

Indian Opinion

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Sorabjee Rustomjee And Manilal Gandhi

BECOME PASSIVE RESISTERS

SEVEN DAYS' IMPRISONMENT WITH HARD LABOUR

SORABJEE DEPRIVED OF KASTI AND SADRA

MESSRS. Sorabjee Rustomjee, Manilal Gandhi, and Ismail Gora who were charged with obstructing the wharf last November on the occasion of the departure of the s.s. *Kuragala* with the Christopher's South African Indian Sporting Contingent, appeared before Mr. Clark in the Criminal Court last Tuesday, Mr. Ismail Gora being defended by Mr. Stuart.

Rustomjee gave his own version of what occurred and said a crowd of Indians had gathered to see the Indian athletes off, and they were standing about 26 feet from the edge of the wharf. Closer to the ship was a group of Europeans, two of whom were on the gangway. When the Indians were asked to stand back, witness called the attention of the police to the Europeans, and asked why the Indians should be sent back, while the Europeans were allowed to remain. Presently the Indian crowd grew larger and the police were unable to move them back though they tried to do so. The accused was then arrested, and those who were standing by asked to be arrested also. The police witness alleged, said excitedly, "I arrest you all," and consequently they all followed Ismail Gora to the police station.

INTERRUPTED

Gandhi said he was holding conversation with friends on the boat, and was twice interrupted by the police, and pushed back. When he asked why he was pushed back, he was told it was not his business. He did not realise that he was obstructing anyone, and he resented the interference and refused to go back. "I was grieved to find," said the witness, "that the police officer did not know his duty. He wanted to assault me and I was on the verge of being assaulted when I politely told him his duty was not to assault me but to arrest me for having disobeyed his orders."

The prosecutor, Sergt. Phillips, pointed out that the accused were three of the leading Indians in the town, and if they disobeyed the police all the other Indians would follow suit. The case had been fought on the allegation of preference or favouritism shown by the police, but the evidence did not point this way, but rather the reverse, because a European was asked to stand back and complied with the request. When the police turned round, however, it was seen that Gandhi was right up against the edge of the ship. He asked the court to hold that the accused were guilty of obstruction. There was practically a riot at the Point on the day in question.

DIFFERENTIATION

Counsel for the defence urged the Court to find that there was differentiation, otherwise why should these Indians have pointed out to the Europeans, declaring their willingness to go back if the Europeans went back. These Indians recognised that they had as much right there as the Europeans and all this trouble had arisen for want of a little tact. The

Indians were most law-abiding, and were not likely to give trouble if it could be avoided. He submitted that the accused did not obstruct the wharf, there was not a tittle of evidence to support it, and as a matter of fact the proceedings were based on the wrong section of the law. This was a special occasion for the Indians, and they felt keenly the differentiation between Europeans and themselves, just because their skin was black.

Rustomjee declared that there was injustice shown, and if there had been no preferential treatment, he would not have been the one to submit to voluntary arrest.

Gandhi urged that he could not have been held to be an obstruction to the mooring attendant, because this official's duty commenced about midday, while he (Gandhi) was arrested about half-past nine. He purposely disobeyed the order of the police, but he was not charged with this. If he was an obstruction it was the colour of his skin only that was an obstruction. All the Indians asked was fair and reasonable treatment.

The magistrate, in giving judgment, said: "I have come to the conclusion. I must find all the accused guilty of the charge made against them. The sentence is that the accused each pay £5 or be imprisoned for seven days with hard labour."

Rustomjee and Gandhi refused to pay the fine and went to gaol. Ismail Gora paid the fine.

MEETING OF PROTEST

Rawat's Hall was filled to overflowing as soon as the imprisonment of Messrs. Sorabjee Rustomjee and Manilal Gandhi became known to the Indian community and under the chairmanship of Mr. Bhawan Dyal, Vice-President of the Natal Indian Congress. The following resolution was passed: "That an appeal be made to the Union Government to remove the racial restriction on the Durban Wharf at the time of the departures of Indian Boats."

And on it coming to the knowledge of the Natal Indian Congress that the sacred shirt and cord had been taken away from Sorabjee Rustomjee by the prison authorities, a further meeting decided to make representations to the proper quarters for redress. The following wire was despatched by the Natal Indian Congress to the Governor General of the Union, the Prime Minister and the Minister of Interior:—

"Consequent upon the protesting of Parsee Sorabjee Rustomjee and Manilal Gandhi and Ismail Gora against racial discrimination on Durban Wharf at time of boats leaving for India they were yesterday sentenced by Magistrate Clark at Durban Court to pay five Pounds or seven days' imprisonment with hard labour for alleged contravention of section 174 Harbour Regulations. Stop Rustomjee and Gandhi submitted to imprisonment as Passive Resisters. Leave sacred shirt and cord won by Rustomjee according to religion of Parsees taken away. Prison authorities stop

Persons cannot take food or drink unless wearing unclean shoes and avoid stamp. Indian community appeal for restoration of sacred shirt and sandal to Kasturjee and for removal of racial restrictions at time of departure of Indian Boats."

SUFFERING FOR HONOUR

FOR the sake of their conscience and as a protest against the racial discrimination against their countrymen at the Durban Wharf at the time of departure of Indian Boats, Messrs. Sornajee, Kasturjee and Manilal Gandhi submitted to imprisonment for seven days with hard labour rather than pay the fine of Five Pounds imposed by Mr. Magistrate Clark at the Durban Court last Tuesday. They were charged with the alleged contravention of Section 174 of the Harbour Regulations. The circumstances in the case briefly were: Messrs. Sornajee and Manilal were among a number of others on the wharf in November last to see their sporting friends off by the *ss. Kavayita*. But the police ordered them beyond speaking distance from the ship side leaving the Europeans alone. This practice of racial discrimination has been in vogue at the point for some time past. It is admitted by Mr. Morris of the Customs a witness for the prosecution that he issued instructions to the police to keep the Indians away from the boat side alleging the measure was to prevent any parcels of gold being handed aboard and the wharf attendant admitted in effect that they were not an obstruction on the wharf. There was no evidence to establish that they were an obstruction to the free use of the wharf, as it was pointed out for the defence, the police orders to keep some distance away from the ship were protested against by the Indians, but as they were not charged with disobeying police orders, it was contended that they were wrongly charged under the section 174. The discrimination at the wharf on the departure of Indian boats has been such that no Europeans would have for so long a time submitted to it as Indians have done. Messrs. Sornajee and Manilal had the courage of their conviction to submit to imprisonment as a protest against the racial discrimination against them and their countrymen humiliating to the honour of Indians and against its incidents.

The community has been disturbed to its innermost being to learn that the Kusti, Sadra and Cap the very indispensable of a Parsee's existence in accordance with his religion without which he can neither eat nor drink have been taken away by the Prison Authorities from Mr. Sornajee, as also the religious book of Mr. Manilal. Both are on hunger strike in protest.

It is regrettable that times and the ways of the country in relation to Indians are such that men of the character and status as these two, have to maintain their honour and self-respect to submit to all manners of indignities and discomforts.

LAND ALIENATION ORDINANCE

The following is the text of the Ordinance to grant additional powers to the Town Council of the Borough of Durban in respect of the alienation of or other dealing with immovable property belonging to the said Borough, assented to by the Governor-General in Council on 27th July 1924 and promulgated on the 27th July 1924.

Whereas it is expedient to grant to the Town Council

of the Borough of Durban additional powers in respect of the alienation of or other dealing with immovable property belonging to the said Borough:

Be it therefore enacted by the Provincial Council of the Province of Natal, as follows:—

The Town Council of the Borough of Durban, in selling or leasing any immovable property belonging to the said Borough, may, with the consent of the Administrator, make provision in the conditions of sale or lease as to the style, class or value of buildings to be erected thereon, and for restricting the use of such property solely to purposes of residence or business and for restricting the ownership or occupation thereof on both to and for prohibiting the ownership or occupation thereof or both by persons of European descent, Asiatics or Natives or persons of any one or more such classes, and may insert in the title deeds or leases of any such property the conditions necessary to give full force and effect to such provisions and/or restrictions.

CIVIL DISOBEDIENCE AS RETALIATION

The following editorial note appears in *Young India* dated June 27:—

The great danger in all movements is that at certain stages, men lose sight of the goal and concentrate instead on something nearer. This leads naturally to error of judgment and misdirection of energy. We set before us the attainment of Swaraj as our aim and suffering as the means to achieve that aim. In the course of this suffering, the purest and the best among us have had to yield up their bodies to the custody of Government. Imprisonment is a necessary incident in every non-violent struggle against an opposing government. It is when we cheerfully undertake the privations of imprisonment that the moral situation we seek to create arises and liberates us. It is by the individual losing himself that the nation can gain its object.

Men and women forget the goal when they refer to the imprisonment of thousands of our very best as a calamity. When they speak of the release of these prisoners, and think out plans to achieve this object, they show that they have lost sight of the great purpose of our struggle. The plans to release prisoners, so long as they are in line with the main movement towards the liberation of the nation, are quite permissible. But, when we begin to think more of the prisoners than of the main purpose, we are sure to be led into error. Civil Disobedience is a right and a duty for the attainment of our goal, but it is a mistake to talk about it as a measure of retaliation against repression. Retaliation has no place in a non-violent struggle. Satyagraha can never win except by a moral victory. Retaliation, as it is intended only to cause trouble in answer to pain, is but a counterfeit of Satyagraha. The effectiveness of Civil Disobedience or any other form of Satyagraha consists in the suffering undertaken by those who offer it and the moral force thereby created by reason of the constitution of human nature; not at all in the embarrassment or pain directly caused by our tactics. So long as our civil disobedience is offered in anger or for the purpose of directly injuring or embarrassing the Government, we create only greater irritation and resistance and postpone the desired result. It is only when it is offered in the spirit of calm suffering that it can effect its purpose, and in proportion as it is free from the admixture of feelings of hatred or ill-will, will the attainment of the object be speedier.

Neither can we reasonably expect that civil disobedience will result in a mitigation of repression. We embarked on this struggle knowing full well that the first and the direct fruits of our effort, if it did not flash in the party must be repression. There can be no effective action without reaction. The reaction to serious popular effort directed against any Government is repression. Civil Disobedience in as much as it would be an increased opposition on the part of the people to the will of the Government must bring on

greater repression. Let there be no mistake about it, therefore, if we embark on civil disobedience, we do so with our eyes fixed on the final goal and not in the hope of mitigating the immediate suffering. We cannot stop general repression or obtain the release of prisoners by such a step, except indeed by attaining our final object. To bend the Government to our will by civil disobedience, we have to pass through greater repression. Civil disobedience for immediately stopping the repression or for the release of prisoners, has then no meaning. Apart from other conditions, civil disobedience can be undertaken only, if we assure ourselves that we can cheerfully bear greater suffering and not in the hope of relieving our present suffering.

PANDIT MOTILALJI ON THE PRESENT INDIAN SITUATION

We reproduce from *Young India* some beautiful passages from the remarkable address of Pandit Motilalji at a public meeting of the citizens of Allahabad on 12th June:—

Then we have the non-co-operators themselves exhibiting signs of impatience and some of them crying for a change of programme. These enthusiastic workers do not find the humdrum business of setting their own house in order, to be sufficiently interesting and are hankering after something more exciting. Now, gentlemen, I am not one of those who fight shy of all change under any circumstances. On the contrary I would be the first to advocate a change as strongly as I can, provided the necessity for it is plainly made out. For the present, however, I am not in a position to express any opinion upon the point. I must take time to discuss the whole situation with prominent workers in the various provinces and acquaint myself fully with the general lay of the position throughout the country before I can vote either for or against a change.

But I can quite understand that we may have to adjust our sails to suit the varying winds, we may have to alter our course to avoid the shoals and breakers ahead, we may even have to drop anchor for a time to allow the gathering mists to clear up. But there can be no question of our altering our destination or changing the good ship we have chartered for the voyage. Our destination is full Swarajya and the good ship which is to carry us to that destination is non-violent non-co-operation. We cannot afford to leave this ship until we are actually in the harbour and then only to get to the shore. In other words we must adhere to non-co-operation till we have actually attained Swarajya and resort to co-operation only in the matter of taking over the Government of our country in our own hands.

In the war we are engaged in, we have chalked out an entirely new line. We fight with entirely new weapons unknown to history and can only have our own mistakes to profit by. It is up to us to admit those mistakes freely and take steps to see that they are not repeated. In this matter Mahatma Gandhi has set us a noble example which we should all follow; though I may without any disrespect, state that on certain occasions Mahatmaji has in my opinion erred on the other side in freely admitting a mistake where I could see none. There is no doubt, however, that we have committed mistakes. I shall not mince matters in dealing with our shortcomings. Indiscipline and want of organisations are writ large on our movement. It is an admitted fact that no Government, however strong, can withstand successful non-co-operation. Most of the elements which make for the success are present in our own movement. There is no lack of men, there is no lack of willing sacrifice, there is no lack of public sympathy.

We have filled the jails by a never-ending stream of our workers and we have shown by our successful boycott of the visit of His Royal Highness the Prince of Wales that we have a national will and know how

to demonstrate it.

I have heard it said that the principal attributes of the Congress have been abandoned and civil disobedience practically given up by the adoption of the constructive programme laid down by the Gandhi resolutions. But a little reflection will show that nothing of the kind has happened. Who has abandoned any item of the non-co-operation programme? I challenge our adversaries to show from any of the speeches and writings of Mahatmaji or those of any other Congress-men of note, whose the abandonment of any single item has ever been suggested. Civil disobedience was, is and shall be our strong and irresistible weapon to be used with full effect when the occasion arises. As an ordinary warfare with ordinary weapons, so also in our war of non-violent non-co-operation with weapons peculiar to itself, you cannot use all weapons at all times. It will not do for instance to use a particular weapon against an opposing force unless that force is well within the range of that weapon. Nor will it do to bring your best and strongest weapon into action before it is properly tested and tried. What has really happened is this. Mahatma Gandhi who had every right to expect that he was at the head of a well-equipped army suddenly found a sabbie behind him, either unarmed or badly armed and a great number not even in their fighting uniforms. There was nothing for him but to call a halt to prepare his men for the real fight and this is what he did. He has not, as is assumed, disbanded his soldiers but has called a halt in the open field right in front of the opposing force. And why? Simply to get better prepared for the very attack which our friends naively assumed he has given up.

Then we have the fact of the arrest of Mahatma Gandhi being followed by an unbroken atmosphere of peace and non-violence. I consider this to be our greatest triumph. But the Government and the Moderates have attributed it to the collapse of the whole movement. They are really very hard to please. According to them if there is the least outbreak of violence anywhere due to any cause whatever, non-co-operation has failed. If there is no disturbance at all under the greatest possible provocation and peaceful atmosphere is strictly maintained, non-co-operation has equally failed. Let us however look to the actual facts. In the year 1919 shortly before the movement was started, Mr. Gandhi was suddenly arrested near Delhi and the result was an upheaval accompanied so far out as Bombay, Ahmedshah and the Punjab. In the year 1922 when the movement was in full swing and the arrest was hourly expected, Mahatma Gandhi was taken away from his own Ashram when he was surrounded by his disciples and admirers. There were thousands of men in the vicinity by whom he was held in the greatest reverence. And yet there was not a stir. It was the same Mahatma Gandhi and it was the same public on both occasions. If anything, Mahatmaji could claim a larger and more devoted following in 1922 than was probably the case in 1919. And yet all was peace and quiet. Does any one imagine that there are not tens of thousands, if not tens of millions, in the country who are ready to lay down their lives for Mahatmaji? I am certainly one of them. (A voice: 'We are also ready?') Yes, not only we! but there are lots of others who are ready as we are. Why, then, is it that no demonstration of any kind was made at the arrest of the great leader? The only reason is that the public had taken the lesson of non-violence to heart and were bent on following the instructions of Mahatmaji which he had repeatedly given from many platforms and in the columns of *Young India*. These, brothers, are the brilliant successes we have had but there can be no gainsaying the fact that we have met with reverses also. These, as I have already said, have been due solely to indiscipline and want of organisation. But reverses such as we have had do not affect the final issue.