

Indian Opinion

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ROUND TABLE CONFERENCE CONCLUSIONS

THE following is a summary of the conclusions reached by the Round Table Conference on the Indian question in South Africa:—

SCHEME OF ASSISTED EMIGRATION

1. Any Indian of 16 years or over may avail himself of the scheme. In the case of a family the decision of the father will bind the wife and the minor children under 16 years.

2. Each person of 16 years or over will receive a bonus of £20, and each child under that age the sum of £10. A decrepit adult, who is unable to earn his living by reason of physical disability, may at the discretion of the Union authorities receive a pension in lieu of or in addition to a bonus. The pension will be paid through some convenient official agency in India out of a fund provided by the Union Government, to such amount as they may determine. It is expected that the amount will not exceed £500 per annum in all. In every case the bonus will be payable in India on arrival at the destination or afterwards through some banking institution of repute.

FREE PASSAGES

3. A free passage, including railway fares to port of embarkation in South Africa, and from the port of landing in India to the destination inland, will also be provided.

4. Emigrants will travel to India via Bombay as well as via Madras. Emigrants landing at Bombay will be sent direct from their ship to their destination at the expense of the Union Government. The survey and certification of ships shall be strictly supervised and the conditions on the voyage, especially in respect of sanitary arrangements, feeding, and medical attendance improved.

5. Before a batch of emigrants leave the Union information will be sent to some designated authority in India at least one month in advance, giving:—

(a) A list of intending emigrants and their families;

(b) Their occupation in South Africa, and

(c) The amount of cash and other resources which each possesses.

On their arrival in India emigrants will be:—

(a) Advised and so far as possible protected against squandering their cash or losing it to adventures, and

(b) Helped as far as possible to settle in the occupations for which they are best suited by their aptitude or their resources.

An emigrant wishing to participate in emigration schemes authorised by the Government of India will be given the same facilities in India as Indian nationals.

RE-ENTRY INTO UNION

6. An assisted emigrant wishing to return to the Union will be allowed to do so within three years from the date of departure from South Africa. As a condition precedent to re-entry an emigrant shall refund in full to some recognised authority in India the bonus and cost of passage, including railway fares, received on his own behalf, and, if he has a family, on behalf of his family. A pro rata reduction will however be made (a) in respect of a mem-

ber of the family who dies in the interim or of a daughter who marries in India and does not return, and (b) in other cases of unforeseen hardship at the discretion of the Minister.

7. After the expiry of three years Union domicile will be lost. In agreement with the proposed revision of the law relating to it, which will be of general application, the period of three years will run from the date of departure from a port in the Union and expire on the last day of the third year. But to prevent the abuse of the bonus and free passage by persons who wish to pay temporary visits to India or elsewhere, no person availing himself of the benefits of the scheme will be allowed to come back to the Union within less than one year from the date of his departure.

For the purpose of re-entry within the time limit of three years, the unity of the family group shall be recognised, though in cases of unforeseen hardship the Minister of the Interior may allow one or more members of the family to stay behind.

A son who goes with the family as a minor, attains a majority outside the Union, marries there and has an issue which will be allowed to return to South Africa, but only if he comes with the rest of his father's family. In such cases he will be allowed to bring his wife and child or children with him, but a daughter who marries outside the Union will acquire the domicile of her husband and will not be admitted into the Union unless her husband is himself domiciled in the Union.

ENTRY OF WIVES AND MINOR CHILDREN

(The entry of wives and minor children to give effect to Paragraph 3 of the Reciprocity Resolution of the Imperial Conference of 1918, which intended that an Indian should be enabled to live a happy family life in the country in which he is domiciled.)

The entry of wives and children shall be governed by the following principles:

(a) The Government of India should certify that each individual for whom a right of entry is claimed is the lawful wife or child, as the case may be, of the person who makes the claim;

(b) Minor children should not be permitted to enter the Union unless accompanied by the mother; if alive, provided that (1) the mother is not already resident in the Union, and (2) the Minister may in special cases permit the entry of such children unaccompanied by their mother;

(c) In the event of divorce no other wife should be permitted to enter the Union unless proof of such divorce to the satisfaction of the Minister has been submitted.

(d) The definition of the wife and child, as given in the Indians' Relief Act, No. 22 of 1914, shall remain in force.

UPLIFTMENT OF THE INDIAN COMMUNITY

1. The Union Government firmly believe in and adhere to the principle that it is the duty of every civilised Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity and opportunities, and accept

the view that, in the provision of educational and other facilities the considerable number of Indians who will remain part of the permanent population should not be allowed to lag behind any other sections of the people.

2. It is difficult for the Union Government to take action which is considerably in advance of public opinion, or to ignore difficulties arising out of the constitutional system of the Union under which the functions of the Government are distributed between the central executive and the Provincial and minor local authorities, but the Union Government are willing :—

(a) In view of the admittedly grave situation in respect of Indian education in Natal, to appoint a Provincial commission of inquiry, and to obtain the assistance of an educational expert from the Government of India for the purpose of such inquiry.

(b) To consider sympathetically the question of improving facilities for higher education by providing suitable hostel accommodation at the South African Native College at Fort Hare, and otherwise improving the attractiveness of the institution for Indians.

To take special steps under the Public Health Act for an investigation into sanitary and housing conditions in and around Durban, which will include the question of (1) the appointment of an advisory committee of representative Indians and (2) the limitation of the sale of municipal land to restrictive conditions.

INDUSTRIAL CONCILIATION ACT

The principle underlying the Industrial Conciliation Act (No. 11 of 1924) and the Wages Act (No. 27 of 1925), which enables all employees including Indians to take their places on the basis of equal pay for equal work will be adhered to.

LICENSING LAWS

When the time for the revision of the existing trade licensing laws arrives, the Union Government will give all due consideration to the suggestions made by the Government of India delegation that the discretionary powers of local authorities might reasonably be limited in the following ways :—

(1) The grounds on which a licence may be refused should be laid down by statute.

(2) The reasons for which a licence is refused should be recorded.

(3) There should be a right of appeal in cases of first applications and transfers as well as in cases of renewals to the courts or to some other impartial tribunal.—Reuter.

Speech in Delhi Legislature

MANY SIGNS OF APPROVAL

A Reuter's message from Delhi states :—

The Capetown agreement has been placed on the table of both Houses of the Legislature.

Mr. Joseph Bhoré (secretary to the Government of India in the Department of Agriculture and Lands), in addressing the Assembly, commented on the agreement. He said that in the Government of India's opinion the agreement reached was eminently satisfactory. They had decided to ratify it, and he hoped the considered judgment of the Legislature would favour the action the Government had taken. The Government and the people of India owed a great debt of gratitude to the delegation for the sagacity, skill and expedition with which it had accomplished its difficult and delicate mission. (Applause.) Nor must they forget the admirable preliminary work of the Padidion deputation. It would be readily admitted that satisfactory results could not have been secured unless the Union Government had entered into the Conference in a spirit of friendliness and goodwill.

SOUTH AFRICAN GOODWILL

"In the delegation's reception, and in the

courageous and sympathetic statesmanship of the Union's representatives we had received an unmistakable proof of the earnest desire of the Government and people of the Union to cultivate friendly relations with the Government and people of India." (Applause.) The agreement was a convincing proof of their goodwill. Let them treat it as such and endeavour to make it a basis of lasting friendship between India and South Africa. It was not suggested that all the outstanding questions of the two centres had been solved, but the Government of India was confident that if the spirit that prevailed at the Capetown Conference endured, the ultimate solution of the Indian problem in South Africa in a manner that would be satisfactory and honourable to both countries was assured. (Loud cheers).

Mahatma Gandhi

CONGRATULATIONS AND CRITICISMS

Mahatma Gandhi, interviewed by a representative of Reuter, congratulated the Habibullah delegation on securing a settlement honourable to both parties. It was not the best that could be conceived, but it was the best that was possible. He doubted if any other deputation could have done better. The Class Areas Bill which had brought about the Conference and round which the battle had raged was dead and gone.

DANGER POINTS

The settlement, however, like all compromises was not without its danger points, said Mr. Gandhi, who went on to examine its details and to show where he suspected the danger to lie. There might, he said, be danger for instance, in the working of assisted emigration being diverted to any country. Moreover the agreement clauses betrayed every heroic attempt made to reconcile conflicting interests and sentiments. There were hopeful paragraphs, but he felt that the provision regarding the investigation of health conditions and the question of the limitation of sale of municipal lands subject to restrictive conditions was fraught with great danger.

The appointment of an advisory committee would be simple padding. Mr. Gandhi disliked the implication that the Provincial Governments were at liberty to take action against Indian settlers without reference to the Central Government.

Mr. Gandhi concluded : "But the compromise is acceptable in spite of its dangers, not so much for what has actually been achieved, but for the almost sudden transformation of the atmosphere in South Africa from one of remorseless hostility towards that of toleration, and from complete social ostracism to that of admission of Indians to social functions."

The success of the settlement would very largely depend on the Government of India's agent and Mr. Gandhi suggested that he must be an Indian, and the man best fitted would be the Right Honourable Srinivasa Sastri.—Reuter.

Dr. Malan on the Indian Agreement

Rising in a full House after the discharge of formal business, the Minister of the Interior asked to be allowed to make a statement on a matter of great importance to the country, and which he also owed to the House.

In the Governor-General's speech at the opening of Parliament it was announced that during the recess a conference had been held between representatives of the Governments of the Union and of India on the position of Indians in the Union, and that a provisional agreement had been reached which in due course would be laid before Parliament for their information and, if required, for their consideration.

Shortly after the Conference this agreement was submitted to and formally approved by the Union

Government, and at the end of last week official intimation was received that it had now also been ratified by the Government of India. It was also agreed between the two Governments that the results of the Conference would be officially announced both here and in India in identical terms, and that immediately thereafter a more detailed and mutually approved summary of the conclusions of the Conference should be laid upon the table of the House and of the Legislative Assembly of India.

GENERAL NATURE OF AGREEMENT

Dr. Malan then proceeded to read the communique approved by both Governments, and proceeding, said he would like to make a few observations bearing more especially on the general nature of the agreement.

It must be obvious, continued the Minister, that the Conference fulfilled its difficult and responsible task in strict accordance with the spirit and character which this House and the country have been led to expect as a result of the preliminary negotiations about which the House was fully informed last year. As members will remember it was then agreed that the Conference to be held would not be such that the people of South Africa could justly look upon it as an interference from outside with their domestic affairs, but that on the contrary both Governments would loyally co-operate with each other in the solution of a common problem. Throughout the Conference there was remarkable absence of the spirit of bargaining, and the decisions taken were arrived at solely and wholeheartedly with a view to a comprehensive, effective, and peaceful settlement. The results achieved cannot, therefore, be looked upon as reflecting a diplomatic victory in whole or any particular point for either side, but as the fruit of a common purpose carried out in the spirit and by means of friendly collaboration. It will also be obvious that the agreement which has been reached is more in the nature of an honourable and friendly understanding than of a rigid and binding treaty. By their decision not to proceed with the particular legislation which was contemplated last year, the Union Government have not in any respect or to any extent surrendered their freedom to deal legislatively with the Indian problem whenever and in whatever way they may deem necessary and just, nor on the other hand have the Government of India bound themselves either permanently or for any limited period to co-operate with us in the practical solution of our problem in the manner agreed upon.

PRACTICAL AND PEACEFUL

The position truly described is rather that both Governments have agreed on a solution which to some, indeed, may not seem ideal, but which is at least practicable and peaceful and which holds out every hope of being effective, and that both have further agreed by means of mutual goodwill and co-operation to give this solution a fair and reasonable trial. The chief and most satisfactory method of dealing with the problem has obviously been found in an approved scheme of assisted emigration to be initiated by the Union Government with increased facilities and inducements, and with proper safeguards against possible abuse. The most important feature of this scheme as well as of every other part of the agreement which has been arrived at is that no stigma of racial inferiority is implied, and that in fact such stigma has deliberately been removed where such may have been considered to exist in connection with the so-called repatriation scheme, while South Africa's right to use all just and legitimate means for the maintenance of Western standards of life remain untouched and absolute, and has in fact been re-affirmed.

IMPERIAL CONFERENCE PROVISION

Indians who are willing and able to conform to

these standards will be enabled to do so in so far as further restrictions of immigration may be expected to result from the agreement. This will take place in strict accordance with the general provision which was formulated by the Imperial Conference in 1918, and is now in operation with other Dominions, and to which India herself was able to subscribe, and in the carrying out of which she has found herself able honourably to assist. Further, if a three years continuous absence from the Union would in future legally entail the loss of the right of domicile, it was agreed that such should be the case, not as a result of discrimination against Indians or any other race in particular, but as the result of an amended immigration law which will be of general application.

In these circumstances there seems to be no reason why any section of the community should be otherwise than friendly disposed towards the working of the scheme, which, if successful and effective, will go very far to ensure the peace and happiness of the Indian community, which will remain permanently settled in the Union and to establish lasting friendship and goodwill between the two great nations on either side of the Indian Ocean.

TRIBUTES

In conclusion, Dr. Malan paid a tribute to the members of Parliament, to the members of public opinion among the Indian as well as the European community, and not the least to the Press, and generally to the people of South Africa for the patriotic way in which they had assisted in the creation of that favourable atmosphere upon which the success of the Conference was dependent, and which was such a marked feature of its deliberation last year. He ventured to make an earnest appeal for general self-restraint and co-operation, and the complete and whole-hearted response to that appeal has proved that now that the results of the Conference were known the continuance of any curb on the public expression of views could not be expected, but in a matter like this where sentiment could so easily be aroused and where any agitation of the public mind, either here or in India, could so easily wreck the best results of the Conference and the vital interests of South Africa, he knew that with the fullest confidence they could once more rely on the good sense and the true patriotism, not only of that House, but also of all sections of the Press and of the people of South Africa. "On behalf of the Government and the people of South Africa," said Dr. Malan, "I also desire to express our gratitude to the Government of India and to pay a tribute to the honourable leader and members of their delegation."

THE DEPUTATION TO INDIA

"The invitation to the Government of India, of which we availed ourselves during the recess, to send a representative deputation on a friendly visit to India, was prompted by feelings of genuine friendship, has afforded to the Government and members of Parliament a much valued opportunity of studying at first hand conditions in India and has been a potent factor in the creation of that atmosphere to which the success of the Conference must be mainly attributed. The hospitality which the members of the deputation received from the Government and the people of India could not be surpassed at the Conference. The leader and members of the delegation displayed all that ability, sincerity and keen desire for a real and happy solution which inspired confidence and which belonged to the essence of statesmanship.

"I feel assured," said the Minister in his concluding sentence, "that both this House and the people of South Africa will join in the fervent hope that the reward of their labours will be the inauguration of a new era of peace and friendship in the true

interests of both, between our country and the country which they serve."

General Hertzog, on being pressed, undertook to give the House an opportunity to discuss the Indian agreement.

A NEW MOTTO

(BY C. F. ANDREWS)

DURING the whole of my last visit to South Africa, from October 1925 to April 1926, there was only one motto, which I repeated on every occasion to all the Indian gatherings in South Africa. It was this:—

"Trust in God alone."

This was the only thing that I said. Again and again, I repeated the same motto:

"Trust in God alone."

What I tried to explain was this:—"We have no strength of our own. *We* are weak. But *God* is Almighty. Our weakness will be made perfect in God's strength. Therefore we must put our whole trust in God alone, and not trust in our own strength at all. If we put our whole trust in God alone, and do not trust in man, then we shall succeed. But if we trust in man, and do *not* trust in God, then we shall fail. And we shall deserve to fail!"

This was my constant speech, which I made in every town in South Africa, where there was an Indian community established.

In Durban and Johannesburg, ~~U~~^Gave a very striking illustration. It had been my own joy and happiness on many occasions, when I had felt human affairs to be hopeless. I quoted the example of the Holy Prophet of Islam. When he was in the Cave, and thousands of his enemies surrounded him, his faithful follower, Hazrat Abu Bakr said: "Our enemies are thousands; and we are only two." But the Prophet answered and said: "No, we are not two, but three. For God is with us. And when God is with us then we are stronger than thousands of our enemies."

How very many times have I been encouraged to go forward by remembering the Prophet's words who said "No, we are not two, but three. For God is with us!" All the while, when I was in South Africa, last year, I remembered that example of the Prophet; and it gave me very great strength and faith. In that faith, we were able to gain the victory. Indeed, what happened last year was a miracle. Only a

miracle could turn the hearts of the South African politicians from passing that bitterly hostile Asiatic Bill.

While I am writing these words, I am remembering the scene in Capetown only a year ago, when all seemed absolutely hopeless. Yet even at that very time the words of the Prophet, which I have quoted, sustained me and I believed in God. Now, to-day, we can see how true that belief was.

Since the time when the Habibullah Delegation left Capetown, I have had in my mind another proverb, or motto, which is needed by us to-day, if we are to continue the good work that has been so marvellously begun. It is this:—

"God helps those who help themselves."

There is no contradiction between this and the former motto I have quoted:

"Trust in God alone"

for the work of self-help which has now to be done must be done in God's name and carried out in God's strength. It is God's work carried out by the voluntary surrender of men, like ourselves, to the will of God.

'Trust in God' does not mean sitting still with our hands folded. It means giving all our powers to the service of God.

To-day, there is much wealth in the Indian community in South Africa; yet it is not being used in God's service. God is not mocked. He will not help those, who selfishly spend their money and time in idle pleasure and refuse to do Him service. No! The second motto is as true as the first, and at the present time it needs repeating:

"God helps those who help themselves."

If we do not help ourselves in putting up schools for our children, we cannot rely on God's help. He will help us when we are oppressed, but not when we are idle and selfish.

Therefore to-day let us add to our former motto,

"Trust in God alone"

this second motto which should go with it, "God helps those who help themselves."

Let us as a community do everything we possibly can to sacrifice ourselves for the cause and then we can truly trust in God and believe that He will help us.

THE CONFERENCE AGREEMENT

(BY C. F. ANDREWS)

I HAVE little to add, this week, to the very guarded words I used in my interviews to the Press. But, in the following weeks, I shall try to discuss, in full, each point of the Agreement, and to see where the gain has been and where also the danger lies.

I am purposely refraining this week from saying anything beyond the general approval which Mahatma Gandhi has already given, because the Executive Committee of the South African Indian Congress is meeting after this week's issue is published; and I do not wish to forestall any criticisms which the members of the Executive may have to offer. Furthermore, the final decision of the whole Congress will be made at the Congress Session in Johannesburg on March 12, 13 and 14, of which due notice is given in this week's advertisements.

It needs an explanation, that the date of the Annual Conference has been altered so many times. This could not possibly be helped. Though we despatched cables to Delhi, we could not obtain news of the actual date of the announcement until the last moment. Since the date of the Annual Session of the Congress depended entirely upon that information, it was impossible to get matters finally fixed before.

Now that the matter has been finally settled, I would ask, with all earnestness, that the Johannesburg Congress should be approached in a solemn manner. It was pointed out to me, that it would be held in the month of Ramazan,—the month of the Fast. I know this means hardship and inconvenience to those who are fasting. But it also gives to the Congress a prayerful solemnity, which is in keeping with the occasion.

One last word, this week. The leading article, which I have printed, was written before the Agreement was announced. But even if I had already had the announcement before me, when I had been writing that article, I would not have altered a single word. "God helps those who help themselves" is a homely, practical motto. We do not depend in the ultimate resort, on agreements made for us by others (though these may be a real help to us if they are properly used) but on our own God-given inner strength and resource. Let us go forward, during this coming year, with the

new motto and determine in God's strength to be self-supporting.

The Indian Agreement

Thus the *Natal Witness* :—

To those of us who are familiar with the methods of the bad, old diplomacy, the new Indian Agreement must appear, first and foremost, as an easy win on points for the Indian delegation. Dr. Malan, however, explains that the bargaining spirit was eschewed throughout negotiations, and that the settlement should be regarded not as an equilibrium of forces in opposite tension, but as the spontaneous fruit of a common purpose pursued in friendly collaboration. That may be the higher wisdom. But the fact remains that the Union Government undertakes (a) to re-organise on a more generous basis the scheme of voluntary repatriation (or emigration as it is henceforward more accurately to be called), (b) to concede assisted emigrants the right to return to this country in certain circumstances, and (c) to put in train various improvements in regard to Indian education, sanitation, and housing, with a view to raising to a European standard of living such members of the Indian community as desire to reach it. The engagement of the Indian Government, on the other hand, is merely (a) to assume a general responsibility for emigrants after their arrival in India, and (b) to appoint an agent in South Africa to watch the new machinery at work and to advise upon any adjustments that may be needed from time to time. So far the best of the bargain (says Dr. Malan) is clearly with the Indians. But the important matter has yet to be mentioned. The Areas Reservation Bill, the bone of contention which brought the whole Conference about, and the very bullseye at which the main Indian protest was aimed, has been unconditionally, and, in all human probability, permanently dropped. With this addition, the scale fairly kicks the beam. The Indian delegation is to be felicitated on securing all it set out for, and several basketfull of quite useful fragments to boot.

We are the last to carp at such a result, provided the other party to the negotiations is no loser. The Union delegation yielded certain material points; but it took in exchange a number of advantages which may fall under the heading of imponderables, but are not the less substantial for that. We would mention two of the most important. First, the policy of round-table discussion has abundantly justified itself. It has rescued the whole Asiatic question in this country from the fog of racial animus and narrow political rancour that threatened to engulf it at the time when the Areas Reservation Bill was first introduced, and it has given it a fresh start in an atmosphere from which unreasoning prejudice has begun and will, we hope, continue to clear. The significance of this fact will not escape alert observers throughout the Empire, particularly in those parts which have their own Indian questions to handle and which would have been seriously embarrassed by an illiberal treatment of the problem in South Africa. Secondly, the Indian Government, on the one hand, admits that the maintenance of Western standards of life is the touch-stone by which all measures dealing with the Asiatic question here must inevitably be tested; while the Union Government on the other recognises that Indians in the Union, who are prepared to conform to Western standards, should be enabled to do so. Now, this amounts to the introduction of a principle which has never yet been applied to the problem in South Africa. It means that both Governments agree that solution, however distant it may be, can only come by training our Asiatic population to the adoption of European standards. Whatever we may think of that objection in itself, it is clearly an important gain to know that the official mind has a single and defined aim in view.

The implications of the agreement, then, are these: On the positive side, education is embraced as the federal

remedial policy, with assisted emigration as an auxiliary and palliative. On the negative side, segregation is discarded, at least while the new measures are being given their trial. The Indian community can probably be relied upon to discover ground for copious complaint in that, however genuinely they may welcome the abandonment of Dr. Mehn's Bill, and die-hard anti-Asiatics will reply vociferously to any such criticism as may find expression. But on a more detached view, and recognising the limitations by which the Conference was perforce bound, it would be difficult not to conclude that the agreement is sound on the main issue. Repatriation can obviously only touch the fringe of the matter, when over 70 per cent. of the Indian population has been born in South Africa, you cannot expect to remove much more than a negligible proportion of that population by voluntary repatriation. Even when you call it emigration and offer to carry any Indian to any country, the practical difference will be small, the simple fact being that Indians have at present very little incentive to leave South Africa. As to segregation, the Indian population will, no doubt, continue to live for generations largely and voluntarily withdrawn in areas of their own. But the effect of formal, permanent and compulsory segregation would merely be (as is generally admitted) to accentuate all those distinctive features of Indian customs and manners which we most deplore, and which must first be removed if the majority of Indians in South Africa are to be fitted for their inevitable participation in European methods of living. It would hold down the Indians indefinitely at an economical level where they are a special menace to white labour. What hope, then, economic, social, or political, remains but that scheme of uplifting (to use the phraseology of the agreement) which we summarise as education? The road may be long, and tedious and infinitely unromantic, but it is the only one that leads us where we all want to go.

Dr. Malan and his colleagues are, therefore, on the whole, to be as much congratulated upon the results they achieved as upon the spirit in which they conducted their discussions. At the same time, it remains true, as we began by pointing out, that the Indian delegation secured a number of concrete advantages for their side without themselves contributing anything tangible to the common stock. That departure from an equal balance is not in any case to be much deplored. It might, if the Indian community itself has the vision and goodwill to seize the opportunity it offers, be greatly to be welcomed. That community has often complained of ungenerous treatment at the hands of South African Governments. Let them show their recognition of the new temper which the agreement embodies by some gesture demonstrating unequivocally that the "uplifting of the permanent Indian population to the full extent of the capacity and opportunities" is a matter of concern also to themselves. In education, the improvement of hygiene and housing conditions, there is an immense field where Indian co-operation is essential if important and lasting results are to be achieved. If the Indian community were to avail themselves of the publication of the agreement to volunteer some visible sign that such co-operation will be forthcoming in ungrudging measure, none but the most fortunate impressions would be produced.

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Independence

(BY MAHATMA GANDHI)

[At the All-India National Congress an attempt was made to bring forward a motion for complete independence, outside the British Commonwealth of Nations. Mahatma Gandhi in opposing it declared that independence was still a hoped-for possibility within that Commonwealth. It will be seen that this argument of Mahatma Gandhi, which he has consistently put forward, has been strengthened by the announcement of the 'higher status' that General Hertzog received at the Imperial Conference this year. General Hertzog claimed that the new formula should be such as to allow South Africa or Canada, to stay within the Empire of her own free will and choice, and not under compulsion. This was granted by the formula, which gave South Africa once and for all the higher status of an independent nation within the British Commonwealth of Nations. Mahatma Gandhi's speech, printed below, covers the same ground.—C.F.A.]

Mahatma Gandhi congratulated Mr. Banerjee on his outspoken sentiment. They should not mind a galaxy of Mahatmas throughout the length and breadth of the country. It was better to get out of their clutches (laughter). "But I am not a Mahatma. I am a humble servant of the nation and you won't easily get out of my clutches (laughter) because I do not yield to any fiery anarchist in my capacity for self-sacrifice. I am never frightened of even the most forward programme. But I would like you to consider and weigh the words from the lips of a man who has seen many a battle in his life and who knows how forward marches can be performed.

"If you define the word 'Swaraj' to-day you will be simply limiting its potency. I may say complete independence is included in the word 'Swaraj.' Otherwise you will find me going out of the Congress. But it also includes something else which is repugnant to your sense of self-respect. To-day I say it does include closer association with the British people on terms of absolute equality. Those to whom this association is unbearable because of the atrocities of Jallianwalla Bagh and because of what has gone on even after the inauguration of the Reforms, I sympathise with them, but I say you are impatient. My advice to you is 'festina lente' (hasten slowly). If this resolution is not withdrawn and is challenged to a division and rejected by an overwhelming majority you will still have before you the most forward programme I have given.

"THAT IS NOT YET"

But do not delude yourself even with the distant hope that I shall lead you in the Council programme. There is no 'if' about it to-day. When the spirit within me tells me that I shall go to the battle ground in the Council I shall on my knees apply to Panditji to take me into his fold and give me his Secretaryship (laughter). But that is not yet. You cannot say or think that the time may never come. I have never erased out of my mind the Council programme. Those who have a long memory may recall that at the special session in Calcutta I said that they must not think that the Councils may never be considered by us. When Lord Reading asked me "Come to my Council" I said 'Yes, but do these things and then I come.' Just as I accepted the Champaran Commission of Enquiry, I am quite capable of accepting office in the Council and capable of becoming Executive Councillor (laughter). But when I become Executive Councillor you may depend upon me that Swaraj has come (laughter) and Mr. Sathbamurti's complete independence also.

COMPLETE THE PROMISE

I have acquired and achieved my own personal independence. Now I want every Indian to acquire

that independence and the sum total of that is complete independence. I can tell you negatively, that, when the All-India Congress Committee really becomes a working body of men determined to achieve freedom, not determined to talk but to work; when India has really completed one of its promises namely the boycott of foreign cloth; when you have very nearly achieved the boycott of foreign cloth then you find men going to Pundit Motilal and saying 'Please, Sir, may I be admitted into your Council Party.' But that boycott cannot be achieved unless you really become determined men. I want every one of you to join this Khadi Service. I can give you Rs. 30 a month and training, but I will send you to the villages and you will achieve the boycott of foreign cloth. Then you will have me to work the Council programme also.

WANTING IN DISCIPLINE

To-day we are not a disciplined body. You cannot put your hand on your heart and say that you are. We do not yield with willing obedience to the chair. That we ought to do. We should lift up our Chairman and say 'Yes we shall march with you shoulder to shoulder.' Do you know threatening letters are being received, that now that Swami Shraddhananda has lost his life, some Mussalman should also lose his? There is a postcard which is now in the hands of the Chairman. It is anonymous. There is nothing in it, but the sum total of these anonymous letters gives us the clue as to where the country is going. Can I have any time for shouldering the Council programme, when the atmosphere around us is surfeited. If it is possible for so many of us to cleanse the atmosphere, you will find me giving my attention to the Council programme. Please eliminate me from your mind. If you summarily reject this amendment, you will do so on your own responsibility, on its merits, without the slightest bargaining and without the slightest mental reservation."

AMENDMENT REJECTED

The amendment was rejected by a large majority. Mr. Rangaswamy Iyengar, Mr. Vallabhai Patel and Dr. Ansari, were elected General Secretaries for the coming year, Mr. Rangaswami to continue as the Working Secretary.

The Story of My Experiments With Truth

[BY M. K. GANDHI]

PART II

Chapter XIV

PREPARATION FOR THE CASE

The year's stay in Pretoria was the most valuable experience in my life. Here it was that I had opportunities of learning public work and obtained some measure of my capacity for it. Here it was that the religious spirit within me became a living force, and here too I acquired a true knowledge of legal practice. Here I learnt the things that a junior barrister learns in a senior barrister's chamber, and here also I gained confidence that I should not after all fail as a lawyer. It was likewise here that I learnt the secret of success as a lawyer.

Dada Abdulla's was no small case. The suit was for £40,000. Arising as it did out of business transactions, it was full of intricacies of accounts. Part of the claim was based on promissory notes and part on the specific performance of promise to deliver promissory notes. The defence was that the promissory notes were fraudulently taken and lacked sufficient consideration. There were points of fact and law enough in this intricate case.

Both parties had engaged the best attorneys and

counsel. I thus had a fine opportunity of studying their work. The preparation of the plaintiff's case for the attorney and the sifting of facts in support of his case had been entrusted to me. It was an education to see how much the attorney accepted and how much he rejected from my preparation, as also to see how much use the counsel made of the brief prepared by the attorney. I saw that this preparation for the case would give me a fair measure of my powers of comprehension and my capacity for marshalling evidence.

I took the keenest interest in the case. Indeed I threw myself into it. I read all the papers pertaining to the transactions. My client's ability was great and his confidence in me was absolute and this rendered my work easy. I made a fair study of book-keeping. My capacity for translation was improved by having to translate the correspondence which was for the most part in Gujarati.

Although, as I have said before, I took a keen interest in religious communion and in public work, and always gave some of my time to them, they were not then my primary interest. The preparation of the case was my primary interest. Reading of law and looking up law cases, when necessary, had always a prior claim on my time. As a result, I acquired such a grasp of the facts of the case as perhaps was not possessed even by the parties themselves, in as much as I had with me the papers of both the parties.

I recalled the late Mr. Pincutt's advice—facts are three-fourths of the law. At a later date it was amply borne out by that famous barrister of South Africa, the late Mr. Leonard. In a certain case in my charge I saw that though justice was on the side of my client, the law seemed to be against him. In despair I approached Mr. Leonard for help. He also felt that the facts of the case were very strong. He exclaimed, 'Gandhi, I have learnt one thing, and it is this, that if we take care of the facts of a case, the law will take care of itself. Let us dive deeper into the facts of this case.' With these words he asked me to study the case further and then see him again. On a re-examination of the facts I saw them in an entirely new light, and I also hit upon an old South African case bearing on the point. I was delighted and went to Mr. Leonard and told him everything. 'Right,' he said, 'we shall win the case. Only we must bear in mind which of the judges takes it.'

When I was making preparation for Dada Abdulla's case, I had not fully realised this paramount importance of facts. Facts mean truth and once we adhere to truth, the law comes to our aid naturally. I saw that the facts of Dada Abdulla's case made it very strong indeed and that the law was bound to be on their side. But I also saw that the litigation, if it were persisted in, would ruin the plaintiff and the defendants who were relatives and both residents of the same city. No one knew how long the case might go on. Should it be allowed to continue to be fought out in court, it might go on indefinitely, and to no advantage of either party. Both therefore desired an immediate termination of the case, if possible.

I approached Tyeb Seth and requested and advised him to go to arbitration. I recommended him to see his counsel. I suggested to him that if an arbitrator commanding the confidence of both parties could be appointed, the case would be quickly finished. The lawyers' fees were so rapidly mounting up that they were enough to devour all the resources of the clients, big merchants as they were. The case occupied so much of their attention that they had no time left for any other work. In the meantime mutual illwill was steadily increasing. I became disgusted with the profession. As lawyers, the counsel on both sides were bound to rake up points of law in support of their own clients. I also for the first time understood that the winning party never

recovered all the costs incurred. Under the Court Fees regulation there was a fixed scale of costs to be allowed as between party and party, the actual costs as between attorney and client being very much higher. This was more than I could bear. I felt that my duty was to befriend both parties, and bring them together. I strained every nerve to bring about a compromise. At last Tyeb Seth agreed. An arbitrator was appointed, the case was argued before him and Dada Abdulla won.

But that did not satisfy me. If my client were to seek immediate execution of the ward, it would be impossible for Tyeb Seth to meet the whole of the awarded amount, and there was an unwritten law among the Porbander Memons living in South Africa that death should be preferred to bankruptcy. It was impossible for Tyeb Seth to pay down the whole sum of about £37,000 and costs. He meant to pay not a pie less than the amount and he did not want to be declared bankrupt. There was only one way. Dada Abdulla should allow him to pay in moderate instalments. They were equal to the occasion and granted Tyeb Seth instalments spread over a very long period. It was more difficult for me to secure this concession of payment by instalments than to get the parties to agree to arbitration. But both were happy over the result, and both rose in the public estimation. My joy was boundless. I had learnt the true practice of law. I had learnt to find out the better side of human nature and to enter men's hearts. I realised that the true function of a lawyer was to unite parties driven asunder. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing thereby—not even money, certainly not my soul.

વેચાણ અથવા ભાડે આપવાનું છે

ધનાગમાં ૨૬૦ એકર જમીન જેમાં ૨૦,૦૦૦ બનાનાનો બગીચો અને વોટલ અને બળતણના લાકડાંના ઝાડ ૨૦ એકરમાં છે.

એક ફર્ટીલાઇસ પોસ્ટ્રો ફામ વેચવાનું છે. ટ્રેલી, માડી, ખેતીને લગતી મશીનરી—હથિયાળો, વાયર નેટીંગ, ફરવતી, ફરનીચર, ટીન લાકડાના ઘર, ટીમ્બર પોસ્ટ્રી, ઢોર, અધડાં અને પાણીની ટાંકા વિગરે પણ ભાંજ હોઇ, વેચવાના છે.

નાણાં સંબંધી અંદોષસ્ત કરી શકાશે.

લખો: ઇન્ડિઅન ઓપીનીઅન,

શ્રીનીકસ, નાટાલ

બાહેર ખખર

સર્વે હોંદુ બાઇઓને જણાવવામાં આવે છે કે યુધવાર તા. ૨ જી માર્ચ સને ૧૯૨૭ના રોજ મહાશીવરાત્રી છે તો તે દિવસે સાંજના આઠથી દસ વાગ્યા સુધી એસોસીએશનના હોલમાં પ્રાર્થના ને બજન કરીતન કરવામાં આવશે, તે પ્રસંગે પધારવા વીનંતી છે.

લી. સેવક,

પુશાલ સુખા મીસી,

એ. એ. પી. સુરત હોંદુ એસોસીએશન

ચાલુ મેલમાં આવેલાં પુસ્તકો

	શી.	પે.
રાજબાષા	૩	૬
અનીસ પુતળીનીવાર્તા	૧૦	૬
ચંદ્રકાન્ત ભાગ ૧	૧૨	૬
" " ૨	૧૩	૬
" " ૩	૧૨	૧
આંકની ચોપડી	૦	૩
દેશી હિસાબ ભાગ ૧	૦	૬
મણીકાન્ત	૧૦	૬
પકવાન પોથી	૭	૬
મેલકુત	૭	૦
બળવાનો ઇતિહાસ ભાગ ૧	૧૧	૬
" " ૨	૧૧	૬
પાટલી પુત્ર	૧૨	૬
કલાપીનો ફકારવ	૧૦	૦
ખાવેજ	૧૧	૦
લોકમાન્યની વર્ષ	૨	૦
(આ પુસ્તકમાં અનેક વખતના લોકમાન્ય તીલકના ચિત્રો છે, તેમજ અંગ્રેજી, ગુજરાતી અને ટમીલ ત્રણ ભાષામાં લોપાન્યની જીવન કથા આલેખી છે)		
સૌરાષ્ટ્રની રસધાર ભા—૧	૩	૬
" " ૨	૩	૬
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" " ૪	૪	૬
લોહીનો વેપાર	૬	૬
ચંનતાની વાતો	૭	૬
મહીલાની મહાકથાઓ	૮	૦
સ્વર્ગમાં સેશન્સ	૭	૬
અધકાર પર પ્રકાશ	૭	૩
આદર્શ ચરિત્રાવલિ	૪	૦
વિશ્વ લીલા	૫	૩
અખળાની આત્મકથાઓ	૬	૦
દક્ષિણ આફ્રિકાનો ઇતિહાસ (વિષયક મોહનદાસ ગાંધી)		
" ભાગ ૧	૩	૦
" " ૨	૩	૦
દક્ષિણ આફ્રિકાનો ઇતિહાસ (હીંદીમાં)	૨	૬
વિરાજ વકુ	૨	૦
ત્યારે કરી શું શું? ભાગ ૧ લો	૨	૬
" " ૨ જો	૩	૦
અચલાયતન (રાજેશ્વરપરથી અનુવાદ)	૨	૦
ઓતગની દિવાલો	૧	૬
ત્યાગ સુર્તી	૧	૦
દામ આસામ (આસામના મહાના મળુગેની કદાચી)	૩	૦
ગનેશ્વરી ગીના (મેટી સાષજ ટીકા સહીત)	૧૦	૬
શ્રીમદ્ ભાગવત પાર્લડ ૧	૧	૦
સ્વામી વિવેકાનંદનું જીવન ચરિત્ર (ભાગ ૬ મો)	૭	૦
સ્વામી વિવેકાનંદ ગ્રંથ ૧ ભાગ ૧ થી ૪	૭	૬
" " ૨ " ૪ થી ૬	૭	૬
" " ભાગ ૬-૭	૪	૬
" " " ૬	૩	૬