

Indian Opinion

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"THE PRESENT POLITICAL SITUATION IN INDIA"

MR. PRAGJI K. DESAI delivered a lecture on the above subject in St. George's Presbyterian Church in Johannesburg on the 24th April before an European audience under the chairmanship of the Rev. J. Bruce Gardiner.

This Church is organising an exhibition of various things of different countries, which will be open for the public on the 4th and 5th of May. The object of the exhibition is to give an idea of the activities of different nations and thereby to serve humanity.

The lecture on the above subject was arranged in order to give an opportunity to the Europeans of the town to know the present political situation in India before the exhibition opened.

The chairman of the meeting, the Rev. J. Bruce Gardiner, referred briefly to the object of the exhibition and introduced Mr. Desai and asked him to speak on the subject of his lecture.

Mr. Desai, first of all, thanked the Rev. J. Bruce Gardiner for having afforded him an opportunity to speak that night. He said that India's problems were many and to speak on each problem a series of lectures should be arranged. Then alone justice could be done to India. "I shall try my best to give you some idea of the present political situation in India in brief," said the speaker.

India is a great and glorious country; one-fifth of the world's population live in that country. It is one of the most ancient countries of the world. India's civilisation, literature, its religious history, art and music are nearly three thousand years old before the Christian era. I am fully aware that profound ignorance exists in this country with regard to India. India has produced great rulers, statesmen, politicians, philosophers, soldiers and great poets. Our forefathers have built up great kingdoms and for centuries ruled them.

A few days ago a European friend of mine asked me, "Mr. Desai, how is it that a great country like India is subjected to foreign rule?" I told my friend that 'Rise and Fall' is a law of nature. All the nations of the world had to come under the wheel of this nature's law one by one and so had India too to come under it.

On the night of the 3rd of March of this year on one side India's millions of people were peacefully sleeping while on the other side in Delhi at the Viceroy's great Palace two great men—God-fearing men—were awake. They were discussing the terms of truce. One was the representative of the King-Emperor—the Viceroy, Lord Irwin. At his back there was the mighty force of the great British Empire. Another was, to use the words of Mr. Winston Churchill, 'the half-naked seditious Fakir', Mahatma Gandhi. He was representing the millions of India. At his back there was spiritual force; the force of *non-violence—Truth and Love*. Exactly at 35 minutes past twelve the Viceroy got up from his seat and heartily shaking hands with Mahatma Gandhi said, "Mr. Gandhi, you and I peacefully sleep to-night." The terms of the truce were agreed upon.

Mahatma Gandhi had started the great non-violent battle—the civil disobedience movement in India in

the month of March last year to win freedom for India. Within eleven months the Government of India had to imprison India's sixty thousand sons and daughters. This great non-violent battle for the freedom of India was fought under the banner of the great Indian organisation called the Indian National Congress. I will relate here in brief the history of this great national organisation and its past political agitation.

About forty-seven years ago three veterans, Sir William Wedderburn, Mr. Hume and Mr. Dadabhai Naoroji—the grand old man of India—laid the foundation of the Indian National Congress. Lord Dufferin was then the Viceroy of India. Generally speaking, Indians then had no voice in the affairs of their country. In initiating this national organisation Mr. Hume took the counsel of the Viceroy. The Viceroy was found to be favourable. He told him that as the head of the Government he had found the greatest difficulty in ascertaining the real wishes of the people and that for the purposes of administration, it would be a public benefit if there existed some responsible organisation through which the Government could be kept informed regarding the best Indian public opinion.

Ever since the inception of the Indian National Congress, it was meeting at the end of every year in the different cities of India. English educated Indians such as barristers, lawyers and doctors were leading this great national organisation. Their line of action was to pass pious resolutions on various political subjects but there was no great force of public opinion behind it. That opinion was growing in India every year through this organisation.

The political atmosphere became hot in India during the regime of Lord Curzon. Indians were waiting for an opportunity to start active agitation in India. Lord Curzon provided that opportunity in the Partition of Bengal. The people of Bengal opposed the Partition of Bengal and the whole of India joined in this movement. In the year 1907 there was a great split in the National Congress. The Moderates of India were leading the organisation up to that year. Now the Extremists Party came into being. They were not satisfied with the mere passing of resolutions. They wanted direct action. An anarchistic party also came into existence. The extremist or nationalist party now took the control of this organisation. In the year 1908 the leader of this party Mr. Tilak was arrested for writing seditious articles in his paper and was sentenced to transportation from India for six years.

Then came the Minto-Morley reforms. But these reforms did not satisfy the hunger of Indians for responsible government. The reforms gave to the people's representatives the power to speak, but transferred not one iota of responsibility. The provincial councils were like debating societies. The demand for a form of Government which would leave Indians to rule India in a manner consistent with Indian ideas became more and more insistent. The spirit of freedom was abroad and very active.

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"BOTH ACTION AND INACTION MAY FIND ROOM IN THEE"

(Bhagavad Gita)

THE world is already in the throes of transition from a civilisation to civilisation. Russia is threatening the very foundations of orthodox industrialism and commercialism and will probably occasion the birth of a new Economics, while India is furnishing the still more remarkable spectacle of a nation of martyrs actually *living* their convictions and demonstrating the reality of their faith in the power of soul as against the flesh. Africa, South Africa in particular, shews us a picture scarcely less intriguing, that of a comparatively small white oligarchy whose numbers evidence no tendency towards appreciable increase, fighting to maintain overlordship over a coloured helotry, hoping against hope that its Partingtonian devices will avail to stay the advance of a tide as sure and as irresistible as that of the ocean.

To us Indians who have made this land the field of our endeavour, this page in the world's history that now is a-writing, is of more than ordinary interest. Our pedigree and ancient civilisation notwithstanding, we, too, have been relegated to the out-castes, dumped, so to speak, among the despised black and coloured masses, sternly forbidden to entertain hope of ever winning our way to equality of opportunity. That such artificial restraints can very long be maintained no really thoughtful person seriously believes. They are unnatural and contain within themselves the seed of self-destruction. The Law over-rides discordant man-made laws with as little regard for human likes and dislikes, greeds and prejudices, as had, the advancing waves for Mrs. Partington's mop. The day will inevitably arrive when the African will have conceded to him his place in the body politic, the Indian his. The Bantu and his step-brother the Euroafrican are advancing none the less surely because unhastily and eventually must win recognition. The Indian has perhaps an even more difficult road to travel by reason of foreign origin, and the future

of India's status is therefore of paramount importance to us Indians of South Africa. Our past and present degradation here would have been impossible but for the hitherto subordinate position the Motherland was content to occupy. Sufferers from inferiority complex can hardly expect to be esteemed more highly than they esteem themselves. As illustrating which, the case of Japan is illuminating. Japan never degraded herself by allowing her people to come under the insulting implication of inferiority and undesirability. Japan preserved her dignity and to-day is being treated with the dignity she deserved.

Now, we have but few *rights* left to us to preserve, which, being so, the greater the necessity for us to preserve our "rightness" or "righteousness" of which, if we will, none can rob us. Dignity means 'worth', 'worthiness'. That, too, we may maintain unsullied in spite of all imposed degradation. So doing, and refusing to be party or privy to any further attacks on our status, holding ourselves aloof, that is, from any further statutory degradation, we have only to wait patiently for India's inevitable restoration to her rightful place in the comity of nations for the shackles of our helotage to fall away.

Round Table Discussion

Conference To Be Postponed

The forthcoming Round Table Conference between the representatives of the Indian and Union Governments to consider the revision of the Capetown Agreement, announced to take place next September, is asked to be postponed by the South African Indian Congress until next year.

The reason given for the postponement is that the Indian leaders are just now fully occupied with their own affairs specially pertaining to constitutional changes in India, and therefore, it is stated, a strong delegation from India cannot come out at the present time.

The Congress urges the inclusion of a few of its leading officials at the Conference, whose position would be that of assessors. Capetown, it is submitted, should again be the venue of the forthcoming Conference.

These representations, it is understood, had been made to the Government of India.

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Then followed the great European war. Though India was in great discontent, the desire to help the British Empire in her hour of trial was obvious. The party differences were set aside and the resources of India in men, money and material were placed at the services of the King-Emperor.

When the war was going on Mrs. Beasant, whose name perhaps you have all heard, started the Indian Home Rule movement. That period was for the political education of the masses of India. Home Rule leagues were established in thousands of villages. Political literature in various vernacular languages was spread amongst the masses and they were politically educated.

Mrs. Beasant and her co-workers were interned by the Madras Government and there was great unrest in India. Then came Gandhi on the scene, fresh with the fame of the Passive Resistance struggle in this country. After the success of this movement in this country the late Prof. Gokhale who visited this country induced Mahatma Gandhi to go to India and settle there. When he went to India Prof. Gokhale made him to take a vow not to utter a word in India for one year on the political situation. He was asked to travel all over India and study the situation first for one year and then speak. Mr. Gandhi faithfully carried out this promise and travelled all over India, coming into close contact with the masses and studying their condition.

After the war was over, high hopes were raised in India. India had sacrificed much to bring about victory for England in the great war. Self-determination for India was the cry of the day. As India had played a great part in the war she thought she would now be immediately granted self-government. But she was deluded. Her rulers after the war tried to suppress her. The Rowlatt Act was passed to suppress Indian aspiration. The liberty of Indians was threatened. Mass agitation was immediately taken up by Mr. Gandhi. Protest meetings were held in all parts of India and the feeling was running very high. Mahatma Gandhi proceeded to the Punjab to pacify the feelings of the people but the authorities prevented him from entering the province. When the news became known, great violence broke out in many parts of the country.

Then came the slaughter in Jallianwala Bagh. Montagu-Chelmsford reforms were then introduced but India refused to work them. Mahatma Gandhi then started the non-violent non-co-operation movement. Full responsible government was demanded. In this great non-co-operation movement more than twenty-five thousand Indians were imprisoned. When Mahatma Gandhi was conducting this peaceful movement violence broke out in one part of India and he withdrew the movement. The Government of India immediately arrested him after he withdrew the movement and he was sentenced to six years imprisonment. He was released after two years and did not take part in the political movement. He engaged himself in reviving the home industry through the spinning wheel and urging the people to manufacture cloth. Boycott of foreign cloth was his main work.

Mr. Desai then related in brief the history of the Simon Commission, how it was boycotted, how the great nationalist leader Lala Lajpat Rai died, how the late Bhagat Singh and his colleagues threw a bomb in the Assembly, how the late Jatindranath Sen died in prison after fasting for forty-five days in jail, how the Simon Commission report was unanimously rejected by all parties in India and how the Lahore Congress passed a resolution to achieve complete independence and Mahatma Gandhi was urged to organise the civil disobedience movement.

Mr. Desai said Mahatma Gandhi started the historic march from his Ashram with his 79 followers to break the salt law in the month of March of last year. The whole of India followed in his footsteps and within eleven months the Government had to send nearly sixty thousand Indians to jail. When leaders after leaders were arrested in all the provinces, the women of India came to the front and took charge of the great movement. The Round Table Conference met in London and the Indian Princes and moderate leaders took part in it and a certain decision was arrived at which did not satisfy the demands of the Indian National Congress. In the meantime Mahatma Gandhi and other leaders were released. A settlement had been arrived at between Mahatma Gandhi and the Viceroy and all the political prisoners released. Another Round Table Conference would be held in London. The Viceroy and Mr. Ramsay MacDonald had now secured the co-operation of the National Congress and of Mahatma Gandhi.

Let us hope that this next Conference may finally decide the future constitution for India and in future India and England may go hand in hand, said the speaker in conclusion.

The chairman then asked the audience to put any questions to the lecturer. A few questions were asked and Mr. Desai gave satisfactory replies. After a vote of thanks the meeting terminated.

Questions And Answers

(BY M. K. GANDHI IN "YOUNG INDIA")

What Should They Do?

What are those scholars who left their schools during the struggle to do now? was one of the questions asked at the workers' meeting in Bombay, but which for want of time I was unable to answer.

My answer now is:

1. The struggle is not yet over, it has assumed a different, i. e., constructive form.
2. Scholars can penetrate the homes and the hearts of the drunkard, the opium-eater and the user of foreign cloth.
3. Scholars can assist those sisters who are engaged in peaceful picketing.
4. Scholars can settle down in villages and there organise Khadi work.
5. Scholars can hawk Khadi in city.
6. All scholars should work at the wheel or the *lakhi* at least for half an hour daily.
7. For further reference they should write to the registrars of the national universities.

Foreign Cloth Dealers

Another question asked was, now that picketing has become mild, new orders for foreign cloth are being given and the sales of existing stock are also brisk. What are you going to do to prevent this?

This question presupposes that our picketing has hitherto amounted to coercion. If such was the case, it is better that freedom of action is restored than that any single person is coerced into acting against his will. My conviction is that if the workers will carry on sustained propaganda, the buying public will be converted. We have concentrated too much upon the dealers and too little on the buyers. Sustained public education in this matter is what is wanted. Conversion is our motto, not coercion. Coercion is an offspring of violence. Conversion is a fruit of non-violence and love.

Can You Avoid Class War?

The third question, I find, is, if you will benefit the workers, the peasant and the factory hand, can you avoid class war?

I can, most decidedly if only the people will follow the non-violent method. The past twelve months have abundantly shown the possibilities of non-violence adopted even as a policy. When the people adopt it as a principle of conduct, class war becomes an impossibility. The experiment in that direction is being tried in Ahmedabad. It has yielded most satisfactory results and there is every likelihood of its proving conclusive. By the non-violent method we seek not to destroy the capitalist, we seek to destroy capitalism. We invite the capitalist to regard himself as trustee for those on whom he depends for the making, the retention and the increase of his capital. Nor need the worker wait for his conversion. If capital is power, so is work. Either power can be used destructively or creatively. Either is dependent on the other. Immediately the worker realises his strength, he is in a position to become a co-sharer with the capitalist instead of remaining his slave. If he aims at becoming the sole owner, he will most likely be killing the hen that lays golden eggs. Inequalities in intelligence and even opportunity will last till the end of time. A man living on the banks of a river has any day more opportunity of growing crops than one living in an arid desert. But if inequalities stare us in the face the essential equality too is not to be missed. Every man has an equal right to the necessities of life even as birds and beasts have. And since every right carries with it a corresponding duty and the corresponding remedy for resisting any attack upon it, it is merely a matter of finding out the corresponding duties and remedies to vindicate the elementary fundamental equality. The corresponding duty is to labour with my limbs and the corresponding remedy is to non-co-operate with him who deprives me of the fruit of my labour. And if I would recognise the fundamental equality, as I must, of the capitalist and the labourer, I must not aim at his destruction. I must strive for his conversion. My non-co-operation with him will open his eyes to the wrong he may be doing. Nor need I be afraid of someone else taking my place when I have non-co-operated. For I expect to influence my co-workers so as not to help the wrong doing of employer. This kind of education of the mass of workers is no doubt a slow process, but as it is also the surest, it is necessarily the quickest. It can be easily demonstrated that destruction of the capitalist must mean destruction in the end of the worker and as no human being is so bad as to be beyond redemption, no human being is so perfect as to warrant his destroying him whom he wrongly considers to be wholly evil.

What Of The Unemployed

The fourth question was, what of the civil resistance prisoners who are discharged and are out of employment?

If they are willing to work and are honest they can, I doubt not, be employed in some Congress organisation. Nor need everyone look to the Congress and the allied organisations to give them employment. A labourer is worthy of his hire. And those who are honest and do not mind labouring, no matter what they were previous to imprisonment, can always rely upon being suited.

Sacrificing Country For Truth

Here is the fifth question:

"How can you explain away your inconsistency involved in your making fond and easy advances to the R.T.C. after the Congress deciding not to participate in it, and Jawaharlal ironically calling them only a few months ago 'old women'?"

"Are you always going to sacrifice your country for Truth and treat us like test-tubes in your experiment of non-violence and Truth? Do you

realize that you are staking the whole nation for your individual self-evolution?"

"Many of us feel that you have become a National Habit which is useful for the capitalist but tragic for the exploited."

Manners change with the times. 'Foolish consistency is the hobgoblin of little minds'. If I am inconsistent I am wisely so. But I can see no inconsistency between my present conduct and the past. There never was any question of permanent boycott of the R. T. C. The Congress refused when it could not go there on its terms, it may go now because in its opinion the way is open. And I hope that those who go will deliver the nation's message in no uncertain tones. Here there is no question of my 'sacrificing the country for Truth'. In the first place the decision is that of the Working Committee and in the second place there is no sacrifice of the country. But writing parenthetically I have no hesitation in saying that I should, if there could be such a choice, most decidedly sacrifice the country for Truth which to me is God. I further hold that no individual or nation has ever gained by the sacrifice of Truth; there is, therefore, no such thing as sacrifice of the country for Truth.

Those who join me in my experiments in Truth seeking are not my 'test-tubes', they are my valued fellow workers, sharing with me the joy that the search for Truth brings as no other search does.

I do not realise that I am 'staking a whole nation for self-evolution.' For self-evolution is wholly consistent with a nation's evolution. A nation cannot advance, without the units of which it is composed advancing and conversely no individual can advance without the nation of which he is a part also advancing.

The last charge is thoughtlessly made. My experiments began in South Africa and they were made on behalf of the exploited. The latter gained. They gained again in Champaran, Kheda and Ahmedabad. If I may share the merit of the first Borsad Campaign, brilliantly fought by Sardar Vallabhbhai during my absence but in strict accord with my prescription, and then again in Bardoli, I may say that the peasants had the benefit of the two fights. What may be the last experiment on a nation-wide scale is still being tried. It is yet too soon to forecast the result. But he who runs may see that the phenomenal mass awakening cannot have taken place without the masses having added considerably to their stature. This recital has not been made here to claim credit for myself. I am but an humble instrument in the hands of God. Credit belongs to Truth and non-violence. The writer's question seems to doubt the efficacy of Truth and more perhaps of non-violence. The series of examples I have given ought to set at rest all doubt. If we were offering civil disobedience, it was for gaining *Purna Swaraj* and if now we have suspended it and are ready to join the R. T. C. other conditions being fulfilled, we shall be going to it also for the same noble end. That we may fail to achieve the end is quite possible. Even so we shall be putting ourselves in the wrong if we rejected the advance made by the Government. If we make the right use of suspension, if we carry out the terms of the settlement to the fullest extent possible, if we complete the two boycotts, if we intensify the Khadi spirit, at the end of the period of grace we shall find ourselves stronger for battle, if we have not by then already gained our end. We must work away with faith in the settlement leading us to our goal.

Gandhi On Missionaries In India

The London correspondent of the *Natal Mercury* writes:—

South Africa apparently is not the only country where missionary activities are subject to criticism. A recent statement by Gandhi that if India achieved legislative independence the efforts of Christian missionaries would be put a stop to as soon as possible has roused a considerable storm.

According to a message from Bombay, Gandhi, writing in his *Young India*, states that his views have been travestied. He says that what he actually meant was that, if missionaries use the social and medical services they now provide to the Indian poor for the purpose of proselytising, he would prefer them to withdraw.

"Every nation believes its own faith to be the best," Gandhi is stated to have said. "Certainly the great faiths held by the Indian people are adequate for them. India stands in no need of conversion from one faith to another."

Gandhi's real objection appears to be not against conversion, but what he styles the modern form thereof, alleging that the goodwill of the people is in a sense purchased by the missionaries' social activities.

The Evening Standard, on the other hand, claims that there is no material difference between Gandhi's explanation to-day and his original statement.

The Salvation Army, against which apparently the attack has chiefly been made, issues a statement in rebuttal, saying that the Army controls 5,000 centres in India and "undoubtedly the Christian effort has raised the country's morale as nothing else has done."

The only expression of Anglican opinion comes from Dr. Guy Warman, Bishop of Manchester, who states that nothing on earth could make the Anglican Church doubt that its duty is to continue missionary work in India.

Ejection Of Indian Timber Merchants

Berea Flats Tenants Appeal To Council

The recent decision of the Durban Town Council to eject Indian timber merchants from Berea Flats and Warwick Avenue is being taken up by the tenants.

A recent report by a sub-committee investigating the question pointed out that considerable difficulty had been experienced in inducing some of the merchants to remove their timber stacks from these two sites.

The Municipality took legal action to enforce the ban. Most merchants left the sites, but a few, who declare that they have nowhere else to go, decided to remain pending further representations to the Town Council.

The sub-committee's decision was on the ground that the Borough was a brick area, and the needs of the town were adequately served by existing establishments for the storage of second-hand timber.

Dealing further with the subject of second-hand material stored on land near the Berea Road Station, the sub-committee observed that the land was not being used for the purpose originally intended adding, "the dumping in question has been extended to land not included in the present tenancy."

On Saturday evening the Indian Timber Merchants Association held a meeting, over which Mr. A. M. Moosa presided, reports the *Natal Mercury's* Indian correspondent. He was assisted by Messrs. A. K. Moosa, secretary, and S. Mitha, treasurer.

The chairman regretted the Durban Town Council's action in giving the Indian second-hand timber merchants notice to quit the premises occupied by them. He stated that there was no desire on their part to defy the Council, but asked where else they could go.

When the timber merchants first took over the sites referred to, they had to spend a small fortune in levelling the ground. As second-hand iron and timber merchants they were supplying the needs of the poorer classes of the Indian, European and Native communities. Moreover, they were trading in an essentially Indian area, and had no desire to go elsewhere.

The chairman disclosed that the Association will shortly send a deputation to the Council, and he was sure that their side of the case would receive sympathetic consideration.

A resolution urging the Council to give the Association an opportunity to express its views was unanimously passed.—*Natal Mercury*.

Indian Census Shows Huge Increase

According to the *Sunday Times'* Bombay correspondent, the population of India (British Indian and Indian States) as ascertained on February 26, 1931, was slightly under 351½ millions as against approximately 315 millions in 1921. Increases have taken place in all the Provinces, the lowest being in Baluchistan with 1.2 per cent. and the highest in Delhi with an increase of 30.4 per cent.

The new census returns, just completed, provide for India economic problems as vital as the new constitution. Some of the Western India areas show such big rises in population that they have contributed largely to the All-India average increase of nearly 10 per cent., in the total population.

For instance, Bikaner records a tremendous size of 40 per cent., while there are almost equally remarkable statistics from Gujarat. The population of Surat district has risen by almost 35 per cent., Baroda by 19 per cent., Satara by 14 per cent., Sangli by 17 per cent., Kolhapur by 14 per cent., Upper Sind Frontier by 21 per cent., Travancore by 27 per cent., Nagpur by 17 per cent., etc. At the time of writing the returns are still flowing in, and there remains a mass of work taking months. For instance, it will take two months for every individual's name, sex, religion, age, etc., to be entered on separate slips of paper—351,000,000 of them.

Then the slips have to be sorted again and again, once for age, then religion, sex, etc. This takes another six months.

But one is tempted by the census machine to digress. The salient point is that there is a big growth in population, and a careful survey shows that where, as in Bikaner State, new irrigation areas have been opened up resulting in migration to the arable areas, there has been no marked diminution in the population of the surrounding villages.

Can India feed this big increase in months? Go into the rural districts of Western India and the villager frequently gives you the same reply at each place to your enquiry "Fasl kaisa hain?" (How are the crops?) His constant worry is

summed up in the words "Pet nabin bharjati." (There is not a stomach full!) This is no new problem brought about by the current depression. The poverty of the Indian ryot has become a byword, and those qualified to form opinions believe the high mortality of the great influenza epidemic after the last war was due to low resisting power of the Indian peasant class. There may not be the former wholesale destruction by famines in these days of railways, but there are vast masses of people who are half starved through ill-nutrition, because the land cannot support the people.

And the result? Where formerly a village held twenty families there are now perhaps forty. But are there twice as many bigas of arable land around the village? Has the ryot been taught to get twice as much food from the soil? This is the crux of the problem. In other countries such natural and desirable growths of population have been met by increasing urbanisation and industrialisation; people have left the villages for the towns until a "Back to the land" cry arose. In India no such industrialisation has provided an outlet for the surplus village population. And now the last census has intensified this problem.

Here is a problem, not new but newly intensified by 10 per cent., which a dozen Round Table Conferences might be called to consider.

Supreme Court Decision

Bhana Parsotam v. Mayville Local Administration and Health Board

The appeal in the above case was heard in Maritzburg on Friday the 24th April before Mr. Justice Matthews and Mr. Acting Justice Hathorn.

The appellant, a laundry man, had been summoned to appear before the Magistrate's Court, Durban, under Section 124 of the Public Health Act, 1919, upon the complainant of the respondent Board to show cause why he should not be ordered to remove a nuisance existing upon his premises. The nuisance in question was that the effluent from the septic tank and the discharge of waste water and soap suds from the laundry on the appellant's premises and on an adjoining strip of public land on to which they flowed (known as Stink Alley) were of such a nature as to be offensive and injurious to health.

The Magistrate found that a nuisance existed, but also found that the methods suggested by the Board to remove it were impracticable. He accordingly ordered the appellant to remove the nuisance without specifying how he should do so, and ordered him to pay the costs of the proceedings.

Against this decision the appellant now appealed on the grounds that he had only been found guilty of not carrying out the Board's requirements, which were impracticable, and in consequence he should not have been ordered to pay the costs.

Further, as the Board, who had levied rates on his property, had insisted on the erection of a septic tank it became their duty to provide adequate drainage for the disposal of the effluent therefrom and the Magistrate was therefore wrong in ordering him to undertake such work, at his own expense, on public property, and subject to such conditions as the respondent Board might impose.

Mr. A. Milne (instructed by Mr. H. J. Stuart) appeared for the appellant, and Mr. S. F. E. Selke,

K.C., with him Mr. B. Gesben (instructed by Messrs. David Calder and Son) for the respondent Board.

When this matter came before the Appeal Court for argument the Court raised the question as to whether they had jurisdiction to hear it. Counsel then argued that question fully, after which Mr. Acting Justice Hathorn gave the judgment of the Court, in the course of which his lordship said that the magistrate had issued summons under section 124 (1) of Act 36 of 1919 (the Public Health Act) calling on appellant to appear and show cause why he had not removed the nuisance complained of, and why the magistrate should not make an order requiring him to do so.

Appellant showed cause, and after hearing evidence the magistrate made an order. Appellant appealed and brought the proceedings before this Court by notice of appeal in the form usual in civil appeals from magistrates' courts, and did not file any security for costs.

The Court was indebted to counsel on both sides for their arguments.

Section 124 provides for issue of summons by magistrates on complaint, and under sub-section (2), if the Court is satisfied that a nuisance exists, it may make an order requiring that the nuisance be abated, and under section (3) the Court may inflict a fine; and under section 125, as amended by Act 15 of 1928, any person who fails to comply with such an order shall be guilty of an offence and be liable, on conviction, to a fine.

The possibilities of appeal to, or review by, this Court flow from four sources.

(1) Under section 80 of the Magistrates' Courts Act, his lordship thought this source was not available to appellant because proceedings under section 124 of the Public Health Act are not civil proceedings as contemplated by section 80. Under section 124 the magistrate has the power to make an order, *ad faciendum*, whereas under the Magistrates' Courts Act there is no power to order specific performance.

(2) If the proceedings in the Court below are criminal, appeal lies under section 100 of the Magistrates' Courts Act. In his lordship's opinion proceedings under section 124 of the Public Health Act are not such as are contemplated by that section 100.

Appellant had not been "convicted," and could only be charged with an offence if and after he had failed to carry out the order made. Sub-section (3) does give some colour to the contention that the proceedings are criminal, in that a fine may be inflicted, but only in that respect is there any resemblance. There is no prosecution, no charge, and no conviction.

(3) Section 8 of the Supreme Court Act is extremely wide. Under that this Court has jurisdiction to review proceedings of magistrates taken under section 124 of the Public Health Act, but the question arises, what powers of review may be exercised in the special circumstances of each case. If these powers would give appellant the right of review or appeal then he must follow the proper procedure and issue a writ of review or appeal, which he has not done.

(4) The Court may have jurisdiction under section 8 of the Supreme Court Act to review such proceedings, but would only interfere for certain limited reasons.

In any case appellant is at liberty to bring his case before the Court in proper form, but the

Court must refuse to hear him to-day upon the papers as they are before the Court.

Mr. Justice Matthews concurred.

After hearing arguments as to costs the Court held that appellant must pay the respondent's costs up to the adjournment of the Court on the 22nd April; no order being made as to-day's costs.—*Natal Witness*.

Gandhi's Definition Of Swaraj

New Delhi, March 6.

Answering a group of journalists, Gandhiji again explained himself on many important matters. To questions put by an Associated Press representative, Mahatma Gandhi said that by Purna Swaraj was meant complete self-government or disciplined rule from within.

Purna Swaraj did not exclude association with any nation much less with England. It can only mean association for mutual benefit and it will. It is quite compatible with India remaining within the Empire, but our partnership with England must be on terms of absolute equality.

Does not complete independence connote separation from England?"

Answer: It does in the popular mind, because popular opinion refuses to believe that England will make any advance towards some bona-fide partnership with India on equal terms. Some of my associates also believe that British statesmen will never reconcile themselves to absolute equality for India. I may be a visionary but I hold differently. I see a day when instead of Downing Street being the centre of the Indian nation, Delhi will be the centre of our 300 millions, all enjoying equality. I think the British people are a practical people loving liberty for themselves. It is only a step further to give liberty to others.

Gandhiji admitted that the state of equality he sought implies the right to secede from Britain, if India should see fit.

Question: Do you prefer British as a governing race?"

Answer: No, I have no choice between races, because I don't want to be governed except by myself.

Question: If you achieve independence won't it be under the British flag?"

Answer: No it will be under the common flag, or each partner will have his own flag.

Question: Do you envisage possibility of having no army when complete independence is attained?"

Answer: As a visionary yes, but I don't think it will be possible during my life time. It may take ages before Indian nature accommodates itself to having no army.

Question: Won't you fear Bolshevik invasion?"

Answer: No, we shall trust our neighbours. I have absolutely no fear of Bolsheviks, in so far as there is good in Bolshevism, as I think there is. India will not need any invasion from Soviets to convert her.

Proceeding Gandhiji said he saw nothing in the present agreement with Irwin to prevent approaching Karachi Congress to reaffirm previous resolutions of the Congress defining India's goal as complete Independence.

Asked whether the Round Table Conference would be held in India, or in England, Gandhiji said he would prefer first part in India and second in London. He added that he and other Nationalist leaders would continue to press for complete

independence at this Conference. "We should deny our very existence, if we didn't urge that."

The proposed safeguards in respect of defence and finances imposed unnecessary burden on India. Therefore, Congress could not accept them at least in their present form.

Congress admitted, he added, that the safeguards regarding minorities were necessary and reasonable, also safeguards designed to protect country's financial credit and commercial expansion.

Gandhiji emphatically denied he favoured repudiation of any part of India's national debts, which could be legitimately debited to her.

"As a bond of honour I favour payment of every farthing of our obligations." The Congress never sought to repudiate a single rupee of India's national obligations that may be imposed upon the incoming government. "If there is no mutual adjustment of these obligations they must be deferred to arbitration."

"The League of Nations could adjust the matter but we doubt if England will be willing to refer the matter to the League. In any event we shall place the matter at the second Round Table Conference.

Asked by a representative of the Associated Press, if the second Round Table Conference succeeded and a new government was created whether he would accept the position of Prime Minister, Mahatma Gandhi chuckled and laughed aloud and said that that job would be reserved to younger minds and stouter hands.—*Bombay Chronicle*.

Gandhi And Moslems

The Bombay correspondent of the *London Times* states that Gandhi's doctors have at last persuaded him to rest. His friends fear that his ill health may soon become an important factor in the political situation. Gandhi is said to be acutely depressed by his apparent failure to close the Hindu-Moslem breach, which seems to be wider than before the Karachi Congress.

Nobody derives any comfort from the Nationalist Moslem Conference which has just ended at Lucknow, because the members of the conference represented only themselves, and Dr. Ansari, who moved the main resolution in favour of joint electorates, is suspected by the Moslems of being a pawn in Gandhi's hands.

The Calcutta correspondent of the *Star* states that the Moplahs of Malabar, who were concerned in a grave rebellion in 1921, are now displaying intense opposition of the Congress propaganda, and a wave of loyalty to the Crown is sweeping a large area which 10 years ago was a hotbed of sedition.

Congress agitators were prevented from holding meetings in the districts of Kattappara and Pattambi, the centres of disaffection in 1921, and Moplah priests are exhorting the villagers, who are all Moslems, that it is irreligious to co-operate with the Congress leaders who are engaged in disloyal pursuits.

The Congressmen were told that the Moplahs had not forgotten how the Congress deceived them in the rebellion. Waving Union Jacks and shouting: "Let the British Administration continue," Moplahs drove the Congress agitators from the district.

News In Brief

At a meeting of the Central Committee of the A. I. Shia Political Conference a resolution was passed putting on record its satisfaction at the Delhi settlement. The resolution went on to say :

The meeting further hopes that the good spirit shown by both the sides will continue and the Congress by co-operating in the next Round Table Conference will be able to contribute in the evolution of a constitution for India which may be satisfactory to all parties. This Committee requests Congressmen in general and Mahatma Gandhi in particular to strain every nerve to solve the Hindu-Muslim question before the commencement of the next Round Table Conference in a way which may create real unity between them and may also create a real national spirit among Indians. It also appeals to the Muslim community to settle this most important question not in a communal spirit but from a broad national point of view and to accept the system of joint electorates with reservation of seats for the Muslims as the best means to bring about national unity and solidarity.

Babu Subash Chandra Bose, addressing a large gathering at Nagpur, said he had decided to seal his lips about the truce. "All that I can say is that our fight is not yet over. There are signs that it may have to be resumed with doubled vigour. No one can say what fate the Round Table Conference may meet with. The decision not to hold the next

session of the Conference in India is an indication of the stiffening attitude of the Government. We have been asked by the Working Committee to discontinue our activities, and, as obedient and loyal soldiers, loyal to the Congress, let us be in readiness so that when our leader says 'march' we shall be prepared to resume the fight. Our goal is Complete Independence and nothing short of that. By Independence I do not mean Dominion Status. I mean severing British connection. Our fight cannot be given up until that goal is achieved. I, therefore, appeal to you to be in readiness."

The difficulty of getting Indian waiters for Vryheid hotels was referred to at the annual meeting of the local Chamber of Commerce. It was stated that the hotels were unable to replace any of their Indian staff who left or were discharged, whereas the mines were able to get as much Indian labour on permit as they required. It was decided to put this aspect before the authorities. Vryheid is in a unique position concerning Indians because of the existence of an old law framed in the days of the Vryheid Republic, under which Asiatics are not allowed to trade in the area. They can, however, be employed by Europeans.

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