

Indian Opinion

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NOTES AND NEWS

AN important decision has been given by the Supreme Court (Transvaal Provincial Division) in the case of E. M. Lambat vs. the Receiver of Revenue, Wolmaranstad, in connection with the Transvaal General Dealers Control Ordinance No. 11 of 1925. It was held in the case of Downack Said vs. the Receiver of Revenue in May, that the above Ordinance was *ultra vires* in so far as it dealt with the control of the issue of general dealers' licences in areas outside the jurisdiction of a local authority. It was urged in the present case that the whole Ordinance should be declared *ultra vires*. It was held by Mr. Justice Tindall, however, that all parts of the Ordinance appeared to be independent and unconnected, and the control of general dealers in municipalities was so important that there was every reason to think that the Provincial Council would have dealt with the subject in terms of the Ordinance, even if it had to do so without controlling general dealers outside municipal areas, and the provisions relating to municipal and rural areas were not inextricably mixed up. The appeal was consequently dismissed.

At a meeting of the Calcutta Parliament, the following resolution moved by Sir Devaprasad Sarvadhikary was adopted unanimously:—

"That this house is of opinion that fullest support should be given by the Indian people and Indian Government towards measures for improvement of conditions of South African Indians particularly from the point of view of education, sanitation and cultivation of civic ideas in order that they may assert and retain their claims as citizens of South Africa." In moving the resolution, Sir Deva Prasad pointed out that not the least effort had been made for the past sixty years for the uplift of Indians and urged everyone to be united in determination to uphold their rights there.

Mr. Morris Alexander, M.L.A., addressed a public meeting recently in Capetown and advised the Government to drop the Flag Bill. He is reported to have said that a parliamentary majority should not force a flag on a country. A flag must spring from the affection of the people. If the people were divided on the flag question it showed that the time was not ripe for a national flag. He believed that the younger generation that was growing up would be able to solve this problem in a way that at present the die hards could not. There was danger of social legislation of the most urgent character being delayed because of the futile discussion going on throughout the country. If this was not stopped it would mean this: the working people and the poor would suffer, because in the welter of racial passion that was being engendered to-day there would not be a chance to remedy the great economic evils under which they were living. It was the duty of every public man to warn the Government to drop the Flag Bill. If the Government tried to force by a majority a flag which was obnoxious to a large section of the people it would be committing a political blunder of the

greatest magnitude. It would be dividing its friends and consolidating its enemies. If the members of the Government were not wise to see what was happening they would be much wiser after the next election.

Mr. T. V. Rajgopal Pillay, Secretary Indian Political Association, Kimberley, whose mother's death is recorded with deep regret wishes, through these columns, to thank the many friends who have been kind to send him messages of sympathy in his irreparable loss.

UNION GOVERNMENT DEPUTATION

THE deputation of the Union Government will probably be sailing for India on the 30th instant per the *s.s. Tsikiwa*. It is representative of all the parties but, unfortunately, we do not see any in the list who can be identified as possessing a soft corner for the Indian. Mr. Beyers, Minister of Mines and Industries, Mr. Rood, M.L.A., for Barberton, and Mr. M. C. Malan, for Heilbron. These represent the Nationalist Party—the Party which has never been known to be sympathetic towards Indians. Mr. G. Reyburn, M.L.A., for Umbilo, and Mr. Fordham, M.L.A., for Turffontein. These represent the Labour Party. There are members in the Labour Party who are sympathetic but are reluctant to show it owing to the fear of their Party. Turffontein is one of the out and out anti-Asiatic suburbs of Johannesburg where the White League was formed on the lines of the Ku-Klux Klan of America, to fight against the so-called "coolie menace," and Mr. Fordham has the misfortune of representing that suburb. Members of the deputation representing the South African Party are Mr. Patrick Duncan, M.L.A., ex-Minister of the Interior, who was responsible for the late Class Areas Bill which died prematurely owing to the sudden fall of the Party, and Mr. J. S. Marwick, M.L.A., who has always expressed anti-Asiatic views.

It is, however, perhaps just as well that

this selection has been made. For, those who are the friends of Indians will always remain so, and it is those that are not that we really wish to convert, and it is no doubt with this object in view that the present invitation has been extended by India to South Africa. It is regrettable that the hon. Dr. Malan, the father of the present Asiatic Bill which is really the cause of all these events, is not able to accompany the deputation. And we should certainly have liked Mr. Roos to go. It was most important, perhaps more than anyone else, for him to visit the land of "Coolies!"

While wishing those who are going to our Motherland a pleasant voyage and a safe return, we wish to give them one word of advice: Man is always apt to notice and adopt the vices in others and ignore the virtues. Let them, therefore, be on their guard. They are going to learn and let them not learn the vices but the virtues of India.

Transvaal General Dealers' Control Ordinance

Lambat Judgment

Municipal and Rural Jurisdiction

A considered judgment of Mr. Justice Tindall was delivered by Mr. Justice de Waal in the Supreme Court, Pretoria, in the application of E. M. Lambat versus the Receiver of Revenue, Wolmaranstad, in which the question was raised of the validity of Ordinance No. 11 of 1925. The matter was argued some little time back, Mr. de Wet, K.C., and Mr. J. Murray appearing for applicant; Mr. Pirrow, K.C., and Mr. Nesor for respondent.

From the facts it appeared that in January applicant applied to the Wolmaranstad Village Council for the issue of the certificate prescribed by section 2. The council, without giving applicant an opportunity of being present when the application was being considered, refused to issue the certificate. Thereafter the applicant tendered the licence fees due for 1926, but respondent refused to issue the licence without the production of the necessary certificate. Applicant asked the court for an order declaring the ordinance *ultra vires*, and directing respondent to issue to him a general dealer's licence without the production of the certificate. The validity of the ordinance was considered by the court in the case of Downack Said versus the Receiver of Revenue in May, and it was held that the ordinance was *ultra vires* in so far as it dealt with the control of the issue of general dealers' licences in areas outside the jurisdiction of a local authority.

In the course of his judgment his lordship said that the question which arose was whether the rest of the ordinance controlling the issue of general dealers' licences within the jurisdiction of a local authority was in the power of the Provincial Council. It was common cause that, when the ordinance was passed, that subject matter was not one in respect of which Parliament had

delegated the power of making ordinances to the Provincial Council, and the question arose whether the section of the South Africa Act which empowered the Council to make ordinances in relation to municipal institutions authorized the enactment of the ordinance attacked.

The Sale of Food

It was reasonably clear that the control of traders who sold articles of food concerned the health of the inhabitants of municipalities, and that the control of such traders was a part of the functions of municipal government. A due exercise of the authority entrusted to Provincial Councils to make laws relating to municipal institutions might involve an intrusion into matters not specifically assigned to it, but the true nature of the statutory provisions would not be altered nor would they necessarily be held to accept the assigned authority because of their exceptional operation on outside matters.

It was certainly a function of municipal government to control traders who sold foodstuffs and the same was the case where the trader held a licence which entitled him to sell foodstuffs, and it did not seem that the Provincial Council acted outside its powers in saying when his general dealer's licence entitled the holder to sell foodstuffs. The Council would in every case of an application for such a licence in a municipality empower the municipal council to control its issue in the interests of the inhabitants of the municipality. It could not be asked that the Provincial Council was precluded from enacting specific provisions to be observed by municipal councils for controlling general dealers because in a previous statute it had given power to municipal councils to license and regulate.

Although in passing the ordinance the Provincial Council might have had in mind some ulterior object, the Court was bound to take the ordinance at its face value and assume that its object was to empower municipal councils to control general dealers impartially and without discriminating unfairly against a particular class.

Local Authorities

Whether it was desirable to grant powers to a local authority which, if unfairly exercised, might lead to serious abuse was a matter of policy with which the Court was not concerned, and they could only trust that the members of local bodies would act conscientiously and not use their powers for the purpose of discriminating unfairly on grounds of colour or class. Where local bodies could be shown to have acted illegally the Court would not hesitate to protect the injured party, as it had done in recent cases.

It had been urged that the portions of the ordinance applicable to rural areas having been declared *ultra vires* the whole ordinance was invalid because the valid portion was not separate from the bad. All parts of the ordinance appeared to be independent and unconnected, and the control of general dealers in municipalities was so important that there was every reason to think that the Provincial Council would have dealt with the subject in terms of the ordinance, even if it had to do so without controlling general dealers outside municipal areas, and the provisions relating to municipal and rural areas were not inextricably mixed up.

Under the circumstances the contention advanced by the applicant could not be upheld and the application must fail.

Mr. Justice Stratford concurred.—*The*

OUR LONDON LETTER

[FROM OUR OWN CORRESPONDENT]

22nd July, 1926.

INDIA IN THE BRITISH PARLIAMENT

Earl Winterton, the Under-Secretary for India, on Thursday last, in speaking to the vote of £17401 for the India Office, drew a very hopeful picture of India. A series of good monsoons with all the attendant advantages had helped in India's prosperity. That communal dissensions might arrest the growth of prosperity and lessen sense of security, and the evil effects of such dissensions might injure the well-being of the whole population. The Government was doing its best to prevent the dissensions becoming illegally violent. He claimed that the political history of the last nine months showed the progressive disintegration of the Swaraj Party, and referred to the presidential address at the All India Muslim League which urged the Muslims to be up and doing. Lord Winterton also spoke of the good feeling of the members including the Swarajists and the Ministers in the Indian Assembly and of the useful work done by them. There had been a balanced budget for the fourth year in succession, which was associated with further relief of taxation and remissions to the Provinces. The railway had shown a profit averaging £6,750,000 per annum, and in view of this, it had been decided to make reductions in fares and railway freights. This year a commission had been appointed on the question of Indian agriculture and economic conditions of Indian rural population. A Trade Union Law had been passed to encourage and assist responsible trade unions to register and to foster the growth of a healthy trade union movement and he hoped that a further bill for the settlement of trade union disputes will shortly come before the Indian Legislature.

Lord Winterton made a passing reference to the Indians in South Africa. He said "it was not necessary nor indeed desirable that he should say more than a few words regarding the difficult question of Indians in South Africa. A year ago that question had reached a critical stage and opinion in India and among the Indian community in South Africa was excited and alarmed. The whole situation had since been changed as the result of the visit of the Paddison deputation to South Africa and, as had been announced, a conference between the two Governments would be held towards the end of the year for the purpose of exploring all possible methods of arriving at an amicable solution of that most difficult problem. The Government of India are much to be congratulated on the ability and patience with which they have conducted the prolonged negotiations. These qualities together with a friendly and conciliatory spirit displayed by the Union Government had at least made possible the meeting of a conference to discuss the whole problem and whatever the result of the conference might be it can at least be hoped that it would meet in a far more favourable atmosphere than until recently seemed possible."

Among those present when the Indian vote was taken were several Indian notabilities, Lord Sinha and the Maharajah of Alwar being among them.

Lord Sinha took his seat in the House of Lords yesterday.

Miss Margaret Bondfield, the labour woman M.P., who was the first woman to hold office in the British Parliament as Parliamentary Secretary to the Ministry of Labour in the Socialist Government has re-entered Parliament. In the by-election caused by the retirement of Sir Patrick Hastings, she won

easily by a majority of over 9000 votes beating both the conservative and liberal candidates. Wallend the constituency was at one time a liberal stronghold but on this occasion the liberal candidate has forfeited his deposit of £150 as he had failed to secure one eighth of the total number of votes cast. There are now 6 women M.P's. The others besides Miss Bondfield, are the Duchess of Atholl, Lady Astor, Mrs. Phillipson, Miss Wilkinson and Miss Susan Lawrence.

There was at one time not so very long ago the rise and fall of the mark in Germany and people wondered where it was all going to end. It ended in its own time and Germany is now on the high road of prosperity. France appears now to be going through a similar process but not as a result of similar causes. Governments come and Governments go but with such rapidity in France that one does not trouble to think of them. M. Poincare is now at the head of affairs with a National Government and for the moment hopes are rising that he may be able to bring France back to her former position.

Sad Plight Of Immigrants

We take the following from the *Indian Social Reformer* dated July 17 :—

Last week an *Associated Press* message from Calcutta was received to the effect that about 100 Fiji immigrants who returned to India last year, were stranded in Calcutta and that these immigrants who hailed from the districts in the Punjab and the United Provinces returned from Fiji last year and proceeded to their native places where they were subjected to social ostracism. It was also stated that they desired to go back to Fiji and had arrived in Calcutta, but were not in a position to pay their passage, having run through all they had earned during their sojourn in their native places. The Government and the Calcutta Port Police were, it was said, finding it difficult to help them beyond affording them shelter.

Immediately on receipt of this telegram Mr. J. B. Petit, Hon. Secretary of the Imperial Indian Citizenship Association, telegraphed to Mr. S. K. Dutta in Calcutta for particulars regarding these immigrants. In reply Mr. Dutta telegraphed and wrote to the following effect : "I wish to say that I have got into touch with the Protector of Emigrants at last; he informs me that those persons desiring repatriation to the Colonies have passed out of his control and that recently an enquiry was made by the Magistrate of Alipore in whose jurisdiction Metiaburuz lies. A report has been sent to Government that conditions are not particularly bad, but most of the persons now at Metiaburuz are actually at work. But apparently there is some distress."

On receiving the telegram Mr. Waiz, Secretary of the Imperial Indian Citizenship Association, was sent to Calcutta to make enquiries personally and to help those who were in urgent need of help. Mr. Waiz telegraphed from Calcutta as follows :

"Just finished preliminary investigations. Problem much bigger than anticipated. Shall decide to-morrow. Probably will not recommend any one to be sent out at our expense. Have helped deserving indigent cases."

In an interview with the *Associated Press* Mr. Waiz said that there were about two thousand returned immigrants scattered all over Calcutta. Most of them were colonial-born and came out to visit their motherland. Nothing would induce them to leave Calcutta. For one thing they had the bitter experience of social ostracism by their own people and secondly they hoped that one day Government of India would send them out and if they were not in Calcutta they would be left behind. They were living a precarious life. If the Government of India were unable to help these unfortunate people the different colonial governments should be approached for securing free passages for them. They were all British subjects and their rights must be protected by the Government of

the colony in which they were born and had spent the major portion of their lives.

The special correspondent of the *Indian Daily Mail* telegraphing to that paper gives some information about the stranded immigrants from the Colonies: There are over 2,000 returned Indian emigrants scattered all over Calcutta. About 700 are living round about a district known as Garden Reach. They are from Fiji, Trinidad, Surinam and British Guiana. The desire to visit the motherland and the rumour that India had attained self-government were the two chief reasons which led them to leave their birth place, where they were certainly very happy. Their own people have ostracised them. So they are in Calcutta in the hope that one day somehow or other they will be sent out to those Colonies. Anywhere, Fiji or British Guiana, but out of India is their one cry and hope. Some of them have been in Calcutta in that hope for over five years. They all look famished. They have suffered very much, but the fortitude and cheerfulness with which they have borne it are remarkable. Their lot is at the lowest ebb of human misery. Most of them are living a precarious life by earning eight annas to a rupee a day. Their complaint is that the petty contractors under whom they work as labourers either do not pay them according to agreement or disappear without payment. It is very pathetic to see them begging to be sent out of India. The majority are colonial-born and many of them do not know any Indian language. They are good-natured, hard-working and have *esprit de corps* which binds them together. None of them has so far been implicated in any theft case. If the Government of India for some reasons are unable to help them, different colonial governments have to be approached for securing free passages for them. They are British subjects and their rights must be protected. It is unfortunate that Kunwar Maharaj Singh does not include returned emigrants in his scheme of emigration of five hundred families to British Guiana. The Government of India must intervene and take the initiative in helping these very unfortunate people.

The Story of My Experiments With Truth

[BY M. K. GANDHI]

X. Glimpses of Religion

From my sixth or seventh year up to my sixteenth I was at school, being taught all sorts of things, but not religion. I may say that I failed to get from the teachers what they could have given me without any effort on their part. And yet things here and there I kept on picking up from my surroundings. The term 'Religion' I am using in its broadest sense—meaning thereby self-realisation or knowledge of self.

Being born in the Vaishnava faith, I had often to go to the *Haveli*, a Vaishnavite temple. But it never appealed to me. I did not like its glitter and pomp. Also I heard rumours of immorality being practised there and lost all interest in it. Hence I could gain nothing from the *Haveli*.

But what I failed to get there, I got from my nurse, an old servant of the family, whose affection for me I still recall. I have said before that there was in me a fear of ghosts and spirits. Rambha, for that was her name, suggested as a remedy for this fear the repetition of Ramanama. I had more faith in her than in her remedy, and so at a tender age I began repeating Ramanama to cure my fear of ghosts and spirits. This was of course short lived, but the good seed sown in childhood was not sown in vain. I think it is due to the seed sown by that good woman Rambha that to-day Ramanama is an infallible remedy for me.

Just about this time, a cousin of mine wh

devotee of Ramayana arranged for both of us brothers to learn Rama Raksha. We got it by heart, and made it a rule to recite it every morning after the bath. The practice was kept up so long as we were in Porbandar. As soon as we reached Rajkot, it was forgotten. For I had not much faith in it. I recited it partly because of my regard for that cousin, and partly because of my pride in being able to recite Rama Raksha with correct pronunciation.

What however left a deep impression on me was the reading of Ramayana before my father. During part of his illness my father was in Porbandar! There every evening he used to listen to Ramayana. The reader was a great devotee of Rama—Ladha Maharaj of Bileshwar. It was said of him that he cured himself of his leprosy not by any medicine, but by applying to the effected parts *bilwa* leaves which had been cast away after being offered to the image of Mahadev in Bileshwar temple, and by the regular repetition of Ramanama. His faith, it was said, had made him whole. This may or may not be true. We at any rate believed in the story. And it is a fact that when Ladha Maharaj began his reading of Ramayana, his body was entirely free from leprosy. He had a melodious voice. He would sing the Dahas (couplets) and Chopais (quatrains), and explain them, losing himself in the discourse and carrying his listeners along with him. I must have been thirteen at that time, but I quite remember being enraptured by his reading. That laid the foundation of my deep devotion to Ramayana. To-day I regard the Ramayana of Tulasidas as the greatest book in all devotional literature.

A few months after this we came to Rajkot. There was no Ramayana Reading there. Bhagavata however used to be read on every Ekadashi day. I sometimes attended the reading, but the reader was uninspiring. To-day I see that Bhagavata is a book which can evoke religious fervour. I have read it in Gujarati with intense interest. But when I heard portions of the original read by Pandit Madan Mohan Malaviya during my twenty-one days' fast, I wished I had heard it in my childhood from such a devotee as he, so that I could have formed a liking for it at an early age. Impressions formed at that age strike roots deep down into one's nature and it is my eternal regret that I was not fortunate enough to hear more such good books read during that period.

TOLERATION FOR ALL FAITHS

I however got in Rajkot an early grounding in toleration for all branches of Hinduism and sister religions. For my father and mother would visit the *Haveli* as also Shiva's and Rama's temples, and would take or send us youngsters there. Jain monks also would pay frequent visits to my father, and would even go out of their way to accept food from us—non-Jains. They would have talks with my father on subjects religious and mundane.

He had besides Mussalman and Parsi friends, who would talk to him about their own faiths, and he would listen to them always with respect, and often with interest. Being his nurse, I often had a chance to be present at these talks. These many things combined to inculcate in me a toleration for all faiths.

Only Christianity was at the time an exception. I developed a sort of dislike for it. And for a reason. In those days Christian missionaries used to stand in a corner near the High School and hold forth, pouring abuse on Hindus and their gods. I could not stomach this. I must have stood there to hear them once only but that was enough to dissuade me from repeating the experiment. About the same time I heard a well-known Hindu having been converted to Christianity. It was the talk of the town that when he was baptized he had to eat beef and drink liquor, that he also had to change his clothes and that henceforth he began to go about in European costume including a hat. These things got on

my nerves. Surely, thought I, a religion that compelled one to eat beef, drink liquor, and change one's own clothes did not deserve the name. I also heard that the new convert had already begun abusing the religion of his ancestors, their customs and their country. All these things created in me a dislike for Christianity.

But the fact that I had learnt to be tolerant to other religions did not mean that I had any living faith in God. I happened to come across about this time *Manusmriti* which was amongst my father's collection. The story of the creation and similar things in it did not impress me very much, and on the contrary made me inclined somewhat towards atheism. There was a cousin of mine, still alive, for whose intellect I had great regard. To him I turned with my doubts. But he could not solve them. He sent me away with this answer: "When you grow up you will be able to solve these doubts yourself. These questions ought not to be raised at your age." I was silenced, but not comforted. Chapters about diet and the like in *Manusmriti* seemed to me to run contrary to daily practice. To my doubts as to this also, I got the same answer. With intellect more developed and with more reading I shall understand it better, I said to myself.

Manusmriti at any rate did not then teach me *Ahimsa*. I have told the story of meat-eating. *Manusmriti* seemed to support it. I also felt that it was quite moral to kill serpents, bugs and the like. I remember to have killed at that age bugs and such other insects, regarding it a duty.

But one thing took deep root in me—that morality is the basis of things, and that truth is the substance of all morality. Truth became the sole objective. It began to grow more and more in magnitude every day and my definition of it also has been ever widening.

A didactic stanza likewise gripped my mind and heart. Its precept—return good for evil—became my guiding principle. It became such a passion with me that I began numerous experiments in it.

M. K. Gandhi Library And Parsee Rustomjee Hall

The celebration of the fifth anniversary of the opening of the M. K. Gandhi Library and Parsee Rustomjee Hall and the Fifth Annual General Meeting will take place on Thursday, 9th September 1926, at 7 p.m., in the Parsee Rustomjee Hall, 140, Queen Street, Durban.

A cordial invitation is extended to all.

A. H. WEST,
Chairman.
B. M. PATEL,
Hon. Secretary.

એમ. કે. ગાંધી લાયબ્રેરી અને
પારસી રુસ્તમજી હોલ

એમ. કે. ગાંધી લાયબ્રેરી અને પારસી રુસ્તમજી હોલનો પાંચમો વાર્ષિક ઉત્સવ અને પાંચમી વાર્ષિક મીટિંગ ગુરુવાર તા. ૯ સપ્ટેમ્બર ૧૯૨૬ ના રોજ સાંજે સાત વાગે પારસી રુસ્તમજી હોલ ૧૪૦ ક્વીન સ્ટ્રીટ, ડરબનમાં થશે જેમાં સર્વ ભાઈઓને હાજર થવા આમંત્રણ કરવામાં આવે છે.

એ. એચ. વેસ્ટ, પ્રમુખ,
બી. એમ. પટેલ, સેક્રટરી,

એમ. કે. ગાંધી લાયબ્રેરી અને પારસી રુસ્તમજી હોલ,
ક્વિનસ્ટ્રીટ ૧૪૦, ડરબન.

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