such time as political questions were more settled in India.

After much consideration, the Cabinet has decided not to proceed with the Bill.

Meanwhile, the Governments of the Indian Empire and the Union of South Africa will meet again and discuss all their outstanding grievances. This meeting will be held next September in Pretoria. The meeting will take place between members of our Cabinet and a special delegation from India.

It will be a most important gathering, which may mean the end of the Indian Agreement and the withdrawal of the Indian Agent. It is believed, however, that an amicable agreement will be arrived at, one satisfactory to both sides.

(Continued From Front Page)

This amendment will stop the right of Cape or Natal entry from another province in regard to those mentioned in the previous paragraph, who returned to South Africa before July 5th 1930 but are required to re-earn domicile if they had been lawfully resident in South Africa in 1913. This will be a permanent bar to any such movement on their part even after they have reacquired their domicile since they cannot be said to have retained domicile since the commencement of the principal Act 22 of 1913. Therefore a new bar on inter-provincial migration is introduced.

The right of inter-provincial movement, it will be remembered, formed part of the Gandhi-Smuts Correspondence in 1913 when the Principal Immigration Act 22 of 1913 was on the anvil of the Legislature. Section 4-(2) (a) of that Act was the result of an agreement reached in those negotiations. The present proposal will, if passed into law, efface that agreement. Therefore it is the earnest desire that this clause, which seeks to amend Section 4 sub-Section 2 (a) be deleted from the Bill entirely.

#### II. B, C, and D.

With regard to clause 2 (g) (h) and clause 5. The meaning and effect of these clauses are very plain. As the law now stands all Asiatics are *prima facie* prohibited immigrants under the Minister's Deeming Order of August 1913 pursuant to Section 4 (1) (a) of Act 22 of 1913. Those who can bring themselves within one of the clauses of persons expressly delared by section 5 of this Act not to be prohibited immigrants are protected but in addition they are protected by section 4 (2) (b) being the lawful holders of registration certificates granted under either of the Transvaal Acts. Section 4 (2) (b) says that "nothing in section 4 (1) (a) is to be construed as abrogating or affecting any right conferred by Act 36 of 1908 on the lawful holders of such certificates." Again Act 36 of 1908 in section 11 says that "every certificate of registration which is defined in section 1 as a certificate under either Act 2 of 1907 or Act 36 of 1908 shall be accepted as conclusive evidence in all places that the lawful holder, i.e. the person whose registration is thereby certified, is entitled to enter and reside in the Transvaal. So that as the law now stands a certificate certifying the registration of the holder is a complete answer to a charge of being a prohibited immigrant in the Transvaal until the certificate is set aside for fraud under either the common law or the special administrative powers granted by section 5 of Act 37 of 1927. These administrative powers, it may be mentioned, have been interpreted in recent decisions of the Transvaal Provincial Division of the Supreme Court as not applying to

(1) Any certificate granted before the commencement of Act 22 of 1913, and

(2) a certificate which apart from representations made at the time the holder was entitled to claim.

These points are expressed in the proposition that (1) Section 5 of Act 37 of 1927 is not retrospective beyond the commencement of Act 22 of 1913, and

(2) a certificate is not obtained by fraudulent misrepresentations where, if the truth had been told, the certificate must in any event have been granted under the provisions of one or other of the registration acts.

The case laying down the first of these propositions is, we believe, at present under appeal to the Appellate Division. The contention of the department recently has been that the right to enter and reside hitherto contained in a registration certificate cannot be taken as conferring a right of domicile as well; therefore many of those registration certificate holders who returned before July 5th, 1930, are required to re-earn their domicile. But section 2 (n) goes much further. It provides that no right of entry

should exist apart from a right of domicile, that is, that rights of entry and domicile must be taken as synonymous with one another while in regard to the persons returning before July 5th, 1930, it was held that they were quite separate from one another. This right of entry that a registration certificate has hitherto carried with it was promised to the Indian community by Lord Milner in 1904, when legalised in sections 2 and 11, Act 36 of 1908, re-affirmed in the Principal Immigration Act, (section 4 (2) (b) 1913 and not interfered with in Act 37 of 1927. The Bill turns all registration certificates into as many scraps of paper. Clause 5 repeals section 11 of Act 36 of 1908 and Clause 2 (g) repeals section 4 (2) (b) of Act 22 of 1913. Clause 2 (h) expressly provides that the holder of a certificate of registration issued at any time shall not by virtue of such certificate be entitled to enter or reside in the Transvaal. This express provision, if there were any doubt about it, takes away all existing rights of residence conferred by registration. The result is clearly to throw upon every Asiatic resident in the Transvaal the burden of showing that he falls within one of the classes exempted by section 5 of Act 22 of 1913. The material clauses of section 5 are (e), (f) and (g) which all depend on lawful residence and domicile. There can be no domicile unless the original entry and the continued residence were lawful. The present definition of domicile expressly provides for lawful residence as a condition of obtaining domicile (section 30 of Act 22 of 1913 as amended by section 10, Act 37 of 1927). Even before these words were introduced into the definition the courts had held that no person could claim a domicile within the meaning of Act 22 of 1913 if his original entry into the Union or any province was prohibited by any law then in force. (Mahomed v. Principal Immigration Officer 1923 re Fieda Hoosan 1915 N.L.R. 381 Soobath Khan's case 1930 T.P.D. not yet reported.) If therefore the Bill passes, every Asiatic in the Transvaal will have to prove on pain of deportation as a prohibited immigrant that either he or the person through whom he claims originally entered lawfully. Those who entered as children before 1913, and there are many such, will have to prove that the person who introduced them was entitled to do so under Act 15 of 1907 or some previous law. The Bill further proceeds to repeal, by clause 5, section 2 of Act 36 of 1908. It is not clear to us what the object of this is. The main object of section 2 of Act 36 of 1908 was to regularise under that Act the position of certain Asiatics many of whom were alleged to have surreptitiously entered the Transvaal and who had before the commencement registered voluntarily and not under the provision of Act 2 of 1907. This was done in pursuance of a compromise resulting from a Passive Resistance movement in 1908. (See for the history of this *Aswat v. Registrar of Asiatics* 1908 T.S. 568). The result of this repeal will be that the persons mentioned in section 2 of Act 36 of 1908 will not be able to claim that they are validly registered for any purpose whatever. As the certificate is now no longer to furnish evidence of the holder's right to be in the Transvaal it is difficult to see why there should be this additional discrimination against a limited class to whom rights were specially accorded in 1908.

We therefore most respectfully ask that sub-clauses (g) and (h) of clause 2 and that part of clause 5 which seeks to repeal sections 2 and 11 of the Transvaal Act 36 of 1908 be deleted entirely from the Bill.

We beg to remain, Sir,

Your obedient servants,

KHAN GOOL Vice-President.

A. I. KAJEE Jt. hon. Secretary.

P. K. DESAI, S. B. MEDH,

A. ISMAIL.

Countersigned: C. F. ANDREWS,

## Advocate Millin's Opinion On The New Immigration Bill

I am asked for my opinion as to the meaning and effect of certain clauses in the Bill now before Parliament "To amend the Laws relating to Immigration and certain Asiatics." These are the clauses dealing with registration certificates granted under Transvaal Acts 2 of 1907 and 36 of 1908. The meaning and effect of these clauses are very plain. As the law now stands all Asiatics are prima facie prohibited immigrants under the Minister's Deeming Order of August 1913 pursuant to Section 4 (1) (a) of Act 22 of 1913. Those who can bring themselves within one of the classes of persons expressly declared by Section 5 of this Act not to be prohibited immigrants are protected but in addition they are protected by Section 4 (2) (b) being the lawful holders of registration certificates granted under either of the two Transvaal Acts. Section 4 (2) (b) says that "nothing in Section 4 (1) (a) is to be construed as abrogating or affecting any right conferred by Act 36 of 1908 on the lawful holders of such certificates." Act 36 of 1908 in Section 11 says that "every certificate of registration which is defined in Section 1 as a certificate under either Act 2 of 1907 or Act 36 of 1908 shall be accepted as conclusive evidence in all places that the lawful holder, i.e. the person whose registration is thereby certified is entitled to enter and reside in the Transvaal. So that as the law now stands a certificate certifying the registration of the holder is a complete answer to a charge of being a prohibited immigrant in the Transvaal until the certificate is set aside for fraud under either the common law or the special administrative powers granted by section 5 of Act 37 of 1927. These administrative powers, it may be mentioned, have been interpreted in recent decisions of the Transvaal Provincial Division of the Supreme Court as not applying to

- (1) Any certificate granted before the commencement of Act 22 of 1913, and
- (2) a certificate which apart from representations made at the time the holder was entitled to claim.

These points are expressed in the propositions that

- (1) Section 5 of Act 37 of 1927 is not retrospective beyond the commencement of Act 22 of 1913, and
- (2) a certificate is not obtained by fraudulent misrepresentations where, if the truth had been told, the certificate must in any event have been granted under the provisions of one or other of the registration acts.

The case laying down the first of these propositions is, I believe, at present under appeal to the Appellate Division. The Bill turns all registration certificates into so many scraps of paper. Clause 5 repeals section 11 of Act 36 of 1908 and Clause 2 (g) repeals section 4 (2) (b) of Act 22 of 1913. Clause 2 (b) expressly provides that the holder of a certificate of registration issued at any time shall not by virtue of such certificate be entitled to enter or reside in the Transvaal. This express provision, if there were any doubt about it, takes away all existing rights of residence conferred by registration. The result is clearly to throw upon every Asiatic resident in the Transvaal the burden of showing that he falls within one of the classes exempted by section 5 of Act 22 of 1913. The material clauses of section 5 are (e), (f) and (g) which all depend on lawful residence and domicile. There can be no domicile unless the original entry and the continued residence were lawful. The present definition of

domicile expressly provides for lawful residence as a condition of obtaining domicile. (Section 30 of Act 22 of 1913 as amended by section 10 of Act 37 of 1927.) But even before these words were introduced into the definition the courts had held that no person could claim a domicile within the meaning of Act 22 of 1913 if his original entry into the Union or any province was prohibited by any law then in force. (Mahomed v. Principal Immigration Officer 1923 C.P.D. 175 as explained in Parker's case 1926 C.P.D. 255 re Fieda Hoosan 1915 N.L.R. 381 Soobath Khan's case 1930 T.P.D. not yet reported.) If therefore the Bill passes every Asiatic in the Transvaal will have to prove on pain of deportation as a prohibited immigrant that either he or the person through whom he claims originally entered lawfully. Those who entered as children before 1913, and there are many such, will have to prove that the person who introduced them was then entitled to do so under Act 15 of 1907 or some previous law. The Bill further proceeds to repeal by clause 5 section 2 of Act 36 of 1908. It is not clear to me what the object of this is. The main purpose of section 2 of Act 36 of 1908 is to regularise under that Act the position of certain Asiatics who had before its commencement registered voluntarily and not under the provision of Act 2 of 1907. This was done in pursuance of a compromise resulting from a Passive Resistance movement in 1908. (See for the history of this *Aswat v. Registrar of Asiatics* 1908 T.S. 568). The result of this repeal will be that the persons mentioned in section 2 of Act 36 of 1908 will not be able to claim that they are validly registered for any purpose whatever. As the certificate is now no longer to furnish evidence of the holder's right to be in the Transvaal it is difficult to see why there should be this additional discrimination against a limited class to whom rights were specially accorded in 1908.

## Fighting The Asiatic Trading Menace

- At a recent meeting of the Ladysmith Chamber of Commerce the most important business on the agenda was the Asiatic trading menace. The position was recognised as being very acute and it was realised that the question was a very difficult one to solve, but all were agreed that some definite measures must be taken to counteract the drift of trade from European merchants to Indian merchants.

In the course of discussion it was stated that the unequal competition of the Indian trader with the European storekeeper by reason of the former's low standard of living and the low wages paid to his assistants had been a fruitful cause of complaint. That in recent times the position had been intensified by an ever-increasing number of Europeans transferring their custom to the Indian trader, so much so indeed, that the combination of unfair competition with loss of trade had become a serious menace to the livelihood of the European storekeeper and his assistants. Practically all branches of household requirements were affected, but groceries were the principal item; and, as the margin of profit thereon had always been small, any loss of business by a European trader—especially in a town the size of Ladysmith—was a most serious matter, not only to himself but to his assistants.

That this growing tendency to buy in the cheapest market was bound to have its repercussions appeared to have been overlooked by the greater number of white people concerned or else they were fully blind to its inevitable effect, was stressed, because it

the European traders were frozen out of business, the scope of employment of white boys and girls (probably the sons and daughters of these very people) was being limited. It was stated that, curiously enough, this had been demonstrated since the closing of the schools for the summer vacation. A large employer had applications from no fewer than nine lads for employment in his business. Inquiry revealed that in seven cases the parents dealt wholly with Indian traders and in two cases the parents dealt partly with the Indian. Thus they had the spectacle of the people who bought in the cheapest market wanting to sell their children's labour in the dearest market, the market that was threatened by the support that was given by these people to unfair competition. Naturally the boys were turned away with the advice that they should seek employment from the people their parents supported, a suggestion that was received with indignation.

This gentleman, fully sensible of the menace, had been zealous in his efforts to stem the drift of trade from European to Asiatic traders. He remarked that as a result of judicious inquiries, he was surprised at the number of leading civil servants, railway and corporation officials who supported the Asiatic traders in the town. His inquiries had also revealed that it was not the man earning from £20 to £30 per month who was disloyal to his class, but rather the wealthier people.

After considerable discussion it was resolved that, as a commencement, the following measures should be taken by members of the Chamber: "Any employes of members who were found to be dealing directly or indirectly with Indian merchants should be discharged; and that no new employe who was known to deal directly or indirectly with the Indian merchants should be employed. At the same time, an effort was to be made to induce European merchants who were not members of the Chamber, to follow the same course. It was also resolved that propaganda measures be taken to bring home to the European household generally the ultimate disastrous effect of continued support of the Indian merchant, as for example, the inevitable closing of a fairly wide avenue of employment to the rising white generation.—*Natal Witness*."

### Similar Move Suggested For Maritzburg

The following letter appears in the *Natal Witness*:  
 Sir,—I notice in the Press that the Ladysmith Chamber of Commerce intends to take drastic action against any of the employes of the firms constituting the chamber who deal with Indian traders. I think that the proposal is excellent, and one that should be tried in Maritzburg.

It is revolting to see some of the well-to-do citizens of Maritzburg pulling up in their motor-cars before Indian stores to do their business. This is instanced particularly in the tailoring trade.

Little do these people know that they are selling their children's birthright and reducing their level. In every branch of commerce and industry the Indian is out to undercut the European and bring him down to a lower standard. With all his wealth does the India live up to European standards? Outwardly, yes—but inwardly, no.

There is but one way to hit the Indian hard. In their own country they can hardly eke out a living, and if every European made a vow not to deal with them, the majority of Indians would soon close their shop doors. This would result in employment for our workless boys and girls. The Europeans should form a European congress to combat the Indian.—Yours, etc.

## Request to Delay Second Reading of New Immigration Bill

The Executive of the S.A.I.C. met in Capetown as soon as they got hold of the copy of the new Immigration Bill and passed a resolution to write a letter to the Minister of the Interior to delay the second reading of the Bill which was set down for the 11th February in order to consider the effects of the Bill in relation to the Indian community. The Minister set down the second reading for the 16th February.

### The Cape Indian Congress

A meeting of the Cape Indian Congress was held at the Fidelity Hall presided over by Mr. Khan Gool. Rev. C. F. Andrews, Messrs. A. Ismail, A. Christopher, A. I. Kajee, S. B. Medh and Pragji Desai were also present. The following resolution was unanimously passed:—

"That this meeting of the Cape Indian Congress most respectfully requests the Minister of the Interior to delay the second reading of the new Immigration Bill in order that time may be given to consider its clauses carefully where they affect the interests of the Indian community."

### The Transvaal Indian Congress

Under the auspices of the Transvaal Indian Congress a mass meeting was held in the Orion's Bioscope Hall to protest against the new Immigration Bill. The meeting passed the following resolution:

"That in view of the fact that the new Immigration Bill has only come to public notice since Thursday and has not been fully considered by the Indian community this meeting requests the Minister of the Interior to delay the second reading set down for February 11 to enable the community to take counsel and make representations thereon."

## B.A. Degree For Natal Indian

It is gratifying to note the success of Mr. Arthur Lazarus, the eldest son of Mr. A. D. Lazarus, of Dannhauser, in the B.A. Examination of the University of South Africa, held in December last.

Mr. Lazarus was a student at the South African Native College, Fort Hare, since 1924. He matriculated at this institution in 1927. For some years he was a student at the York Road School, Maritzburg.

At Fort Hare Mr. Lazarus was a popular student and prominently identified himself with the College activities. He was a member of the Students' Representative Council and a joint-editor of the College magazine. He also had a place in the first Soccer XI.

Mr. Lazarus has the double distinction of being the first Natal Indian to graduate at Fort Hare and the first to qualify for the B.A. (South Africa) degree in the Province.

The following were the subjects taken by Mr. Lazarus: English III., Psychology II., Latin I., Logic I., Ethics I., Economics I., Botany I., Politics I.

Mr. Lazarus will join the staff of the Satter College. We congratulate him on his splendid success.

## South African Indians' Tribute To Late Pundit Motilal Nehru

A great feeling of sorrow prevailed among South African Indians at the news of the death of the great Nationalist leader Pundit Motilal Nehru. Meetings were held in Natal, Transvaal and Cape Provinces by the provincial congresses and cables of sympathy were sent to Pundit Jawaharlal Nehru.

### S.A.I. Congress

As soon as the news of the death of Pundit Motilal Nehru was announced by a Reuter message the Executive of the S.A.I.C. from Capetown dispatched a cable expressing deep sorrow and conveying sympathy to the members of the bereaved family.

On the 8th February a mass meeting of the Cape Indian Congress was held at the Fidelity Hall presided over by Mr. Khan Gool.

On the platform with the chairman were Messrs. C. F. Andrews, A. Christopher, A. Ismail, A. I. Kajee, S. B. Medhi, Pragji Desai, Dalabhbhai Patel, Adam Ebrahim Bakhsunia, Hakim Khan and Essa Ally.

### Mr. Khan Gool's Speech

Mr. Khan Gool in the course of his speech said:—

"We are met again; at very short notice, soon after the death of Maulana Muhammad Ali, to express our more our sorrow at the loss of another great Indian leader, the late Pundit Motilal Nehru of Allahabad who was on different occasions both the President of the All-India National Congress and also the leader of the Swaraj Party in the Indian Legislative Assembly. He presided over the All-Parties Conference on different occasions which was able to draw up an agreed Constitution for the future government of India in December, 1928. Unfortunately this was not brought into effect.

In this and other ways too numerous to mention he performed signal and notable services on behalf of his Motherland, and was for a time instrumental in uniting every section of the community together in the bonds of brotherhood and fellowship. He was loved by Muhammedans equally with Hindus, Parsees and Christians. He was Mahatma Gandhi's friend. He was always devoted to the uplift of the lower castes and mingled freely with the "untouchables". He was himself by caste a Kashmiri Brahmin, but he refused to observe caste distinctions. His son, Pundit Jawaharlal Nehru, will now have to bear the burden alone. We remember at this time of Pundit Motilal Nehru's death his aged wife who has taken her part in doing national service and also of the wife of Pundit Jawaharlal Nehru, his own daughter-in-law, who was very dear to the deceased. We extend our sympathy to them in this hour of bereavement.

We remember gratefully also that he sacrificed all his wealth for the Nation and gave his own mansion called Anand Bhawan for the use of the National Congress. May we ourselves be worthy of such great sacrifices and devotion as Pundit Motilal Nehru has shown."

Mr. A. I. Kajee then moved the following resolution:—

"That this meeting of the Cape Indian Congress wishes to express its deepest sympathy with the bereaved family of the late Pundit Motilal Nehru and records its admiration for the noble sacrifice which he himself made in the cause of his Motherland."

Messrs. C. F. Andrews, Kajee, Christopher, Pragji Desai and A. Ismail spoke on the resolution which was passed unanimously. The audience stood as a mark of respect when the resolution was carried.

A meeting of the Transvaal Indian Congress was held in Johannesburg and a resolution was passed expressing sympathy with Pundit Jawaharlal Nehru and his family.

The Transvaal Anavil Brahmins Society, the Hindoo Association, Cape Patidar Society and Kshatriya Mochi Mandal sent cables to Pundit Jawaharlal Nehru expressing sympathy with him and his family.

### Pretoria Branch of the T.I.C.

A special General Meeting of the above Congress was held at the Columbia Hall, Pretoria, on the 11th instant, under the chairmanship of Mr. Shaikh Ahmed, and the following resolution was passed:—

"That this meeting hereby places on record its deepest sorrow over the death of the most revered leader, Pundit Motilal Nehru, who passed away at Allahabad on the 6th of February, and, unanimously resolves to dispatch a cablegram of condolence to his bereaved family as follows:—

"To Pundit Jawaharlal Nehru, Allahabad.

The demise of your worthy father is inconsolable. We extend our deepest sympathy in your sad bereavement. May his renowned fame ever remain in this sphere."

From President Transvaal Indian Congress, (Pretoria Branch).

In spite of an overcast of the weather, the Hall was graced with a fair gathering of prominent members of the community.

The chairman in a lengthy speech paid a solemn tribute to the memory of the deceased worthy leader, followed by Messrs. Suliman Ali, M. Seddiq, H. N. Keshavjee, T. Perumal, G. B. Pillay, G. Krishna, Jeeva Mahomed, Joshi, Rajbali, A. V. Keshavjee, Shingan, V. A. Nayagar and Moosa Ebrahim.

After prayers for the rest of the departed soul the meeting closed with a vote of thanks to the chair.

## Obituary

### Mr. Amad Sacoer

The Indian community of Lourenco Marques was plunged into mourning on Friday last by the death of Mr. Amad Sacoer, a resident of Lourenco Marques for some 30 years, and one of the best known members of the Indian community.

Born in British India, Mr. Sacoer was 46 years of age. He took a most active part in the social life of the Indian community and worked untiringly in the interests of the various bodies with which he became associated. He was, for instance, secretary of the Mohammedan Association and also of the Indian Chamber of Commerce, while he was usually relied on to organise various movements of a special nature.

The funeral took place this same afternoon, all Indian establishments being closed as a mark of respect to the deceased.

## Immigration Appeal Board

The appointment of the following as members of the Immigration Appeal Board for 1931 is gazetted:

Pretoria.—Messrs. A. B. Herold, E. P. Niemeyer, and Dr. Rolf Reitz.

Capetown.—Messrs. G. Blackstone Williams, F. L. H. Aitken and J. H. Conradie.

Durban.—Messrs. W. Holmes, G. W. Linnos, G. Winsor, and F. C. Mottram.

## S. A. I. Congress Resolutions

(Continued from page 58)

### INDIAN RAILWAY SERVANTS

13. That this Conference viewing with grave concern the policy of the Railway Administration in displacing its Indian servants and the treatment meted out to them, respectfully urges the Minister of Railways and Harbours to institute an enquiry with a view to bringing relief to those concerned.

### INDIA TRADE COMMISSIONS

14. That in the opinion of this Conference of the South African Indian Congress it is desirable for the Government of India to give early consideration to the question of appointing a Trade Commissioner to represent India in South Africa so as to bring close trade relationship between India and the Union.

### FIREARMS

15. That this Conference views with concern the policy of the Department of Defence in refusing to Indians in the Union the issue of permits to hold firearms notwithstanding the advancing of good reasons for the issue of such permits, and strongly feels that such a refusal is contrary to the terms of the letter to the Congress from the Chief of the General Staff dated 6th March, 1926.

### OLD AGE PENSIONS

16. That this Conference reiterates the resolution passed at the last Conference asking that the Government would be pleased to extend the benefits of the Old Age Pensions to Indians, and requests that amended legislation be introduced early to extend the benefits which at present are enjoyed by Europeans and coloured people to Indians as well.

### PRETORIA FLOWER SELLERS

17. That this Conference protests strongly against the Bye-laws of the Municipality of Pretoria which prohibit flower sellers from carrying on their legitimate occupation in certain areas where they have been carrying on from the early days of the Dutch Republic.

### PRAYER DAY

18. In view of the critical situation in which the Indians in the Transvaal would be placed if the Asiatic Land Tenure Bill—which introduces principles of segregation and racial discrimination—were passed into law, this Conference invites the Indian community of South Africa to observe a day when the Bill is before the Union Parliament as a Day of Prayer and Humiliation.

### NATAL BANANA INDUSTRY

19. That this Conference again reiterates the resolution passed at the last Emergency Conference asking for protection for the Banana Industry in Natal and instructs the Executive to support the Natal Indian Congress in its representations on the matter.

### TRUST DEEDS

20. That this Conference hereby accepts the Draft Deed of Trust of the South African Indian Congress as prepared by the officials and instructs the Executive to proceed with the registration of the Deed.

### DEATH OF MRS. D. F. MALAN

21. That the South African Indian Congress in Conference assembled hereby places on record its condolences on the death of Mrs. D. F. Malan and hereby expresses its profound sense of sympathy to Dr. D. F. Malan in his sad bereavement.

### MAHATMA GANDHI

22. That this Conference expresses its love and gratitude to Mahatma Gandhi for his undying interest

in all matters affecting Indians in South Africa.

### OFFICIALS AND EXECUTIVE

23. That this Conference of the South African Indian Congress hereby places on record its sense of gratitude to the officials and Executive of the Congress for their invaluable services rendered during their term of office.

### THANKS

24. That this Conference expresses its gratitude to the Government of India, the Indian National Congress, the leaders and press of India for their interest and help in the South African Indian cause.

That this Conference thanks the South African Press for its interest manifested in the welfare of the Indian community in South Africa.

Rt. Hon. V. S. SRINIVASA SASTRI P.O.C.H.

25. That this Conference of the South African Indian Congress hereby places on record its deep sense of gratitude to the Rt. Hon. V. S. Srinivasa Sastri P.O.C.H., the first Agent of the Government of India for the continued interest he is taking in the problems of the Indian community in South Africa.

### IMPERIAL INDIAN CITIZENSHIP ASSOCIATION

26. This Conference of the South African Indian Congress held at Cape Town hereby places on record its sense of appreciation to the Imperial Citizenship Association for the active interest it is taking in all matters affecting the South African Indians.

SIR K. V. REDDI

27. That this Conference expresses its thanks to the Agent of the Government of India, Sir K. V. Reddi and his staff.

DR. RABINDRANATH TAGORE

28. That this Conference of the South African Indian Congress sends its love and greetings to Dr. Rabindranath Tagore and is deeply grateful to him for permitting the Rev. O. F. Andrews to come out to help the Indians in South Africa in their hour of trial.

REV. C. F. ANDREWS

29. That this Conference hereby places on record its profound sense of gratitude to the Rev. C. F. Andrews whose response to the call of the Indian community in South Africa is a splendid testimony of his abiding interest in matters affecting them and to his love of them.

MR. H. S. L. POLAK

30. This Conference of the South African Indian Congress expresses its gratitude to Mr. H. S. L. Polak for his unceasing services on behalf of the Indians in South Africa.

## Johannesburg Wedding

The marriage of Mr. K. Vengatas Thambi, youngest son of Mrs. H. Krishnasamy and the late Mr. H. Krishnasamy to Miss Papaty Ammal, daughter of Mr. and Mrs. Doorsamy Pillay of Benoni, took place at the residence of the bridegroom, 15th Street, Vrededorp, on Sunday the 8th instant. Maharajah Manisunker solemnised the ceremony along with Messrs. N. Supraya Moodaliar and V. G. Naidoo.

In the evening a reception was given at the Grand Biocope, 17th Street, Vrededorp. The function was carried out very successfully. Mr. C. K. T. Naidoo presided. Other speakers at the function were the Rev. B. L. E. Sigamoney, Messrs. Ebrahim Maal, D. M. Nursoo, G. Z. Sallie, Willie Ernest, P. Cannell and K. Narasamy.