

# Indian Opinion

No. 29—Vol. XVII.

FRIDAY, JULY 25TH, 1919.

Registered at the G. P. O. as a Newspaper  
Price Three pence

## NOTES AND NEWS

At the time of writing, a meeting is being arranged, to be held in Durban on Wednesday evening to appoint delegates to the convention at Johannesburg from the 3rd to 6th August. We hope that the men chosen will truly represent the various sections, including the Colonial-born Indians.

It would be a fatal mistake if some of the older residents—business men of long experience—men with a "stake" in the country—were not included among the delegates. We will not mention names. It is unnecessary. Each man knows his duty, and the community looks to some of the older men to add weight to the delegation from Natal.

At the same time it is but right that representatives of the younger generation should give of their energy, education and intelligence, to the formation of the first demands of the Indian community of South Africa which, we anticipate, will be placed before the commission shortly to be appointed by the Government.

Since writing the above we had the opportunity of attending a meeting of Durban Indians when after a lengthy discussion names of many influential members of the community were proposed as delegates to the above convention, although no definite decision was reached at. We hope our friends will not shirk their duty at this critical juncture.

We should like to add just a word in regard to the bidding of the Convention during the Peace Celebrations. As we have said, the Indian community cannot with sincerity, take part in the jubiliations; but it can, and no doubt will, offer its grateful thanks to God for ending a great and bitter war. We hope, therefore, that the opening session will record, in sober fashion, the community's deepest feeling. No further demonstration is necessary.

It appears that the Government have now woken up to the fact that there is a shortage of rice in South Africa: there is to be another rice committee who will probably pool the supply and ration the people. We are afraid it is another instance of locking the stable-door after the horse has gone.

There was a rice committee before, and the price was fixed. Then, all of a sudden, the Government changed its policy and the result was a rise in price of fifty per cent. The poor are the sufferers whilst rich men grow richer. Both European and Indian merchants must be blamed for this, but the government most of all. Prompt action is required to ensure that the small stock of rice shall be adequately distributed at the lowest possible price.

We understand that a reply has been received from the Government to the representations made by the recent Cape Conference and that a certain individual has taken upon himself "as representing Natal" to make further representation. Is it possible that the

"mass meeting" which appointed the delegates have been consulted? The Government should understand that no person is entitled to represent Natal Indians; and the community is not bound by anything an individual has written.

A correspondent informs us from Port Elizabeth that a mass meeting of Indians took place there on the 20th instant, under the auspices of the British Indian Council, to support the proposed Emergency Convention when the following were appointed as delegates:—Messrs. R. G. Teikumdas, V. A. Pillay and I. Adam.

We understand that a largely attended meeting of the Cape Indians was recently held at Capetown with the object of appointing delegates to the Emergency Convention to be held in Johannesburg. The following were appointed as delegates from the Cape Peninsula, and empowered to act for and to speak on behalf of the entire Indian community resident there viz.: As representing Cape Town: Messrs. B. Singh, E. Norodien, D. Mancherjee, A. G. Mahomed, A. Camroodien, M. Ebrahim, E. Bhika, I. Booley, E. Sabodien, A. Mallick, B. Desai, S. O. Patle, A. Essay, Wali Achmat, Abdullah Dawood, A. Benjamin, S. S. Vassen, and S. M. Rabim; for Woodstock: M. J. Achmat; and the following: E. Jaffa, Salt River; M. Jaffa, Sea Point; Sheik Osman, Mowbray; Roshan Khan, Omar Samsodien, Observatory; Osman Dawood, Claremont; E. Adam, Newlands; Enos Omar, Wynberg; I. R. Dhansey, Diep River; S. Essop, Kalk Bay, and O. Dhansey, Simon's Town.

The *Star* (Johannesburg), writes:—The Indian community throughout South Africa once again threatens passive resistance. It has been aroused by the recent legislation passed by the Union Government, and seeks to get that legislation from being put into force till the Asiatic Commission has sat and presented its reports. To this end it is seeking an interview with Mr. Malan, the Acting Prime Minister, in the next few days, and if it is not successful in its request, will consider the promulgation of a passive resistance campaign at an emergency conference to be held in Johannesburg on the public holidays, from August 3 to 6. Already a solemn league and covenant has been, we understand, extensively signed. Mr. Gandhi may be in India; but the spirit of Mr. Gandhi broods over the Indian community in South Africa. General Smuts comes back to find an old problem facing him again.

The following cable from Mr. Gandhi from Bombay has been received by the chairman of the British Indian Association in Johannesburg:

"Meeting of Bombay public, convened under the auspices of the Bombay branches of the Home Rule Leagues, passed resolutions respectfully but emphatically protesting against the Asiatic Land and Trading Amendment Bill reported to have been passed by the Parliament of the Union of South Africa inasmuch as it contravenes the Smuts-Gandhi agreement of 1914 and violates the elementary rights of British Indians lawfully resident in the Transvaal, and calling upon the

Government of India and the Imperial Government effectively to interpose to secure the repeal or veto of the Bill, and tendering its heartfelt sympathy and assurance of support to Indian fellow citizens in the Transvaal who are heroically struggling against the unjust and unwarrantable encroachments upon their rights as citizens of the Empire."

In the course of a speech on his installation as Rector of St. Andrew's University, Marshal Haig said:— "If we wish to avoid a repetition of the catastrophe of the world war, we must be prepared actively to prevent it. The seeds of future armed conflicts could be found everywhere in the world. Among the more obvious possibilities of strife was the problem known as the Yellow Peril. The Chinese must eventually demand a place in European and political development. Marshal Haig suggested that the solution was to give all races British freedom and justice. By this means, in course of many years the races would be levelled up to our standards of life. The League of Nations could never absolve us from our mission as an Empire."

### A QUESTION OF STATUS

THE key-note of the covenant made by the Transvaal Indians is one word "status." No mention is made of the recently-passed legislation; the question of trading licences and the ownership of land are, as it were, relegated to the back ground. At first glance, the reader might ask what is it that the Transvaal Indians are after. Do they not desire to be relieved of the latest burden, and are they ignoring the importance of securing redress of their present and newest difficulties whilst harking back to 1885? Although it may appear so to the casual reader, in reality the covenant goes to rock-bottom. Setting aside all trifles, all pin-pricks, all questions of material gain or loss, the covenant reviews the position of the Indian community during the past thirty years and more, and concentrates upon the question of status. As pointed out by Mr. Ritch in his evidence before the Select Committee on Disabilities of British Indians in Transvaal, important extracts from which we reproduce in this issue, it was a question of status as far back as 1885; it was a question of status when the first Registration Ordinance was introduced in the Transvaal by Lord Milner, it was a question of status in 1907 when the first Registration Law was introduced; and similarly in 1908; and right away on to 1914, when the settlement took place. It has always been a question of status. In order to realise the true position it is better, for the moment, to set aside the questions of trading licences and the right to own land by limited companies. These are only side issues, serious though they undoubtedly are from a material point of view, and entailing as they do the very existence of the Indian community. Even supposing that the recently-passed Act were vetoed by the Imperial Government on the urgent representations of the Government of India, we should still be in the same unsatisfactory position as we were before the Act was passed. We should not have solved the problem which we must face sooner or later. The position of Indians under the Gold Law was never satisfactory. So long as we have no legal right we must expect trouble. All the time the Sword of Damocles was hanging over our heads and now it has fallen. Then in regard to the owning of land, let no one imagine that the recent Act, disqualifying Indian companies, is in itself the real calamity. After all, the registering of Indian

companies as the owners of the landed property was only an indirect way of getting behind an unjust and unreasonable law—Law 3 of 1885. We do not kill a noxious weed by cutting the top off; we must dig out the root. So it is with racial legislation. Law 3 of 1885 proclaimed Asiatics incapable of obtaining British rights and incapable of owning fixed property in the Republic. Likewise the Gold Laws of 1898 and 1908 restricted Asiatics from obtaining licences or from residing on proclaimed land except as servants of white people. So long as this "bar sinister" is up against us and this stain upon our status remains, what is the use of our protesting that we cannot trade in certain areas that Asiatic companies shall not own land or that Europeans may not assist us to overcome the obstacle of the law by holding our property in their names. The point is we are by law proclaimed to be incapable of enjoying the rights of citizenship. The present legislation merely goes a step further and says, quite logically, that Asiatics forming a company, are just as incapable of holding land and enjoying rights as an individual Asiatic. Why should we quarrel with the dictum? Let us tackle the root; and, if there is to be Passive Resistance, let it not be merely "loaves and fishes," but for that which is dearer than life itself! We have begged and prayed and wasted a lot of money on deputation, all, apparently, to no purpose. Even if we had succeeded, we should only have cut the top off and left the root to flourish. It is better that all should know that the present struggle is a fight for freedom and liberty. We cannot live as helots in the free British Empire. Either we shall enjoy the status of British citizenship or we will be outcasts. It is better to be aliens and free than so-called partners in an Empire wherein we are really slaves.

### THE CONFERENCE

WHY should there be an Indian Conference? People in Natal or the Cape Province may think that their position is not in jeopardy and that the most they can do is to "sympathise" with their brethren in the Transvaal. Whilst it is true that the storm centre is, for the time being, the Transvaal, there is reason to fear that the position of Indians throughout the Union is a matter for grave concern. The fact that the Union Parliament has recently passed an Act confirming and extending former racial legislation is sufficient to arouse fear in the minds of many that the legislation enacted in the Transvaal may serve as a copy for similar legislation in the other Provinces. The Transvaal Indians have neither Parliamentary nor Municipal franchise. There are those in Natal, and possibly in the Cape also, who would rob Indians of their rights as voters and burgesses. Again and again attempts have been made in Natal to deprive Indians of the Municipal franchise. And we have not heard the last of it. Every time our brethren suffer defeat in combating racial legislation in any Province, the other Provinces are rendered less able to withstand the attacks brought against them. The Union of South Africa is like a human being. Its two hands are the Transvaal and Free State whilst its feet are Cape Province and Natal. One might almost say that the Free State hand was amputated at birth, so far as Indians are concerned. The Transvaal hand has suffered severe mutilation and is in danger of being cut off. And who shall say that

the feet are fixed on firm ground? The forces that can destroy the hands can also bring about the destruction of the feet. The Indian community is like a man whose limbs are disjointed. One hand is governed by one set of laws; another is controlled by a separate force; his left foot works independently of his right. Consequently the community consists of limbs but no body. The Provincial barriers prevent intercourse between the residents in the four Provinces. The word "union" has no meaning for the Indian community. It simply reminds them that, for them, the Union of South Africa is divided up into four water-tight compartments. Those who will attend the Convention at Johannesburg on the 3rd August will either possess Transvaal rights or be admitted on sufferance after compliance with humiliating conditions. It reminds us bitterly of the familiar condition under which indentured Indians apply to their employers for leave to go and make their complaints against those very employers. The urgent need of uniting to form one body of Indians is plain enough. Unless this is done, there is no hope of preventing the destruction of the limbs, one by one. Just as the question in the Transvaal is, as we have endeavoured to show, one of status, so it is with the other Provinces to a large extent. India, we hope, is to be given a form of responsible government. She is already acknowledged as a partner in the Empire. Are we then, in one of the British Dominions, to be treated as helots? The question of unrestricted immigration having been settled, are we not to enjoy a measure of freedom in the country we have made our permanent abode? And what of those born here? Are they not entitled to equal opportunities of earning a livelihood with the rest of the population? It is the future we have to face. Even if we feel, sometimes, like giving up in despair, we must brace ourselves up for the sake of our children and children's children whose potential rights we are bound to protect and preserve. The time must come, and it depends on ourselves very much how soon, when the Union of South Africa shall be a union even for Indians; when Indians in all Provinces shall be entitled to vote at both Parliamentary and Municipal elections; when education shall be free to them as it is now to Europeans; when there shall be no Provincial barriers and when there shall be no special or racial legislation on the statute-book; when, in deed and in truth, all shall be citizens of one united country. We make no apologies for making this prophecy. We only ask for justice and no favours. If we cannot be allowed to remain here under ordinary free conditions, sharing the same benefits and responsibilities as the other citizens, we challenge the Government to forcibly eject us here and now. This would be better than keeping up a pretence of preserving our rights whilst allowing us to be slowly done to death. The Government have promised our detractors a Commission to inquire into the position of Indians throughout the Union. It will be the duty of the Convention to formulate the minimum claims of the Indian community in each Province and as a whole. That is why the Convention should be held, and why each Province should be represented by its best men.

Salvation lies in the hollow of his hand, who returns not evil for evil, meets harshness with sweet reasonableness, and has a heart always saturated with love.—  
VISHNU PURANA.

## THE STATUS OF BRITISH INDIANS

## MR. RITCH'S EVIDENCE BEFORE THE SELECT COMMITTEE

In view of the present crisis, and in order to present a correct view of the attitude taken up by the Transvaal Indians, we give below some important extracts from the evidence given by Mr. L. W. Ritch before the Select Committee on Disabilities of Indians in the Transvaal:—

What I am asked to submit is this—that, stripped from all camouflage the whole of this thing boils down to a question of status. It was a question of status as far back as 1885; it was a question of status in 1903 when the first Registration Ordinance was introduced in the Transvaal by Lord Milner; it was a question of status in 1907 when the first Registration Law was introduced; and similarly in 1908. In 1913 again when the Immigration Act was introduced it was a question of status, and the same again in 1914 when the Indian Relief Act was passed. And also it is equally a question of status in regard to this particular Statute which is at present under discussion, the Gold Law and the Townships Amendment Act, and so I am asked to submit to you that right away from a little beyond 1885 this condition of things, this relegation of these people to a status of undesirables has been protected against in season and out of season by the Indian community. Blue Books are full of it. One has only to turn up Cunningham Grace, who was the British Agent in Pretoria. I know that a deputation waited on and that protest after protest was entered into with the Government in Pretoria through his medium. That culminated in the war; at any rate it was one of the pretexts for the war. In 1903 when Lord Milner was Governor, or acted as Governor, this question of registration arose for the first time. The protest was so emphatic that Lord Milner called the Indian community together and told them that their acceptance of this document—which was not statutory, as there was no legislation—would be a protection of the Indian community and that it would not be enforced by them. The first registration certificate was a little pink document which each Indian carried with him. What these people protested against was this mark of inferiority being imposed upon them, this system of having to carry passes like Kaffirs. Lord Milner told them not to object as the thing would protect them, and he asked them to accept it. I was present myself.

I was saying that these people have protested throughout against this stamp of inferiority, and it is that which they are protesting against even to-day. During the war they suspended any agitation at all. They have never lost sight of this 1908 Gold Law. And they determined—I know because I have been in their councils all the time—that during the war they would do no wise agitation against these things. The Gold Law, sir, was a grievance even in 1914, although it was not made the main grievance. As a matter of fact, the agitation in those days was against the Immigration Restriction Law. The Gold Law has not been so much to the fore. They relied on the Government's assurance that the Law would be ignored and very little attention was directed to it, although it was never lost sight of. Now the war is over and these people have lately been feeling that the time has arrived for the old bar sinister to be removed. I am perhaps using their possibly crude, but none the less very picturesque, language. They have not come to ask how many kicks they are going to get in the future; they feel that there is a feeling abroad that they must submit to more kicks. They have come to say that they have been kicked undeservedly. They stand where they have always stood in their contention that they have never been undesirables, that they are not coolies, and that they do not deserve to be subjected to differential legislation, and they want these old disabilities to be removed. They have been waiting for a better feeling to be engendered, and now that the war is over they have

come forward to ask you to have those disabilities removed. They have proved their merits as British subjects in other parts and here. They have contributed in life and money to the big struggle for liberty, and they now ask that their own liberty and their claim to liberty shall be recognised. They tell you that they do not acquiesce in this proposition that they are undesirable, and they want to have that bar sinister removed.

In regard to this question of inter-provincial migration which has been raised, that is a position which has also been acquiesced in, though very grudgingly and very reluctantly, as it was felt to impose a considerable hardship. Mr. Gandhi made it clear that as far as this was acquiesced in, it was for the time being, and he expressed the hope that that bar would in due time be removed. In regard to the question of migration from town to town, there was no understanding of any kind arrived at that there should be none. I am certain of my own knowledge that there was no understanding, nor was there any promise that a trader who was to-day trading in Krugersdorp might not be a trader in Pretoria to-morrow, and might not be a trader at Benoni the day after, or Johannesburg or anywhere else for that matter. In regard to this question of vested rights, it seems to me that one can easily reduce that to an absurdity. One of my Indian friends here has been here for 31 years. Mr. Fancy is a large storekeeper at Vrededorp. Is it to be urged that he may not sell his business in Vrededorp and open another business again? In other words, does it mean the vested rights of each individual Indian, or does it mean the actual vested rights, the rights existing at the time of the whole of the Indian community? This is a distinction which appeals to me. Mr. Fancy chooses to go home for six months and chooses to part with his business, intending to come back in six months. Has he deprived himself of the right to carry on business in the Transvaal again? This would cut down and curtail the potential rights of the Indian community. Does it mean that a man who is to-day in a small business is precluded from extending his business operations at all? One can reduce the whole thing to an absolute absurdity. What it was intended to conserve were these rights, the actual and potential rights of the Indian community—their vested rights, that is their rights as human beings. I do not say their rights to hold land, although Mr. Gandhi hoped that that was a statutory limitation of their rights which would be removed.

The *modus operandi* in regard to the Indian companies is quite simple. Say there are a number of Indians who have business on a number of stands which they have held on monthly tenancy—which, by the way, is very insecure—where a profiteering landlord is continually raising the rent. These Indians decided to form themselves into a company and purchase land. They form themselves into a limited liability company with from two to fifty persons, and they purchase land in the name of the company. These people will put up a building on the stands they have purchased worth a few thousand pounds, whereas before there was a tin shanty, a rubbishy little place there. They will pay for the building material, they will pay for the work that is done, and they will increase the revenue of the country.

The sole object of the registration was to enable the man to acquire a place to carry on his trade. Not all the companies, however, have been formed for that purpose; there are also companies which have been held for charitable purposes, companies formed by the Mahomedan and by the Hindu community. Quite a few of these charitable companies have been formed and incorporated and the objects of a number of them are educational. Still, the great majority of the companies have been incorporated for trading purposes. I would like to add this—I should wish very earnestly to ask the Committee to try and meet the appeal of these people here that no further disabilities shall be imposed and that these existing

disabilities, this mark of inferiority, this bar sinister shall not be perpetuated. They have come to ask you not by Statute to affirm what they have protested to for years, and they have asked me to submit to you that to-day is not the opportune moment to go further and impose any further disabilities. At Krugersdorp a controversy is being stirred up. This is only an appeal to prevent further unrest and to prevent steps being taken to stir up and impose further disabilities on the Indian community. They will say, "we Indians are still regarded as undesirable, but we cannot submit to be regarded any longer as outcasts."

What is the harm and what is the wrong if the Indians opened up fresh businesses and registered companies? I personally do not admit that the Indians have in any way broken away from their promises, and in regard to your contention that the agreement with Mr. Gandhi meant that no fresh business should be opened, I deny the right of anyone to mortgage the future of the children, and that is what it would have amounted to if such an agreement had been made. The mere fact that you may agree on a disability being imposed, does not give you the right to say that that disability shall remain for all time. I say that the compromise which was arrived at was a purely temporary affair. I question whether you have any right to bind the future generation by what the present generation does.

The main object of the petition which has been presented is to safeguard the interests of the trading community, that is to say, the interests not merely of the man who to-day happens to have a shop, but who may wish to have one to-morrow.

You ask me why, if Indian companies are allowed to hold land, you should not wipe the whole law out. I may say that I have been asked to offer that an alternative remedy.

We have no new legislation in mind, but we were afraid that the Indians might be ousted with some kind of compensation. I do not know how it would be paid, but we are afraid that the Indians might be kicked out of their places. If Parliament were to step in and prevent Indian companies from being registered, it would be one of the kicks. It would be amending the Law of 1885, which, as a matter of fact, has always been a thorn in the flesh of the Indian, because it has the first mark of his inferiority. We understood that there was a prospect of that Law being amended and that would constitute a reaffirmation of the old doctrine that these people were undesirable.

## THE SITUATION IN INDIA

AS VIEWED IN ENGLAND

MR. WALLACE'S LETTER

Mr. Edgar Wallace, the well-known journalist, writes in the *Daily Herald*—

Sir,—The enemies of the Indian Reform and the enlightened souls who are responsible for the passage of the Rowlatt Acts—the most iniquitous legislation ever placed upon the Statute Book—are advertising a 'rebellion' in India.

It is a rebellion of people armed with sticks against people armed with machine-guns, a rebellion of slaves against aeroplane bombs, Indian bureaucracy has long since lost its sense of decency and its sense of justice, and now it appears it has even lost its sense of humour.

I do not remember that the Glasgow riots or the anti-alien riots in the East End of London were classified under the heading of 'rebellion.'

The truth is that the bureaucrats and their servile creatures are trying to ruin in advance the passage of the Montagu Bill, and it seems that the Rowlatt Acts are designed to play the same provocative part as Protopopoff's Petrograd policemen played in Petrograd.