

# Indian Opinion

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## NOTES AND NEWS

WE are happy to announce in this issue that Mahatma Gandhi has successfully completed his three weeks' fast on Monday after having almost alarmed all who were near by him on Saturday. God in His great mercy has thus granted the prayers of thousands of souls. Mahatma Gandhi is now on his way to recovery but it will take some time, as it needs must, before he can regain his normal condition.

THERE were thanks giving prayers all over the country. A well attended meeting of the Natal Indian Congress was held in Durban on Monday evening at the Parsee Rustomjee Hall presided over by Advocate J. W. Godfrey. Thanksgiving prayers were offered by Hindu, Moslem, Parsee and Christian religionists and national songs were sung. A resolution recording the thanks of the meeting to the Almighty for granting its prayer and further praying for the speedy restoration of Mahatma Gandhi to his normal health in order that he may be able to continue the great work for the emancipation of the untouchables he has taken upon his shoulders. A message was received by the president from Kunwar Sir Maharaj Singh from Capetown associating himself in celebrating the auspicious occasion.

THE Kathiawar Arya Mandal (Durban) has sent the sum of Rs. 1000 (£18-18-2) to Mahatma Gandhi for the movement of the removal of untouchability on the completion of his 21 days' fast. The Mandal received a message from Mr. Devdas Gandhi from Poona on May 29 stating that Mahatma Gandhi is weak but his condition is satisfactory and that there is no cause for anxiety.

ONE of the very first acts for which Indians in South Africa may well feel proud of was the generous decision of the Trustees of the Parsee Rustomjee Trust to send £1,000, to Mahatma Gandhi to be used in any manner he wishes in the great task he has undertaken. The decision was arrived at at the inspiration of Mr. Sorabjee Rustomjee and readily agreed to by his co-Trustees. In the very generous step they have taken the Trustees have been guided by the spirit of the late Parsee Rustomjee. All those who have known the late Mr. Rustomjee know well how he would have felt on this occasion and what he would have done. And we heartily congratulate the Trustees of the Parsee Rustomjee Trust for having acted in accordance with the spirit and the desire of the author of the Trust. During his life time the late Parsee Rustomjee sent regular amounts to Mahatma Gandhi for national work in India and according to a clause in the trust deed it was his desire that this should be continued. In making this very generous gift, we have not the slightest doubt, that the Trustees have done the right thing at the right time. There are many in our community in South Africa who can emulate this noble example and earn a name for themselves even as the late Parsee Rustomjee has done. But will they?

WE are informed by the office of the Agent of the Government of India that as a result of representations made by the Agent and the Durban Indian Technical Education Committee, the Minister of the Interior has graciously sanctioned an increase of £100 in the annual grant of £250 for technical education for Indians. This generous act on the part of the Minister of the Interior, we have no doubt, will be very greatly appreciated by the Indian community. This meets the deficit of a £100 in the £600 annual expenditure to the Committee as reported a few weeks ago in these columns. The position now will be a grant of £350 instead of £250 per annum from the Union Government and a grant of £100 from the Durban Corporation making the total revenue including fees to approximately £600 per annum, just sufficient to meet the expenditure. The Indian community has so far very grudgingly contributed only £100 of which the sum of £50 was donated by the Parsee Rustomjee Trust. The community has therefore really contributed £50 all told, a very poor exhibition indeed of their interest in the education of their children. This generous gesture on the part of the Government should put to shame the wealthy members of our community who have hitherto kept the strings of their purses tight. It should also stir the community to take more interest in imparting technical education to their children and to take full advantage of the facilities provided for them and thus support it by every possible means. If the institution is allowed to die now owing to lack of attendance the community will have no reason to complain of their education being neglected by the Government.

There was a joint meeting of both the Indo-European and the Bantu-European Councils in the Hindu Tamil Institute, Durban, last week. Three papers were read, all dealing with separate aspects of the franchise question in South Africa. Mr. G. D. Shepstone, in his paper on 'The Native Franchise in South Africa,' showed how there were two policies in regard to the Natives in South Africa. The one was assimilation, whereby the Natives assimilated the customs of their white neighbours and became 'black Europeans.' The other policy was that of adaptation, whereby the Natives were allowed to develop on their own lines, perhaps with the aid of their European compeers. Concluding, Mr. Shepstone advocated the latter policy as being more plausible than the former.

The Dundee Town Council, sitting as a board of appeal, has reversed the decision of the licensing officer, who refused an application for a general dealer's licence made by Mahomed Amod. The Dundee Chamber of Commerce, Messrs. Batemans (Pty.), Ltd., and Ayob Noor Mahomed and Sons, were the objectors. The premises for which the licence was applied was owned by Mr. V. Moodley.

## TRANSVAAL INDIANS

THE Provincial Conference of the Transvaal Indians as advertised was held in Johannesburg on May 24 and 25. It was perhaps the first of its kind and the occasion certainly demanded it. There were various resolutions passed at the Conference but the most important of them were those dealing with the Land Tenure Act Commission, the Transvaal Licences Control Ordinance and Immigration. The president's speech was brief and to the point. Much has been said about the evil effects of the Transvaal Asiatic Land Tenure Act and the president of the Conference once again reiterated the fact that the Act brands the Indians as an inferior race and provides for the herding of our brethren like flocks of sheep and cattle to rot and to die a natural death. He brought to memory the Passive Resistance Struggle led by Mahatma Gandhi against the Transvaal Registration Act which also aimed at branding us as an inferior race, and pointed out, that the present legislation was also one against which the community should rise to a man and be prepared to sacrifice their all to uphold their own honour and the honour of their Motherland. We are glad that the Conference has condemned the action of the Transvaal Indian Commercial Association in tendering evidence before the Commission which does no credit to any self-respecting community and which amounts to the gilling acceptance of the policy of compulsory segregation and their co-operation in the working of that policy. As we have stated before, we cannot possibly conceive of a more unpatriotic act. The Conference has done the right thing in dissociating itself from that body. The more we see the working of the Commission the more we feel that it is dragging us into degradation. The working of the Commission is more in the nature of a Court. Evidence is being taken on oath. The Transvaal Indian Commercial Association is with their Counsel tendering evidence to prove their case. There is nothing more nonsensical. Have they any case at all? According to law they have no case. Their case is clear enough on the basis of high moral principles. Indians have acted in good faith. They were given the assurance that the existing laws will not be harshly administered. The successive Governments, excepting the last Nationalist Government, did not put the Gold Law into operation. They allowed Indians to settle in what are known as proclaimed areas, granted them the right to trade and to create vested interests. The only reasonable way now, if the law is to be put into operation would, we think, be to exempt all those who are already occupying proclaimed land having been allowed to do so by the Government. If there be any guilt there is guilt on the part of both, the Indian as well as the Government. Whatever action that is now to be taken should be taken with regard to the future. That, to our mind, would be the right and just method.

The Transvaal Licences Control Ordinance was one of the questions over which some of the speakers at the Conference spoke rather heatedly and the Agent of the Government of India was taken to task. We will not blame the speakers for losing themselves, for as one of the speakers very aptly said, it was an expression of despair at the position that had arisen owing to the methods employed deprive them of their means of livelihood. The Transvaal Licences Control Ordinance is one which is in flagrant breach of the Capetown Agreement and if the Govern-

ment of India pleads helplessness what earthly use is it to incur the high expense of maintaining their Agent in this country? We must confess we are a little disappointed with Mr. Bozman's explanation. With the presence of the representative of the Government of India in this country if anti-Indian legislation is being passed which is totally against the spirit and the letter of the Agreement arrived at between the Government of India and the Government of the Union of South Africa there is certainly nothing surprising or shocking if we feel that such legislation has had the acquiescence of the Government of India. And it will not be denied that the Transvaal Asiatic Land Tenure Act has had the acquiescence of the Government of India. The Indian community has been accustomed from Mr. Sastri downwards to look upon the Agent not merely as a Government official but as a leader and a guide. If the Agent and his staff act as unapproachables and expect to rule the people like the Viceroy does from the heights of Simla the relations between the people and the Agent, we are afraid, will not remain as amicable as is desirable. In so far as Indians in the Transvaal are concerned the question of licences is their main question for it is the only means of livelihood they have and very naturally they are so much concerned about it. We will certainly not go to the length of saying that the Agent does nothing or that he is of no use to the Indian community. But we have already expressed the opinion, and we still adhere to it, that the Agency is too expensive an institution for its worth. We do not blame the Agent for that. We blame the weakness of the Government of India not being able to deal with the Government of this country, and we feel our humiliation at its helplessness all the more when we see its representative in our midst. While it has been our unpleasant duty to offer this rather unhappy criticism of the Agency of the Government of India in this country we must however say that in so far as Kunwar Sir Maharaj Singh is concerned in his personal capacity, we have the highest esteem for him and we have not the least doubt that as such he would be immensely more useful to us than as a Government official.

Other matters discussed at the Conference were dealing with Immigration laws and other minor grievances resulting from racial legislation.

We hope our brethren in the Transvaal will act up to their resolutions.

## Useful Hints

The following safety first hints in regard to movable or immovable electrical apparatus given by a correspondent in *The Star* are very valuable to all those who have to deal with electricity in their homes:

If you have any fixed electrical appliance in your house, such as a stove, refrigerator, motor, or geyser, see that it is efficiently earthed.

If you have any movable electrical apparatus such as a kettle, toaster, percolator etc., do not get into the habit of using it near water pipes or stoves or whilst standing on concrete or damp floors; alternatively have a 3 pin plug fitted, the odd wire leading from the frame of the apparatus to earth.

If you have a metal-covered switch in your bathroom, substitute a porcelain or ceiling switch for it, or have the switch moved to the outside of the bathroom which is the correct practice.

Do not replace fuses without first having turned off the main switch; apart from the danger of shock,

there is a likelihood of molten metal being thrown into your face if there is still a "short circuit" in the wiring.

Ask your electrician to make sure that your switches are on the "live" side of your house wires.

## Things In General

(BY OBSERVER)

THE *Natal Advertiser* has drawn attention to a longstanding scandal, that of Durban's slums. It was a grave problem twenty-five years ago. This journal published details of the Corporation's own properties in Brickhill Road and other places and urged repeatedly for improvements. Although the criticism offered was backed up by the Health Officer, nothing was done.

WHENEVER a suggestion at all was made, it was in the nature of a proposal to house Indian residents in some out-of-the-way place, miles from town, where they would be segregated as untouchables. Once the idea of establishing a location—or shall we say Garden City—on the ground which has since been taken up by the township of Durban North, was advocated by the then Medical Officer of Health, Dr. Murison.

THE scheme had its good points, and if only the Indian community could have been assured of fair conditions, transport facilities and so forth, who knows but what it might have been a good thing? But those who know well the condition of the Indian locations in the Transvaal, must be excused for not falling in line with any scheme, however attractive it may appear, whose first principle is compulsory segregation.

AND so the scheme did not find favour with Indians. A later attempt to establish an "Indian Village" at Cato Manor also fell flat for the same reason. A quarter century has passed with no progress to report. It is true that many new buildings have been erected in Durban, but overcrowding and lack of proper supervision have continued, and slum conditions are repeated in modern structures.

WHAT one invariably finds is that where health regulations are most needed, there they are the most lacking. Yards and passages used by crowds of uneducated people are naturally dirty, and they are allowed by the authorities to remain so. Streets are unswept and littered with refuse. In many cases the side walks are unpaved and cannot be cleaned. The idea seems to be that the toilers and moilers who have to go about in these parts are not worth consideration. Why? Because they are non-Europeans?

I WISH it were possible to say that Indian landlords have done all they could to make conditions as healthy as possible for their tenants. In too many cases it must be confessed that Indian property owners are so sadly neglectful. So long as they receive their rents that is all they seem to care. How quickly does a new building become dirty and mismanaged until, in a very short time, it appears old and wretched like those alongside which may have been built twenty or more years before!

NOT until Municipalities acknowledge that the poor are entitled to the same consideration as the

well-to-do will see an improvement. And when I say *poor* I mean *all* poor people, of whatever race. In the slums of Durban there are Europeans, Indians, Natives, Chinese, Cape Coloureds, St. Helenas and Mauritians, and perhaps others. To talk of segregation is futile. Each race or people would claim a separate place—and then very strongly refuse to remain in it. And you couldn't blame them.

I WONDER if I dare make a suggestion. It is not segregation that is needed, but decent conditions of life. The people who now undoubtedly do live together, under horrible conditions, would be able to live quite happily if their homes and surroundings could be improved. What I would like to see is a suburb of Durban, built by the Municipality, for poor people, who would not be compelled to reside there, but who could not resist the attraction of a clean, well paved and lighted, beautifully laid out "garden city."

THE removal of large numbers of people from the slums would automatically bring about immediate improvements in the properties; and those who still had special reasons for dwelling in town would find their present hell turned into a heaven. And all this could be brought about without compulsion or segregation. All it needs is a little commonsense.

## Transvaal Indian Provincial Conference

The Provincial Conference convened by the Transvaal Indian Congress was held in the Trades Hall, Johannesburg, on May 24 and 25. Mr. O. K. T. Naidoo was in the chair. The proceedings commenced with Moslem, Hindu and Christian prayers that Mahatma Gandhi may have the strength to pull through his fast successfully.

Over a hundred delegates were present.

The Agent of the Government of India was represented by his secretary Mr. A. G. Bozman, and Mr. C. S. Ricketts.

Speeches were made in Hindustani, Gujarati, English and Tamil.

### President's Speech

The president, Mr. O. K. T. Naidoo, in his speech, drew special attention to the principle of segregation embodied in the Transvaal Asiatic Land Tenure Act. This, he said, branded Indians as an inferior community. Under it they would be allowed to reside and trade only in areas specially set aside for them. The Gold Law of 1908, which had never operated against them, would be brought into operation against them. This Act compelled them to be herded like sheep and cattle in the exempted areas, which would be water-tight compartments, either to die a natural death or rot out of existence.

"What of your expansion?" he asked.

"The Act," he continued, "strikes at the very root of our existence in the Transvaal, and couples with it insult and degradation. What of your honour, and the honour of your country, India?"

"Would you under all these circumstances be justified to request your countrymen meekly to submit to an Act that offers you nothing but a dose of slow poison, ruination, and self-deportation?" He referred to the example of "a few of those weaklings known as the Transvaal Indian Commercial Association, who so shamefully submitted a memorandum to the Transvaal Asiatic Land Tenure Act Commission, inviting segregation."

He was confident that they would honour the resolution passed at the emergency conference on October 5 and 6, 1930.

The president recalled the passive resistance movement which Mr. Gandhi led in 1908 against an objectionable provision of the Transvaal Asiatic Registration Act. That movement involved them in hardship and suffering. Even deaths occurred but the honour of the Indians and of India had been saved.

He suggested that the executive of the Transvaal Indian Congress should form a deputation in co-operation with the S.A. Indian Congress to meet the respective Cabinet Ministers and seek redress of the various disabilities to which his countrymen were subjected in the Transvaal.

### Unopposed Motions

Several unopposed motions were moved. One expressed the conference's admiration of and love for Mr. Gandhi and their hope that he might be spared to complete his task.

The conference congratulated General Smuts on his 63rd birthday, and referred to his work to promote goodwill among all sections of the community.

Several speakers, Messrs. S. B. Medh, S. M. Nana, R. Mooloo and the Rev. B. L. E. Sigamoney, praised the services of Mr. C. S. Ricketts, of the office of the Indian Agent-General, who is sailing for England on six months' leave. Mr. Ricketts thanked them.

### Land Tenure Act

Mr. S. M. Nana (Johannesburg) then opened the discussion on the Transvaal Asiatic Land Tenure Act, speaking formally on the following resolutions:

"(1) That this conference strongly protests and condemns the evidence tendered by the Transvaal Indian Commercial Association before the Asiatic Land Tenure Act Commission as detrimentally affecting the rights and privileges of the Indians in this province by asking for segregation through exempted areas, and for the restricting of trading licences and privileges.

"(2) That this conference desires to emphasise that the Transvaal Indian Commercial Association, representing as it does only a handful of merchants, according to their showing before the Asiatic Land Tenure Act Commission, cannot claim to represent the Indian community."

Mr. Nana, in an impassioned speech, attacked the Act, which he described as "a machinery invented by the Government to cause the ruination of Indians in this province." It contained all the elements of segregation, which they had always resolutely opposed. In this attitude they were supported by the present officials of the Commercial Association. In asking for any particular area to reside in and trade in, they would be asking for segregation.

Practically all avenues of employment were closed to them. How were they to fulfil the conditions of maintaining a western standard of life as foreshadowed by the Capetown Agreement of 1927?

"The Congress' attitude in opposing the Act," he declared, "was not an attitude determined in a spirit of bravado or hostility to the Government or the Europeans, but in a feeling that we were South Africans, born and bred in South Africa, and with a right to live and earn a livelihood in the land of our birth."

### Question Of Trading Licences

The proceedings were adjourned at this stage and resumed at night with an attack on the Agent. The impossibility of the Agent doing anything for the amelioration of licensing conditions for Indians under the Transvaal Licensing Control Ordinance was referred to by several delegates.

"The Agent sits in Capetown and says that he can't do anything. Can't he write to the Government of India and tell them that he is helpless? We were much better off before than we are now when we have an Agent of the Government of India to look after our interests." Those remarks were made

by Mr. S. B. Medh, who banged the table to add emphasis to them.

Strong words were used in condemnation of the powers vested in townships, which it was alleged, were curtailing and refusing licences to Indians, in terms of the Transvaal Licences Control Ordinance.

The chairman of the conference, Mr. C. K. T. Naidoo, left the chair to contribute to the criticism.

"Mr. Bozman's explanation that the Agent cannot do more makes me feel broken-hearted," he said. "Yet we can fight, our wives will fight, our children will fight. Are we not British subjects, or are we British objects for commiseration? Are we to be treated as helots? Our sons are born in South Africa, and as sons of the soil we have the same rights as General Smuts or General Hertzog. We are prepared to adopt the western standard of living, but what facilities are we getting?"

"We were told by Mr. Sastri to play the game, but it takes two to play the game, and it must be according to the laws of the game. Most of the townships in the Transvaal are curtailing or restricting licences, and yet we are told that the Agent is powerless. Let us send a cable to the Government of India to that effect."

Mr. S. B. Medh mentioned a list of traders who had felt the force of the new Ordinance. The British, he said, were always prepared to intervene in the affairs of foreign countries when they knew that injustice had been done, yet those Britons did not care to intervene against harsh treatment, depriving a man of his only means of livelihood in another part of the Empire.

"Wake up, rise up against such humiliation. If we do not stand up for our rights our days are numbered in this country. In ten years' time we will be extinct. We are told that public opinion is against us. If that were true we could not trade as we have hitherto done. The Government's policy is against us; they don't want us to rise. In locations the superintendent is the lord of all he surveys; he is the big boss. It is better to be in gaol, where you are looked after, instead of in the location, where, in addition to this rule of autocracy, you have to pay for everything."

Mr. S. M. Nana said he felt that the Government had a calculated policy to reduce the Indian population in South Africa without even paying the bonus of £20 under the repatriation scheme. "We know," he said, "that the things that are happening in this province will be revolting to the soul of Kunwar Sir Maharaj Singh, but he is acting under the orders of the Government of India. The Government of India wants to live in terms of friendliness with a sister Dominion, though we are made the victims."

"The Agent should tell his Government that the South African Government is anti-Indian, and if the Agent goes away we don't think that our lot will improve, but we will know that the Indian Government is not a party to the anti-Indian legislation."

Proceeding, Mr. Nana said that the Johannesburg City Council had passed resolutions against the persecution of Jews in Germany, and yet what about the persecution of its own ratepayers? There was repression in this country, and yet there were no protests. Those in glass houses should not throw stones.

Mr. R. Mooloo (Pretoria) said he took strong exception to the reference made about the Agent, nor did he agree with the views of the chairman. For he knew that the Agent had certainly done some good.

Mr. C. K. T. Naidoo interjected: "If the Agent cannot do anything, he might inform his Government of the position."

Whatever criticism levelled against the Agency, said Mr. Nanabhai (Pretoria), it was an expression of

despair at the position that had arisen owing to the methods that had been employed in depriving them of their means of earning a living. Lack of rupees of the Indian taxpayers' money was being paid for the Agency in South Africa, and they had to see that the benefits derived were commensurate with the expenses.

### Agent's Position Explained

The secretary of the Agent, Mr. Bozman, replied to the criticisms. He said that the Agent had asked for the list of cases of those Indians having been refused their licences that he might personally go into each case, but so far no list was forthcoming. The Government of India was fully aware of the position created by the licensing laws of the country. It came as a greater surprise and something of a shock that it was said that the Indian Government had acquiesced in the arrangement. He was sorry to hear the expression used. In regard to the future, he knew that the Agent had their interests at heart and he would do all that he could. He would remind them that the Agent did not only deal with licences. As a result of his (the Agent's) efforts it was for the first time that Indian unemployed were considered. Over 200 Indians were given employment in Durban and 50 at Maritzburg. (A voice: "What about the Transvaal?") They had not been acquainted of the position.

"In his consideration," Mr. Bozman ended up, "you must permit him (the Agent) to consider other questions than licensing matters."

The conference then unanimously adopted the following resolution:—"That this conference, representing the various sections of the Indian community in the Transvaal, views with great alarm the question of the issue of licences to the Indian community in the Transvaal, in that a large number of the old and new licences are being refused to Indian applicants under the Transvaal Land Tenure Act, these licences in the majority of cases being the only means of their livelihood, and urges the Minister of the Interior to investigate the matter, and save a large number of Indian applicants from ruination and starvation."

### Hardships Under Immigration Laws

Hardships under the Immigration laws were discussed at the second day's sittings of the conference.

The lifting of provincial barriers which confined the movement of Indians to one province was urged by Mr. D. M. Nursoo. "We have been told to be good South Africans," he said, "and I don't see why the door of one province to another should be closed and barred to us. We ought to emphasise this matter in our next deputation to the Minister of the Interior."

Mr. S. M. Nana, referring to the immigration laws, expressed confidence in the new Minister of the Interior, Mr. J. H. Hofmeyr, as "a man of deep culture, wide learning and an international outlook," in meeting their not unreasonable requests.

"It has been declared that the Coalition Government was to bring peace to the country," he said, and the acid test of this would be its treatment of the voteless and unrepresented non-Europeans of South Africa."

Mr. S. B. Mehd in a comprehensive statement on the rights of Indians under the various Immigration laws said that they were losing their rights at every change in the immigration laws. The 1931 amendment provided that they would lose their domiciliary rights after three years of continuous absence. They were promised in terms of the registration certificate that Indians would be able to come and go whenever they liked. This was confirmed in the laws of 1908, again in 1918 and 1927. The law

had now been amended so that the registration certificate was a scrap of paper. But for licensing purposes it was still required as a pass.

There was another section that provided that prohibited immigrants were not allowed to trade. Transvaal Indians were again singled out to show their certificate. If the registration certificate was of no effect to reside, then why was it wanted for trade.

Another matter was that Indians born in this country after 1912 were in some respects not regarded as South Africans. Children born to parents who were trying to qualify for domicile by residence of three years were also not regarded as South Africans.

Mr. Mehd also urged the entry into this country of the wives and children of "condonees," so that they might live a happy family life. He thought that the rights of educated entrants should be protected.

"This new spirit of coalition," he added, "which aimed for the bringing together of the two white races should be extended to embrace all sections of the permanent population of South Africa and there should be no discrimination in the treatment between race and race."

After other speeches the conference unanimously adopted the following resolution:—"That this conference, representing as it does the various sections of the Indian community in the Transvaal feels that the immigration law controlling the Indian community in the Transvaal is, in its various aspects, unduly harsh, and respectfully urges the Minister of the Interior to give due consideration to the memorandum shortly to be submitted by the Transvaal Indian Congress."

### Other Resolutions

A resolution moved by Rev. B. L. E. Sigamoney asking for the establishment of a school for Indian girls in Johannesburg and Pretoria and for technical training for Indian boys was passed unanimously.

Resolutions expressing regret at the untimely death in India of the Hon. Sayed Hasan Imam, and of Lady Cromer, mother of the Hon. Evelyn Baring, secretary to the former Agent of the Government of India, and expressing pleasure at the restoration to health of Bishop Karney from his recent illness were also passed by the Conference.

A violent attack was launched on the Germiston Municipality for its intended action to remove Indians from the stands in the present location which they had occupied for years.

"Do not move, the municipality cannot move you," The Minister of the Interior alone can move you, was the burden of the conference's advice to the Indians of Germiston.

The conference took exception to the regulations at certain railway stations in the Transvaal where the sale of tickets was not available for Indians at the general booking offices. A resolution of protest along these lines was passed.

The conference empowered the Transvaal Indian Congress executive to bring before the South African Indian Congress, if it considered necessary, the advisability of sending a deputation overseas.

The conference empowered the executive to appoint the necessary delegation to interview the various Ministers on the disabilities embodied in the resolutions the conference had adopted.

The executive was also empowered to provide for the appointment of a full time secretary so that the work of consolidation might proceed without any interruption.

Resolutions of thanks to the Press were also passed.

## Asiatic Land Tenure Act Commission

### Evidence By Indian Commercial Association

The following is the full text of the address of Mr. J. C. Brink, Counsel of the Transvaal Indian Commercial Association before the Asiatic Land Tenure Act Commission:—

MR. J. C. BRINK, K.C.: May it please your lordship and the other members of the Commission: as your lordship already knows, my clients are the Transvaal Indian Commercial Association. This is a body which came into being as the result of the appointment of this Commission. They came into being in order to represent the views of the leading Indians, in fact all the Indians, who are affected by the provisions of the Gold Law which this Commission is now considering. The memorandum which has been submitted to the Commission has I think attached to it the memorandum of association of my Association. I understand that we represent a few million pounds in property in Johannesburg, that the Executive Committee consists of about 20 men, and that there are at least 40 members of this Association at present. The object of this Commission is to give all the assistance that they possibly can to this Commission in order to solve the very vexed problems which have arisen in Johannesburg as the result of the Gold Law of 1908 and the way in which it has been administered over the last twenty odd years.

I understand to-day the Commission only desires us to deal, not in detail with particular cases, but only in general principle with the questions that arise. Now, my lord, one has some difficulty always in confining oneself to generalities without getting down to details; but as far as possible I would like just to confine myself in my opening remarks to-day, before leading any evidence, to generalities. It must be borne in mind, my lord, that in the Transvaal the Indians are traders. I think the Lange Commission points that out—that they are the Mahommedan class from Bombay and that they are traders. In paragraph 9, at the foot of page 3, it says:

"The Bombay Mahommedans are of quite a different type. They are born traders and have the reputation of being remarkably capable, astute business men and competent to hold their own against their European competitors in that respect. It is to this class that the bulk of the Indians in the Transvaal belong. Some of them are wealthy merchants in Johannesburg and elsewhere with branch businesses in the country districts, while many others have established themselves in business for several years past in some of the country towns and villages. Unlike the Madras they do not confine themselves to the fruit and vegetable trade but engage in mercantile business. They have thus undoubtedly become formidable competitors with European traders, particularly in the country districts of the Transvaal. For this and other reasons a widespread agitation has during recent years been fomented throughout that Province against what is termed the 'Asiatic menace.'"

I would like to direct my remarks this morning to try and allay that fear about the Asiatic menace. We submit that there is indeed to-day no Asiatic menace to the European population in the Transvaal. One has got to go back, my lord, to the first of these laws. Your lordship will remember the first of these laws was 3 of 1885, and that law of course was

passed before Johannesburg was in existence. I think the first proclamation of the goldfields in Johannesburg was at the beginning of 1886—about January or February 1886. As the Lange Report again will show, the origin of that law arose through an agitation in Pretoria against the alleged invasion of Asiatics. Paragraph 13 of the Lange Report sets out the law as originally passed, which provided that the so-called "Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire shall not acquire rights of citizenship in the South African Republic." One might stop there, my lord: that was only a continuation of the provision of the Grandwet of the country, that there should be no equality between whites and coloureds in this country. That has always been the traditional policy of the Transvaal. Then the law goes on: "They shall not be owners of landed property in the Republic. And, thirdly, they shall, as far as those who settle in the Republic with the object of trading, etc., are concerned, have to be inscribed in a register to be specially kept for that purpose by the Landdrosts of the respective districts according to a model to be prescribed by the Government."

Then it continued, "The Government shall have the right to assign to them special streets, wards and locations for habitation. This provision shall not apply to those who reside with the masters in whose service they are." So that the object of this law undoubtedly was to deny to Asiatics the rights of citizenship, to deny to them the right of becoming owners of landed property, and also to give the Government control of their residences: the Government to have the power to assign special streets, locations or wards for them to reside in.

That, of course, is I may say the power which is now vested in the Minister under the Act of 1932, this new Act of 1932—that he is to have the power now of assigning special streets, wards and other localities where they are to reside, and, where they shall be exempt from the criminal provisions of the Gold Law. It appears from Section 14 that the law appears to have been passed in consequence of an agitation which was set afoot in the South African Republic during the previous year, that is, 1884, against the threatened invasion of Asiatics which, it was alleged, had already commenced at Pretoria. Well, this Act was amended on account of the intervention of the British Government, which held that this was an improper contravention of Article 14 of the London Convention of 1884.

Then the law seems to have been amended in such a way as to throw into relief the object of the Act, namely, purposes of sanitation, and in that way apparently to let the British Government feel that this was not an oppressive law upon Asiatics but was necessary for the proper sanitation of the towns in the Transvaal. That law, as amended read, in section (B) of section 2: "They cannot be owners of fixed property in the Republic except only in such streets, wards and locations as the Government for purposes of sanitation shall assign to them to live in." Then in section (D) of law 3 of 1885: "The Government shall have the right for purposes of sanitation to assign to them certain streets, wards and locations to live in. This provision does not apply to those who live with their employers."

Then in paragraph 23 of the Lange Report it said, "In any event it is clear that the reasons for the enactment of Law 3 of 1885 were sanitary and not economic. While it prohibited the acquisition of fixed property by Asiatics except in certain localities set apart for their residence, it recognised their right to settle in the Republic for the purposes of

trade." One may perhaps doubt, on the history of this Act, whether it was solely for sanitary reasons. One knows that was stressed in the Act in its amended form, and it was probably a predominant reason for the passing of the law; but one can hardly get away from the suspicion that one of the objects of the law was undoubtedly the traditional policy of the Transvaal—to deny equality to coloured people in the Transvaal—equality with whites, and that there was a certain amount of pressure from rival traders, and a pressure from white people who did not want to live in close proximity to coloured people.

Mr. Justice Wessels, in the case of *Dadoo vs. Krugersdorp Municipal Council* (reported in 1920 A.D. 535), to some extent bears me out there. He says this, when dealing with the Gold Law—section 131:

"It has always been the policy of the Transvaal law to prevent coloured persons from obtaining control over Transvaal land. The policy of the law was much wider than merely to prevent the names of coloured persons from appearing upon the Deeds Register. Asiatics, being coloured persons, were not to become owners of land, and by that I understand either the actual registered owners or beneficial owners of such a nature as to be able to control the land. By the Gold Law, section 130, it was made quite clear that a coloured person could not acquire any rights whatever to gold claims or stands on a proclaimed field; he could not even reside upon or occupy any ground held under such right. It was not that the Legislature objected to his mere presence on a proclaimed field because he could always reside upon or occupy ground on a proclaimed field as the servant of a European, but never on his own behalf. It may be true that sanitary considerations also entered into this policy, but that is a mere accident, for the true reason for the exclusion of Asiatics and coloured persons was always the fear that they may get control over the land in a country where it was a provision of the Grondwet that there should be no equality between white and black. It was this control over land which both Law No. 3 of 1885 and the Gold Laws sought to guard against."

THE CHAIRMAN: Mr. Brink, I do not know that a lengthy historical introduction is really necessary for the purposes of our inquiry, the lines of which are determined by the terms of reference. We know that there is a history behind this question. That history is touched on to some extent in this memorandum which has been submitted on behalf of the Indian Association. That memorandum refers to other documents such as the evidence given before Select Committees and so on, where we have a great deal of material available for us. I doubt whether any good purpose can be served now by spending a great deal of time on the ancient history of this question. We have to deal with the shape which it now takes under the existing law.

MR. J. V. BRINK, K.C.: I wanted to contrast to your lordship the position as it existed in those days, in the days when the 1908 Gold Law was passed, and the position as it exists in fact in Johannesburg to-day, because it does not seem to me that this Commission, standing in the position of the Minister of the Interior, has got to exercise these functions—assigning places now for coloureds and Asiatics to live in, and due regard should be had now to the very altered circumstances of Johannes-

burg. Therefore it is just as well to bear in mind the object which these laws had, and that those objects to-day do not exist to the same extent.

THE CHAIRMAN: We have to take the laws as they stand to-day, and our function is limited by our terms of reference. We do not stand in the place of the Minister of the Interior. We may make recommendations as to how the power, which is entrusted to him shall be exercised. I do not want this inquiry to be unduly lengthened by researches into the past or discussion of the merits or demerits of legislation in the past. We have to deal with the legislation as it exists to-day.

MR. J. V. BRINK, K.C.: I am not criticising, my lord, in any way legislators of those days. I merely wanted to show what they had in mind and to point out, in approaching the problem now, the different position which exists to-day in view of the altered circumstances in Johannesburg. I was going to draw your lordship's attention to what the author of the Gold Law said, as it is quoted in the Lange Report, about the reasons for passing section 130 and 131.

THE CHAIRMAN: I do not want to stop you from referring to matters which you consider to be relevant, but at the same time I do want to prevent this inquiry being unnecessarily lengthened by discussions of what has happened in the past. I quite understand there are some points you may wish to refer to. If you address us at length on that subject, others may think it necessary also to address us at length. We have, so far as you are concerned, the memorandum of the Association before us, and you can regard that as before the Commission. It is not necessary to cover again the whole ground which is covered in that memorandum. I do not want to prevent you from referring to a point to which you attach special importance.

(To Be Continued.)

## News In Brief

Mr. A. Rai read a short paper on 'The Indian Franchise in South Africa' at a recent meeting of the Indo-European Council. Confining himself chiefly to the historical aspect of the subject, Mr. Rai showed how the Indian enjoyed the franchise prior to 1896 and stated that it was largely through the instrumentality of Mr. Robinson, the then Prime Minister of Natal, that the Indian became disenfranchised.

In the absence of Mr. B. Potter, the Editor of the *Natal Witness*, Mr. Maurice Webb, the president, read the former's paper on "The Principles of European Franchise." The paper was a survey of the different systems prevalent in European countries. These examples, Mr. Potter maintained, were useless to South Africa, which has so many different races. The example of the American constitutional system was, perhaps, a better guide. In conclusion Mr. Potter maintained that it was better now to satisfy the Natives' claim for justice than later to accede to some more imperative demands.

There was an immensely large gathering. Other speakers who joined in the discussion were Mrs. Palmer, Mr. J. W. Godfrey, Mr. T. M. Nalaker and Mr. V. Lawrence who read another paper on his activities in connection with the 'Indian Franchise in South Africa.'

The next monthly meeting of the Councils will be devoted to a more exhaustive discussion on the subject of franchise in South Africa.

The Indian Technical Club held a social evening on Wednesday the 24th May at the Carlisle Street Indian School. Quite a large number was present. Mr. B. D. Lalla was the organiser.

His Holiness, Moulana Pir Sayed, accompanied by a few local Mahomedan leaders, paid Sastri College a visit. The Pir Sahib addressed the boys in Urdu; his remarks were interpreted by his secretary in English. The acting principal, Mr. H. Lawrence accorded the distinguished Moslem visitor and his retinue a hearty welcome.

## Review

### "Gandhi versus The Empire"

Illuminating, inspiring, provocative, is what we might call this latest publication on the Mahatma: "Gandhi Versus the Empire," in which the author, Haridas T. Muzumdar, presents in a remarkably fascinating way, a very graphic account of a contest not between nation and nation, but between a single individual in loin cloth, pitted against an empire in full dress.

At the present moment it might appear that Mr. Gandhi is solely concerned with the removal of untouchability in India. While this is to some extent true, we are reminded, by this book, of the fact that Mr. Gandhi has besides undertaken a task, equally, if not more, stupendous in dimensions. He has taken it upon himself to fight an empire. And it is this epic struggle, more than his propaganda against untouchability, that this book recently published, endeavours to portray. The author gives a very vivid description of this epic contest.

When Mr. Gandhi began his campaign for Swaraj, he said: "I want world sympathy in this fight of truth against might." And no doubt he got it, as the book abundantly testifies.

It was in 1873 that the American Colonies won their freedom from George III. Yet, memories of the strife are still dearly treasured by all Americans; and it is with this lesson of the past that they to-day look with sympathy upon a sister nation clamouring for the same cherished ideals of liberty. The "United States of India" is as much an ideal in America as it is in India. An inspiring foreword by Will. Durant shows how keenly interested America is in India's fight for freedom.

In the U.S.A., Dr. Muzumdar the author of this book, was educated. He left India in 1920 and during a nine years' sojourn in the U.S.A., enjoyed a most successful university career. He returned to India with his doctorate in sociology. On returning to India he found that a great fight was about to be launched against the bureaucratic rule in India and he too enlisted himself as a member of the party of 78 who, with the Mahatma, on March 12, 1930, made their epic march to the sea. Dr. Muzumdar therefore writes this book with some authority.

The book is not only a political biography of Mr. Gandhi. It is something more. It acquaints the reader with the high ideals that always mark Mr. Gandhi's activities.

Facts and figures are given to convince and little is said without substantial justification, for quite frequently quoted, are the speeches and words of

Mr. Gandhi himself, either in excerpt or in extenso. Considerably enhancing the value of the book are 16 plates in photographure, interspersed throughout the attractive volume. Some of these are from private collections and appear in print for the first time.

To those interested in Mr. Gandhi and in political events in India this book will be found both useful and interesting.

### FIVE-A-SIDE SOCCER AT ESTCOURT

Under the auspices of the Weenen County Indian Football League, the annual five-a-side tourney will be held at Estcourt on June 11, Sunday, for the Naraidoo trophy, and is open to any team in Natal.

The tournament is the biggest attraction of the year in Weenen County and already teams from many districts throughout Natal have signified their willingness to enter. Since 1930, the year of the first tournament, the following teams were successful in winning the much coveted trophy:—Newcastle Stars, Estcourt Royals and Maritzburg Victorians respectively.

The entrance fee is 7s. 6d. per team, and entries close on June 8 with the hon. secretary, P. O. Box 13, Estcourt. All entries should be accompanied with entry fees. Secretaries entering teams are kindly requested to submit their colours, if any, and also team lists with the full names of players representing such team.

Secretaries are reminded that accommodation will be provided for visiting teams.

### Fountain Of Wisdom

Where and when have you heard that a man being the slave of lust and wealth has been able to liberate another or to show the path of God to him? Without himself being free, how can he make others free.—VIVEKANANDA.

## CAMPAIGN AGAINST UNTOUCHABILITY

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