

# Indian Opinion

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## NOTES AND NEWS

IN our last week's issue we published fully the speech delivered by Col. Collins, member for Ermelo (Transvaal), in the House of Assembly during the debate on the Transvaal Asiatic Land Tenure Bill. The speech is such as would certainly prejudice the mind of the unthinking reader against Indians. The views expressed by him are commonly heard from the anti-Asiatic platform. We are glad to note, however, that Mr. Morris Alexander has given a very fitting reply which is a far better comment than we can think of making on that speech. Mr. Alexander's speech appears elsewhere in this issue.

Col. Collins referred to the superiority complex. Is it not time that that was long thrown overboard? Truly Christianity teaches us to treat all human beings alike, whether black or brown or white? Do not even the present days teach a lesson to the white man of his folly? Was there not a time when the white man considered it below his dignity to do manual labour and would always watch the black man labouring under him. To-day he is not only putting himself in line with the black man but begrudges him and snatches the bread out of his very mouth in order to feed himself! Where then is the superiority complex? Indians indeed have never aspired to enter the realms of the social life of the white man. In fact there is much in it which true Indians would not think of introducing in their own.

This mental disorder of Col. Collins and those who think like him is indeed the result of their deep-rooted false idea of the superiority complex. If only they could be relieved of that devil in their brains would be clearer to think more righteously and selflessly and then there would be peace for all and enough room would be found for all human beings to live happily in this God's good land.

We publish elsewhere in this issue a letter from Mr. Banarsi Das Chaturvedi, editor of *Vishal Bharat* relating the tragic story of an Indian repatriated from South Africa under the Assisted Emigration Scheme. The story is that a man named N. Sumaroo who was landed at Calcutta with £1,700 in his possession was relieved of all his possessions by some robbers and later also relieved of his two sons and a daughter. He placed them one evening in a rest house and went out marketing. On his return half-an-hour later he found his children missing. The story if true is certainly shocking. It does little credit to the British rule in India. But apart from asking the Government to do anything in this matter, and that too, an unsympathetic foreign Government, this incident points out to the need of an army of social workers who alone could render effective assistance and protection in such cases. It will not do to expect the Government to act and to sit quiet. Public bodies should act simultaneously and see to it that Government officials do not fail in their duty.

The Mitchell Crescent Government Indian Girls' High School gave a concert last Saturday night at the St. Paul's Hall. This was the first concert ever given by the School and the promoters who were Miss Slatter, the Head Mistress, and her staff are to be congratulated for their success. The preparations were made within a month and the School Choir which did wonderfully well was trained by Monsieur Bautier who deserved every credit for the pains he had taken. Prizes were distributed by Mr. J. H. Lawlor, chief inspector of schools. Miss Dina Jalbhoy won the good fellowship prize which was presented to the School by Mr. H. L. Paul. Miss Dina Jalbhoy and Miss Louis Choonoo received their Junior Certificates and Misses Jir Jalbhoy, M. Paul and M. Peters their Primary School Certificates. Miss Slatter expressed the thanks of the School for the help generously given by the community.

The Northern Transvaal Indian Association is moving the Court, we understand, in connection with separate counters for the use of Europeans and non-Europeans placed in the post office at Pietersburg. Representations made to the Postmaster-General for the removal of such racial distinction having failed a petition has been lodged to the Supreme Court. The hearing will take place on July 7. The decision will be awaited with interest by Indians generally for such a system is in vogue practically in every place. Whatever the decision may be we doubt very much whether our object will be achieved for the Court can only interpret the law, it cannot make the law.

We regret to announce the sad death which took place suddenly last Sunday of Mr. C. Appavoo formerly of De Aar who had for some time settled in Port Elizabeth. The late Mr. Appavoo was a leading merchant in the Cape. He was a public-spirited man and no one who had occasion to go to him for funds for public work could leave him without enjoying his generous hospitality. Another leading personality who has recently passed away is Mr. Ahmed Mahomed of Kimberley. The late Mr. Ahmed Mahomed was an old and respected resident of Kimberley. He was very successful in his business and his home was open to all his Indian friends who had occasion to visit Kimberley. The late Mr. Ahmed Mahomed had only recently returned from India. He leaves behind him a large family to mourn their sad loss. We extend to both the bereaved families our heartfelt sympathy.

"If we do not support the Asiatics they will not stay with us, and where they have stayed it is because they have received our support. The remedy is always with the public." This statement is reported to have been made at a meeting of the Braamfontein Ratepayers' Association recently by Mr. H. Henderson, when he explained the provisions of the Asiatic Land Tenure Act. The Asiatics had proved

past masters in the art of evading legislation, he said, and unless there was another evasion of the Act a clean sweep of the Asiatics would be made in Braamfontein in 1935. Once an Imperial question, the development of South Africa's constitution had made it a local matter said Mr. Henderson.

The Transvaal Indian Teachers' Association which was recently formed, and which has received due recognition from the Education authorities in the Transvaal, met the newly-appointed Director of Education at Pretoria recently. The following represented the Association:—Rev. B. L. Sigamoney President, Mr. K. L. Desai, hon. Secretary, Mr. S. Joseph, Vice-President, Mr. P. M. Joshi, member of the Executive. The Director received the deputation most sympathetically and the question of Indian education in the Transvaal was fully discussed.

The *Bombay Chronicle* in the course of its comment on the Asiatic Land Tenure Bill writes:—

"Indians in South Africa may be trusted to do the right thing to defend their rights and their self-respect, even if the Government of India may not be able to do anything for them. The Executive of the South African Indian Congress are determined on seeing the matter through and deciding the question once for all. The Indians are going to meet in a Conference on 29th and 30th of the month, and they will then decide whether they should take to Satyagraha for the vindication of their rights. But the Executive mean to do everything possible to settle the question peacefully."

Are we to be flattered by the above compliment or ashamed of giving false impressions about ourselves to the outside world?

In the course of an article in the *Shrewsbury Times* Rev. Ellis O. Roberts, formerly lecturer under Madras University and lately Vicar of Alberbury, Salop, writes:—

"If once we hand over India to the Congress, then India will immediately suffer civil war, with its accompaniments of famine. We ourselves would lose the interest on some thousand million pounds invested in legitimate and beneficial enterprise in that country. We should also lose all our trade with India. And that means that we should be unable to buy food, and that, of course, means starvation for our vast people. And this ruin would come upon us with a rush. Already the nation has begun to live on its capital; how could it bear these additional losses of capital and income? The problem is as simple as ABC, and if it were honestly stated by our politicians not a child would fail to understand it. We must hold on to India, or starve."

Indeed the days of the British people are numbered when even their Padres begin to preach the doctrine of selfishness. To keep three hundred and thirty-three million people in subjection for the sake of one small Island—is that the teaching of Christ? But we congratulate the Reverend gentleman for the truth that came out of his mouth unconsciously that England holds India not for the interest of India but for her own utter selfishness.

## Transvaal Indian Congress

### Mass Meeting

A mass meeting will be held on Sunday 10th July 1932, at Osrin's Bio, Marshall Street, Ferreria Town, at 2 p.m.

Business—

- (a) Asiatic Land Tenure Act
- (b) The Licensing Ordinance of 1932.

Every member of the community is called upon to register. You must decide what to do. The whole community is affected in one way or other.

S. B. MEDH, } Hon. Secretaries  
S. M. DESAI, } T. I. C.

## EDUCATION OF OUR GIRLS

AT the very successful concert given by the Mitchell Crescent Government Indian Girls' High School last Saturday Mr. J. H. Lawlor (Chief Inspector of Schools) good humouredly pointed out to the apathy of the Indian community in regard to giving education to their girls. He said it was not proper to waste the time of three teachers on 35 pupils. The Department, he said, was prepared to consider any suggestions by the parents that would encourage them to increase the number of the pupils.

The accusation against Indians of neglecting the education of their girls has been made not once but over and over again and there is no doubt that we must plead guilty to the charge. Whether rightly or wrongly we Indians have always been very particular about the chastity of our daughters. The boy of course is at liberty to do anything but the parents will take particular care that the girl whom he weds is perfectly chaste. This is perhaps one of the main reasons why Indians, are as a rule, reluctant to send their girls to public schools. Whether this is the right view to take or the wrong is an arguable point. But we do believe that India owes her sufferings to a very great extent to the sins she has committed against her womanhood and at the same time we believe she owes her existence on earth notwithstanding her great sins to the virtues of her womanhood. Our object, however, is only to point out how very particular we are about the morals of our girls.

Then we have three divisions in our community in South Africa, the Mahomedans, the Gujarati Hindus and the Colonial-born Indians. Of course, the Colonial-born Indians could be sub-divided but the three we have mentioned above are the main divisions. Of these the Mahomedans are out of the question as regards exposing their womenfolk to the light of the day. Would that they took a leaf out of Kamal Pasha's book. But it will perhaps be some time before they are sufficiently advanced to do so. As for the Gujarati Hindus, firstly, there are a very few girls who are in a position to be sent out for higher education. Either they are married at an early age or, as a rule, they are married in India. There is also another point that has to be taken into consideration. The education imparted in Government schools in this country completely anglicizes the pupils and in so far as the girls are concerned the parents cannot afford them being anglicized for they do not know what their future life would be.

Then we come to the Colonial-born Indians. Their number in this country is greater and they have a large number of girls who are of the age of receiving higher education. They are completely out of touch with India; many have even lost their mother tongue. South Africa is their permanent home and the education imparted in Government schools is best suited to them. There is a greater number of girl pupils of Colonial-born Indians in the school and we do not know why that number could not be augmented. But here, too, it should be borne in mind that while the Colonial-born Indian is to a large extent anglicized in his

mode of living that instinct of showing greater concern about the morals of his girls has not even left him. If that could be safeguarded we do not think the Colonial-born Indians would hesitate to send their girls to school.

One drawback about the present school, we are given to understand, is that it is situated in between the Sastri College and the Carlisle Street Indian Boys' School and the boys of these schools have access to it. If this drawback could be overcome and complete safety about the morals of their girls vouchsafed the Colonial-born Indians in particular and others who are not so very orthodox-minded would, we imagine, be encouraged to take greater advantage of the facility afforded by the Government for the higher education of their girls.

## Plight Of Indian Repatriates

### A Tragedy And A Warning

Mr. Benarsi Das Chaturvedi, editor the *Vishal Bharat*, writes as follows:—

Returned emigrants from colonies suffer a lot of troubles in India and as a worker in their cause I have come across a large number of people whose life has been made miserable on account of their economic plight or social difficulties. The worst of such cases came to my notice the other day when an old man of sixty came to my office and related his tragic story to me.

N. Sumaroo returned from Natal to India in July 1928 with three sons and a daughter. They brought with them seventeen hundred pounds. Sumaroo belonged to a village in the district of Basti and after his arrival in Calcutta he started for his place by train at Howrah. As soon as the train reached Burdwan, half a dozen persons who had dressed themselves as sepoy, came to his compartment and asked him to vacate as the *Sarkar* wanted to see them, Sumaroo being a simple-minded person, who had returned to the motherland after fifty years, was easily deceived. He was taken to a distant lonely place along with his children and his belongings and there made to sit under a tree by the robbers who decamped with £17,00 and the belongings. Sumaroo was left quite destitute and it took him three months to return on foot from Burdwan to Calcutta with his small children. Then he drifted to the slum quarters in Matiaburz, a suburb of Calcutta, where our friend Pandit Bhawanji Dayal saw him and wrote about his case in his report regarding the condition of returned emigrants. But the worst thing was yet to happen. On April 20th, 1930, Sumaroo moved himself to a local Dharmashala along with his children. He lived there for three days. On the evening of 23rd April he went out of the Dharmashala with his eldest son to buy provisions leaving the daughter and two sons. He returned after half an hour and was surprised to see his daughter and the sons missing. He reported the case to the police who promised to make enquiries. We do not know what they have done. The three children have been missing since 23rd April, 1930, and poor Sumaroo has been living a miserable life in the Refuge at 125 Bowbazar, Calcutta, for the last two years.

It is to be noted that the Government of India took upon themselves the responsibility of receiving and of looking after the repatriated emigrants from South Africa and this fact was specially mentioned in the Capetown Agreement itself. And though the Gov-

ernment made some sort of arrangement at Madras for the reception of returning emigrants in Southern India they neglected those of Northern India altogether. Many a time their attention was drawn to this negligence but they have practically done nothing on this side. This negligence on their part is to a certain extent responsible for such tragedies as those of N. Sumaroo.

When our people in South Africa agreed to the scheme of assisted emigration to India they put their faith in the words of the Government of India that they will receive and look after these returning emigrants on their arrival. This faith has been betrayed so far as our Northern India emigrants are concerned. The tragedy of N. Sumaroo is a warning to Colonial Indians who must think thrice before departing to India.

## The New Agent Of The Government Of India

### Tribute To Kumwar Maharaj Singh

The *Leader* (Allahabad) writes:—

The apt comment on the reported appointment of Kumar Maharaj Singh as Agent of the Government of India in South Africa would be that it should have been made three years ago. At that time, too, his name was very much mentioned but was left out, we believe, for the only reason that it was thought desirable that Mr. Sastri's successor should be a non-official. It would be objectionable if the place were reserved for an official, but we do not suppose that any sensible man would say that a person in every way qualified for the position should be kept out of it for the only reason that he is an official. At all events Kumar Maharaj Singh is no longer an official of the British Government. He has had a highly distinguished career in service and, while always efficient, he managed at the same time to win and retain the confidence of the public as well. He knows well the subject of Indians overseas and it is safe to anticipate that he will be an eminent success in South Africa; the more because he will have the Kumaramani Sahiba by his side to assist him in social work.

Pandit Benarsidas Chaturvedi, editor of *Vishal Bharat* and a prominent worker in the cause of Indians overseas, in an interview to the *Free Press*, said:—

"The selection is undoubtedly the best that could be made under the circumstances. Kumar Sahib has been interested in the problems of Indians overseas for the last fifteen years. He was deputed by the Government of India to visit Mauritius, British Guiana and East African colonies to study the problem of our countrymen settled there and he produced admirable reports about the conditions there. He created a great impression on our fellow-countrymen overseas on account of his sturdy patriotism, winning manners and genuine sympathy for the cause. His complete freedom from communal and racial prejudices will be a great help in the solution of these problems.

"Our countrymen in South Africa deserve congratulations on having got the services of such a noble man as their agent. Kumaramani Sahiba who is a very refined and cultured lady, will be a source of great help and encouragement to our sisters in the far-off land. The Government of India is also to be congratulated on such a wise selection.

## Immigration Appeal Board

### Judgment In Re Khushal Hari Patel

Judgment was given on March 16 by the Immigration Appeal Board in Pretoria in the case of Khushal Hari Patel. The chairman of the Board said:—

The Appellant in this case entered the Transvaal during the year 1920 by virtue of Section 5 (g) of Act 22 of 1913. He was then a child under the age of 16 years of one Hari Nana a domiciled Indian. During the same year Appellant obtained a Certificate of Identity to enable him to go to India and in July of this year he left for India and returned to the Transvaal on the 30th May 1930, and has been here since.

The above facts are admitted by the Immigration Officer.

On the 3rd September 1931, Appellant was convicted under the Liquor Act of supplying yeast to coloured persons.

On the 17th December 1931, the Immigration Officer notified Appellant that he was a prohibited immigrant as defined in Section 4 (1) (j) of the Immigrants Regulation Act No. 22 of 1913, the ground for prohibition being the aforesaid conviction.

Against this prohibition the present Appeal has been brought.

The contention of the Appellant is that having been allowed to enter the Transvaal by virtue of Section 5 (g) of Act 23 of 1913 he is exempted from the provisions of the Immigration Act unless it can be shown that he had committed an offence under Section 22 of the said Act in which case the Minister could, if by reason of the circumstances connected with such offence he deemed him an undesirable inhabitant of the Union, remove him from the Union and as he (appellant) has not been convicted of any of the offences mentioned in Section 22 he cannot be removed.

Section 4 of Act 22 of 1913 lays down what persons shall be prohibited immigrants and section 5 what persons shall not be prohibited persons.

It is clear from Section 5 (g) by virtue of which Appellant claims his status that unless he falls within the provisions of sub-sections (1), (d), (e), (f), (g) or (h) of Section 4 he is not a prohibited immigrant. The sub-section 4 (1) (j) on which the Immigration Officer relies does not affect appellant for it is not one of the sub-sections referred to in sub-section 5 (g) which could make him a prohibited immigrant nor does the offence of which he was convicted fall under Section 22.

In the opinion of the Board therefore the Appellant was wrongly deemed a prohibited immigrant and the appeal is upheld subject to any point of law that the parties may wish to reserve for decision of the Supreme Court.

The respondent has reserved a point of law to be decided by the Supreme Court.

## Notice

### INDIAN UNEMPLOYMENT

Will employers of Indian labour kindly notify the undersigned of any vacancies in their establishmet.

WRITE:—Hon. Secretary, Sir Kurma Reddi Unemployment Relief Committee, 175 Grey Street, Durban, or Phone Central 3506.

## Parliamentary Debate On Asiatic Land Tenure Bill

(Continued from last week)

Mr. Friend spoke after Col. Collins whose speech appeared in our last week's issue:—

I agree with the last speaker that this is perhaps the first attempt that has been made by the Pact Government to deal with this subject since they got into power. We remember well the promises which were made eight years ago through the whole of South Africa that no sooner would we see this Government in power than the question would be exhaustively dealt with. I remember how these promises were made in Natal. I remember how a colleague of the Minister of the Interior said that the Asiatic menace would be removed not only from Natal, but from the whole of South Africa. This attempt is only a partial attempt. It is an attempt to deal with the question only in a particular spot—in the Transvaal. It does not touch the question at all in Natal. I am surprised and disappointed that nothing has been done by the Pact Government to deal with the position in Natal. In 1924 if the party to which I belong had still been in power the question would have been dealt with, as you saw by the Class Areas Bill introduced in 1924, which made specific provision for the reservation of trading and residential sites in urban areas. I personally will welcome the day when that Government or any other Government will bring forward legislation making that specific provision for the reservation of residential and trading areas for Asiatics in urban and rural areas. In the constituency I represent in Natal, I have watched how this penetration has taken place and how the position has become aggravated in the last few years. In particular localities the Asiatic has all the trade. The European trader has been ousted altogether. I am not satisfied with matters as they are. What hope have we if that position is not seriously dealt with at once. It is only a question of time and we shall be ousted. I believe the Asiatic or Indian population in Natal is greater than the European. It is a very serious position. I would like to know from the Minister of the Interior whether he is prepared next year or some time to introduce legislation dealing with the question in that specific way, by which residential and trading areas for the Asiatic will be reserved. Unless we do that penetration will go further, and paralysis will come over to Natal and perhaps over the Transvaal as has been pointed out by the hon. member for Ermelo (Col.-Cdt. Collins). It is in the light of this that I regret that there is nothing in this Bill to meet the position in Natal. I hope the Minister of the Interior will see his way clear in the very near future to bring forward a measure of this description by which residential and trading areas will be localized, in order that the competition will be avoided which is existing to-day, and that the penetration which is going on to-day at a very rapid pace will be stopped.

### Mr. Alexander's Fitting Reply

I make no apology for intervening in this debate. It is nearly 32 years in all since I took up public life, and I have only known one principle for treating any matter in which different races are concerned or different colours, and that is the principle of justice. I still maintain that the only safe and wise policy is to consider a matter not from the point of view of race, colour or creed, but from the point of view of the sense of the justice of the proposition before the House or the country. It is in that light that I have always

looked at legislation of this kind. With those views, I deplore very much the speech of the hon. member for Ermelo (Col.-Cdt. Collins.) I thought we were coming at last to some question which could be raised out of the dust and rut of party politics on to a national platform.

Mr. STRYDOM: You had better resign from the South African party.

Mr. ALEXANDER: The hon. member's silly remarks are not conducive to wisdom on the subject. Those hon. members who still ought to go and learn what justice means, do not understand my language. I do not expect them to understand, and so I forgive them for their childish interruptions. They will not put me off. I say that the only way to deal with a matter of this kind is from the point of view of justice. There is no other criterion. The hon. member for Ermelo said, "My own race first." I say, "Justice first." It is not a question of this race or that race. The history of all races teaches us that if you are going to do an injustice to another race because it does not happen to be your own, your own race and country will fall into the limbo of forgotten things. That is what history teaches us. Attempts to make party capital out of a thing of this kind are most deplorable. I differ from the Government on very important points—on their non-European policy particularly, but during the last few years, it is only fair to say that the present Minister of the Interior has been able to raise this question out of the rut of party politics, and put it on a national basis. The two hon. members who have just spoken said that this is the first attempt made to deal with this question since the present Government came into power. That is not the case. There was a proposal made in 1926 when the select committee sat. The conference to which the hon. member for Ermelo referred took place as a result of the recommendations of the select committee on which both sides of the House were represented. It was not a party question. I happened to be on that select committee. I will not worry the House with the whole details. A Bill was before the House then. If members will take the trouble to read the report of the select committee, they will find that we took a lot of evidence. After the completion of the evidence, the committee was informed by the Minister of the Interior that further negotiations had taken place with representatives of the Government of India and that these had led to an agreement, subject to the approval of the committee and Parliament, to enter into a conference. It was not a thing done by the Minister alone, but it was a result of the report of the select committee, on which both sides of the House were fully represented, and that committee's finding was practically unanimous. The committee reported that after very careful consideration it had resolved to approve of the agreement and to recommend the holding of the conference, and that the Areas Reservation and Immigration Bill be not proceeded with until the results of the conference were available. That was the beginning of an attempt to deal with one of the great problems of South Africa from the point of view of the country as a whole—not from the point of view of party politics nor the point of view of race domination—but purely from the point of view of justice. That path has been followed since 1926. There have been conferences. The hon. member for Ermelo tried to raise a laugh by referring to one of these delegates who came from India. I know them all personally, and you can talk of social matters as much as you like, there is not one of those men who came from India who would not be an honoured guest in my own house at any time. I would be

very proud to have them there. The hon. member referred to a "Sir Mahomed Somebody" in a cheap and nasty way. Really, these were men of the highest and finest character, fit to grace any legislature in the world, and it is only right that we should have some sense of propriety in the matter, and recognise that the white race is not the only race in the world. We must learn to respect these men. The first point I wish to make is—for heaven's sake do not let us drag this question into the rut of party politics. Let us find at least one question which we can look at as a whole, and not from a party political point of view. It is to the credit of the Minister of the Interior that he has approached this matter from another plane, from which he cannot gain an ounce of party political advantage, but rather the reverse. I wish to pay a tribute to the Government, for they have acted in this matter like statesmen. The only way in which we can deal with this problem is from the point of view of justice. It must be dealt with by statesmen and with due regard to the justice of the case. It has been said that in the old Transvaal Republic, Asiatics were refused permission to trade.

Col.-Cdt. COLLINS: I did not say so.

Mr. ALEXANDER: The hon. member said that they never had the right of public trading. But he is entirely wrong. Neither President Kruger nor the Transvaal Government ever took up the view that Indians could not trade in the Transvaal. I could show from a judgment of the Supreme Court that they were encouraged to go and trade there.

Col.-Cdt. COLLINS: I would be glad if you could show me that.

Mr. ALEXANDER: If my hon. friend had only been patient, and submit to a little tuition from me he will come to a more reasonable frame of mind. The word "coolie" has been used. That term is quite inapplicable to the great mass of the people from India. Law No. 3 of 1885 of the Transvaal Republic reads, *inter alia*—

1. This law shall apply to the persons belonging to any of the native races of Asia including the so-called "coolies," Arabs, Malays and Mohamadan subjects of the Turkish dominion. 2. With regard to the persons mentioned in Article 1 the following provisions shall apply: (a) They shall not be capable of obtaining burger rights of the South African Republic; (b) they shall be not capable of being owners of fixed property in the republic. This provision shall not be retrospective; (a) those who settle in the Republic for the purpose of carrying on any trade or otherwise shall be bound to have their names entered in a register to be separately kept for the purpose by the landdrosts of the various districts in accordance with a form to be prescribed by the Government. On such registration, which shall be effected within eight days after arrival, a sum of £25 sterling shall be paid.

Asiatics were directly encouraged to enter the Transvaal for the purpose of trading. The gold law of the Transvaal of 1908 never attempted to prevent Indians from trading on proclaimed ground. There was communication between the British Government and the then attorney-general of the Transvaal on the subject, from which it was perfectly clear that no existing rights were being interfered with by the gold law, and one existing right was the right of the Asiatic to trade. The only thing the legislation looked to was the mining rights and questions of sanitation and so on. The least we can do is to see that the Asiatics in the Union—and it must be remembered that the majority of them were born in

South Africa—are treated with justice, and are regarded as human beings. The repatriation policy has resulted in the diminution of our Asiatic population by 10,000—90 per cent of the Natal Indians are South African born, not a bad number, and 30 per cent of the Transvaal Indians are also South African born. Who brought the Indians to Natal? The white man, to work on the sugar estates. The sense of justice of the hon. member for Ermelo (Col. Cdt. Collins) is so distorted on this question that when the word "Asiatic" is mentioned, he does not trust even our judges. He insults the bench by saying he is not going to trust a judicial commission. The only thing evidently that would satisfy him would be to empower him to carry out the Act. The matter demands very serious consideration, and although I do not agree with everything in the Bill, I do feel that the Minister has tried to consider the matter, not from the point of view of party politics, but on a broad national plane, with the idea of securing co-operation from both sides of the House. He has that co-operation. The hon. member for Yeoville (Mr. Duncan) has been in close co-operation with the Minister on this subject, and I am sure if the hon. member had been here to-day, he would have said just as much about the speech of the hon. member for Ermelo as I have done. Further, the Minister of the Interior has been guided by the select committee, and has been in close touch with members of the committee right up to now. That select committee, I may mention, was fully representative of both sides of the House. Nothing is to be gained by the party handling of this question; so let us turn our backs on it from a party point of view, and let us unite in trying to settle one of our big problems on grounds of justice and the fair treatment of people irrespective of their race or colour. We have heard a great deal about evasions of the law by Asiatics. If a law is passed, and it does not prevent a man from doing a certain thing, a man does not evade the law if he does that thing which is not forbidden. People do what the law allows them to do, but whenever an Asiatic has been successful in a court of justice in the Union, his success has been put down by Europeans as a result of evasion or illegality. Why is it an evasion or an illegality if the highest court of the land says they have right to do it? If it is simply a trick to get around the law, then the law will stop it. It is not an evasion or an illegality when the decision of a court of law is obtained in their favour. There are a few points in the Bill I would like to see altered, and I have no doubt that when we are in committee of the whole House we shall be able to deal with those, and I will put forward some amendments for the consideration of the House. As I read this Bill, taking it as a whole, it is an attempt to protect existing rights, and, at the same time to carry out the policy that is held by the majority of the people in this country, though not by myself, as fairly as it can be done under the circumstances. What were we faced with in 1919? The Minister of the Interior says there was an omission in that Act in that it did not deal with the position of the coloured people. But the Act of 1919 was not designed to deal with the coloured people, but with questions of trading and land-owning by Asiatics. The Minister brings all the coloured people under this particular Bill. Deputations have been received from the Transvaal with regard to that. On the whole it is not a disadvantage, but an advantage, because whatever security is given to the Indian community, will naturally go to people who are not Indians, and who have no such protection at the present time. Has the Minister

considered the case of some of the coloured communities in the Transvaal who are not Asiatic at all? I would ask him whether he will not give some assurance that those coloured communities will be protected in any rights with regard to property or residence in those particular areas they occupy at the present time. I am glad that the Minister has announced that he will leave the Cape Malays with the rights they got in 1924. It would have been an act of injustice to remove what was granted to them by that Act. There are other points in the Bill where I think there is hardship. There are places like Springs, for instance. The Act of 1919 did not mention Springs as one of the places under the gold law. Here is where a right is being taken away from the community. At the present moment, as the result of a judgment of the Supreme Court, Springs, not being a township under the gold law, a court of law has held that those restricted clauses cannot apply to it. I am sorry to see Springs brought in, because that is a distinct case of an existing right, declared to be such a right by the Supreme Court of the country, being taken away. Otherwise, an attempt is made to put things right, especially with the amendments the Minister is putting on this paper, which I have seen through his courtesy. In 1919 there was a chaotic confusion prevalent through the whole of the Transvaal among the Indian community, and one of the municipalities obtained an order by consent, against a certain European who had allowed an Indian to be on a certain property. If that Act had not passed in 1919, some millions of property, business property, trading and so on, would have been confiscated. To-day there is a certain amount of unrest and uncertainty in the Transvaal, owing to a recent decision, which I believe is on appeal to the appellate division at the present moment. Therefore I agree with the Minister that the Bill ought to be passed this session. There will be tremendous confusion if it does not pass. I very much appreciate the statesmanlike manner in which the Minister has attempted to deal with one of the most difficult questions we have in South Africa, and I applaud his efforts to keep this question outside the rut of party politics.

(To be continued)

## East London British Indian Union

### Annual General Meeting

Notice is hereby given that the Annual General Meeting of the British Indian Union will be held at 78 Oxford Street, next to the Bengal Bazaar, East London, on the 10th July 1932, commencing at 3 p.m.

Agenda:—(1) Minutes, (2) Presidential Speech, (3) Secretarial Report, (4) Financial Statement and Treasurer's report, (5) Revised Constitution, (6) Election of Officers, (7) General.

**D. C. (PARBHOO) PATEL** President.

**R. S. HARRY,**

**M. D. DASS,**

**Jt. Hon. Secretaries.**

## India's Fight For Independence

### Pandit Malaviya's Statement

Pandit Madan Mohan Malaviya who was recently arrested in connection with the Delhi Congress session was released in the following way: Panditji with his sons and other friends who were arrested with him were taken in cars by the Delhi police to Ghazabad at about 11 o'clock at night under a heavy armed escort and entrained in the Howrah train. As the train started Panditji was handed his ticket for Allahabad and told that he was released. Panditji issued the following statement to the Press soon after his release:—

When the deputy commissioner of Delhi informed the Secretary of try to crush the Congress instead of allowing it to continue to co-operate.

Sir Samuel Hoare is reported to have said, 'We have not ended the chapter of co-operation; we are always ready to co-operate with anybody who was prepared to co-operate with us.' But only a short time ago he had said that he was prepared to co-operate with those Indians who were ready to co-operate with them 'upon the policy laid down by the House of Commons.' Mahatma Gandhi had in his correspondence with Sir Samuel Hoare indicated that he would be prepared to co-operate with the Government if the statements of the Prime Minister and Sir Samuel Hoare in the House of Commons on the subject of Reservations and Safeguards, were not the last word on the subject and if it would be open to a member of the Working Committee to ask for the modification or removal of any of them. The Working Committee of the Congress has made it quite clear that it does not regard the safeguards and the reservations insisted upon by the House of Commons as satisfactory in the interests of India. In insisting, therefore, upon Indians co-operating with Sir Samuel Hoare upon the policy laid down by the House of Commons he is asking not for co-operation but for unquestioning submission. India's honour and national interest do not permit of her accepting such a position. The Congress has made it clear that it wants the same measure of independence for India as England and every other free country enjoys. This is the *sine qua non* of a friendship between India and England; honourable to both the countries.

It is sickening to hear of this talk of co-operation in framing a constitution for India in the state of affairs which the Government has brought about in this country. Sir Samuel Hoare repudiated the charge that because there were men and women in prison in India the country was suffering under the iron heel of Russian tyranny. If Sir Samuel Hoare would dare tell the public the truth about the ruthless repression that has been practised during the last four months in India, it will be seen that it is difficult to find a parallel to it even in Russian history. During these four months, upto 20th April last, according to the reports published in the press, 66,646 persons, among whom were included 5,325 women and many children, have been arrested, imprisoned, and humiliated. This could not possibly include arrests in the far off villages in the interior of the country and, therefore, the Congress estimates the total arrests to be over 80,000 up to that date. The jails are overcrowded, and ordinary prisoners are being released before their time to make room for political prisoners. To this has to be added the number of arrests made during the last ten days, including those of the delegates

to the Delhi Congress. It is difficult to describe the indignities, the hardships and the cruel treatment to which they are subjected. According to the reports in the press firing has been resorted to at least in 29 cases with considerable loss of life. There have been lathi charges on unarmed crowds at 325 places. There have been 633 cases of house searches and 102 cases of confiscation of property. A general policy has been pursued of imposing extraordinarily heavy fines on persons who have been convicted in connection with the movement and property far in excess of what was necessary for realising the amount of the fines has been attached and sold. The press has been gagged as it had never been gagged before. One hundred and sixty-three cases have been reported where the newspapers and public presses have been regulated by orders for confiscation, demands for security and consequent closing down of the presses, warnings, searches and arrests of editors, printers or keepers. Numerous public meetings and processions of non-violent men and women have been dispersed by lathi charges, and, sometimes, by firing. In the face of all this, Sir Samuel Hoare has been repeatedly saying that the emergency powers which have been given to the police have been sensibly administered. Will Sir Samuel Hoare and his colleagues agree to a commission consisting of three eminent public men of international reputation being appointed to enquire into the Reception Committee of the 46th session of the Indian National Congress that the Government would not allow the Congress to be held in Delhi, I ventured that announcement notwithstanding, to say that the Congress would be held in Delhi on the day that had been fixed for it. I thank God that prediction has come true. The Congress had thrown out a bold challenge to the Government when it decided to hold its 46th session in Delhi in the circumstances existing in the country. Sir Samuel Hoare and Lord Willingdon's Government have been trying for some time past to persuade the British public and the civilized world generally that the measures adopted by the British Government in India to crush the Congress movement had succeeded. If their statement were true, one should have expected that few Congressmen would come forward to attend the Congress at Delhi. But the fact that in spite of all the preventive measures taken by the Government about 1,500 delegates managed to reach Delhi and that many more were prevented from going there by the numerous arrests of those who were proceeding to Delhi, shows how deeply the Congress is rooted in the affections of the people and how futile must be the endeavour of even so mighty a Government as the British Government to crush the movement for which this great national organisation stands. It is very much to be hoped that the Government will profit by this experience and instead of persisting in the policy of repression retract their steps. But, I must confess that I feel little hope that this will be done, when I find Sir Samuel Hoare repeating that the only change in the Indian situation that had occurred since the last Round Table Conference was in the attitude of the Congress. The world knows that it was the Governor-General of India who most unjustifiably refused to grant an interview which Mahatma Gandhi sought of him and which would have in all human probability brought about an agreement between the Government and the Congress on the difference which had arisen between them towards the end of the year. In the letter which I addressed to the Viceroy on the 29th January last I have shown that it was the Secretary of State and the Viceroy who changed their policy

and decided to the working of the 'severe and rigid' measures introduced in India, upon which Sir Samuel Hoare dwells with gloating satisfaction? Let the truth of the matter be thus established beyond cavil or dispute.

It is surprising to find Sir Samuel Hoare repeatedly asserting that the situation in India has been considerably improved. The import trade returns of Bombay published a few days ago tell a different tale. Besides in ever so many places in the country Government orders are being defied and despite all the attempts of the Government to prevent them Congress activities are being carried on. The repressive policy is progressively becoming more and more intense and in equally progressive measure are people coming forward to continue the movement and to carry it forward. There is not one item in the Congress programme which the Government has succeeded in suppressing altogether. All this surely indicates the contrary of an improvement in the situation from the Government point of view.

Sir Samuel Hoare seems to have a very wrong idea of human nature in India if he imagines that with 80,000 of India's patriotic sons and daughters locked up in jails under oppressive and humiliating conditions any self-respecting Indian can entertain any proposal of co-operation with the Government in the work of framing a new constitution for India.

## Statement Submitted By S.A.I.C.

### To Government Of India Delegation

(Continued from last week)

#### EQUAL ECONOMIC OPPORTUNITIES TO INDIANS AND THE REMOVAL OF THE GOVERNMENT WHITE LABOUR POLICY

The clause that most vitally affects the Indian community in the Capetown Agreement is that which deals with the Industrial Conciliation and Wages Act which reads as follows:—

"The principle underlying the Industrial Conciliation Act (No. 11 of 1924) and the Wages Act No. 27 of 1925 which enables all employees including Indians to take their places on the basis of equal pay for equal work will be adhered to."

The Congress, in accepting this clause, took a very bold step, for it felt that as there were no facilities for the banning of the Indian worker and coupled with the prejudice of the White worker against the Indian, the time had not arrived when the Indian worker could stand side by side with the European worker and demand equal pay for equal work. But it hoped, though for some years to come our people would be severely handicapped by the acceptance of the clause, the time would arrive when the Indian worker would have no impediment in the Labour market, and that the principle of equal pay for equal work would be applied to him as a matter of course.

Prior to the year 1928 all the Trade Unions in the country had only European membership. Indians were not admitted to membership. The Indian employees engaged in the Durban Liquor and Catering Trades had formed themselves into a Union and registered it. Later they applied for

the registration of a Union for the whole of Natal with an open constitution. At the same time the European Employers in the Trades formed a Union and endeavoured to have same registered. Thus there were two Unions in the same Trades applying for registration. The regulation was held up by the Registrar of Trade Unions for the reason that there could not be two Unions in one Trade or Industry. Discussions then followed with the Indian and the European Employees and the Congress in which the first Agent the Rt. Hon. Mr. Sastri rendered much assistance. Where in an Industry there were European and Indian Employees, it was suggested that parallel Unions should be registered. This was not accepted by the Congress. In order that Indian Labour may be organised, the Natal Indian Congress convened a Conference of all Indian Labour, and this resulted in the formation of the Natal Workers' Congress. This body then commenced organising Indian labour, and the following Unions were registered:

1. Durban Tinsmiths and Tankmakers Union.
2. Durban and District Tobacco Workers' Union.
3. Durban and District Bakers' Union.
4. Natal Liquor and Catering Trades Employees Union.
5. Durban and District Garment Workers' Union.
6. Durban and District Amalgamated Union of Launderers and Dry Cleaners.

All these Unions have open Constitutions and accept Indian, Coloured and European membership. The Liquor and Catering Trades Employees' Union is now a joint Union which has European and Indian employees in its membership, and on the Executive both European and Indian employees sit side by side and discuss matters of mutual benefit to them. They have now an Industrial Council which determines the Wages. The same applies to the Furniture industry which has an Indian majority. In the former there is an Indian Secretary and in the latter there was an Indian Secretary until a few months ago. The Typographical Union of South Africa is the most powerful and composed exclusively of European members. For many years Indian Printers have been tapping at its doors for admittance but they were consistently refused admission. One beneficial effect of the Natal Workers' Congress was the throwing open of the doors of the Typographical Union to Indian members. Industrial Councils also exist in the furniture Trades.

The one thought that was present in the minds of the Officials of the Congress was that if Indian labour were organised to the same level as that of European labour, the Indian employee would take his rightful place in every trade and industry.

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