

Indian Opinion

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MAHATMA GANDHI'S FAST

HOW THE DECISION WAS MADE

FAST FOR PURIFICATION

WE reproduce from the latest *Harijan* the following statements made by Mahatma Gandhi with regard to his 21 days' fast which we have no doubt will be read with interest in South Africa:—

A tempest has been raging within me for some days. I have been struggling against it. On the eve of the 'Harijan day' the voice became insistent, and said 'Why don't you do it?' I resisted it. But the resistance was vain. And the resolution was made to go on an unconditional and irrevocable fast for twenty-one days, commencing from Monday noon the 8th May and ending on Monday noon the 29th May.

As I look back upon the immediate past, many are the causes too sacred to mention that must have precipitated the fast. But they are all connected with the great Harijan cause. The fast is against nobody in particular and against everybody who wants to participate in the joy of it, without for the time being having to fast himself or herself. But it is particularly against myself. It is a heart-prayer for the purification of self and associates, for greater vigilance and watchfulness. But nobody who appreciates the step about to be taken is to join me. Any such fast will be a torture of themselves and of me.

Let this fast, however, be a preparation for many such fasts to be taken by purer and more deserving persons than myself. During all these months since September last, I have been studying the correspondence and literature and holding prolonged discussions with men and women, learned and ignorant, Harijans and non-Harijans. The evil is far greater than even I had thought it to be. It will not be eradicated by money, external organisation and even political power for Harijans, though all these three are necessary. But to be effective, they must follow or at least accompany inward wealth, inward organisation, and inward power, in other words, self-purification. This can only come by fasting and prayer. We may not approach the God of truth in the arrogance of strength, but in the meekness of the weak and the helpless.

But the mere fast of the body is nothing without the will behind it. It must be a genuine confession of the inner fast, an irrepressible longing to express truth and nothing but the truth. Therefore, those only are privileged to fast for the cause of truth who have worked for it and who have love in them even for opponents, who are free from animal passion and who have abjured earthly possessions and ambition. No one, therefore, may undertake, with-

out previous preparation and discipline, the fast I have foreshadowed.

Let there be no misunderstanding about the impending fast. I have no desire to die. I want to live for the cause, though I hope I am equally prepared to die for it. But I need for me and my fellow-workers greater purity, greater application and dedication. I want more workers of unassailable purity. Shocking cases of impurity have come under my notice. I would like my fast to be an urgent appeal to such people to leave the cause alone.

I know that many of my sanatanist friends and others think that the movement is a deep political game. How I wish this fast would convince them that it is purely religious.

If God has more service to take from this body, He will hold it together despite deprivation of earthly food. He will send me spiritual food. But He works through earthly agents, and everyone who believes in the imperative necessity of removing untouchability will send me the food I need, by working to the best of his or her ability for the due and complete fulfilment of the pledge given to Harijans in the name of caste-Hindus.

Let co-workers not get agitated over the coming fast. They should feel strengthened by it. They must not leave their post of duty and those who have temporarily retired for much needed rest or for being cured of ailments are as much at the post as healthy workers serving in their respective quarters. No one should come to me unless it be for necessary consultation on matters connected with the movement.

It is, I hope, needless for me to pray to friends that they will not ask me to postpone, abandon or vary the approaching fast in any way whatsoever. I ask them to believe me that the fast has come to me literally as described above. I, therefore, ask friends in India and all the world over to pray for me and with me that I may safely pass through the ordeal and that, whether I live or die, the cause for which the fast is to be undertaken may prosper.

And may I ask my sanatanist friends to pray that whatever be the result of the fast for me, the golden lid that hides Truth may be removed?

HIS WILL BE DONE

General Smuts is reported to have made a pathetic appeal to me to desist from the impending fast. Kunwar Maharaj Singh is said to have backed it. I have not yet received the telegram. But there seems to be no doubt about the authenticity of the report.

Dr. Ansari binds me with tie of love capable of

standing the severest strain. When I seemed to be forsaken by the "Siamese Twins," through whom I came to know the great and good Hakim Salih Ajmal Khan and then Dr. Anari, the latter never wavered in his faith in my supreme regard for Musalmans of India as if they were my blood brothers, as in fact they are, born of the same Madar-I-Hind. He as an old friend, fellow worker and medical man makes a pathetic appeal to me to vary my vow.

Chakravarti Rajagopalachari, the keeper of my conscience, sends me a long telegram attacking the very basis of the fast.

Add to these the fervent personal appeal, strengthened by a copious flow of tears, of Devdas, my youngest son and valued comrade.

If these typical appeals have left me unmoved, the reader should have no difficulty in perceiving that there must be a force which has overpowered me and prevents me from responding to these and other appeals.

Underlying them is undoubtedly a distrust in my claim that this fast is prompted by God. I do not suggest that they do not believe in my word. But they believe me to be under self-delusion—a prey to my own heated imagination made hotter by the suffocation produced by the cramping walls of a prison. I cannot deny the possibility of such a thing. But it can make no appeal to me whilst I believe to the contrary. I am a habitual prisoner. Prison walls have never been known to have warped my judgment or induced in me a habit of brooding. All my imprisonments have been periods of intense activity leaving me no time for brooding. I have undoubtedly brooded over the wrongs of Harijans. But such brooding has always resulted in definite action on my part. The action that I was contemplating on the day preceding the fateful night was certainly not any fast.

My claim to hear the voice of God is no new claim. Unfortunately there is no way that I know of proving the claim except through results. God will not be God if He allowed Himself to be an object of proof by His creatures. But he does give His willing slave the power to pass through the fiercest of ordeals. I have been a willing slave to this most exacting Master for more than half a century. His voice has been increasingly audible as years have rolled by. He has never forsaken me even in my darkest hour. He has saved me often against myself and left me not a vestige of independence. The greater the surrender to Him, the greater has been my joy.

I, therefore, feel confident that in the end these kindest of friends will recognise the correctness of the action I am about to take. And this whether I die or live. God's ways are inscrutable. And who knows that He may not want my death during the fast to be more fruitful of beneficial results than my life? Surely it is highly depressing to think that a man's ability to serve dies with the dissolution of the body which for the moment he is inhabiting. Who doubts that the spirits of Ramkrishna and Dayanand, Vivekanand and Ramkrishna are to-day working in our midst? It may be that they are more potent to-day than when they were in our midst in the flesh. It is not true that the good that men do is oft buried with them. We burn the evil that men do with their mortal remains. We treasure the memory of the good they do, and distance only magnifies it.

And why should exaggerated importance be given to the services of one single person, however good or able he may be? The cause of Harijans is God's cause. He will throw up men and women as they may be required to do His will.

I, therefore, invite General Smuts and all other friends to believe with me that I am not acting under hallucination and beseech them to send up

their prayer to the Almighty that He may give me the strength to pass safely through the ordeal. I feel sure that, if I am wanted on this earth yet for a while for any service whatsoever, He will spare me notwithstanding the tears of medical friends.

Notes and News

COMMENTING on the work of the Transvaal Indian Provincial Conference held in Johannesburg the week before last in connection with the disabilities which Indians in that Province labour under as a result of recent legislation affecting trading licences and land tenure and other racial legislation *The Star*, Johannesburg, writes, "there is no doubt that there is a good deal of substance in the general complaints which were made."

REFERRING to the attack made on the Agent of the Government of India, the same paper writes: "It is, of course, quite true that the Agent-General has not been able to interfere with existing legislation or to modify it in a way acceptable to the Indian community, but in this respect he is practically powerless because it is clearly outside the scope of his duties to meddle with the domestic laws of the country. On the other hand, the paper maintains, that the Agent is not merely a figure head devoting himself to the social aspect of things but that he and his predecessors have rendered excellent service. "The Agent-General has embarked upon a policy for the upliftment of his fellow-countrymen which he is carrying out with zeal and energy and he has never allowed an opportunity to pass where he was able to represent the case of the South African Indian in its best aspect."

WE quite agree with our contemporary that Kunwar Sir Maharaj Singh and his predecessors have represented the case of the South African Indian in its best aspect and have never allowed an opportunity to pass without doing so either in public or in private. But that has helped the community mighty little. Since the Capetown Agreement of 1927, Agents have come and Agents have gone and notwithstanding all their eloquent representations the passing of legislation curtailing the rights of Indians has continued to go on for ever. And the tragedy of it is that laws have been made stricter and added to since the Capetown Agreement and in the presence of the successive Agents in this country. For instance the Immigration laws as affecting the Transvaal Indians were made stricter since the Agreement and in the presence of the Rt. Hon. Mr. Sastri as Agent in this country. The same with the Liquor Act introduced by Mr. Tielman Roos depriving thousands of Indians employed in hotels of their only means of livelihood. The only improvement effected after repeated representations is that they are now at the mercy of the Minister. Then came the Transvaal Licences Control Ordinance and then the Transvaal Asiatic Land Tenure Act.

So in return for the "excellent" work done by Mr. Sastri as the first Agent of the Government of India and for "representing the case of the South African Indian in its best aspect," he was presented by the Government of the Union with the Immigration Act and the Liquor Act. Sir K. V. Reddi, in return for his "excellent" work was presented, when he left these shores, with the Transvaal Licences Control Ordinance and the Transvaal Asiatic Land Tenure Act which were then still in the making, and Kunwar Sir Maharaj Singh whose "excellent" services are appreciated by our contemporary and no less by ourselves, has in return

for those "excellent" services, seen the completion of the above laws and before he leaves these shores he will very likely be able to see the completion of the long contemplated segregation scheme of the Government of the Union which was strongly opposed both by the Government of India and the Indian community. But, nevertheless, he will have represented the case of the South African Indian in its best aspect. And he will be succeeded by another and yet another to play the same role. Is it worth it? An Agent that will have, not the meekness to put up with all these humiliations, but the courage to wash his hands of this country and to honourably retire and declare to the world why he has had to do so will, we think, enhance the prestige of the country to which he belongs and of the community he claims to represent and will serve its cause the best. A self-respecting people will much rather suffer to be kicked out like men than meekly suffer to be treated like brutes.

THE second reading of the Immigration Amendment Bill which was to have been introduced but was not introduced last session owing to the early prorogation of Parliament, was moved by the Minister of the Interior, Mr. Hofmeyr, last week and the Bill was passed. The Bill, among other things, repeals the section contained in the old Natal law of 1891 which fixed the minimum ages for marriage of Indian immigrants at 16 for males and 13 for females, which were laid down as the ages of majority, and another section which empowered marriage officers to solemnise marriages between those who were not below these ages. The repeal of these sections will place Indian immigrants in Natal and their descendants in the same position as the rest of the community.

THE Government has only done the right thing in repealing the above sections which were not at all keeping with the standards of civilisation in this country. The action of the Government in this respect will, we have no doubt, be greatly appreciated by the community.

THE above, however, is only one grievance removed of the various grievances in regard to which representations have been made repeatedly by the Natal Indian Congress. For instance, there is the question of the registration of marriages, births and deaths. Though most of the descendants of the Indian immigrants are South African born, they are still required to effect the registration of marriages, births and deaths at the Office of the Protector of Indian Immigrants. There is also the question of the payment of the monthly tax by the employer in respect of employees who are Indian immigrants or their descendants. This is a 1s. 3d. tax per head as medical fees to be used for the purpose of maintaining hospitals for indentured Indians. This system has served its purpose. We hope the Government will see its way to remove these and other sections which are now obsolete.

IN reply to a question put by Mr. Marwick in the Union House of Assembly the Minister of the Interior said that the Government did not contemplate the introduction of legislation to deal with the unauthorised and extensive purchases of land in Natal by Indians.

IN imposing a fine of £50 (or three months' hard labour), together with a sentence of three months' imprisonment suspended for three years on a condition of good behavior, Mahomed Isack Ismail Kaffer, a 20-year-old Indian, for buying unwrought gold from two Natives, Mr. S. B. Boothe, in the Krugersdorp Court said...

"You are the son of a highly respected inhabitant of this town. The Indian community as a whole have been very law-abiding citizens, and this is the first time in the 10 years during which I have sat on this bench that I have had any of them on a serious charge. I will take into consideration your youth and the terrible blow to your father and your community."

The above should serve as a lesson to our brethren to be alert and to deserve the good mark they have received from the magistrate.

IN reply to the resolution passed at the recent Conference of the Transvaal Indian Congress on the Transvaal Licences Control Ordinance the Congress is reported to have been informed by the office of the Minister of the Interior that the question of licences is under the jurisdiction of the provincial authorities.

Two trading licences have been granted to Indians in Lydenburg—not out of any consideration for the Indians concerned but rather in order to safeguard the interests of the European.

The Town Council, it is reported, by adopting a recommendation of the building and health committee that two licences should be granted to Asiatics, has finally reversed a previous policy laid down by that body. The recommendation was adopted by five votes to three, Dr. Olen and Messrs. A. I. Ladick and J. D. Kruger being in the minority. In supporting the recommendation, Mr. P. J. Huyser said that his reason for doing so was due to the fact that the buildings for which the licences had been applied, belonged to Europeans. In one case, the owner could not pay his assessment rates, as the building had been unoccupied for a long period. The store in question was situated in proximity to other Indian stores, and it was practically impossible to tell the Europeans. Mr. Huyser stated definitely, however, that he would not vote for any new licences in buildings which have not formerly been occupied by Asiatics.

CHRISTIAN VICTOR makes the following useful observations in *The Star*, Johannesburg, on the value of fasting.

"Irrespective of race or colour, everyone will be pleased that Mahatma Gandhi came through his 21 days' fasting ordeal with safety. His prestige as the saviour of India's millions of 'untouchables' will have risen immensely. Gandhi's fast is nothing phenomenal. It is remarkable only because of his frailty and mental anguish. He had competent medical help. A woman in Rhodesia fasted 70 days (three months and a week) to cure herself of a certain disease. The fast of Jesus Christ is duplicated many times nowadays. He did it for mental purification to rid himself of vain ambitions that so strongly lingered in his consciousness. The Heir to David's Throne needed considerable effort to put his mind above human methods of obtaining redress and salvation as God conceived it. He succeeded in Himself. Fasting in the Bible was a great feature to clarify the mind and to purify the body. It is a wonderful spiritualising force. It is now recognised as a great healer of the body, and nothing so tends to eliminate toxic conditions. Coming from the war with malarial fever, I carried out a monthly fast for two years of from three to six days as part of the treatment I imposed upon myself. I cured not only the fever, but for 12 consecutive years cannot catch a cold."

ON his way to the World Economic Conference, General Smuts landed at Nairobi. In the course of his speech at the dinner of the British African Society in Kenya, referring to the Economic Conference, General Smuts said he regarded it as one of the decisive battlefields for civilisation.

"Our fate will be decided, not in Capetown, Pretoria or Nairobi, but in London by the courage of the nations. If we lose perhaps everything will be jeopardised. If we win it will set us on the way to recovery and give more give a breathing space to civilisation. This conference may be the real turning point in the affairs of the world and, perhaps, in the continuance of European civilisation. It is far more important than the Peace Conference. It was impossible at that time to make peace. In another form the warfare has been continued on aggravated terms. We must make an economic peace, and the summoning of this Conference is the recognition of the futility of looking for local and partial solutions of a problem which is world-wide in character. This task is by far the greatest ever set any body to do."

SCANDALOUS

HERE is a story of the scandalous treatment meted out to Indians by the Government of the Fiji Islands and the utter callousness shown when approached for redress by the Government of India.

Swami Bhawani Dayal Sanyasi, it appears, obtained a passport from the Union Government in 1929 to visit the Fiji Islands and other British Colonies. He first visited India and returned to the Union in 1931 with the intention of proceeding therefrom to the Fiji Islands. To his great surprise Swami Bhawani Dayal received a telegram from the Union Government asking for the passport that was issued to him and was returned back to him with the following remark:

"This passport is not valid for travel to the Fiji Islands. Vide telegram from Governor, Fiji to Governor-General, Capetown dated 5th May 1932.

Indians in Fiji who were anxiously looking forward to the visit of Swami Bhawani Dayal were painfully surprised at this uncalled-for attitude of the Fiji Government and a question was asked by the Hon. K. B. Singh in the Fiji Legislative Council as to whether the Fiji Government had taken steps to prevent the contemplated visit of Swami Bhawani Dayal and if so what was the reason for such action.

The Government was not prepared to make a statement was, we understand, the curt reply given to the above question. The Hon. Moonsamy Moodliar, we are informed, repeated the same question in the Fiji Legislative Council and was referred to the reply given to the Hon. K. B. Singh.

Subsequently the Hon. Gaya Prasad Singh, M.L.A., asked a series of questions in the Indian Legislative Assembly on February 6, regarding passport facilities for Indians desiring to visit the Fiji Islands and with regard to the cancellation of the passport to Swami Bhawani Dayal. Mr. G. S. Bajpai is reported to have replied on behalf of the Government of India that the latter had no information on the subject nor did it propose to make any inquiries as "Swami Bhawani Dayal is a South African national."

We will first examine the attitude of the Fiji Government. What could be the cause that has provoked the action of prohibiting the entry of Swami Bhawani Dayal into its territory. The only cause for such action on the part of any Government would be that the person concerned is a danger to public peace. If the Fiji Government has received information to that effect in connection with Swami Bhawani Dayal we can unhesitatingly say that it is entirely wrong. We have known Swami Bhawani Dayal for many years. He is closely associated with the Congress of which he has been the vice-president for a number of years. His services to the community have been appreciated by every section and we are sure the Union Government has found Swami Bhawani Dayal to be a law-abiding and peaceful citizen. Nor is he a religious fanatic or the fanatic type of Arya Samajist who would create communal friction. He is not known to have done anything of the kind during his life time in South Africa. We have never known him to be an anarchist either in India or in South Africa nor have we ever known him to preach that doctrine.

He has been associated with Mahatma Gandhi from his young age and is his follower.

In the circumstances we cannot possibly guess the reason that has provoked the Fiji Government to take the above action. In the absence of any explanation, which it has refused to make, the only conclusion we can come to is that the authorities in Fiji have meant to deliberately insult the local Indian community, for it is at their invitation that Swami Bhawani Dayal desired to undertake the voyage. If so, it is certainly scandalous. Fiji Indians having failed to get a satisfactory explanation from their local authorities, have naturally approached the Government of India through the Legislative Assembly and Mr. Bajpai's reply, we must say, is a sorry exhibition of the care the Government of India has for its nationals abroad. If our own Government can be as callous we have no hope of any better treatment in a foreign country under a foreign Government.

"Swami Bhawani Dayal is a South African national and therefore the Government of India does not propose to make any inquiries!" Indeed this is something to reflect upon for Indians in South Africa. The Government of India has very generously granted us a status we are yet denied by the Union Government! Are we really South African nationals? Are Indians born in South Africa and know no other home South African nationals in the real sense of the term? Is that the result of the last Round Table Conference between the Governments of the Union and India? We must plead guilty to our ignorance of our new status. We have been claiming South African nationality at least for those that are born here but that we have acquired it comes to our knowledge for the first time. If what Mr. Bajpai would have us believe is really true, though we know it is not true, might we ask the Government of India why it still allows Indians who are South African nationals who are still being repatriated, to land in India, notwithstanding the fact that India is overpopulated and the unemployment question there is so very acute? Might we also ask the Government of India as to how we are South African nationals when we are not given citizenship rights nor any voice in the country's affairs? And if that is the actual position who are we to look to for redress if not the Government of India, for though by accident we have been born here our blood is after all Indian? Mr. Bajpai's mind, we fear must have been pre-occupied with the local difficult problems to have given such an irresponsible and evasive reply. Surely the Government of India owes a responsibility to Indian nationals in Fiji who must expect to get their interests safeguarded by the Government of India and Swami Bhawani Dayal is more an Indian national than a South African national as conditions are at the present time. The very least that should be expected is a satisfactory explanation from the Fiji Government of its action in prohibiting the visit of Swami Bhawani Dayal. Its present attitude is the limit of autocratic rule in these days of democracy. If the Government of India is not prepared to bestir itself to do that much it is certainly a criminal neglect of its duty on its part and badly calls for a change in the present system.

"Indians Abroad Directory"

We have just received a copy of the *Indians Abroad Directory of 1933* published by The Imperial Indian Citizenship Association, Bombay. In its preface Sir Parshotamdas Thakurdas, Chairman of the Council of the Association, writes:—

"Some time ago the Council of the Association asked Mr. Waiz, their Secretary, to compile a memorandum on the economic position, rights, privileges and disabilities of Indians living abroad. The idea was to inaugurate an information Bureau for the guidance of prospective emigrants and also to supply authentic information regarding Indians abroad to the public. The work was so well done that the Council decided to compile and publish the information collected by Mr. Waiz in the form of the present book."

Mr. S. A. Waiz, compiler and Editor of this Directory writes in his Note: "Every effort has been made to ensure the accuracy of the information contained in these pages at the time of publication, but owing to rapidly changing conditions and vast distance involved between India and other countries that the book deals with, the information is bound to alteration in its subsequent edition. The Editor solicits the help of readers who may detect errors of omission and commission in the book and also invites suggestions for increasing its usefulness."

We heartily congratulate the compiler and Editor, Mr. S. A. Waiz, and the publishers the Imperial Indian Citizenship Association for bringing out this immensely useful publication. It is really more than a mere directory, for it gives us also an elaborate and fairly accurate survey of the historical, political, commercial, economic and social conditions of our brethren who have settled in the various parts of the world outside India. It brings us into a closer union with each other. This Directory is the first of its kind that has come into existence and the task of the compiler was by no means small. It is highly creditable, therefore, the way it has been brought out. There are, and sure to be, some discrepancies in such a publication but they are comparatively small.

We would recommend this Directory to all Indian business men and public men and to all those who are interested in Indians settled outside India. The price is 7s. 6d. and can be had from the Imperial Indian Citizenship Association, Sohrab House, 235 Hornby Road, Bombay.

Notice

Transvaal Indian Congress

The recent Conference has decided to present a memorandum on the various disabilities of the Indians in the Transvaal. The executive invites information connected with the refusal of licences, matters of immigration, treatment on railways and other grievances.

Owing to the urgency of the preparation of the memorandum to be submitted to the Ministers information should be immediately lodged not later than the 26th, June, 1933, with the undersigned.

Box 5390,
Johannesburg.

D. M. NARSOO,
E. M. MALL,
Jt. Secretaries.

Asiatic Land Tenure Act Commission

Evidence By Indian Commercial Association

(Continued from last week)

MR. J. V. BRINK, K.C.: I will be as brief as I possibly can, my lord. Just before dealing with present conditions in the country, I wanted to remind your lordship and the other members of the Commission of what Mr. Justice de Villiers, then the Attorney-General of the Transvaal, said as to the reasons for the passing of Section 130 and 131 of the Gold Law. That will be found in the Lange Report, in section 66. The Attorney-General of the Transvaal then said this . . .

THE CHAIRMAN: Which Attorney-General is this?

MR. J. V. BRINK, K.C.: It was the late Chief Justice—at that time the Attorney-General.

THE CHAIRMAN: In 1908?

MR. J. V. BRINK, K. C.: In 1908, yes—the Attorney-General of the Transvaal. He was the author of the two laws, the Townships Act of 1908 and the Gold Law of 1908. There was objection from the British Government. The British Government had to give its consent to the passing of those laws. He said this: "But as a matter of sound police and sanitary legislation, power to regulate the residence of coloured persons in the populous mining areas of the Witwatersrand is most essential. But there are parts of the Witwatersrand which are not within municipalities, and it is important in the interests of public health, morality and good order that unauthorised and unsupervised congregations of coloured persons—many of them idlers, loafers—should not be allowed to exist so as to be a danger and a nuisance to the community."

THE CHAIRMAN: Is this a quotation from evidence?

MR. J. V. BRINK, K.C.: It is a quotation from the letter which Mr. Jacob de Villiers, the Attorney-General, sent to the British Government. Those are his very words. He is the author of this law, and it appears then that the intention was a matter of sound police and sanitary legislation, and in the interests of public health, morality and good order upon the goldfields. I must now draw your lordship's attention to the recent decision of the Appellate Division. About March or April of this year the Appellate Division decided the case of the Roodepoort Municipality vs. the Eastern Properties Limited. The Appellate Division has now laid down that sections 130 and 131 were passed for the benefit of owners of rights obtained under the Gold Law, and these sections could therefore be enforced in a court of law by any owner of a right. Any owner of a right obtained under the Gold Law can object to any other person or any other owner of the right infringing the Gold Law, sections 130 or 131.

Well, the result of that, my lord, is this, that no Asiatic to-day who is in occupation of a stand on proclaimed land is safe for a single moment; he is liable to be interdicted by any other owner of a similar stand; or other, the owner of the stand who permits him to occupy is liable to be interdicted. The position, therefore, of the Asiatic population is a parlous one to-day. In the past the Government has rarely prosecuted Asiatics for contraventions of section 130 and 131. There are two cases in our reports, as your lordship probably knows—Rex vs. Tamblin, in 1911, and Rex vs. Chong Sam, in 1915 (T.P.D.) It was left to the action of municipalities;

as a rule, like the Krugersdorp, which is very energetic, and the Roodersport municipality, to try and enforce these provisions of the Gold Law. Doubtless, my lord, they were influenced by the people in the municipality who had votes and who were able to influence the town councillors against this Asiatic infringement of the terms of the Gold Law or of the terms of stand title.

But to-day, as the Appellate Division has now decided, any person who is an "owner" can come forward and take active steps in a court of law to cause the Asiatics to be forced to comply with the provisions of sections 130 and 131. Your lordship will therefore see that the time has arrived when the rights of Asiatics, with regard to their future, are to be determined in a very important matter. My lord, I am instructed by Mr. Jajbhay that Mr. Justice Greenberg has given a decision in the case of the Roodersport Municipality vs. Eastern Districts, earlier in 1932, and that when the South African Indian Congress represented to the then Minister of the Interior, Dr. Malan, to delay the passing of this Act of 1932, he replied that it was necessary to pass this Act for the protection of the Asiatics.

THE CHAIRMAN: I do not think you need go into conversations of that sort.

MR. J. V. BRINK, K.C.: It does show, my lord, even if we do not rely upon any statement of that sort.

THE CHAIRMAN (Interposing): All sorts of statements may be made when an Act is in the form of a Bill under consideration as to the objects which it is intended to achieve. We have to take the Act as it emerges from Parliament.

MR. J. V. BRINK, K.C.: If your lordship takes the Act as it now stands it is clear that the intention is in future apparently to enforce the provisions of the Gold Law in an amended and more stringent form, except as certain exemptions are provided for in section 3, which says that "The Minister of the Interior after consultation with the Minister of Mines and Industries may issue a certificate withdrawing any land specified therein from the operation of the provisions of sections 130 and 131 in so far as they prohibit residence upon or occupation of any land by a coloured person, and thereupon those provisions shall not prohibit any coloured person from residing upon such land or from occupying it for any other lawful purpose." It shows, my lord, that that section certainly contemplated that the Minister would issue certificates, withdrawing land from the operation of those sections, and that would sound fights for the future in favour of coloured persons, upon the goldfields.

My lord, our memorandum does stress the point that to-day the fear of unlimited immigration from India is at an end. That point was made by General Smuts in 1917, and I think there is a quotation in the memorandum from some utterance of General Smuts at that time, in which he says that the way is now open for a proper and statesmanlike solution of the whole question of Asiatic trading and Asiatic rights—rights to own property, rights to legally live somewhere in the goldfields and other portions of the Transvaal.

The next point, my lord, that I would like to stress as a general point, is that the Asiatics are generally speaking very law-abiding citizens; and that is a factor that the Commission will certainly take into consideration. In support of this I refer to the Police statement which has been put in on page 12 thereof, where the Chief Inspector of Police says that they are very law-abiding citizens and such crimes as they do commit are not in any way referable to locality. Like every other section

there are criminals among them, and the crimes that they commit are, I think, insolvency crimes and contravention of the Gold Law. May I just, my lord, refer to this and refresh my memory: it is the very last page of the Police report, halfway down. "From the Police point of view neither Asiatics nor coloured persons present any serious problem. Asiatics are very law-abiding, and such offences as they do commit are not particularly influenced by environment. The main offences which they are concerned with are contraventions of the Insolvency Act; the Gold Law; receiving stolen property, and fraud. The coloured population is not so free from crime. Many live quite respectably, but a fair number are concerned in house-breaking and theft, illicit liquor and assaults. The main trouble from a police aspect arises from natives residing in European areas, and that is not within the scope of this report."

Now I would also like to draw your lordship's attention to the provisions of Act 15 of 1932, section 2 (e) (g). That Act gives the Government power to deport any person who commits any offence and who is deemed by the Minister to be an undesirable inhabitant or visitor to the Union. (That is on page 16 of the Statute Book.) Any person who has been convicted in the Union of any offence and by reason of the circumstances of such offence is deemed by the Minister to be an undesirable inhabitant or visitor to the Union. He can be deported. That is in addition to the power contained in (f), which is higher up on the page, which specifies a long list of crimes which the Minister can deport a man for.

THE CHAIRMAN: That does not apply to persons who were born in the Union.

MR. J. V. BRINK, K.C.: No, it applies to persons who are not born in the Union. But of course when an Asiatic is not born in the Union and he commits a crime, he renders himself liable to that very serious penalty, and therefore he is extremely careful; he is bound to be extremely careful. The next general point I would like to stress, my lord, is the principle enunciated by the Union Government, which your lordship will find on page nine of our memorandum; that is, that the Union Government firmly believes in and adheres to the principle that it is the duty of every civilized Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacities and opportunities, and accept the view that in the provision of Indians who will remain part of the permanent population should not be allowed to lag behind other sections of the people.

That principle is one which we invoke here, when it comes to the question of deciding where the Asiatics, the Indians, of this town shall reside for the future; due consideration must be had to their uplifting and their opportunities of developing in the future, in accordance with western civilisation. They must not be dealt with in such a way that they are likely to be thrown back in their progress. My lord, it cannot help striking one, going round that inspection, how individually everywhere are anxious to impress upon the Commission the desirability of getting rid of the Asiatics from their particular quarter. They are not very helpful people in this sense, that they do not suggest where the coloureds or Asiatics are to go; all they are interested in is that the Asiatics should be in some way pushed on from their immediate vicinity, because it affects the values of their properties and it also affects them probably sentimentally.

Now one has of course to take into account that

feeling, but at the same time one cannot help thinking, my lord, that that policy is always accepted, that the Asiatics will be pushed into parts of the town which are not really decent or suitable for Asiatics; and one must not allow the individual points of view of Europeans in particular areas to deny justice to the Asiatic population. Now, my lord, areas like Woluter, Spes Bona, Prospect Township, North Doornfontein, we have examined all these, and from a cursory view of them I do submit that they are unsuitable for the higher class Indian as a residence, as a place of abode. They are suitable for the lower sections of the coloured population, but they cannot be held to be suitable for decent, respectable, well-to-do Asiatics and Indians who are entitled to expect that they will be given a better class of area than that slum portion of the town.

It was with this idea in the minds of the Indians, my lord, that they have asked this Commission to allow them certain portions of Fordsburg—a much better locality, a better class of locality, Burgersdorp, where, your lordship will remember, a prominent Indian has a very nice residence, Ophirton, which, for instance, my lord, is a better suburb certainly than Woluter and Doornfontein; although it has a certain amount of mine dumps and which, under certain prevailing conditions of wind and so on must be extremely unpleasant and not altogether healthy, but still it is a much better locality, a better looking suburb than some of these others. Then, my lord, take for instance Market Street, to End Street, that certainly is in a better situation for a respectable Indian to live, and they have actually, as your lordship knows and will learn later on, acquired property by means of their companies in that part.

(To be continued)

News In Brief

It is with deep regret that we have to record the death of Mrs. A. Singh, the aged mother of Mr. Raghooonath Singh of Ladysmith and ex-president of the Natal Arya Pritimidhi Sabha. Mrs. Singh came out recently from Fiji, travelling via New York and London and within three weeks of her arrival on May 27 she peacefully breathed her last. To Mr. Raghooonath Singh and the grieved relatives, we extend our heartfelt sympathy.

The Cape British Indian Union has passed a resolution protesting against the criticism of the Agent of the Government of India by some members of the Transvaal Indian Congress and expressing its confidence in the Agent.

A resolution was also passed by the Glencoe Indian Society protesting against the criticism of the Agent of the Government of India at the recently held Transvaal Indian Provincial Conference and expressing their appreciation for and confidence in the good work the Agent and his wife are doing for the community.

A havan ceremony and prayers of thanksgiving was conducted by Pundit Bunwari Thawarie on behalf of Glencoe Indians for the successful termination of Mahatma Gandhi's three weeks' fast at a crowded meeting of Indians at Glencoe on Sunday the 4th instant. The ceremony performed under the auspices of the Glencoe Indian Society and the following resolution was proposed by the Secretary Mr. S. Bhagwaddhen and carried unanimously:—

"This meeting offers up fervent prayers to 'Arma' for the successful termination of the fast observed by Mahatma Gandhi in the cause of the removal of the curse of Untouchability in India, and further prays that he Mahatmajee will speedily regain his health and strength and that he may be blessed with long life to serve our Mother Country (Barath Matha)."

Among those present at the meeting were:— Messrs G. R. Maharaj, Bhagwandeeri Aheer, Kaloo Ram, M. Saran, Ramalal Sadu, Turey, and O. I. Sing and many others.

The Agent of the Government of India, Kharwar Sir Maharaj Singh, addressed members of Parliament and of the Senate in the Conference room last Monday on the position of Asiatics in South Africa, and replied to questions. Mr. Morris Alexander was in the chair.

Dr. C. E. Anning, Medical Officer of Health for Maritzburg, in his address at the Public Health Congress on the Municipal health problems of the non-European population strongly urged the necessity for schools for training non-Europeans in hygiene and methods of practical sanitation. The time was over-ripe, said Dr. Anning, for a school of schools of training for Asiatics, Coloureds and Natives. The non-European population in Maritzburg to-day told the same story as was to be heard from other towns in the Union, a tale of high infantile mortality, a high and acute intestinal mortality rate, and a comparatively high pulmonary tuberculosis rate. Among the non-Europeans the prominent points were that cancer and diseases of the heart were uncommon as causes of death, but that diseases of dirt and of insanitary surroundings, of bad housing conditions and economic stress, such as acute intestinal infections like enteric, dysentery and enteritis, respiratory diseases and pulmonary tuberculosis, were prominent dealers of death. While the infantile mortality rate for Europeans was reasonably good in Maritzburg, for non-Europeans the picture was not so satisfactory. While one out of every 17 European children died before reaching their first birthday, one out of every eight coloured, and one out of every eight Asiatic children died in this first year of life, and probably one out of every six or seven native children.

There is a tussle on the question of political reforms in India between the Churchillian group and Mr. Baldwin the latter having taken up the challenge of the former. Mr. Baldwin will address the 700 delegates to the Central Council of the National Union of the Conservative Association which meets on June 28 and will demand a vote of confidence, and, in the event of it being refused, will resign the leadership, and thus bring the National Government to an end.

Meanwhile the Joint Parliamentary Select Committee is taking evidence on the White Paper on Indian Reforms and will complete that section of its labours by the end of July. It will then proceed to draw up its report.

Fountain of Wisdom

One is no longer expected, either to claim for British statesmanship a monopoly of the world's wisdom, or to apologise for suggesting that we have a political heritage for which we have to thank the mother-State of our Commonwealth.—Dr. E. H. R. BROOKES.

He who receives a good turn should never forget it; he who does one should never remember it.

—CHARRON

Sporting News

The annual Five-a-side Tournament of the D.D.I.F.A. was held at Curries Fountain on Wednesday, May 31st. The only black spot on the day's sport being the meagre entries—there being 25 teams in all divisions: seniors, juniors and juveniles. In the senior division the Blue Bells won the cup with the Avondales with close runners up. The Shamrocks won the Junior cup with the Red Rovers a close second. In the Junior division Red Rovers topped the list with Sastri College as runners-up. Silver medals were presented to the runners-up in the various divisions, by Mr. K. A. Chin, the president of the D.D.I.F.A. The absence of Maritzburg teams, who usually compete, was keenly regretted.

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Boxing enthusiasts will be glad to learn that the well-known promoters Messrs. J. B. Panday and M. Mahomed are arranging a bumper boxing tournament in the Durban Town Hall on July 8th. The quality of the contests certainly warrants a packed house. Kid Motie Singh, of England, who drew with Brown in a world's title bout, will be one of the contestants.

CAMPAIGN AGAINST UNTOUCHABILITY

RECENT INTERESTING PUBLICATIONS

The following books can be had at this office. Remittance to be sent together with the order. C.O.D. orders will not receive attention.—Manager "INDIAN OPINION," Phoenix, Natal.

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