

# INDIAN OPINION

Founded by  
MAHATMA GANDHI  
IN 1903

No. 11.—Vol. XXXVII.

Friday, March 17th, 1939.

Registered at the G.P.O. as a Newspaper.  
Price Fourpence.

## NOTES AND NEWS

### How Government Of India Is Watching Over Indians' Rights In South Africa

ACCORDING to a report published in *The Statesman* dated February 25, Sir G. S. Bajpai, Secretary for Education, Health and Lands, in the course of a statement in the Central Assembly on the situation in South Africa in reply to short notice questions by Mr. Saksena and Sir Raza Ali with regard to the proposed segregation scheme stated that "the Agent-General is closely watching the situation. He is in touch with the Minister and with representatives of the Indian Congress. As the House is aware, the view of the Government of India is that Indians in South Africa should be permitted to own and occupy land for residence or trade without segregation. That is the view which the Agent-General has instructions to press unequivocally on the Union Government whether in connexion with the proposals of the Federated Ratepayers' Association or any other that may aim at restricting existing Indian rights." Replying to Sir Raza Ali, the Education Secretary stated that so far the representations made in the matter to the Union Government had been made by the Agent-General on behalf of the Government of India.

We are glad of this clear statement made by Sir G. S. Bajpai in regard to the policy of the Government of India regarding the rights of Indians in South Africa. But the Government of India presumably holds the view that Indian sentiment and honour could be well satisfied if merely the word "segregation" does not appear in the text of the legislation. That the effect of the legislation may be such as to lead to segregation is no concern of the Government of India. It was with that view that the Transvaal Asiatic Land Tenure Act was modified by the use of the term "exemption" in place of "segregation" to denote areas set apart for the residence and occupation of Asiatics. That Act is in complete violation of the Capetown Agreement which lays down in clear terms that there shall be no segregation and that Indians will be afforded the fullest opportunities for their development in every respects and

that they will not be allowed to lag behind other communities. That Act besides being a slur on the Indian people only condones the act of those who have created interests by evading the law regarding ownership of land and closes the door for ever to the rest of the Indian community for acquiring ownership of or occupying land anywhere outside the so called "exempted" areas; and that too depends on the passing of the Feetham Commission recommendations by the Union Parliament. Sir G. S. Bajpai told the Indian Legislative Assembly in that connection that he did not know whether they would be passed by Parliament.

### Minister Of Labour On Policy Of Segregation

Referring to segregation in a speech at Claremont, Capetown, Mr. H. G. Lawrence, Minister of Labour, said he knew the coloured people were afraid, but they must not be misled by "certain premature and entirely inaccurate reports that have been published concerning the alleged intentions of the Government." The question of residential mingling in certain areas was under consideration. The political rights of the coloured people would be maintained and the Government would not allow a colour bar in legislation, prohibiting the coloured community from economic fields. Mr. Lawrence also stated that employment bureaux with coloured clerks already catered for the coloured unemployed in Capetown and Kimberley. Within the near future additional bureaux with coloured employment officers would be established in Johannesburg, Durban and Port Elizabeth.

Mr. Lawrence has referred to certain "premature" and "entirely inaccurate" reports that he alleges having been published concerning the intentions of the Government. It is far from just to keep a section of the people whose rights and interests are to be vitally affected in the dark until the last minute and then to suddenly pounce upon them. The Government's scheme is dangerous enough from what little that is known about it. And Mr. Lawrence seems to be far from accurate

when he says that the coloured people's political or economic rights will not be interfered with. What political rights do the Coloured people enjoy at present that they should fear the risk of losing? And as for economic rights under the Servitude Scheme of the Minister of the Interior the Coloured people will be debarred from acquiring ownership of or occupying land where 75 per cent of the European property owners are opposed to it. If this will not affect the Coloured people economically what will it do?

### Fruits Of The Industrial Laws

Here is a glaring example of how detrimentally the Industrial laws are going to affect Indians in South Africa. Three Indian employees of the Durban Corporation, who were doing the work of waiters at the Windsor Park golf course, are to be dismissed, it is stated, because it has been ruled that these men should be paid the wage laid down in the Wage Determination applicable to the catering trade and they are to be replaced by European girls. These men, it is learned, have served the City Council for periods of sixteen, nine, and eight years respectively. Laymen are little to blame if they follow the example set by the Authorities themselves. While on the one hand it is complained that the standard of living of the Indian is low and he cannot therefore claim equality with the European, on the other, when it comes to paying him the standard wage, he is dismissed and is replaced by White men or women. The set purpose of the Act is, therefore, to eliminate the Indian from every trade and calling. His usefulness was only in so far as he provided cheap labour. He ceased to be useful when he reached the "civilised" wage standard.

### Has The Congress Any Consistency?

The Natal Indian Congress has made representations and the Indo-European Council has sponsored a petition asking for a branch library for the use of Indians or for the admission of Indians to the present public Library in Durban. The City Librarian while not recommending the admission of Indians to the present Library suggests that a branch

library may be opened in Beatrice Street, and expresses the opinion that the branch should not be called "non-European" but simply the "Beatrice Street Branch Library." It would ultimately devolve into a non-European branch by reason of its situation but would not be stigmatised by its name. On the one hand the Congress is stoutly opposing the principle of segregation while on the other it begs for a separate library should no admission be granted to Indians in the present Public Library.

We cannot imagine a responsible body claiming to represent the Indian community like the Congress actually inviting segregation. We know the usefulness of a library to a community, but we are not prepared to have it at the cost of our self respect and it passes us how the Congress can acquiesce in it. If the Congress has no objection in accepting the policy of segregation in such matters as these what sense is there in their shouting against residential segregation?

## Indian Opinion

FRIDAY, MARCH 17TH, 1939

### Welcome To Sir Radhakrishnan

WE heartily welcome Sir S. Radhakrishnan who has arrived in the Union on Thursday on a short lecture tour. In the history of Indians in South Africa, Sir Radhakrishnan is the first intellectual genius of his type from the East to honour this country with his presence. We have had in the past the late Mr. Gokhale, Mr. Sastri and Mrs. Sarojini Naidu holding distinguished positions in India. They have, however, been political leaders. Professor Radhakrishnan is renowned throughout the world as a distinguished Indian philosopher. He has carried the message of the East to the West in his career as spalding Professor of Eastern Religions and Ethics, Oxford University, since 1926, as the Upton Lecturer, Manchester College; the Hibbert lecturer in 1929 and the visiting Professor of the University of California this year, and as a member of the International Committee of Intellectual Co-operation of the League of Nations. He has also delivered the message of the East to the world by being a distinguished author of nine books on philosophical subjects. South African Indians especially and the people generally, have reason to be proud of having the opportunity of welcoming in their midst such a distinguished visitor. Professor Radhakrishnan will perhaps see some strange things in this land which he has not seen in any other part of the world. During his short stay he will have placed before him, of course, only the bright side of things,—a welcome at the Beach Pavilion, accommodation at the finest hotel, the best coach on the railways, and so on. All that is likely to give him the false impression that his countrymen are enjoying an honoured place in South Africa and that South Africa has given a direct lie to Kipling's maxim, "East is East and West is West, and never the twain shall meet." He will, however, find that the White race in South Africa is intent upon establishing the truth of that maxim. For if Professor Radhakrishnan were to come as an ordinary Indian gentleman he would be knocking in vain at the doors of all the places mentioned above. He would be politely

shown the stable as his proper place. Let him board a tram car and he will find he can only take a seat on one of the three rear seats. Let him go to the post office or the railway station or almost any public places and he will be made conscious of the colour of his skin and his nationality. He will either curse them both or if he is proud of them he will feel like killing himself or running away from this God forsaken place.

We know Professor Radhakrishnan has come to South Africa on a different mission and he will be too preoccupied to have the time to look into the lives of his countrymen. We do not therefore propose to tire him with our tales of woe. But while not desiring to trespass on his valuable time, we would like him to make just a peep into the conditions in which Indians in what are known as segregated areas live—particularly Boksburg, Benoni, Pretoria, Germiston, Newclare, Vrededorp etc., and for that matter we would like him to peep into the conditions of all who are not blessed-born Whites and we are sure he will find ample material for his lectures to the University students of South Africa. We would like Professor Radhakrishnan not to forget too that even in the Universities of South Africa to which he has come to lecture—in those temples of knowledge—his countrymen are treated as untouchables. Having said this much we must also confess that he will be able to tell quite a good deal of home truths to his own countrymen in South Africa who are grievously lacking the qualities as representatives of the great civilisation and culture which is their heritage and which Professor Radhakrishnan has come to reveal to the people of South Africa. We again very heartily welcome Professor Radhakrishnan in our midst and feel sure that, however disappointed he may become with the people of South Africa his disappointment will be fully recompensed by the glorious climate and other natural beauties of South Africa.

## Organised Hooliganism

WE have been hearing of organised hooliganism lately in the Native States in India where hooliganism has been organised by the State authorities to terrorise the people. We are lately witnessing such organised hooliganism, of course in a much smaller degree, in South Africa in our political meetings where a section of the people seems to want to terrorise the other section which does not happen to agree with it and dares to express its opposition.

We referred to the presence of such an element at a meeting recently organised by the Natal Indian Congress held at the Royal Picture Palace to protest against the proposed segregation measure. It made itself felt immediately there was some opposition shown to the Congress officials. Only the matter did not go far enough for the element to appear in its more violent form. Again it appeared at the meeting organised by the Transvaal Indian Congress to protest against segregation when a section led by Dr. Y. M. Dadoo ventured to disagree with the Congress officials in regard to the line of action to be adopted in the event of the proposed segregation measure being introduced in Parliament. The Congress officials were vague in their resolution as regards the line of action while Dr. Dadoo and his followers wanted it definitely stated that the community would resort to passive resistance if the proposed measure was introduced.

Because Dr. Dadoo's amendment was supported by a large majority there was a display of hooliganism in the meeting and some of Dr. Dadoo's supporters were assaulted and threats of assaults are reported to have been given to several if they persisted in supporting Dr. Dadoo. People holding their own convictions and who are opposed to the views or the methods of the Congress officials dread to give expression to their honest opinions or the supporters to support them lest the hooligans may be set on them.

On Sunday last, a meeting was convened by the Indian Youth Council in Durban, to protest against the proposed segregation measure. An innocent resolution was moved calling upon the two rival bodies—the Congress and the Colonial Born and Settlers' Indian Association to close their ranks and to act jointly in view of the grave crisis the community is threatened with. There was nothing wrong, nothing extreme about the resolution. That there is disunity in the community is an admitted fact and the resolution asked for united action. There was no criticism against anybody. An amendment was moved by one among the audience stating that there was no disunity in the community and called upon all to pledge their support to the Congress. We do not wish to enter into the past history of the proposer of this amendment. Suffice it to say that he is a new recruit in the Congress since the split took place and holds a prominent position in it to-day, having been included in the

recent Congress delegation which went to Capetown to interview the Ministers. There was rowdiness immediately the amendment was discussed and hooligans set on those who showed resentment to the rowdiness and the audience began to disperse while there was a free fight taking place in the hall. The chairman, however, managed to restore order and the resolution which had become the bone of the contention was withdrawn. This should have set matters at rest. But the Congress stalwart who brought his amendment was not satisfied and wanted his amendment to be put as a substantive motion which was rightly disallowed by the chairman. But the chairman was threatened to be thrown out by this "leader" of the Congress and taking control of the hall had the impertinence to move a resolution as coming from the Indian Youth Council, pledging the Council's support to the work of the Congress and declared it passed by the meeting when the audience had dispersed leaving the hall to the hooligans and their associates. A similar thing was done by the same party when the Colonial Born and Settlers' Indian Association had convened a meeting to protest against the White Women's Employment Bill and to condemn the action of the Congress officials in giving a humiliating assurance to the Government. From reports

received of last Sunday's meeting we are glad to note that the members of the Youth Council refused to stoop to the level of the hooligans by adopting retaliatory measures. All honour to them for that.

It is painful to have to relate our own misdeeds when we should actually be engaged in uniting all our forces together to fight our common enemy who is threatening our very existence in this country. What have things come to? If the Congress officials had any sense of honour in them they would have publicly condemned the action of one of them, acting in the manner he did, because he did not thereby enhance the prestige of the Congress but only added fuel to the fire of dissension in the community. Since they have not done so are we to assume that these methods are authorized by them? If so it boils down to this, that the present Congress officials both in Natal and in the Transvaal have decided to brook no opposition and will terrorise people into submission to their will by keeping a crowd of hooligans to crack the heads of those who dare to raise a finger against them? This is not the way to unity. We can neither support hooliganism in our ranks nor any retaliatory measures against hooliganism. It is a stiff battle for those who have their own convictions and are moved to serve a sacred cause. They must be prepared to

die even at the hands of their kith and kin. Gandhiji when he led the movement of passive resistance in this country had set an example in this. We must follow in his footsteps. The first essentials for doing so are to acquire selflessness, to shed the fear of death, to shed the fear of everything but God. Having mastered these qualities we will be able to overcome all the difficulties in our way.

Things are getting worse day by day for us in South Africa as would appear from the reports of strong anti-Asiatic propaganda throughout the country. We are up against a strong enemy. Are we going to mobilise our forces to fight the enemy or are we going to kill ourselves by quarrelling over the question of disunity by one saying there is and the other denying that there is disunity in our ranks, or over the question of what we shall do in the event of the segregation measure being introduced in Parliament by one fearing to state what is in the mind while the other laying it down in clear words what is in the mind? Are we not by such behaviour exposing ourselves to ridicule in the eyes of the civilised world? Is this such a life and death question that it can be solved only by breaking one another's heads? Surely we are nearing our doom in this country if we have lost our equilibrium to such an extent. God help us.

## YOUTH COUNCIL OPPOSES SEGREGATION

WE have received the following statement from the Youth Council for publication:—"With regard to the mass meeting called by the Indian Youth Council held in the Parsee Rustomjee Hall on Sunday, March 12, to protest against segregation, the Youth Council regrets that at the latter part of the meeting a certain amount of hooliganism was displayed by certain elements. A controversy started when Mr. C. M. Anglia, a responsible member of the Natal Indian Congress, amended the resolution put forward by the Indian Youth Council, which was as follows:—

"In view of the grave national danger to the Indian community brought about as a result of the proposal to introduce legislation to segregate the non-European peoples, this meeting of Indian youths calls upon the Natal Indian Congress and the Colonial Born and Settlers' Indian Association to close their ranks and act jointly on this question."

The amendment read as follows:

"That as there is no disunity on the question of segregation this meeting of Indian youths rejects any suggestion of disunity and supports the Natal Indian Congress in all its endeavours to fight this vicious Bill."

Whilst the amendment was being considered there was heckling and shouting from certain persons. A member of the audience who could not tolerate any further hooliganism challenged these elements to observe order during the

meeting. At this stage, some of those who acted in a manner that was far from being respectable jumped upon this individual and a free fight started. The chairman appealed for order and the meeting resumed. In view of the unpleasant atmosphere that prevailed, the original resolution was withdrawn.

Mr. C. M. Anglia then moved the following resolution:

"That this meeting of the Natal Indian Youths supports the Natal Indian Congress in its activities."

After the crowd had dispersed leaving those hooligan elements in the majority an amendment to this resolution was then put forward by one of the officials of the Indian Youth Council as follows:

"That this Indian Youth Council not being a political body, does not pledge its support to any political body."

This amendment was defeated because most of the members of the audience had left, leaving a majority of those who came determined to create a disturbance. The Youth Council as represented by the undersigned is emphatically opposed the resolution.

S. PATCHAY, President; H. A. NAIDOO, Secretary; O. L. AMRA, G. PONEN, S. GOPAL, Members of the Council.

On the subject of segregation, the meeting unanimously adopted the following resolution:—

"This mass meeting of the Indian youths, held under the auspices of the Indian Youth Council, views with grave

concern, the intention of the Minister of the Interior to introduce legislation which aims at the residential, commercial and industrial segregation of the non-Europeans, the Nationalist Party petition asking the Government to bring about total segregation of the non-Europeans, and to deprive them of even the meagre but valuable democratic rights enjoyed at present, and the Draft Segregation Ordinance (Cape), which proposes to give power to local authorities to segregate non-Europeans into separate areas from Europeans at the Cape, and to prevent them from using the same halls, public parks, places of amusements, trains and buses as the Europeans.

"This meeting considers these proposals to be undemocratic and unjust and calculated to reduce the non-European peoples to a state of humiliation and suffering, and to bring about racial disharmony and mistrust.

"This meeting urges the Minister of the Interior to withdraw his proposed Bill, and respectfully requests the Government to reject any such proposal based on the grounds of race and colour.

"This meeting pledges its support to resist segregation in all its aspects, and instructs the Indian Youth Council to act in the best interests of the youth."

"Segregation will prove a blessing in disguise," said Mr. C. L. Amra; "for it will be the strongest means of bringing together the non-Europeans, and if we do not unite we will be doomed."

# HOW INDIA IS MISINTERPRETED

## "A MISCHIEVOUS SUGGESTION"

**MAHATMA GANDHI** writes in *Hartjan* dated March 4, under the caption "A Mischievous Suggestion":—

A correspondent sends the following cutting from the *Bombay Chronicle*:

"Mr. Rushbrook Williams in a letter to *The Manchester Guardian* declares that during the last few months of last year there was a definite progress by the Right Wing elements of the Congress High Command towards a position, in which Mahatma Gandhi would have found it possible to approach the authorities with suggestions in relation to the Central Government, roughly corresponding to those which he so successfully carried through in connection with the Provincial Governments. What was then regarded as the approach of Federation compelled the Congress to reckon up its forces. It had little Muslim support and without such support, thanks to the Muslim League, and unless it found new allies, it will be unable to form a Government in the Centre. Therefore it was necessary to concentrate on Indian States in order to secure that the representation of States should be drawn from elements sympathising with the Congress programme.

He adds: "It is not without significance that Dr. Pattabhi Sitaramayya is intimately associated with the States Subjects' Conference, but the election of Mr. Bose has been a blow

to the Right Wing and apparently has postponed any reapproachment with the authorities as the High Command had in mind." Mr. Bose does not like the States, but he also does not like Federation. He can, therefore, have little sympathy with an endeavour to convert States into allies of the Congress in preparation for a Congress domination over the new Central institutions. In fact he desires to keep them at arm's length to secure a settlement of British Indian destinies by British India and eventually no doubt to expel the Princes and absorb the States into the new self-governing India he projects."

Mr. Williams is an old 'enemy.' During the non-cooperation days he edited an official Year Book; in which he drew upon his imagination and gave his own colour to facts which he could not avoid. He has played the same role again in his letter to *The Manchester Guardian*, assuming that he is correctly quoted. It is wrong to say that there was a definite or any progress by the Right Wing elements of the Congress High Command towards the position pictured by Mr. Williams' imagination. The suggestion about Muslim support is malicious. I know my own mind and so far as I know the Congress mind, neither it nor I ever dreamt that there could be any federation without Muslim support. Indeed so long as there is opposition to federation by the Muslims,

the Congress has no need to worry about federation coming. Therefore, unless there is perfect communal unity, no Congressman can think or talk of federation whether of the Government mint or cent per cent swadeshi mint.

About Dr. Pattabhi, the whole of India knows that his candidature was thought of at the moment when Maulana Sahab withdrew and as Dr. Pattabhi was the only candidate left besides Subhas Babu. His connection with the States People's Conference has been a convenient fact for building up Mr. Williams' case.

As for the innuendos about Subhas Babu, he is well able to look after himself. But throughout one year's intimate connection with him I never once heard him say of the States what Mr. Williams attributes to him. I am quite certain that if the States come to terms with the Congress about the treatment of the people in their jurisdiction, Subhas Babu will be quite as keen as any Congressman to close with the bargain but not in anticipation of federation.

I have come into the States agitation by accident. Responsible government in the States is a goal by itself and independent of federation which may never come. It won't come till the Congress and Muslims are ready for it. But liberty of the States people has to come in any and every case. They cannot be in chains and what is called British India become free.

# STRONG PROPAGANDA FOR SEGREGATION

## SCHOOL CHILDREN USED TO PROPAGATE SEGREGATION

**REPLYING** to Mr. R. M. Christopher (Dom East London North), the Minister of Education, the Hon. H. A. Fagan, said in the Union House of Assembly that his attention had not been drawn to reports in a Kimberley newspaper of February 15 that school children were being asked by teachers to circulate petitions protesting against mixed marriages, and asking for the segregation of coloured people, and that teachers were attempting to influence parents to send their children to schools in which the language medium differed from that used in the home. The Minister added: "In any case this would be a matter for the Cape Provincial authorities."

### Dr. Malan On Segregation Policy

"Of all people, Mr. Stuttaford is to solve the problem for us," says Dr. Malan in a statement which he has issued on the colour question states an Africopa message from Capetown.

"If I interpret the signs correctly, then we stand on the brink of the most remarkable piece of political knavery of which the United Party has ever been guilty. "A piece of chicanery which the United Party will use to destroy the Nationalist Party if possible."

Dr. Malan alleges that until recently the United Party showed singular impotence in dealing with the colour question, which threatened South Africa

as a white man's country if strong action was not taken. He declares that the Nationalist Party at its congress in Bloemfontein, and by petition, had appealed to those of the South African nation who wished to protect the future of their children, and that these moves had been a colossal success—emphasised to an even greater extent by the symbolic Trek.

After accusing the United Party of sacrificing the colour question on the altar of political expediency, he concludes that there was no reason to believe that the party would now suffer a change of heart.

He averred that up to now the Government Party had trifled with the issue by means of commissions, and that it

Congress at De Aar jettisoned the draft Ordinance for residential segregation by delegating the responsibility to the Municipal congress.

"But with feeling in the north awakening, Fusionists, in an attempt to save their political lives, must put an end to trifling with the vital interests of the European race."

Arguing that the Fusionists had been forced to participate in solving the problem, even at the cost of sacrificing a group of extreme Liberals within their ranks, he declares that they must participate in the solution, but at the same time attempt to hold the coloured vote, on which they largely depend.

Dissecting the Government scheme on the lines forecast in the Press, he declares that the Stuttaford scheme will not include separate political representation for coloureds and that in many constituencies Europeans will remain under coloured domination. He also infers that there will be no economic segregation and this will leave the labour market unprotected against stifling non-European competition.

"The strongest root of poor-whiteism thus remains untouched." Referring to the fact that the question of separate residential areas may be seriously considered by the Cabinet, he stated that it would be granted only in districts where three quarters of the inhabitants

desired it. This was interpreted as a betrayal of the Afrikaner and white race for party political gain. He concluded by declaring that the Nationalist Party would not sit idle and would answer the call of the thousands who had signed the petition.

"It is a duty which devolves on our party not to forsake our people," he says, and finally suggests a monster open-air meeting attended by all Nationalist M.Ps. and M.P.Cs.

### Johannesburg City Council On Segregation

A deputation of five city councillors left Johannesburg for Capetown last Saturday to interview the Minister of the Interior, Mr. R. Stuttaford, and the Minister of Native Affairs, Mr. H. A. Fagan, on special problems concerning Asiatics and coloureds in Johannesburg in the light of the recent local-option segregation proposals.

The deputation met the Minister of the Interior, Mr. Stuttaford on Monday, and placed before him its four-point scheme for coloured and Asiatic occupation in Johannesburg. Its proposals were:—

1. The adoption of the Feetham Report resolution, with certain modifications.
2. Freehold title for Asiatics in the Malay location.

3. Claremont as an Asiatic township.

4. Power to restrict occupation and trading in the western areas (Martindale, Sophiatown and Newclare) to owner occupants.

This is the first time a concrete scheme for the settlement of these areas has been placed before the Government, and it was well received. The deputation came away with the impression that there was every likelihood of its proposals being adopted.

### Potgietersrust Town Council Proposal

The Potgietersrust Town Council has asked the Pretoria City Council to follow its example and ask its members of Parliament to vote against any legislation designed to perpetuate the existing rights of Asiatics and to support legislation authorising local authorities to define separate residential and business areas for Asiatics.

### Transvaal Provincial Council

At the Transvaal Provincial Council session in Pretoria, Mr. J. L. Brill (new Nationalist member for Vrededorp) gave notice of motion that all local authorities should be required to establish separate residential areas for non-Europeans before the beginning of next year.

## INDIANS IN MALAY LOCATION IMPORTANT SUPREME COURT JUDGMENT

JUDGMENT was delivered in the Supreme Court, Pretoria, on March 6 in a "friendly" test case brought to decide a point of considerable importance to property owners and residents in the Malay location, Johannesburg.

In terms of the judgment, Mr. Justice Murray dismissed an application brought by Mahomed Jajbhay, an Asiatic, the registered owner of a stand licence in respect of stand 635 Malay location, Johannesburg, for an order to eject another Asiatic, Dawood Cassim from that stand.

The petition filed on behalf of Jajbhay set out that the Malay location was assigned for the residence of Asiatics in terms of Law 3 of 1885 and certain regulations published in 1895 applied to the holders of all stand licences. Cassim, it was alleged was not in possession of a permit required by the regulations and was in unlawful occupation of one of the four dwellings upon the stand which he refused to vacate despite demand.

Cassim, in reply, admitted the allegation, but submitted that he lawfully occupied the stand on the ground that it had been sub-let to him on a monthly

tenancy by Jajbhay and that he had observed all the terms and conditions of the sub-lease.

This sub lease and the fact that the terms and conditions had been observed were admitted but Jajbhay contended that, by reason of the regulations, the sub-lease was void, and consequently, there was no justification for Cassim's continuous occupation of the stand.

### Criminal Offence

Mr. Justice Murray said that the dominium of the location was vested in the City Council of Johannesburg and Jajbhay's rights consisted of those conferred on him by the regulations cited. In terms of Regulation 8 it was clear that no holder of a stand licence was permitted to sub-let the whole or any portion of his stand, and contravention of this regulation was made a criminal offence by Regulation 22.

The Appellate Division had ruled that, by reason of these regulations, a sub-lease of a stand was illegal and void, even if effected with the knowledge and acquiescence of the City Council, and that the sub-lessor was in consequence, not entitled to recover rent from the sub-lessee.

"The question now arises," went on Mr. Justice Murray, "whether the sub-lessor, who has placed the sub-lessee in possession by virtue of a sub-lease rendered illegal and void, is entitled to an order of ejectment against the sub-lessee at a time when the terms of the sub-lease are being duly observed by the sub-lessee."

Jajbhay had contended that no reliance was in fact placed by him on the illegality of the sub-lease, whereas Cassim was driven to defend possession by raising an illegal sub-lease. He (the judge) found that he could not accept this contention.

### Public Policy

Dealing with a further contention raised on behalf of Jajbhay that even if Jajbhay had to rely on his own illegality, public policy required the termination of so much of illegal contract as was still unperformed. Mr. Justice Murray said: "It is clear that the present contract is partly executed, and both English law and our law allow an exception only in the case of illegal contracts which are wholly executory. Even if the exception, where the prohibition is for the protection of a class of persons, applies in our law



(I was not referred to any authority to show that it does) the present prohibition of sub-lease is not for the protection of standholders. Though the City Council is debarred from consenting to, or acquiescing in, the sub-lease, these regulations were given to serve the purpose of the Council and not the standholders.

"And, in so far as concerns the question of serving public policy by granting relief to the petitioner, no authority has been cited to show that this exception has been recognised in this broad form, either in England or in South Africa. If it is settled public policy that a plaintiff cannot employ his own

illegality to avoid the result of his contracts, it is difficult to see precisely where this policy must give way to some other competing consideration of public policy."

The policy, continued the judge, had not yielded to considerations of the doctrine of enrichment in allowing a defendant, by remaining passive, to reap an advantage from his participation in an illegal transaction.

"The petitioner, guilty of a criminal offence, is hardly the most suitable person to vindicate public policy, and the enforcement of such public policy as requires the removal of the respondent can safely be left to the City

Council or some other authority. In my opinion, therefore, the claim for ejectment fails."

Mr. Justice Murray intimated that, as the present proceedings were in the nature of a friendly test case and no costs claimed by either side, the application would be dismissed and no order made as to costs.

Mr. J. Tilson Barry, K.C., with him Mr. V. Rosenstein and Mr. W. Pollak (instructed by Messrs. Soot and Broido and Messrs. Mentz and Behrmann) appeared for Jajbhay. Mr. S. Kuper (instructed by Mr. Shartin and Messrs. MacRobert, De Villiers and Hitge) appeared for Cassim.

## Things In General

### J.C. Classes For Non-Europeans

It will be remembered that considerable interest was aroused last year by the project of a committee under the chairmanship of Mr. R. Warriner for starting matric classes for non-Europeans. These classes have prospered and have just entered on a new session's work. They are held at Carlisle Street Indian Government School, Durban, from 5 to 8 p.m., on Tuesdays and Fridays. But a demand was expressed for classes for J.C. and this the committee has now decided to meet. J.C. classes have been arranged at the school from 4 to 7 p.m. on Mondays, Wednesdays and Thursdays, the fees are 10s. a month and the subjects offered are English, Arithmetic, Afrikaans, History, Geography and Agricultural Science. The classes are open and all non-Europeans (both men and women) whether Indian, Bantu or coloured. They afford a wonderful opportunity for those who had meagre facilities for education in their youth to repair these deficiencies. The committee however is anxious to complete the enrolment and to have the class settling down to steady work. It has therefore been decided that (save in very exceptional circumstances) no fresh enrolments for this term will be accepted after March 31. All non-Europeans who feel that this education is defective should take advantage of the new opportunities offered as soon as possible, and in any case, before March 31.—Contributed.

### Dundee And District Indian Child Welfare Society

At a meeting of the Indian community held on Sunday, March 11, at the Pearson's Hall, Dundee, a number of leading Europeans including the Chief and Additional Magistrate were also present, it was unanimously resolved that the Dundee and District Indian Child Welfare Society be duly inaugurated, and a constitution was duly adopted. The following officials were elected:—

Patrons: Messrs. C. W. Mackay (Mayor of Dundee), H. Barrett (Chief Magistrate), and Mr. M. Ayob; President: Mr. Nathoo V. Morar; vice-presidents: Messrs. T. S. Tommy, T. Sabestian, K. M. Joseph, M. S. Reddy, and Mrs. V. G. Naidoo; joint hon. secretaries: Miss Visalatohee Pillay and Mr. V. P. Pillay; hon. treasurer: Mr. Omar Kathree; committee: Mrs. C. W. Mackay, Mrs. T. O. Barrett, Miss Rosie Hayes, Mrs. T. Sabestian, Miss M. Keshwar, Miss Milly Paul, Mrs. R. Singh, Miss A. Naloker, Mr. V. Naloker, Mrs. D. Lenney, Miss P. A. Naloker, Miss Sarojini Naidoo, Mr. A. H. Rawat, Sister Gilbert and Mr. V. G. Naidoo.

### Meeting At Clairwood

A well attended meeting of the Colonial Born and Settlers' Indian Association was held at Krishna Theatre, at Clairwood. Mr. L. Nanoo presided. A resolution protesting against the proposed segregation scheme was passed.

### Congress At Verulam

A meeting of the Indian community was held under the auspices of the Natal Indian Congress (Verulam and District Branch), on March 11, at Verulam Town Hall, to protest against the proposed segregation scheme. In the absence of the president, Mr. Choonilal Raghavjee occupied the chair. A resolution, condemning the said Bill was passed unanimously, and copies were forwarded to the Minister of the Interior, Agent-General for India and the Prime Minister.

### Glencoe Indians Protest Against Segregation Legislation

Under the chairmanship of Mr. S. Bhagwandeem, president of the Natal Indian Congress (Glencoe Branch), a mass meeting of Indians was held at Glencoe. The school hall was packed to capacity amongst whom were many women. Mr. Bhagwandeem, in an eloquent speech said, "our days are numbered in this country and clouds of danger are collecting speedily over our

heads. We must rise with one voice and fight segregation with tooth and nail, and strongly protest against the proposed legislation in connection with the segregation of Indians in the Union." A resolution was carried unanimously declaring that the scheme was a direct violation of the Capetown Agreement both in letter and in spirit, and was, therefore, wholly unacceptable. The meeting appealed to the Prime Minister and the Minister of the Interior not to proceed with the proposed scheme, which would be an unjust imposition on the voteless section of the community, and which would inevitably, and for all time, prove a source of friction between the Indian and European communities. These resolutions were forwarded by telegrams to the Prime Minister, Minister of Interior and the Agent-General for the Government of India. Other prominent speakers from the headquarters were Messrs. Sorabjee Rustomjee, Nayanah E. M. Shaik. Other resolutions passed were mourning the death of Maharsjah of Baroda, offering prayers for Mahatma Gandhi on the successful termination of his recent fast; expressing gratitude and thanks to Viceroy of India for intervening in the Rajkot State affair.

A Round Table Conference will be convened in the near future at Glencoe by the Natal Indian Congress (Glencoe Branch), inviting representatives from all Northern Natal Congress Branches to co-operate for the purpose of agreeing on a most suitable place for the establishment of a secondary school in Northern Natal, so as to make strong representations to the Administration.

—Contributed.

### Zoutpansburg Indian Congress

A general meeting of the Zoutpansburg Indian Congress was held recently in the Cassim Suleman's Hall to consider the oncoming Servitude Bill. The various speakers stressed importance of sacrifice as the only way to right the wrongs to uproot the disabilities enforced

by the Union Government on the voteless and voiceless permanent sections of the Union's population and to stop the on-coming Servitude Bill. In view of the fact that the repeated requests and appeals by the delegation had failed the meeting resolved to support whole-heartedly the amendment moved by Dr. Y. M. Dadoo to resort to passive resistance. The resolution was voted by the whole meeting with the exception of two members, and as such was carried out by an overwhelming majority.

### Germiston Branch Congress

The annual general meeting of the above Congress was held on March 12, in the school hall, Asiatic Bazaar, Germiston Location. Mr. D. S. Singh presided. The activities of the congress were briefly summarised by the chairman. The main issues were the chairman's and his colleagues, efforts in fostering good relationship between the Local Authority and the Indian residents of the Location, in which work the headquarters of the Transvaal Indian Congress with the aid of its energetic secretary, Mr. S. M. Nana, brought about a success. After the secretary's and treasurer's reports were duly submitted and passed, a vote of thanks for the good work done by the officials was passed. The election of new office-bearers was postponed owing to disorderliness having reigned to a meeting to be called at a later date.

### Kimberley Protest

A meeting of about 3,000 persons representing 17 Asiatic and non-European organisations, and augmented by many Europeans and natives, which gathered in the Market Square on Sunday, March 5, to protest against measures of segregation, unanimously agreed to the submission of three resolutions to the Government, local members of the House of Assembly, the Administrator, local members of the Provincial Council, the Mayor, and Church authorities of all denominations. The resolutions referred to the Cape Draft Segregation Ordinance, the proposed 75 per cent Servitude Scheme, and the National Party's petition for the complete segregation of all non-Europeans.

### Dartnell Crescent Past Students' Union

The inaugural meeting of the Dartnell Past Students' Union was held on February 24. A draft constitution was presented and approved of after minor alterations. The primary object of the Union is to contribute as actively as possible to the uplift of the Indian community and those present pledged themselves to do all in their power to further this end. The following officials were elected:—President: Mrs. Rama Rau; vice-president: Mrs. Morel; chairman: G. Lazarus; vice-chairman: E. Godfrey; joint-secretaries: R. Singh and A. Ginalwa; committee: F. Lawrence, M. Naidoo,

S. Paul, K. Naidoo, J. Nursoo, G. Rai, G. Samuel and O. Vinden. Membership is open to past students of Dartnell Crescent School and those interested are asked to communicate with the Joint Hon. Secretaries, c/o Dartnell Crescent School, Durban.

### The Afghan And Punjab

#### Muslim Society

At a general meeting of the above society held at 19, Pontac Street, Capetown, on Sunday, February 5, to consider the ways and means of raising the necessary funds for the completion of the school buildings now under construction at premises 17 and 19 Pontac Street, Capetown, which, when completed, will provide classes for Arabic, Persian, Pughtoo, Punjabee and Moslem Theology Mr. Hadjee Kurala Abdulla of Capetown. liberally donated a sum of £300 in cheque, and was followed with a cheque of £100 from Mr. Allie Akbar of Cape-

## BHULABHAI DESAI

### HIS SPEECHES

Published in book form. Of particular interest to students of Politics, Law, Economics and Commerce.

The Book contains the great leader's lectures on these and other subjects of national interest.

Price: 8s.

Please write to:

"INDIAN OPINION"

Phoenix, Natal.

town and a cheque of £50 from Mr. Goulfarries of Port Elizabeth. The following have agreed to donate as follows: Messrs. B. Singh £100; Allabux £50; Abdul Gannie £35; Mohamed Khan, Hadjee M. Gool, Emamandien Khan, and Abdul Hamid £25 each; Zariel Khan £20; Nayath Khan 50; Sayed Gool, M. Sarief Khan, and M. Abdul Karriem £10 each; Omar Khan; Emamandien, Hajee Mohamed Zardied, Sayed Rasool Khan, Allam Khan, Yusuf Khan, and Abdul Karriem, £5 each. The society wishes to thank those members who have donated and makes a further appeal to all Moslems and non-Moslems to contribute donations towards the good cause. All donations in cheques may be sent to the joint secretaries, payable to the Afghan and Punjab Muslim Society.

### Andhra Social Club (Sea View)

On Sunday, March 12, amidst a gathering of the residents of Sea View including a number of women, in the Sea View Indian School, an Andhra Social Club was formed, the main purpose of which, is to establish an Andhra Pathashala shortly, to provide Telugu vernacular education to the school children.

The club, further has in view the promotion of a better feeling of brotherhood and sisterhood, not only among the Andhra members of the district, but also among all the other residents of Sea View. The meeting was convened by Messrs. Kondiah Naidoo, M. Kristiah Naidoo and S. Dorasamy Naidoo, who ably outlined their views. Mrs Arthielutchmee Chetty (vice-president of the Andhra Maha Sabha of South Africa) presided. The following officials were elected:—Patrons: Mrs. Arthielutchmee Chetty, D. V. Naidoo and B. S. Naidu; President: Mr. B. V. Naidoo; vice-presidents: Messrs. B. K. Naidoo, P. Appleton, M. K. Naidoo, C. C. Naidoo, John Naidoo, Mrs. B. K. Naidoo and Mrs. B. V. Naidoo; joint secretaries: Messrs. M. Kristiah Naidoo and D. V. R. Naidoo; hon. treasurer: Mr. B. K. Naidoo. It was agreed that the election of the committee be left for the next meeting.

### Andhra New Year

On Wednesday, March 22, a prayer-meeting will be held in the committee room, Andhra House, 43, Leopold Street, Durban, at 5.30 p.m., to celebrate the Andhra New Year which falls on that day, under the auspices of the Andhra Maha Sabha (S.A.), to which all are cordially invited to attend.

—:o:—

## Social And Personal

Mr. V. S. Naidoo, headmaster of the Coloured and Indian School, Que Que, Southern Rhodesia, has been successful in passing the Licentiate'ship Diploma in Education Examination held recently by the College of Preceptors, London. Mr. Naidoo holds the Association Diploma (A.C.P.) and is a bona fide member of the Royal Society of Teachers, England. Prior to his departure to Rhodesia Mr. Naidoo was on the staff of the Cato Manor School, Mayville, Durban.

Everything appearing in this issue of a political nature has been written and edited by Manilal M. Gandhi to express the views of INDIAN OPINION.

## TRANSVAAL INDIAN CONGRESS (Pretoria Branch)

Notice is hereby given that the annual general meeting of the Pretoria Branch of the Transvaal Indian Congress will be held on Sunday, April 23, at 3 p. m. at the Empire Bioscope, Boom Street, Asiatic Bazaar, Pretoria. Agenda: (1) Secretary's Report, (2) Finance, (3) Election of officers.

R. MOOLOO, NANABHAI SITA,  
Joint hon. Secretaries.

# India Letter

(FROM OUR SPECIAL CORRESPONDENT)

1st March, 1939.

## Death Of Lord Brabourne

THE whole country is mourning the death of Lord Brabourne. Mahatma Gandhi sent the following message at the death of Lord Brabourne, Governor of Bengal: "The news of Lord Brabourne's death has grieved me deeply. I had the privilege of close friendship with him." Mr. Subhas Chandra Bose, Congress President, who was confined to bed-said that he was greatly grieved to hear of the death of Lord Brabourne. He sent a personal message of condolence to Lady Brabourne. Mr. Bose made personal acquaintance of Lord Brabourne when he called at Government House to see Lt.-Col. A. J. Muirhead, Under-Secretary of State for India during his recent visit to Bengal.

## Protest Against Franco

On hearing that Great Britain was contemplating recognition to General Franco's Government, Mr. Subhas Chandra Bose, sent a cable to Mr. Chamberlain, the British Premier on February 15: "On behalf of the Indian people emphatically protesting against recognition of Franco and the betrayal of the legally constituted Spanish Republican Government and the violation of international law and morality."

## Mahatma Gandhi In Rajkot

Mahatma Gandhi is having the most busy time in Rajkot where he has gone on a mission of peace. The Thakore Saheb arranged a garden party in honour of Mahatmaji. He has visited all the jails and had a long talk with political prisoners. He has also had a meal with Mrs. Gandhi and Miss Maniben Patel in the house where they are interned. At the time of writing the chances of a satisfactory settlement of the Rajkot impasse are brighter than they were before. Mahatmaji had a long interview with Mr. Gibson, the Resident in Rajkot. A Muslim deputation waited on him placing before him their views on their representation in the Reforms Committee.

## Resignation From Congress

The following is the text of the letter of resignation telegraphed by Sardar Vallabhbhai Patel and eleven others to Mr. Subhas Chandra Bose:—

"We were all deeply pained to hear of your illness. It was not to be thought that you should come to Wardha at the risk of your health. We hope that you will soon be restored to complete health.

"We have thought over the recent events carefully and have also read your various statements in connection with the presidential election. Your unfortunate illness and the consequent

cancellation of our meeting deter us from expressing our views on your statements. It should be sufficient at this stage for us to say that we, the undersigned, feel it our duty to tender our resignations as members of the Working Committee and we hereby tender the same.

"We feel that you should be left entirely free to choose a Cabinet that represents your views. We feel that the time has come when the country should have a clear-cut policy not based on a compromise between different incompatible groups of the Congress.

"We shall, however, extend all possible co-operation in matters where we see eye to eye with you in the policies that you may put before the country. In order to allay public suspense, we are sending this letter to the Press."

## Subhas Babu's Reply

In accepting the resignation of the members of the Congress Working Committee, Mr. Subhas Chandra Bose replied:—"Ordinarily I would have asked you to reconsider your decision and to withdraw your resignations till we met at Tripuri. But I know that you have taken the decision after mature deliberation and that you must have taken into consideration all the circumstances before arriving at the decision. If I felt that there was the slightest chance of reconsidering your decision at this stage, I would have certainly implored you to withdraw your resignation, but in the present circumstances, a formal request will not serve any useful purpose. I, therefore, accept your resignation with the deepest regret.

"I take it, however, that your resignation does not mean withdrawal of co-operation. I do sincerely hope and believe that I shall have your co-operation and assistance in the future in the discharge of my duties. It is hardly necessary for me to add that your co-operation and assistance will be invaluable to me. I hope and trust further that we shall find at the Tripuri Congress that our points of agreement are much more numerous than our points of disagreement and that in consequence we shall be able to maintain a united front in the future. I have been getting high temperature daily and my progress towards recovery has been slow."

## Pandit Nehru's Position

In explaining his position with regard to his letter to Mr. Subhas Chandra Bose, Pandit Jawaharlal Nehru states:

"It was easy to resign from a dying Committee whose days were numbered,

but the problem in my mind was a deeper one and the step I took would mean a break from many other contacts. To onlookers, I had aligned myself along with the resigning twelve. And so I had. And yet in my mind the gulf between them and me had grown, and not again would I be a member of a Committee fashioned as the Working Committee had been for three years."

## Confidence In Gandhian Philosophy

Mr. Mohanlal Saxena, Mr. Satyanarain Sinha, Pandit K. D. Paliwal and seven other members of the Central Assembly, who are members of the All-India Congress Committee, have sent a letter to Mr. Subhas Chandra Bose urging him to withdraw, if not, to substantiate, the charges made by him against the members of the Working Committee before the next meeting of the All-India Congress Committee. These members have also tabled a resolution to be moved at the meeting of the A.I.C.C. declaring that the A.I.C.C. has full faith and confidence in the ideology and technique of Gandhian philosophy.

## Finance Bill

The outstanding features of the Finance Bill introduced in the Assembly on Tuesday by Sir James Grigg are an increase in the import duty on raw cotton from 6 pies to 1 anna per lb., the continuation for another year of the existing rate of salt duty, present inland postage rates, fixing of new rates of income-tax under the "slab" system reduction of duty on "Khandasari" sugar to 8 annas per cwt., and amendment of the definition of the "factory" given in the sugar excise duty.

The Finance Bill provides for a decrease in the excise duty on "Khandasari" sugar which was previously reduced by notification from Rs. 1/5/- per cwt., to annas eight per cwt., and amends the definition of a "factory" as to omit the reference to the number of workers employed.

Sir James hoped that the increased duty would promote the growing in India of the longer staples of cotton, (of which over 700,000 bales were imported annually) and would at the same time produce an extra yield of Rs. 55 lakhs a year.

The final figures thus became: Revenue Rs. 82,70 lakhs; Expenditure Rs. 82,65 lakhs; Surplus Rs. 5 lakhs. The only increase on the expenditure side of the 1938-39 estimates arises under Defence Services which are expected to cost Rs. 1,00 lakhs more than the Budget estimate of Rs. 45,18 lakhs.



**Latest News From India**

According to a telegraphic message received from our own correspondent at Bombay a no confidence motion in Mr. Subhash Chandra Bose was passed by the Subjects Committee held at the Tripuri, Congress. The President was in bed ill and the presidential address was read by the acting President, Maulana Abul Kalam Azad. The president in his speech pleaded for an ultimatum to Britain for Swaraj.

Mahatma Gandhi was not able to be present at the Congress. He proceeded to Delhi to interview the Viceroy on March 15. The Congress adopted Mr. Pant's (Prime Minister of U.P.) resolution for Mahatma Gandhi's leadership. It was decided to hold the next session of the Congress in Bihar in December.

**Viceroy Appeals To Indian Princes**

A Reuter's message from New Delhi, dated March 13, states: The Viceroy,

at the annual meeting of the Chamber of Princes, urged the rulers of States to make it their constant care to watch and remedy legitimate grievances in the administrative field. He said no one had succeeded in devising a more satisfactory method of dealing with the problem of the Indian States than the federation scheme. Fifty princes and ruling chiefs attended the meeting.

ORIGINAL CORRESPONDENCE.

**INDIAN YOUTH COUNCIL MEETING**

TO THE EDITOR "INDIAN OPINION"

SIR,—On Sunday afternoon the Indian Youth Council, which is a non-political party working independently and which in no way backs the Colonial Born and Settlers' Indian Association or the Natal Indian Congress called a mass meeting to protest against segregation. All went well, for the M. K. Gandhi Library and Parsee Rustomjee Hall was packed, but trouble began at a later stage when Mr S. Gopaul moved a resolution urging the two political bodies, the Congress and the Colonial Born Association to close their ranks in view of the grave national danger to the Indian community. Was there any sin committed by us because we asked for unity, Mr. Editor? INDIAN OPINION also has been asking for unity for a long time, but will there ever be unity? I doubt it.

Mr. C. M. Anglia, a prominent member of the Natal Indian Congress, moved an amendment saying 'this meeting of Natal Indian Youths gives allegiance to the Natal Indian Congress. At this stage a free fight started, backed by Mr. Anglia's friends, who, it seems, came definitely to wreck the meeting. The most vulgar language was hurled at the members of the Council who pleaded for order. That is the opposition youth has to counteract. What are the members of the Indian community going to do about it? After nearly all the supporters of the youth Council had gone,

Mr. Anglia moved another resolution stating that the meeting backs the Congress. We were subjected to his threat and his resolution was passed by his own majority. What else could we do Mr. Editor? Although some of our members who went in to separate the fight were hit, we did not retaliate because we felt valuable property in the Library would be totally destroyed.

May I know, Mr. Editor, the attitude of the leaders of the Congress and the general public in this connection? Remember, the Library is a gift to the Indian community by the late Mr. Parsee Rustomjee and it also bears the name of Mahatma Gandhi who has made great sacrifices for the Indian community and for the world, and for whose victory over the Thakore of Rajkot the Natal Indian Congress called a meeting of thanksgiving in that very hall recently, and it was in this very place where vulgar words were used.

These very men who may be gloating over their great victory against the youths must remember that they are showing a bad example to the youths. In the Indian Youth Council we have young men of all nationalities, Muslims, Hindus and other. Members of the Congress and the Colonial Born Association are working side by side here harmoniously.

Why should certain people be hated because they belong to one political

school of thought or the other? Are we not all Indians? In conclusion I must state that the youths have pledged themselves to go on working for the Youth Council. Let the Indian community save their young men from violence and destruction.—Your etc.

S. PATCHAY,  
President Indian Youth Council.

**Obituary**

**Death Of Mr. Ismail Gora**

The death occurred on Monday night of Mr. Ismail Gora, a prominent member of the Indian community of Durban. Years ago, Mr. Gora was well-known in commercial circles, being a partner in the firm of Messrs. B. Ebrahim, Ismail and Co., then the leading Indian commercial house in the Union. He took a keen interest in public work and was at one time president of the Natal Indian Congress. Mr. Gora retired from active work many years ago. The funeral was largely attended by representative Indian public men. Indian stores in the city were closed for a short time as a mark of respect to his memory. We extend to the bereaved our heartfelt sympathy.

*Our Agents*

Copies of "INDIAN OPINION" will be obtainable in Durban at the following places:—

- PATEL'S VEGETARIAN TEA ROOM,
- SUNBRAND TOBACCO WORKS, SINGH'S CAFE, BURMA HOUSE, Grey Street; and
- NARANJI VALLEBH'S TEA ROOM, Brook Street.

Buy Perfect  
DIAMOND  
RINGS and  
Flawless DIAMONDS  
direct from our factory



**AMSTERDAM**

DIAMOND CUTTING WORKS  
62, Field Street Durban.  
P. O. Box 2362. Phone 2-4888.  
Also at Johannesburg and Capetown.

**DRIVING TAUGHT BY EXPERT EUROPEAN**

Instruction on Dual Control Cars.  
Lessons will be given until licence is passed. Moderate charges.

Apply:

P. O. Box 2139 or  
44, Southern Life Bldg.,  
Smith St., Durban.

# ઇન્ડિયન ઓપિનિયન

મહાત્મા ગાંધીજીના હસ્તે  
સને ૧૯૦૩માં સ્થપાયું.

પુસ્તક ૩૭ મું.

ફીનીક્સ, શુક્રવાર, તારીખ ૧૭ માર્ચ ૧૯૩૯

અંક ૧૧.

## “ઇન્ડિયન ઓપિનિયન”

શુક્રવાર, તા. ૧૭ માર્ચ ૧૯૩૯.

### વ્યવસ્થિત ગુંડાગીરી

હિન્દુસ્તાનના દેશી રાજ્યોમાં પ્રજા ઉપર ત્રાસ વર્તાવવા સરકાર તરફથી ચલાવતી વ્યવસ્થિત ગુંડાગીરીના અભરો આપણે વાંચીએ છીએ. તેવીજ, પરંતુ તેના કરતાં ઘણાં નહાના પાયા ઉપર, દક્ષિણ આફ્રિકામાં આપણી રાજદારી સલાહોમાં વ્યવસ્થિત ગુંડાગીરી ચાલી રહેલી જોવામાં આવે છે. એક વર્ગનો હેતુ બીજો વર્ગ, જે તેના મતને મળતો નથી થતો અને તેનો વિરોધ કરે છે, તેને મારથીજ સીધા કરવાનો જણાય છે. થોડા દિવસપર રોયલ પીકચર પેલેસમાં સેક્રેશનની નીતીની સામે વિરોધ દર્શાવવા નાટક ઇન્ડિયન કોંગ્રેસ તરફથી બોલાવાયેલી સભામાં એવાં એક તરવની હાજરી હોવા વિશે અમે જણાવી ચકા હતા. કોંગ્રેસ ના કાર્યકર્તાઓ સામે જેવો કંઈક વિરોધ દર્શાવાયો તેવોજ એ તત્વે પોતાનું સ્વરૂપ બતાવ્યું. સુભાષે રિયાત બહુ બગડવા નહિ પામી અને તેથી એ તરવને પોતાનું ઉચ્ચ સ્વરૂપ ધારણ કરવું નહિ પડ્યું. વળી ટ્રાંસવાલ ઇન્ડિયન કોંગ્રેસ તરફથી બોલાવાયેલી સભામાં પણ એક દાહુ અને તેમના સાથીઓએ સેક્રેશનનો કાયદો ખોલીનેટમાં દાખલ કરવામાં આવે તો તેની સામે શું પગલાં લેવાં તે બાબતમાં મતફેર દર્શાવતાં એ તત્વે દેખાવ દીધો હતો. કોંગ્રેસ ના કાર્યકર્તાઓએ શું પગલાં લેવાં એ પોતાના ઠરાવમાં સ્પષ્ટ નહોતું ક્યું જ્યારે ડો. દાહુ અને તેમના સાથીઓ જે સેક્રેશનનો કાયદો દાખલ કરવામાં આવે તો કોમ સલામત કરશે એ વાત સ્પષ્ટ જણાવી દેવા ઇચ્છતા હતા. ડો. દાહુના સુધારાને મોટી બહુમતિનો ટેકો મળ્યો તેથી સભામાં ગુંડાગીરી ચાલી અને ડો. દાહુને ટેકો આપનારા કેટલાકને માર પડ્યો અને કેટલાકને જો તેઓ ડો. દાહુને ટેકો આપવાનું જરી સમજે તો માર પડવાની ધમકીઓ અપાઇ.

જે થોડાં અમુક બાબતોપર પોતાના દ્રઢમંત ધારીવતાં હોય અને કોંગ્રેસના કાર્યકર્તાઓના વિચારો કે રીતોથી વિરુદ્ધ હોય તેઓ રખેને ગુંડાગીરીના જોગ થઇ પડે એ બહીકનાં માર્યા પોતાના પ્રમાણિક મત જાહેર કરતાં

તેમજ એ મતને ટેકો આપનારાઓ તેને ટેકો આપતાં કુળે છે. જ્યાં રવીવારે સેક્રેશનની નીતી સામે વિરોધ દર્શાવવા ઇન્ડિયન યુથ કાઉન્સિલની સભા ડરબનમાં મળી હતી. તેમાં એક નીર્દેશ ઠરાવ રજૂ કરવામાં આવ્યો હતો, કે આવા કટોકટીના સમયે કોંગ્રેસ અને કોલોનીયલ ખેનર્ એન્ડ સેટલર્સ ઇન્ડિયન એસોસિએશન એ બંને વીરોધી સંસ્થાઓએ એકત્ર થઇ સંયુક્તપણે કાર્ય કરવું જોઇએ. આ ઠરાવમાં કશું ખાટું કે વધારેપડતું નહોતું. કોમમાં કુસંપ છે એ દેખીતી વસ્તુ છે, અને ઠરાવમાં એકત્ર થઇ કાર્ય કરવાની માગણી હતી. તેમાં કોઇની સામે કશી ટીકા નહોતી. તેમ છતાં શ્રોતાઓમાંથી એક અંકિતએ એ ઠરાવની સામે સુધારો મુકના કે કોમમાં કુસંપ છેજ નહીં અને સૌએ કોંગ્રેસને ટેકો આપવો જોઇએ. આ સુધારો લાવનાર વ્યક્તિના જીવનના ના પ્રતિહાસમાં અમે નહિ ઉતરીએ, માત્ર એટલુંજ કહેવું જસ થશે કે કોંગ્રેસમાં તડ પડ્યા બાદ તે દાખલ થઇ છે અને આજે કોંગ્રેસમાં અમગપ્પ સ્થાન ધરાવે છે અને પ્રધાનોની મુલાકાતે કેપ-ટાઉન બેલા કોંગ્રેસના પ્રતિનિધીમંડળમાં પણ તેની હાજરી હતી. સુધારાપર ચર્ચા થતાં તુરંતજ હોહા શરૂ થઇ અને જેઓએ એ હોહા નો વિરોધ કર્યો તેઓના ઉપર ગુંડાગીરી શરૂ થઇ. મારામારી ચાલી અને શ્રોતાઓ સભા છોડી ચાલતા થયા. પ્રમુખની વિનંતિથી શાંતિ સ્થપાઇ અને તકરારનું મુજબ બનેલો ઠરાવ પાછો ખેંચી લેવાયો. આથી શાંતિ થઇ જવી જોઇતી હતી. પરંતુ ઉપલો સુધારો લાવનાર કોંગ્રેસ ના ખેરખાને તેટલાથી સંતોષ નહીં થયો. હવે તેણે પોતાનાં સુધારાને ઠરાવ તરીકે મુકવાની માંગણી કરી જે કરવાનું પ્રમુખે વાજબી રીતે સ્વિકારવાની નો પાડી. પ્રમુખને તેણે ફેંકી દેવાની ધમકી આપી અને હોહાનો કબજો લઇ ઇન્ડિયન યુથ કાઉન્સિલ તરફથી કોંગ્રેસના કાર્યને કાઉન્સિલનો ટેકો જાહેર કરનારા ઠરાવ મુકવાની વરી ઉદ્દતાઇ વાપરી અને શ્રોતાઓ-આથી માત્ર ગુંડાઓ અને તેમના સાથીદારો ઓછી રચાઈ હતા તેઓના મતથી એ ઠરાવ પસાર થયેલો જાહેર કર્યો.

આવુંજ અમાઉ ગોરી ઓએને હીંદીઓએ નોકરીપર રાખવાની બંધી કરનારા ખીલ સામે અને એ સંબંધમાં કોંગ્રેસના કાર્યકર્તાઓએ સરકારને આપેલાં માનભંગ કરનારાં વચનને વખોડી કાઢવા કોલોનીયલ ખેનર્ એન્ડ સેટલર્સ ઇન્ડિયન એસોસિએશન તરફથી બોલાવાયેલી સભા માં પણ અજ વ્યક્તી તરફથી કરવામાં આવ્યું હતું. ગયા રવીવારની સભાના મળેલા હેવાલો પરથી અમને જણ્યોને સંતોષ થયો છે કે યુથ કાઉન્સિલના સભ્યોએ ગુંડાગીરી સામે ગુંડાગીરી ચલાવી પ્રતીકાર નહોતો કર્યો. તેને માટે તેઓને અબીનંદન ધરે છે. જે વખતે આપણો સમાન શત્રુ આ દેશમાં આપણી હસ્તી નાણુદ કરી નાખવાની ધમકી આપી રહ્યો છે અને તેની સામે પ્રચંડ વીરોધ કરવાને આપણું સંઘળું બળ એકત્ર કરવામાં આપણે રોકાયેલા હોવા જોઇએ ત્યારે આપણાં પોતાના આવાં દુસ્ફર્યોનો ઉદ્દેશ્ય કરવો પડે છે એ અમને અનહદ શોક થાય છે. આપણે કંઈ દેશોએ પહીંચ્યા છીએ? જો કોંગ્રેસના કાર્યકર્તાઓમાં આખરનું જરાયે બાન હોય તો તેઓએ પોતાના એક સાથીના આર્વા કુસને જાહેર રીતે વખોડી કાઢવું હોત કેમકે તેમ કરીને તેણે કોંગ્રેસની પ્રતિબંધને જરાય વધારી નથી પરંતુ કોમમાં વર્તી રહેલા કુસંપની જવાબો માં તેલ હોમ્યું છે. તેઓએ એ પગલું નથી લીધું એ પરથી તો એમજ માની શકાય કે તેઓની મંજુરીથીજ આ થઇ રહ્યું છે. જે તેમ હોય તો તેનો અર્થ માત્ર એટલોજ થાય છે કે હાહના કોંગ્રેસના કાર્યકર્તાઓએ નાટકમાં તેમજ ટ્રાંસવાલમાં એવો નિશ્ચય કરેલો છે કે પોતાની સામેનો વીરોધ તેઓ ખીલકુલ સહન કરવાના નથી અને તેઓની સામે આંબળી સરખી પણ ઉચી કરનારાઓનાં માર્યા ભાંગી નાખવાને ગુંડાઓનું ટાળું હમેશાં તૈયાર રાખીને થોકાને દંભદાટીથી પોતાના મતને શરૂ કરશે. આ કંઈ એકત્રતાનો માર્ગ નથી. અમે ગુંડાગીરીને પણ ટેકો આપી શકતા નથી તેમ તેની સામે ગુંડાગીરી કરી પ્રતિકાર કરવાને પણ ટેકો આપી શકતા નથી. જેઓને પોતાના દ્રઢ મત છે અને એક પવિત્ર સવાલની સેવા કરવાને પ્રરાયા છે તેઓને ધણુંજ ખુબવાનું છે. તેઓએ પોતાના નજીકના સંબંધીઓના હાથે પણ મરવા તૈયાર થવાનું છે. ગાંધીજીએ આ દેશમાં સલામતની લડતનું નેતૃત્વ લીધું હતું ત્યારે તેઓએ આ બાબતમાં પોતાનાં વર્તનથી દાખલો બેસાડ્યો હતો. આપણે તેઓને મમલે અનુસરવાનું છે. તેમ કરવાને મુખ્ય જરૂરી