

Indian Opinion

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PROFESSOR KARVE

PROFESSOR KARVE who arrived in Durban last Wednesday, is a great educationist and has devoted his life to the work of emancipation of India's womanhood. With all the misfortunes India has to suffer through the yoke of foreign rule and by nature God has blessed her with some unique personalities who have sacrificed their whole lives in the uplift of the teeming millions. Professor Karve's name in the Bombay Presidency is a household name. He was, as it were, born to take up the neglected work of women's education in India. The University founded by him for women is generally known as the Karve University.

Miss Maye—that famous author of "Mother India" who wrote of the evils of Indian social life—did not take the trouble of coming in touch with men like Prof. Karve who had more services to their credit in respect of eradicating those evils than the British Government in India could ever boast of.

It is interesting to know how the idea of Indian women's advancement originated. In the late eighties the Professor was deeply touched by the intolerable sufferings Hindu widows had to undergo. After the death of his wife in 1892 he determined to marry a widow. He had to face social boycott in taking this bold step, but, nevertheless, he did not swerve from his determination. The Professor then tried to promulgate a widow marriage Association. He could not find even a hundred followers in the whole of India and in twenty years the Association succeeded in arranging about thirty remarriages. It needs to be explained to the European readers in this country that amongst Hindus there has been the evil custom of child marriage, and once being widowed the widow could not marry a second time.

Prof. Karve soon realised that one of the chief obstacles in the remarriage of widows was their lack of education. He and his wife, therefore, started in their home in 1896 a "Widows' Home." In the first year he enlisted only four students. At the end of the fifth year, in 1899, he secured a site some five miles from Poona and removed his Home there into a little hut. At this time he still continued as a Professor in Fergusson College and his family lived in Poona for the education of his own children. Professor Karve lived in poverty and struggled like an ordinary labourer. "God helps those who help themselves" and after two years his labour of love began to be rewarded. He was able to raise Rs. 6,000, from friends for a permanent building and he trained women workers to conduct the affairs of the institution. The Home grew gradually in efficiency

and popularity until they had about 200 widows in 1913. Meanwhile a number of progressive men began to send their unmarried daughters to take advantage of the special curriculum and the unusual spirit of the place. So there grew up a second branch of the Institution, a home and school for unmarried girls whose parents would bind themselves not to marry their daughters until they were sixteen years and, in many cases, twenty years old.

This was a step beyond the Professor's means. But with implicit faith in himself and the righteousness of his cause, he went forward heart and soul and gave unto the cause all that he possessed. In 1911 the Professor was, with the aid of admirers, in a position to raise Rs. 33,000 to have substantial buildings with 50 students being trained to be "good wives, good mothers and good neighbours." Thus the home, that began its work with a couple of students, had, by 1915, grown into a typical boarding school for women. But before long the Home and the School became a Women's University. A pamphlet, describing the Japan Women's University of Tokyo, was sent by a then unknown friend to Prof. Karve and it had reached him a little before he was asked to preside at the National Social Conference held in Bombay in December 1915. This put into Prof. Karve's mind the idea of Women's Universities for different provinces in India and he spoke on the subject at the above-mentioned Conference. His enthusiasm and untiring efforts brought into existence the first "Indian Women's University" in India in the year 1916, exactly five months and four days after the scheme was placed before the public. The late Dr. Sir Ramakrishna Gopal Bhandarkar, the great Sanskrit scholar, was elected the first Chancellor and Dr. R. P. Paranjpye, the vice-Chancellor. The constitution of the University was definitely settled and the courses of studies which were prepared by the Provisional Committee in the meantime were discussed and laid down. The period from 1916 to 1919 was the period of formation for the University. In 1920 the late Sir Vithaldas Thackersey gave stability to the University by his munificent gift of fifteen lakhs in the 3½ per cent. Government Paper. The annual interest of Rs. 52,000 is being given to the University which is since named after the mother of the great donor—"Shreemati Nathibai Damodher Thakersey Indian Women's University." There are some twelve high schools affiliated to the University and three middle schools conducted on the lines laid down by it. Nearly 2000 girls are being educated in these institutions. Besides, there are three Arts Colleges; one conducted by the

University itself and the other two—one at Ahmedabad and the other at Baroda—affiliated to it.

Sixty-two ladies have graduated so far, from this University, belonging to Deccan, Gujrat, Central India and Madras. Thirty-seven out of these are engaged as teachers in high and middle schools and three have gone through a two years' course of post-graduate studies, while two are going through their post-graduate studies in Europe.

The chief characteristic of this University is that it is a purely national institution and the courses of study are so framed as to suit the needs of the Indian girls and women generally. For instance Algebra and Geometry are made optional, while Domestic Science and Hygiene is made a compulsory subject in all examinations and music and painting are included in the list of optional subjects to be studied even in the colleges. The University is run on non-sectarian lines without distinction of class, creed or colour. The total current annual expenditure of the University is over Rs. 70,000. There is great scope for expansion of work if funds are available. If a little annual grant can be given to middle schools a number of them would be started in larger towns in which there is no provision for secondary education for girls at present. The conditions on which the very generous gift was given to the University by the late Sir Vithaldas Thackersey are that either recognition and support from the Government should be obtained or that the sum donated, namely fifteen lakhs, should be collected from the public. Of this amount, we understand, three and a half lakhs have been collected and invested in buildings of the College and the High School at Poona. A balance of a lakh and a half in the three and a half per cents. is in the accumulated Fund of the institution. It is thus required to collect a hard cash of about eight lakhs over and above about Rs. 15,000 every year required to supplement the annual income for current expenditure.

Professor Karve thus concludes an appeal he has addressed to the public from which we have quoted some of the above facts:—"When a single noble-hearted donor has given fifteen lakhs, it will be a pity if we are not able to raise an equal amount from thousands of other people. The promoters of the University mean to approach lakhs of people to collect the necessary sum by their small contributions. Won't you be one of these lakhs of people and subscribe your quota? You need not be afraid that your least would be too little. No amount is too small."

In this lengthy article we have just given a bare idea of the life work of Professor Karve. Since last year Professor Karve has taken on his shoulders a world tour—a task by no means easy in view of his age, for he is now seventy three years old. He is however as young as ever. He has travelled through various countries of Europe, America and Asia and is now on his African tour. His object is to study how the Universities are conducted in countries outside India and to create public interest in what he has made his life work and to take with him what little is given him in appreciation of that work. This is a cause which, we need hardly say, should be supported whole-heartedly by every Indian who

rich or poor. We accord Professor Karve a very hearty welcome and wish that his sojourn in the Union will be a happy one and that his mission will be blessed with the fullest success.

Rural Licensing Boards

The following gentlemen are appointed as members of the Rural Licensing Boards in respect of the several Counties or Areas under which their names are set out, for a period of one year with effect from the 1st November, 1931:—

ALEXANDRA COUNTY

The Magistrate, Umsinto (Chairman).
Robert George Archibald, Esq.
Herman Walter Payn, Esq.
Levison Douglas Stewart, Esq.
Arthur Austin Wood, Esq.

ALFRED COUNTY

The Magistrate, Harding (Chairman).
Alfred Eyles, Esq., J.P.
Hugh Fipthorpe Moore, Esq.
Charles Edward Stuart, Esq.
Hugh Lidell Lennox, Esq.

DURBAN COUNTY

The Magistrate, Pinetown (Chairman).
Frederick William Athersuch, Esq.
William Ernest Longton, Esq.
Paul Albert Ranzow, Esq.
William Wittey Sykes, Esq., M.P.C.

IXOPO AREA

The Magistrate, Ixopo (Chairman).
Francis Christie, Esq.
Philip Henry Grant, Esq.
Joseph Evelyn Newlands, Esq.
William James Blackwood Stone, Esq.

KLIP RIVER

The Magistrate, Ladysmith (Chairman).
David Cresswell, Esq.
Major William Frederick Edwards.
Arthur James Oldacre, Esq.
Major Edward Albert Otto Schwikkard, C.M.G. J.P.

NORTHERN DISTRICTS

The Magistrate, Vryheid (Chairman).
Jacobus Uys Friend, Esq.
Maritz Liebenberg, Esq.
Captain Henry Wilkins.
Friedrich Julius Peter Volker, Esq.

PIETERMARITZBURG AREA

The Magistrate, Pietermaritzburg (Chairman).
Archibald Hugh Cockburn, Esq.
Robert William Comins, Esq.
James Hunt Holly, Esq.
A. Kennedy Stone, Esq.

UMVOTI COUNTY

The Magistrate, Greytown (Chairman).
Henry John Comins, Esq.
David de Haas, Esq.
Johannes Petrus Nel, Esq. J.P.
Charles tatham, Esq.

VICTORIA COUNTY

The Magistrate, Verulam (Chairman).
Hugh Bernard Gemmell, Esq., M.P.C.
Henry Fisher Harrison, Esq.
George Parmenas Ladlan, Esq.
Raymond Trevennen Polkinghorne, Esq.

WEENEN COUNTY

Thomas Edward Turner, Esq., J.P.
Captain James Woodiwiss Johnston, V.D.
Colonel David Watt Mackay, C.M.G. O.B.E. V.D.
Philip Jacobus van Rooyed, Esq., J.P.

Lady Mayor Of Pretoria

Honoured By Indians

The Mayor of Pretoria (Councillor Mrs. Malherbe) and the ex-Mayor (Councillor F. Dey) were garlanded by members of the Indian Market Association on the occasion of a presentation made to the retiring Mayor in the Town Hall, Pretoria. On garlanding the Mayor, the chairman Mr. Essop Accojee, said: "I have great pleasure in garlanding the Mayor on your election as our first Lady Mayor of Pretoria. It is a well-known fact that mothers are nation-builders, and we, the Indians of Pretoria, will always look upon you as our mother since losing our most generous father, the ex-Mayor of Pretoria, and it is the law of nature that mothers will not deny the rights of the children. I can assure you that we will always look upon you as our mother to guide and help us and to give us assistance during your term of office. You can take it for granted that we will always meet you and our City fathers with a silken cord of love. We believe in mutual agreement and mutual understanding which will be our guiding principles, and I am sure we shall get that which is due to us. In conclusion, I wish you every success in your term of office, and to our retiring Mayor I, on behalf of my Association, wish to thank you for the most valuable service you have rendered to our Association during your term of office. We cannot forget you for the leading part you took in the balance buyers dispute and in addition to the withdrawing of about 30 summonses against the poorest hawkers of my Association, and also you have given us many other services without prejudice for which I thank you from the bottom of my heart and I have the greatest pleasure in announcing this afternoon to you and our City fathers and also to Sir Kurma Reddi that the relationship between the Market Master and my Association since the new agreement, is much improved and all are working in good spirit. In conclusion I wish you every success in your future undertakings."

A presentation of a brass bowl, a brass tray and a small bronze Buddha along with the speeches of the Rt. Hon. Sastri's Book on South Africa was made by Sir Kurma Reddi on behalf of the Indian Market Association to the retiring Mayor. The ex-Mayor, said Sir Kurma Reddi, had been held in very high esteem in the City, especially by the Indian community of Pretoria. He personally, had more than once had to come into contact with the retiring Mayor and he had always been met with courteous and gentle sympathy, such as he extended to all Indians. This presentation, he said, is valuable not for its worth but for the feelings of gratitude which accompany it.

Welcoming the new Mayor, Sir Kurma said that she had been hailed as the Mother of the Indian community; that was the highest compliment an Indian could pay. The responsibilities of the Mayors were as great as the supreme rulers of the country in regard to the Indian community said the speaker. The Indians had not the vote and could not therefore force respect for their rights, they had to depend upon the generosity of their rulers. Our greeting to you, he concluded, expresses the hope that in all your dealings with our section of the community you will be as a Mother to her children. Responding, the retiring Mayor, Mr. F. Dey, thanked the Association for the presents and more especially, he said, because he valued the kind thoughts that prompted the giving. He had always been pleased to help any progressive moves as far as the Indians were concerned during his term of office. I am perfectly sure that my successor in office will take the same kindly interest as has

been taken by every Councillor up to now. Short addresses were also made by Councillor Mrs. Greenlee, Mr. R. Mooloo, Mr. Medh, Secretary of the Transvaal Indian Congress and Mr. B. Maharaj who represented the Pretoria District Indian Football Association, Councillors v.d. Merwe, Sir Theo. Truter and Councillor M. Brink, Deputy Mayor.

Gora Mahomed vs. Durban Licensing Authorities

Supreme Court Judgment

The following are extracts from the lengthy judgment delivered by Mr. Justice Lansdown in the above case which was dealt with in our leading columns last week.

After stating the facts of the case the learned Judge said—

"Section 5 of Act No. 18, 1897 vests in the local authorities' licensing officer's a discretion to issue or refuse a general dealer's licence, and proceeds to enact that a decision come to by a licensing officer as to the issue or refusal of a licence shall not be liable to review, reversal or alteration by any court of law, or otherwise than in section 6 provided. Section 6 gives to an aggrieved applicant or any other person having an interest in the question of the grant or refusal of a licence a right of appeal from the decision of the licensing officer to the local authority concerned, and vests in that authority the power to issue or cancel the licence which is the subject of appeal.

"The Licences Consolidation Act 32, 1925, which provided for the licensing of certain specified professions, trades and occupations including the trade of general dealer, implicitly abrogated all the provisions of the then existing Provincial Ordinances which governed the licensing of any of the activities the future licensing of which was thus provided for by Parliament, but by section 13 preserved the provisions of laws in force at the commencement of the Act in so far as they governed only the granting of authority for the issue of the licences referred to and section 12 (3) of Act 46, 1925, conferred substantive powers upon Provincial Councils to legislate in respect of the granting of authority for the issue of such licences. The former enactment preserved the provisions of Act 18, 1897, and the latter conferred the powers which enabled the Provincial Council of Natal, by sections 3, 4 and 6 of Ordinance, 1926, to enact inter alia that no licence enumerated in section 2 of that Ordinance, including a general dealer's licence, should be issued in a borough unless a certificate therefor had been issued by the Town Council or its delegated officer, and that the Town Council of a borough should, in respect of the grant or refusal of such a certificate, have the same discretionary powers and the same authority as are contained in section 5 of Act 18, 1897.

"Section 5 of Act 18, 1897, is therefore clearly applicable in respect of the refusal by the Licensing Officer of Durban to issue the certificate applied for by the applicant in the present case, and it is consequently necessary to consider whether, and if so to what extent, its drastic provisions may bar the excess of the applicant to this Court for remedy.

After citing other cases the Judge said:—

"If the appellate body, in purporting to exercise its appellate function, manifestly disregarded its obvious duty and thereby committed a gross irregularity, there would be nothing in section 5 of Act 18, 1897, to prevent this Court from setting aside the proceedings at the instance of a party prejudiced by the irregularity and requiring the body to exercise its function legally. And while the setting aside of the proceedings before the licensing officer on the ground of fraud or manifest absence of jurisdiction, would necessarily involve the vitiation of the consequent proceedings in appeal, the converse would not necessarily be the case. Of course instances might arise in which the appellate body had corrected the illegality of the licensing officer, in which event there would be no point in this Court exercising its jurisdiction in respect of the irregularity.

"It is clear, and indeed it is conceded by Mr. Mackeurtan, who appeared for the 1st and 2nd respondents, that if the decision of Randeree's application was arrived at solely on racial considerations—in other words, if the Licensing Officer refused the application and the Town Council dismissed the appeal, because of a fixed and unalterable policy that no Asiatic should under any circumstances obtain a licence to trade in West Street, Durban, this Court would have jurisdiction to set aside the proceedings notwithstanding the provisions of section 5 of Act 18, 1897, for in that case there would have been on the part of the officer and Council, a manifest absence of jurisdiction to take the action which they adopted. The main point at issue in this case is whether the decisions of the officer and Council were thus arrived at, or whether they were based on other considerations to which it was not incompetent for them to have regard.

"The Licensing Officer, who has held his office for the past 28 years, denies that his decision or that of the Town Council in the appeal was solely based upon racial considerations. He states that throughout his tenure of office he

has largely been guided by the principle that the tendency which operates in every large town for particular classes of business to themselves in different areas, would, as far as practicable, be particularly encouraged in a town like Durban with its mixed population; that in consequence his policy, broadly speaking, has been, in the absence of special circumstances, not to grant new retail licences to Asiatics in West Street, Durban, where the large majority of retail licences are held by Europeans; that broadly speaking the Asiatic trader caters for the trade of the poorer White, the Asiatic and the Native, and he estimates that almost the whole of the Asiatic and retail trade of Durban is in the hands of the Asiatic retailer; that the stocks, the methods and the style of business of the Asiatic retailer; and that the comfort and convenience of the inhabitants, the amenities of the town and its good government—in fact the public interest or the interest of the community demand the continuance of the policy. He states that, for the same reason, his policy has been not to grant retail licences to Europeans in streets which are predominantly occupied by Asiatic retailers, unless special circumstances exist. He asserts, however, that, though guided by this principle, he has never considered himself as fettered by it or as precluded from considering every application for a new licence on its merits; that such consideration was accorded the present application and that he has never discriminated between Asiatics and European merely as such nor ever refused a licence solely because of the applicant's race. He has, he says, refused licences to Europeans in predominantly European trading areas as he would refuse them to Asiatics in predominantly European trading areas, but for the past 20 years no application by an Asiatic for a retail licence in West Street has been made with four exceptions in which, by reason of an existing business having changed hands or a similar fact, special circumstances existed and the licence was accordingly granted.

There can be no doubt from the provisions of sections 5 and 6 of Act 18, 1897, and section 3—6 of Ordinance 25, 1926, that the Legislature intended to vest in the local authorities concerned a large measure of control over the establishment of businesses for which trading or occupational licences are necessary. Such control must however be exercised within the scope, and for reasons dictated by the interests, of those particular departments of the public welfare which have been committed to the local authorities.

"The decision of a local authority acting under the laws mentioned (Sections 5 and 6 of Act 18, 1897 and Sections 5 and 6 of Ordinance 25, 1926) to refuse a certificate for a licence merely because the applicant was of a particular race would be invalid, because in this respect, in the absence of legislative authority, the question of race discrimination or segregation would be without the scope of the functions exercisable by local authorities; but if it were shown that, ordinarily and in the absence of special circumstances, the business carried on by a person of a particular race would or might prejudicially affect the character of an area controlled by the local authorities or of the portion thereof in which the applicant desired to trade, the matter would assume a different complexion and the question would then not be a merely racial one but one concerning the amenities of the town, affected it is true by the question of race, but not solely dependent upon that question. Thus if, upon due and proper investigation of the nature of the business which an Asiatic applicant for a general dealer's licence in a portion of the town in which only shops of high class character catering for the best class of trade were situated, a licensing authority came to the conclusion that the grant of the application would necessarily import a change bringing in its train serious effects upon the amenities of the neighbourhood, e.g., by attracting to that centre a class of shopper whose presence would entail a serious inconvenience and discomfort to persons ordinarily doing business there, it would be within the function of the authority to refuse such a licence, and the refusal could not then be said to be based on wholly racial considerations. If, however, on such due and proper consideration of the application, the licensing authority were satisfied that the class of business to be carried on by the applicant would in no way differ from that presently carried on in the neighbourhood but nevertheless refused the application, it might be impossible, in the absence of other factors influencing the situation, to resist the conclusion that the decision was arrived at solely because of the applicant's race. As already pointed out a decision thus based solely on racial considerations would be incompetent, and the procedure would amount to a manifest excess of jurisdiction by the authority concerned.

"Applying this principle, and assuming the accuracy of the licensing officer's statement of his policy, a matter which is disputed by the applicant and will be referred to hereafter, his decision of the application was made upon grounds which are within the scope of the authority of the licensing body, and consequently it would not be within the function of the Court to set aside the proceedings on review whether the Court's authority be contracted by the operation of section 5 of Act 18, 1897, or be exercisable in the ordinary way without the operation of any such limiting provision. The premises at 492 West Street, Durban, have been in occupation as Asiatic premises for at least 25 years; those at 478 West Street, Durban, were just prior to the applicant's acquisition of a right to occupy them used as business premises by a European, and so far as is disclosed, were at no time previously in Asiatic occupation. The decision of the licensing officer that the amenities of the town and the interests of all its inhabitants demand that in the part of

West Street to which 492 belongs there should be no increase in the number of Asiatic retail businesses, and that in the part of West Street to which 478 belongs, which runs between the first mentioned part and the centre of the town there should be no establishment or increased establishment of businesses of a class which would attract wholly or mainly Asiatic or Native custom, would be one which, in the application of the principle governing the exercise of his functions which I have enunciated, it would be within the competence of the licensing officer to adopt. It would not be competent for a licensing authority to apply any such policy in such a manner as to indicate that no person of a particular class need apply; but if, on due and proper consideration of an application, it be found that the grant would conflict with the policy, this Court would not, in the exercise of its powers of review, interfere with the licensing authority's discretion, and its approval or disapproval of the policy would be irrelevant. Where an official or statutory body is charged with the function of deciding upon applications of any character, a decision upon an application cannot be set aside on review merely upon the ground that the decision has been influenced by a general policy adopted by the official or body in respect of applications of the class to which that under consideration belongs, unless it can be shown that the operation of the general policy precluded the proper exercise of discretion."

The Judge went on further to say: "In this case the applicant contests the accuracy of the licensing officer's allegation that his decision was dictated by such a competent consideration, and seeks to prove that in fact his decision was come to on solely racial grounds—that in fact the policy of the officer and the Town Council resulted in a fixed determination that no Asiatic should obtain a trading licence in West Street. He bases his contention in this respect partly upon the statement of the licensing officer in 1905 reported in *Hondamal v. Licensing Board, Durban* (26, N.L.R., at p 519): "In my opinion further Asiatic licences should not be granted in West Street" and upon statements of certain three individual Town Councillors made in, or in connection with this case.

"Applicant further relied upon an affidavit by Mr. Wynne-Cole, who from 1907 to 1923 was licensing officer for Natal and since the latter year has specialised in licensing practice in Durban. Mr. Wynne-Cole states that he is aware that both the licensing officer and the Town Council of Durban, while having no objection to any increase of licences in West Street to Europeans, act upon a fixed and apparently unalterable policy that there shall be no increase of licences to Asiatics in West Street, and that no such licences shall be granted to any Asiatic in respect of any premises previously traded in by Europeans, and he adds that it has long been common knowledge that the licensing officer and the Town Council of Durban act upon that policy.

"Upon careful consideration of the evidence adduced by the applicant, I find myself unable to come to the conclusion that he has discharged the onus of proving that the licensing officer has untruthfully or inaccurately stated the policy by which in this case he was governed, or the manner in and extent to which that policy influenced his consideration of the matter. The bald and somewhat elliptical statements, by himself in 1905 and by Messrs. Burman, Cornelius and Clark, are not such as to justify the setting aside of the licensing officer's statements as to his conduct of the proceedings presently in question. Nor am I prepared to accept Mr. Wynne-Cole's statement of what he no doubt genuinely conceives to be the fixed policy of the Council and the licensing officer, as authoritative in the matter of the conduct of those authorities in the present.

"I therefore conclude that, so far as the proceedings before the licensing officer are concerned, the applicant has failed to establish such facts as would justify this Court in exercising any power to set aside his decision.

"The question of the validity of the proceedings in appeal before the Town Council, which the applicant attacks on the same ground as that on which he contests the validity of the licensing officer's proceedings, remains for consideration. In exercising his right of appeal to the Town Council from the licensing officer's decision, the applicant appears to have made it no part of his case that the licensing officer had come to the conclusion for reasons which it was outside his jurisdiction to entertain, but fought the matter mainly on the ground that, as between himself and Kajee Brothers, and having regard to the number of years which he and his predecessors in title to the business had held a general dealer's licence, and to the fact that Kajee Brothers were new-comers to Durban, he and not Kajee Brothers was the person whose application should have been entertained. Counsel for the appellant, the present applicant, before the Town Council said early in his argument that there was only one question in issue, and that was whether Gora Mahomed & Company should receive what was in effect a renewal of their licence or whether a new licence should be granted to Kajee Brothers—page 132 of record—and he then proceeded to give reasons why it was equitable that favour should be shown to Gora Mahomed & Company and not to Kajee Brothers; and second counsel for appellant, the present applicant, dealing with the appellant's objection to the grant of a licence to Kajee Brothers stated inter alia—page 135 of record—that it had been decided by the licensing officer that no further Asiatic licences would be granted in West Street, a policy which he, counsel, considered a very sound one, and he agreed without question that there was no necessity for a new store in the neighbourhood, but that the grant to Kajee Brothers would in fact be the grant

of a new licence, while the granting of his client's application would not amount to the granting of a new licence.

"Notwithstanding that the appeal was fought on these lines, applicant now desires a review of the Town Council proceedings in appeal on the ground that the decision dismissing his appeal was arrived at in the exercise of a racial policy which precluded the Council from addressing its mind to the question it was its function and duty to consider. The evidence and arguments adduced in support of this contention have already been referred to and are in the main coincident with these which form the material for the applicant's attack upon the proceedings before the licensing officer.

"If a person with a right of appeal chooses to base his appeal? body has been guilty of gross irregularity or illegality if it has failed to take cognizance of another ground on which the appeal might have been made, I am not, however, prepared to say that a person who seeks redress by way of review of the proceedings of an appeal body on the ground of gross irregularity or illegality would be debarred from remedy because he has not before that body attacked the irregularity or illegality of which he complains. And if, in the present case, the applicant discharged the onus of proving that by reason of the influence upon the mind of the Town Council of a policy which it was wholly incompetent for them to entertain, he was deprived of the remedy extended to him by the Legislature by section 6 of Act 18, 1897, this Court in my opinion would have jurisdiction, which it should exercise, to compel the Town Council properly to perform its function.

"No reasons were given by the Town Council for its refusal upon appeal to set aside the licensing officer's decision, but applicant seeks, as in the case of his attack upon the proceedings before the licensing officer, to establish that the Council was influenced by a fixed and unalterable policy which precluded it from addressing its mind to the matter; that this policy was wholly racial in character; and that consequently the Council was guilty of a manifest absence of jurisdiction since the decision was come to for reasons incompetent to be entertained. Such information as is submitted to the Court of the Town Council proceedings is contained in a newspaper report, obviously of a very abbreviated character, of those proceedings—page 116 of record—, in the report of councilors' arguments thereat—pp 132 to 135 of record—, in the statement by councillor Burman at the appeal proceedings "when the policy of the Council has been not to allow any more Asiatic licences in West Street, I must support the licensing officer in the policy which he has carried out from the first"—page 136 of record,—and in the letters to the newspaper by Councilors Cornelius and Clark—pp. 151 to 154 of record—to which reference has already been made. In addition the applicant relies for his contention upon the remaining evidence and arguments he offered in support of his attack upon the licensing officer's proceedings.

"The evidence offered to contest the validity of the Town Council's proceedings in appeal is thus largely identical with, and is certainly no stronger than, that offered in support of the attack upon the proceedings of the licensing officer, and has for the most part been dealt with when considering the latter. As in that case, I am unable to find that the applicant has discharged the onus of proving that the Town Council has been so influenced by racial policy as would enable the Court to say that it precluded itself from addressing its mind to the question before it in due and proper manner. And assuming that the Council was influenced by the policy enunciated by the licensing officer as that by which he was guided in his decision upon the application—a matter upon which there is no direct and little inferential evidence—I am of opinion, for the reasons already stated, that the policy was one which it was competent for the Council to follow.

"A collateral matter upon which the applicant seeks the intervention of the Court by way of review in the contention that since on the 6th July, the date of the licensing officer's decision, the applicant himself was still in possession of the premises at 492 West Street and retained such possession until the 31st July, upon which date or the following day Kajee Brothers first obtained possession, and since applicant's 1931 licence in respect of the said premises was current to the 31st December in that year, it was incompetent for the licensing officer on the 6th July to entertain the application by Kajee Brothers for a certificate for a licence in respect of such premises. Assuming this remedy by way of review is open to the applicant in such circumstances, it is sufficient to say that there was no irregularity or illegality in the licensing officer entertaining the application on the 6th July for a certificate to enable a licence to be obtained by Kajee Brothers as from the 1st August in respect of premises which it was shown to his satisfaction they would be entitled to occupy as from that date.

"The application fails and must be dismissed. The applicant must pay the costs."

News In Brief

PROFESSOR D. K. Karve arrived in Durban last Wednesday by the *S.S. Khandalla* and was received at the wharf by Congress officials. After being garlanded the Professor was taken to Mr. P. R. Pather's residence at Hampson Grove where he is at present staying. The Natal Indian Congress is arranging a public reception to be given in honour of Professor Karve.

ACCORDING to the advertised programme very successful meetings of the Natal Indian Congress were held last Saturday November 7 at the H.Y.M.A. Hall, Maritzburg, and on Sunday Nov. 8 at the Sea Cow Lake Sports Grounds, Umgeni, and at the Indian Young Men's Society Hall at Sydenham Messrs. A. Christopher, P. R. Pather, S. L. Singh B. A. Meghraj and Satyadev addressed the meetings on behalf of the Congress.

REUTER reports from London that Mr. Sastri, Sir Darcy Lindsey and Mrs. Sarojini Naidu will be unofficial delegates from India to the forthcoming Conference in South Africa on the Asiatic question in the Union. The official delegates will be Sir Fazli Hussein and probably Mr. C. L. Corbett. Who the third official delegate will be is not yet known.

UNDER the auspices of the Ladysmith Arya Samaj the Deepavali Festival was celebrated at the Samaj Hall, 63 Illing Road, Ladysmith, on Monday night, November 9. Children of the Gujrati Night School, conducted by Mr. Vital Lulla, chanted Vedic hymns and prayers and Havan Ceremony was performed. The President, Mr. Lalla Parsotham, spoke on the significance of the day. Amongst other speakers were Messrs. R. Singh, V. Lalla, B. Bhole, T. Riga, L. Sawgolam, R. Kallie and C. Sookraj. The School children were presented with small gifts and the guests were entertained with tea, biscuits, fruits and other refreshments. After some music given by Mr. Ranjith Singh Narandas, the function terminated at about 11 p.m.

MAHATMA Gandhi met the King on November 5, for the first time since 30 years ago when His Majesty, as the Duke of Cornwall, visited South Africa. Mahatma Gandhi on that occasion presented an address on behalf of the Indian community. Bareheaded and clad in his customary loin-cloth and shawl, (says Renter) Mahatma Gandhi went to Buckingham Palace, in response to the King's invitation, to a party which was attended by all the delegates to the round-table conference. Crowds gathered outside the Palace long before the first guest appeared. Gandhi, seated in a large closed car, passed almost unnoticed, but by a coincidence the sentries at that moment came to attention. A faint enigmatic smile played about the Mahatma's lips as he passed through the gate and a policeman saluted. Gandhi walked up the crimson staircase with the other guests and shook hands with the King and Queen. Afterwards everyone adjourned to the long picture gallery, where Their Majesties mingled with the guests.

OWING to unavoidable circumstances we have been obliged to hold over many matters of importance for our next week's issue.

Natal Indian Congress

Programme Of Meetings

The following programme for meetings to be held throughout Natal is arranged by the Natal Indian Congress. The officials of the Congress will attend each of these meetings and speak on (1) Repatriation (2) Round Table Conference.

Saturday 14th—Ladysmith and Dundee.
 Sunday 15th—Dannhauser and Newcastle.
 Saturday 21st—Durban Town Hall.
 Sunday 22nd—Verulam, Tongaat and Stanger.

Natal Indian Congress

ANNUAL GENERAL MEETING

The annual general meeting of the Natal Indian Congress will be held at the Royal Picture Palace, Victoria Street, Durban, on Sunday the 29th day of November, 1931 at 2-30 p.m.

AGENDA:

1. Minutes.
2. Secretaries' Report.
3. Financial Statement.
4. Election of Office Bearers.
5. Any other matter competent to be discussed at the meeting.
6. General.

SORABJEE RUSTOMJEE,

President.

A. I. KAJEE } *Joint Hon.*
P. R. PATHER } *Secretaries.*

N.B.—Only those members who have paid their subscriptions for the current year will be allowed to participate and vote at the meeting.

Members of the Indian community are asked to enrol themselves as members of the Congress. Members may be enrolled either at the offices of Messrs. Pather & Co., Little Grey Street, Durban, or at the offices of the Congress, 175 Grey Street, Durban.

"INDIAN OPINION"

Subscription Rates.

WITHIN THE UNION:		s.	d.
Yearly	20	0
Half-Yearly	10	6
OUTSIDE THE UNION and OVERSEAS		s.	d.
Yearly	20	6
Half-Yearly	10	6

In The Magistrate's Court

For The District Of Durban Held At Durban

Case No. 17196/1931.

In the matter between MUNIAMMA No. 103129 of Mayville, Natal,—Plaintiff and MUNSAMY No. 103006 lately of Churchill Road, Durban, but whose present whereabouts are unknown to Plaintiff,—Defendant.

To the above named Defendant:

Take Notice that a Summons has been issued against you in this Court by MUNIAMMA No. 103129 of Mayville, Natal, for divorce on the ground of malicious desertion and that an order has been made that the publication of notice of such Summons shall be deemed to be good and sufficient service of the Summons on you.

You are hereby required to enter appearance to the Summons on or before the 8th day of December, 1931, and if you do not do so Judgment may be given against you in your absence.

Dated at Durban this 4th day of November, 1931.

By Order of the Court

BRIAN CAMP

Clerk of the Court, Durban.

A. M. HAVILAND,

Plaintiff's Attorney,

10-12 Temple Chambers,

Masonic Grove,

Durban.

Postal address: P. O. Box 462, Durban.

ਪੰਚਾੰਗ

ਆਖੀ ਜਥਾ ਓ.

ਕੰਮਲ ਓੇ ਸ਼ੀਲੀਮ.

ਬਲਾਜ ਓੇ ਮਾਯਮਾ ਓੇ ਓ ਮਾਓ ਓੇ ਮਾਓ
 ਸਾਓ ਨਾਯਾ ਮਾਓ ਵੀ ਤਾਓ ਵੀ ਮੰਗਾਓ ਵੇਓ.

ਦਓ:—

Manager,

Indian Opinion,

Phoenix, Natal

