

# Indian Opinion

No. 21—Vol. XXVIII.

Friday, May 23rd, 1930.

Registered at the G.P.O. as a Newspaper  
PRICE FOURPENCE.

## SJT. MAHADEOBHAI DESAI

**S**JT. MAHADEOBHAI DESAI is Mahatma Gandhi's Secretary and has been acting in that capacity for the last twelve years. He is a graduate of the Bombay University. Although an L.L.B. he has never practised in the courts. He is living in the Satyagrah-ashram with his family. The general Indian public has no idea of the tremendous amount of work that falls on Mahatma Gandhi's secretary. Mahatma Gandhi receives daily a large post bag and letters from all the parts of the world. Besides attending to the voluminous correspondence, Mr. Mahadeobhai has to write for *Navjivan* a weekly Gujrati edited by Gandhiji. He has also to translate Mahatmaji's original Gujrati articles into English for *Young India* a weekly English also edited by Mahatma Gandhi. Mr. Mahadeobhai has travelled throughout India with Mahatma Gandhi and his writings in *Navjivan* depict in beautiful language the progress of Mahatmaji's tour. Sardar Vallabhbai Patel often uses Mahadeobhai as his secretary too. Mahadeobhai does not lag behind in giving his time to all public activities of Gujrat. He is one of the secretaries of the Gujrat Provincial Congress Committee. During the great non-co-operation movement of 1921 Mr. Mahadeobhai Desai went to Allahabad at the invitation of Pundit Motilal Nehru to edit his English paper *Independent*. Mahadeobhai was arrested by the U.P. Government for sedition and sentenced to one year's simple imprisonment. He is a fine

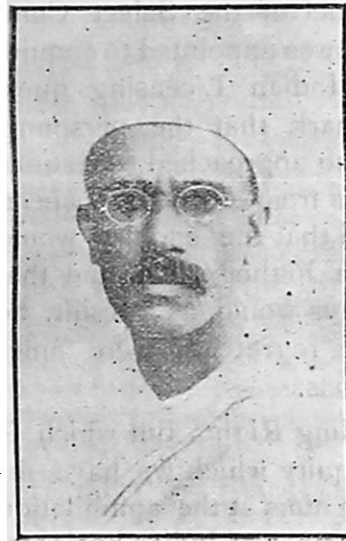


Sjt. Mahadeo Desai.

writer. He has recently published a book both in English and Gujrati giving the history of the great non-tax campaign in Bardoli. Sjt. Mahadeobhai has recently been arrested and sentenced to six months imprisonment for manufacturing salt.

## KAKA KALELKER

**K**AKA KALELKER is widely known in Gujrat as 'Kaka Saheb.' He belongs to Maharastra, and he is an M.A. of the Bombay University. Kaka Saheb's life is really that of a true Sadhu. Sjt. Deshpande, a patriotic "Suba" was in the



Kaka Kalelker.

service of Baroda State, and was conducting 'Rangnath Vidyalaya' an Educational Institution. Kaka Saheb with the object of educating the youth of the country in the service of the Motherland, joined this institution. He

had a band of devoted workers: Swami Anandanand, Mama Fadke and Sjt. Jugatram Dave who joined the institution. The Government of India did not like the activities of this institution and they brought successfully pressure on the Baroda Government to close the institution. Kaka Saheb has travelled on foot throughout India. He went on foot to Himalaya. He reached with great difficulty the celebrated 'Manas Sarover' on Himalaya. It is considered to be a most difficult task to reach this beautiful lake. Kaka Saheb has written a book describing his travels on Himalaya. When Mahatma Gandhi left South Africa and settled at Ahmedabad Kaka Saheb joined him at the Ashram. His

devoted followers Swami Anand, Mama Fadke and Sjt. Jugatram Dave also followed Kaka Saheb. During the great non-co-operation movement in 1921, on the arrest of Mahatma Gandhi, Kaka Saheb took charge of *Navajivan* and was soon arrested for sedition and sentenced to one year's simple imprisonment. He has written an interesting book on his jail experience in Gujrati under the name of 'Otrati Diwal.' Although Kaka Saheb's mother-tongue is Marathi, he holds a wonderful command over Gujrati language. His articles in *Navajivan* on various subjects are full of deep thoughts. At present he was acting as the principal of Gujrati National University established by Mahatma Gandhi. The Government of India arrested and sentenced him a few weeks ago for sedition.

### A DESPICABLE PIECE OF LEGISLATION

**A** FEW weeks ago when we discussed the personnel of the Select Committee that was appointed to enquire into the Transvaal Indian Licensing question, we had to remark that the personnel represented men who approached questions affecting the Indians from a broader aspect. We had then hoped that the enquiry would have been held on a higher level and that the Transvaal Indians would, as a result, be treated justly. We regret we were miles out in our calculations.

The Asiatic Trading Rights Bill which is the result of the enquiry which we have referred to, and which aims at the annihilation of a considerable number of Indian businessmen along the Reef, is the most despicable piece of legislation that has ever entered the Union Legislature. The Bill that has just been published is being rushed through Parliament post haste, without having given an opportunity to either the Indian community or to the Agent of the Government of India to express the views of the community.

Elsewhere in this issue we publish the report of the Select Committee and the main provisions of the Bill which is now before Parliament. A cursory glance at the report will at once reveal that it has been framed with a vengeance and with the avowed object of bringing about a wholesale massacre, as it were, of the Indians in the

Transvaal.

It is remarkable that the proposed legislation was placed before the legislators simultaneously with the publication of the report of the Select Committee. Evidently Dr. Malan who is in charge of the Bill, is carrying the terms of the report to the letter, for, it concludes with the recommendation that the present Bill should be enacted during the present session of Parliament.

The Bill is a revival of the Areas Reservation Bill, which, as a result of the Capetown Agreement, was dropped. The Union Government had honourably bound itself to give the Agreement a fair trial for a period of five years. And within three years from the date of that Agreement we find the Union Government treating it as a mere scrap of paper. As a preamble to the report the Select Committee proceeds to state that it "deemed it necessary to take cognisance of the existence of the Capetown Agreement of 1927, as well as of the fact that, by mutual consent, a period of five years was considered to be necessary to give the Agreement a fair trial even though legally it could be terminated by either side at any time." We would like to know how the Select Committee has taken cognisance of the existence of the Capetown Agreement when it deliberately proposes, under the present Bill, to segregate the Transvaal Indians residentially and commercially. It is hardly believable that a Minister of the Crown, and a Minister of Religion at that, could introduce a Bill that is at once a negation of all sense of justice and equity. That he could with one stroke of the pen, as it were, deprive the Indians, whom he recognises as part of the permanent population of this country, of all they possess and send them to the Ghettos, passes one's imagination. That this act is possible in the third decade of the twentieth century is most amazing and it certainly does not redound to the credit of the Union Government.

Dr. Malan has ignored the Indian community of South Africa and has side-tracked Sir Kurma Reddi who represents the Indian Government. If the Indian Government is as powerful as it professes to be, we would await with considerable interest news of the action it proposes taking against the insult that has been hurled against it.

## Natal Indian Congress

### Mr. Abbas Tyebjee's Arrest

#### Mass Meeting Records Emphatic Protest

A mass meeting of the Indian community was held under the auspices of the Natal Indian Congress, on Monday the 19th instant at the Royal Picture Palace, at 5-30 p.m. There was a crowded house.

Advocate Albert Christopher, in the absence of the president Mr. Sorabjee Rustomjee who had a breakdown in his car up the Main Line, presided. He was supported on the platform by the Secretaries Messrs. A. I. Kajee and P. R. Pather, and Messrs. Ismail Gora, B. M. Patel, M. B. Naik, B. A. Magraj, A. N. Goshalia and Pundit Prabin Singh.

Mr. P. R. Pather was asked to read the speech which was to have been delivered by Mr. Rustomjee and was as follows:—

Ladies and Gentlemen,—Hardly two weeks have elapsed since we last met in this Hall to pay homage to that great Soul—Mahatma Gandhi,—who at this moment remains incarcerated in the Yeroda Gaol.

To-day we have assembled to pay our respects to Mr. Abbas Tyebjee who, as you all know, was given the leadership of Mahatma Gandhi's volunteers by the Mahatma himself. Mr. Tyebjee was on the point of raiding the Salt Works at Darasana when he was placed under arrest. He has been sentenced to six months' simple imprisonment.

Recent events in India have shown that the Imperial Bureaucracy has not relaxed in its methods of terrorism. It is resorting to every conceivable method of warfare, in the hope that the masses who are at the back of Mahatma Gandhi in the present movement may be terrorised. You will remember that Mr. Abbas Tyebjee with his family had arrived at the Sabarmati Ashram long before Mr. Gandhi commenced his historic march. Old as he was, for he is over 80 years, Mr. Tyebjee desired to be amongst the first batch of volunteers. But the Mahatma desired him to lead the second Corp. On his arrest Mahatmajee appointed Mr. Tyebjee as the leader of his volunteers.

Mr. Abbas Tyebjee was the Chief Justice of the Baroda State, where he was also at one time Minister of Justice. He is a person of profound learning and has the distinction of having held the scales of justice even-handedly. He has a brilliant legal mind, and his career on the Baroda Bench will long be remembered with the greatest regard. That he has created a niche for himself in the Baroda State cannot be doubted.

For a person of such distinguished legal career to revolt against the Indian Government it cannot but be apparent to the outside world that there is something radically wrong with its machinery. He is an outstanding personality in India, and the bold statement that he made before the Magistrate, before whom he was arraigned for fighting for the freedom of his country, stamps him out to be a person of indomitable courage. That courage has given inspiration to many thousands of our young men in India.

Reuter would have us believe that in the present struggle that Mahatma Gandhi is leading for the freedom of our country, the Mahomedan community is not with him. A more deliberate lie cannot be conceived. Mr. Abbas Tyebjee and Dr. Kitchlew are amongst the many leaders who are assisting Mahatmajee in the greatest of his struggles. That a Mahomedan in the person of Mr. Tyebjee should be the one on whose shoulders should fall the mantle of Mahatma Gandhi on the latter's arrest is an indication of the fact that the present movement has behind it the peoples of India, who, with-

out any shadow of doubt, are united, and who have now risen as one man.

Whilst sympathising with Mr. Abbas Tyebjee, Dr. Kitchlew and the other leaders of India in their incarceration, we cannot but admire their courageous stand and their selfless sacrifices. Let us hope that the Indian Government will resort to peaceful methods, for, we must say without any hesitation, that the tapping of the Gandhi caps with sticks by the police will be regarded as the greatest insult hurled against any nation.

We are pleased to learn that the leadership of the volunteers has now fallen upon Mrs. Sarojini Naidu. The name of Mrs. Naidu is very familiar to the South African Indian community. Her doings in India and overseas have always been watched by us with the greatest interest. In this movement Mr. Abbas Tyebjee was elected the most appropriate person for the leadership of Mahatma Gandhi's volunteers. Let us pray that Mrs. Naidu's mission will be crowned with success.

#### Resolutions

Mr. Ismail Gora moved the first resolution as follows:—

1. That this mass meeting of the Indian community held under the auspices of the Natal Indian Congress hereby records its profound sense of admiration for the indomitable courage shown by Mr. Abbas Tyebjee, Dr. Kitchlew and the other leaders of India in the struggle for the freedom of India, and protests against the action of the Indian Government in arresting and sentencing them.

Messrs. M. B. Naik and B. A. Megraj seconded and supported the resolution respectively.

Mr. A. I. Kajee moved and Messrs. E. A. Jeewa and B. M. Patel seconded and supported the second resolution respectively:—

2. This mass meeting congratulates Mrs. Sarojini Naidu on her succession to the Congress leadership and prays that she may successfully lead the people of India to the attainment of Swaraj.

In concluding the meeting Mr. Christopher said that while devoting their attention to events happening in India, the Natal Indians should not forget what is happening in the Transvaal where the very existence of the Indians is being endangered. A Bill is now before Parliament which, if promulgated, would mean the annihilation of the Indian businessman in that Province.

Songs were rendered by Mr. Spider to the accompaniment of music by Mr. A. N. Goshalia.

## Arrest Of Mrs. Sarojini Naidu

A Reuter's message from Bombay dated May 21 states:—

Mrs. Sarojini Naidu and all the office-bearers of the All-India National Congress, including President Mariman, have been arrested.

Three hundred armed police surrounded the headquarters of the Congress at seven o'clock this morning and effected the arrests.

Rioting took a serious turn in Dharasana during the morning, when a regular battle took place between a determined force of about 2,000 Congress volunteers and an equally determined band of police.

The police, with lathis (sticks), charged the raiders, injuring more than a hundred volunteers, many of whom were bleeding profusely, while three were gravely injured.

### Mr. Manilal Gandhi Also Arrested

Soon after the raid Imamsahab, one of the leaders, and a South African colleague of Gandhi's, Pyarilal, Gandhi's secretary, and Manilal Gandhi, the eldest

son of Mahatma Gandhi, who was until recently the editor of *INDIAN OPINION*, in Phoenix, were arrested.

Manilal Gandhi was the victim of an assault prior to being taken into custody.

## Asiatic Trading And Land Occupation

### Select Committee Exposes Past Evasions Of Law

#### Rigorous Tightening-Up Urged

The report of the Select Committee on Asiatics in the Transvaal was published last Friday. The committee consisted of Dr. Malan (the Minister of the Interior), Mr. Patrick Duncan, Mr. Acutt, Mr. S. de Wet, Mr. D. du Toit, Mr. Eaton, Sir Robert Kotze, Mr. Jooste, Dr. Potgieter, Major K. Rood and Mr. Swart.

The Committee state, inter alia, that the evidence submitted was very representative of both the European and Asiatic communities concerned, while they further took the trouble to ascertain the views of experienced Union Officials, as well as those of the Government of India (as a party to the Capetown agreement,) through their special representative.

In formulating its conclusions, the Committee steadily kept in view what it considered to be the clear intention of the Legislature, as expressed from time to time in legislative enactments. On the other hand, it deemed it necessary to take cognisance of the existence of the Capetown agreement of 1927, as well as of the fact that, by mutual consent, a period of five years was considered to be necessary to give the agreement a fair trial even though legally it could be terminated by either side at any time.

#### Three Main Problems

While, therefore, attempting to deal effectively with the questions specifically referred to it, the Committee, at the same time, felt it to be its duty to confine its recommendations as much as possible to such of these questions as required immediate legislative action, leaving other phases of a more general solution to be investigated at such time as it might be found desirable to reconsider the Asiatic question in its wider aspects.

The Committee declare that they were called upon to deal more specifically with three distinct problems, viewed in the light of the Supreme Court judgments referred to in the terms of reference. The first concerns the position which has arisen as a result of the issue of trading licences to Asiatics in illegal occupation of stands, either on proclaimed land or in Government or private townships, under covenants prohibiting occupation by coloured persons, other than those in domestic employment. The second concerns the position arising from areas, such as Springs, the larger portion of which was proclaimed as a public digging subsequent to the promulgation of Act No. 35 of 1908, but where, owing to the fact that the Supreme Court ruled that "an erf township" had been established, prior to such proclamation, the restrictions contained in Sections 130 and 131 of that Act did not apply. The third problem concerns the frustration of Act No. 37 of 1919, in so far as it was intended to prohibit the ownership of fixed property in the Transvaal by Asiatics through companies in which they had a controlling interest. The position which has arisen as a result of illegal occupation is, they say, indeed serious, declares the Committee. The number of trading licences affected has been variously estimated to be between 60 per cent. of the total number of licences issued to

Asiatics. In respect of the Witwatersrand area alone this means that considerable hardship and dislocation of trade must inevitably follow if the law should now be strictly enforced, declares the Committee.

#### "Wholesale Evasion"

As a comparatively small number of illegal occupants appear to reside and trade in private and Government townships, it will be appreciated to what extent the law has been contravened in respect of proclaimed lands, subsequent to May 1, 1919, up to which date Parliament, by Act 37 of that year, condoned all contraventions on the part of British Indians and protected vested interests.

The evidence, proceeds the Committee, shows that, even since the passing of the Act of 1919, there has been no effective enforcement of the existing laws to restrict Asiatic occupation and trade, and that, in spite of the definite recommendations of the Select Committee of 1919, no steps were taken to compile a register of the businesses specially protected.

On the other hand, the Committee is convinced that laxity on the part of the authorities cannot constitute a valid excuse for breaking the law, as the Asiatic community was generally well-informed with regard to the provisions of the laws specially affecting them, as further, the condoning legislation of 1919 clearly implied the cessation of all further contraventions, and as every trading licence was issued on the explicit condition that the trading rights conferred should not be taken as validating illegal occupation.

#### Five Years' Notice

In these circumstances, the report continues, the Committee cannot advise a repetition of the legislative action taken in 1919, which, to a large extent, was meant to give effect to a previous undertaking embodied in the so-called Smuts-Gandhi agreement.

The Committee, therefore, recommend that a period of five years, commencing on May 1, 1930, shall be fixed, within which all illegal businesses shall be disposed of; that a list of all businesses carried on illegally be compiled by means of voluntary registration within a specified period; and that any such business not registered as indicated shall forfeit all right to temporary protection.

It is further recommended that a register of all businesses protected by Section 1 of Act No. 37 of 1919 be also compiled, in order to avoid undue hardship.

Another recommendation is that the local authorities concerned shall, within 12 months after the promulgation of the legislation proposed, assign suitable areas approved by the Minister, in which the Asiatics affected will be enabled to obtain trade facilities and ownership of fixed property on reasonable terms. Should any local authority fail to comply with this requirement, it is further recommended that the Minister should be empowered to assign such areas, after due consultation with such local authority.

In the opinion of the Committee, private townships, like Norwood, and Government townships in which title deeds have been issued under a restrictive covenant, should be the guardians of their own interests, as is the case with any group of private persons or with any municipal community. It cannot, therefore, recommend legislative, or Government interference in such cases, either by way of condonation or by way of ejectment, except where, as in the case of Klerksdorp, the Government possesses an interest through the possible reversion to the Crown of the land illegally occupied.

#### Administrative Defects

"There can be no doubt," declares the Committee, "that the failure to enforce the law has been largely due to defects in the machinery of administration.

No department of State hitherto considered itself to be entrusted with the duty to guard the public interest against contraventions. Members of the public, both individually and collectively, were adverse to risking costly litigation, and municipalities did not have the power, or, at least, were in doubt as to their power, to refuse certificates on the ground of illegal occupation. The Committee is, therefore, convinced that no future legislation will prove to be effective, unless adequate machinery is provided to ensure the enforcement of the law. Local authorities should be given the power to refuse certificates for licences, unless the applicant proves that he is lawfully entitled to occupy the premises on which the business is to be conducted.

The Committee recommends, accordingly, that subject to an appeal to a superior court, it shall be competent for a magistrate to decide an appeal made against the decision of such local authority. The Committee is of opinion that the facilities thus afforded for obtaining a judicial decision on the question of title will prevent cases of obvious contravention as far as trading is concerned.

### Vested Interests

The Committee has considered the case of a considerable number of Asiatics, mainly Chinese, as well as of other coloured persons, who possess trading interests acquired on land illegally occupied by them prior to May 1, 1919, but do not enjoy the protection accorded to British Indians by Section 1 of Act No. 37 of 1919. Some of these unprotected persons, it is stated, established their businesses many years ago, and have never been interfered with. As there seems to be no good reason for any discrimination between the various classes of coloured persons who have all, in like manner, contravened a law placing restrictions equally upon all of them, the Committee recommend the extension of the 1919 Act, so as to include in its application all contraventions and vested rights acquired by coloured persons up to May 1, 1919.

In considering the case of Springs and other proclaimed land similarly situated, the Committee, it is stated, kept in view the gold law occupation by coloured persons. If that object still holds good, and the retention of the restrictive provisions anywhere is still justified, there appears, the Committee feels, to be no reason why it should be allowed to be defeated in such areas merely because portions of them happen to have been included in townships before their proclamation as public diggings. The Committee, therefore, recommends legislative action, by which Sections 130 and 131 of Act 35 of 1908 shall apply to all proclaimed land from the date of such proclamation, provided vested interests lawfully acquired by coloured persons up to May 7, 1930, be adequately protected.

### Necessary Changes

The Committee further considered the position necessarily created by the changes which may continually occur in a large mining area, resulting in the deproclamation. As the restrictions under the gold law in such cases automatically cease to apply, the value of the land acquired on the understanding that the area in which it is situated is protected against occupation by coloured persons, will, declares the Committee, undoubtedly be detrimentally affected. The Committee, consequently, recommends that these restrictions shall, in all cases of deproclamation, be continued, provided that the land so deproclaimed was at the time of deproclamation included in a township or municipal area.

In view of the specific provisions to that effect in

Law 3 of 1885, as amended by Act 37 of 1919, there can be no doubt, says the Committee, that the Legislature intended definitely that Asiatics should not own fixed property in the Transvaal, outside certain reserved areas, either individually or collectively, and either directly or indirectly. In spite of the legislative attempt, in 1919, to prevent a then common evasion of the law, through the formation of companies, the Committee finds that other ways and means to frustrate the intention of the law have subsequently been discovered and utilised, by which the restrictions have been largely evaded. The Committee has carefully inquired into these evasions, and recommends to the House the necessity of amending the law, and recommends the enactment of the present Bill during the present session of Parliament.—*The Star*.

## The Asiatics Bill

The Transvaal Asiatic Tenure (Amendment) Bill was published on Friday last. It was framed as the result of an inquiry by a select committee appointed early in February on the motion of the Minister of the Interior. The committee inquired into the position created by judgments affecting the residence on or occupation of fixed property by Indians or other persons belonging to the native races of Asia on proclaimed ground in the Transvaal, and also in how far the intentions of Parliament, as indicated in the Asiatics Land and Trading Amendment Act (Transvaal), 1919, are being given effect to.

### Gold Law Amendments

The first clause of the new Bill amends section 130 of the Transvaal Gold Law, which prohibits the acquisition of rights under the Act by coloured persons, by the addition of the following words: "And no coloured person other than such bona fide servant may reside on or occupy any such ground."

The next section, which restricts residence of coloured persons in proclaimed fields, is made more specific. The words "be permitted to" are excised and the opening sentence of the clause is to read: "No coloured person shall reside in." And instead of the words "proclaimed land" immediately following, the following sentence is substituted: "Or occupy any land which has been or purports to have been proclaimed a public digging under any provision whatsoever of this Act or Law 15 of 1898, or of a prior law, and which has not been lawfully deproclaimed whatever its situation, the nature of its tenure, the nature and extent of any rights in regard thereto under this Act or any other law or the condition of its surface may be or may not be on the date of such proclamation."

The provisions of these two sections are made retrospective, and they are to be taken as having come into operation on May 1, 1930, with the promise that any coloured person who was lawfully residing on or occupying any ground referred to immediately prior to that date shall be entitled to continue such residence or occupation, subject to compliance with the requirements of any other law.

It is provided that any land that has ceased to be a public digging before the date mentioned shall, nevertheless, be subject to the provisions as long as it is situated within the area of jurisdiction of any municipal council or village council or health committee, and the reservation in regard to prior occupation again applies.

### Exempted Areas

Clause 5 embodies comprehensive provisions for the creation of exempted areas and throws the onus on every

municipal council or village board within whose area Asiatics reside, and within which area is included any ground or land referred to in the gold laws, to define within one year, and subject to any law relating to the laying out of townships, an area or areas for the accommodation of Asiatics, and indicate whether Asiatics may reside in such area, but may not carry on business therein, or vice versa, or may both reside and carry on business.

The Minister of the Interior after consultation with the Minister of Mines, shall define such areas as exempted, and Asiatics may thereupon acquire the ownership of or any other real right in, or a lease or other right of occupation of land in such areas.

If the local governing body fails to define an area or areas, which in the opinion of the Minister of the Interior are suitable and of sufficient extent to meet all reasonable requirements of all Asiatics residing or carrying on business in the area of jurisdiction of such body, the Minister, after consultation with the Minister of Mines and local body, and subject to any townships law, shall define an exempted area.

No land may be included in an exempted area if the title deed of that land contains any servitude or condition prohibiting its transfer to or occupation by an Asiatic, unless the owner signifies his consent in writing to such inclusion.

### The Word "Indian"

The amendments to the Asiatic Land and Trading Act (Transvaal), 1919, provide for the deletion of the expression "British Indian" and "Indian" and the substitution thereof of "coloured person."

The 1919 provision exempting British Indians who were carrying on business on proclaimed ground on May 1, 1919, is to be substituted by a clause stipulating that no coloured person shall be exempt in respect of any number of pieces of land in any township in excess of the number of pieces of land on which he resided or which he occupied in such township on May 1, 1919, or in respect of any area in such township in excess of that area on which he resided, or which he occupied in such township on the said date.

In the case of any coloured person who on May 1, 1930, was residing on or occupying any land affected by the previous section, he may nevertheless continue such residence or occupation till April 30, 1935, provided he furnishes the Minister with a written notice specifying the land which he unlawfully resides upon or occupies, and other particulars which the Minister may require him to furnish.

### Fixed Property

The clauses dealing with fixed property are very definite. The expression "fixed property" is to be construed as meaning any real right in immovable property in the Transvaal outside the exempted areas, and outside areas assigned for the occupation of Asiatics under the Transvaal law of 1885. The clause continues: "Other than a mortgage bond over immovable property securing a bona fide loan granted in the ordinary course of business for an amount which, either alone or together with any other mortgage bond having priority over the first-mentioned mortgage bond, does not exceed one half of the value of such property as at the time of the registration of such mortgage, and shall include any lease of immovable property for a period of ten years or longer, or any lease which empowers the lessee to renew it for any period or periods which, together with the period of the original lease, equal or exceed a period of ten years."

The Bill provides that no Asiatic company shall hold any fixed property, but the prohibitory clauses do not apply in respect of fixed property which on May 1, 1930, stood lawfully registered in any deeds registry in favour of an Asiatic, as long as that fixed property is held by him or by any other Asiatic who inherited it from an Asiatic or an Asiatic company which held by such company.

It is laid down that no person shall hold any fixed property on behalf of or in the interest of an Asiatic or Asiatic company, but there is a reservation in regard to fixed property so held immediately prior to May 15, 1930.

Any fixed property registered in any deeds registry in favour of any Asiatic or Asiatic company which such Asiatic or company is debarred from holding by virtue of the provisions of the Transvaal law of 1885, or of the present Act, shall become the property of the State, provided: "That if any such Asiatic or company purports to transfer such property to a person who may lawfully hold it, the rights of the State in respect of such property shall terminate on the expiration of one year after the registration of such transfer in a deeds registry. Any condition or provision inserted after May 15, 1930, in any document whatever purporting to empower any Asiatic or Asiatic company to exercise any influence upon the transfer of fixed property shall be void."

### Holding Of Shares

It is provided that whenever any private company holds any fixed property, any share in or debenture of such company held by or pledged to an Asiatic or an Asiatic company, or any person on behalf of or in interest of an Asiatic or an Asiatic company, shall be forfeited by the State. Responsibility is placed on the secretary and every director of any company concerned to notify the registrar of companies of such holdings. This section is not to affect any share in or debenture of any company which was on May 1, 1930, held by an Asiatic and not transferred by him since.

The registrar of companies is to be empowered to instruct the secretary of any company to issue documents giving effect to forfeiture of shares or debentures, and whenever it has been proved in any proceedings under the Act, whether civil or criminal, that an Asiatic holds any share in or debenture, or that any other person holds any such interest on behalf of an Asiatic, such company shall be deemed to be an Asiatic company unless the contrary is proved.

No foreign company as defined in the Companies Act, 1926, shall acquire or be capable of holding any fixed property acquired after May 1, 1930, unless it has a place of business in the Union and has complied with the requirements of the Companies Act. A company which has issued bearer shares or debentures may not permit Asiatics to occupy its fixed property.

### Trading Licences

Trade licences may be issued only to Asiatics lawfully entitled to carry on the business or trade for which a licence is desired on the premises whereon such business or trade is to be carried on.

The right of appeal in the case of refusal to issue a licence is given in the first instance to a magistrate, and the magistrate's decision may be the subject of an appeal to the Supreme Court, as if it were a civil judgment.

The penalties provided for offences are a fine not exceeding £50, or in default imprisonment not exceeding six months or to both.

### What "Asiatic" Means

The definitions given in the Bill are interesting.

"Asiatic" means any Turk and any member of a race or tribe whose national home is Asia, but shall not include any member of the Jewish or the Syrian race or of any male person belonging to the race or class known as the Cape Malays.

"Asiatic company" means any company wherein a controlling interest is held by an Asiatic.

"Coloured person" has the meaning assigned to that expression in Section 3 of Act No. 35 of 1908 (Transvaal).

"Controlling interest" in relation to any company means a majority of the shares, or shares representing more than half the share capital, or shares of a value in

excess of half the aggregate value of all the shares in such company, or shares entitling the holders thereof to a majority or preponderance of votes, or debentures for an amount in excess of half the share capital of such company, or the power over the activities or assets of such company.

"Deeds registry" includes the mining titles office.

"Licence" includes any renewal thereof.

The final amendment is to an Act of 1924, which exempted Cape Malays from the operation of the Transvaal Asiatic laws, and it is proposed to limit the exemption to Cape "males."—*The Star*.

## Indians Fear Ruin

### The Asiatics Bill Denounced

*The Star* (Johannesburg) dated May 17, writes:—

The publication of the Asiatic Trading Rights Bill and the report of the Select Committee has caused dismay among the Indian community of Johannesburg. Something approaching a state of panic exists among Indian merchants, who fear they will be completely ruined if the provisions of the Bill become law.

In their view the rights and privileges won through the passive resistance under Mahatma Gandhi in South Africa from 1907 to 1914 have all been swept away.

"The Gandhi-Smuts Agreement and the Indo-European Agreement have all been treated as mere scraps of paper," declared a prominent Indian. "Indians in the Transvaal feel that they have long been sacrificed on the altar of anti-Asiatic prejudice. Our only hope at the present moment is the intervention of Sir Kurma Reddi in an attempt to enlist the sympathy of legislators who are willing to give justice to Indians without prejudicing the rights of Europeans."

Mr. P. K. Desai, secretary of the Transvaal Indian Congress, stated in an interview that the Bill was merely another Class Areas Bill in another form. Whereas the Class Areas Bill (introduced by the Smuts Government but taken no further) was intended to apply to the whole Union, the present Bill was aimed at the Transvaal only. The Bill dealt with the position that had arisen as a result of the issue of trading licences to Asiatics in illegal occupation of stands, either on proclaimed land or in Government or private townships under covenants prohibiting occupation by coloured persons other than those in domestic employment. On this question the Select Committee had recommended that five years be given to vacate the stands. Indians then could go to certain areas defined by the municipality in 12 months. If the municipality concerned failed to do this the Minister in consultation with the municipality could himself take action.

### 80 Per Cent. Affected

Mr. Desai said that 80 per cent. of the Indian community along the Reef would be affected by this provision. Even those Indians who were protected under Act 37 of 1919, had their rights removed by the present Bill.

"Look at those areas which have been set aside for Indians," said Mr. Desai, "and you will find that another form of ghetto will be created amid disgraceful and insanitary conditions. This Bill affects our right of trade and occupation, and it will be the ruination of the entire Indian community."

The provision in the Bill for the transfer of property held by Indians to Europeans, and the confiscation of property not so transferred, was des-

cribed by Mr. Desai as iniquitous. It placed Indians at the mercy of Europeans and forced them to sell their property.

The general feeling among the Indian community is that it is most unfortunate that the South African Government should seek to introduce legislation on the lines proposed when the situation in India is somewhat tense.

### Action In Capetown

Our Capetown correspondent states that Sir Kurma Reddi, the Agent-General for India, spent more than an hour to-day in consultation with Dr. Malah, Minister of the Interior.

Sir Kurma told a representative of *The Star* afterwards that nothing definite had been achieved. He and the Minister had discussed the difficulties in relation to the Transvaal Asiatics Bill. No assurance had been given that the Bill would be held over, but the conversations would be resumed on Monday.

### Select Committee's Evidence

The evidence given before the Select Committee was published to-day. Evidence was tendered on behalf of the Transvaal Municipal Association, Johannesburg City Council, and Germiston, Vereeniging and Springs Town Councils, the Indo-European Council, the Transvaal Indian Congress and the British Indian Association. The Acting Agent-General for India (Mr. Tyson) and his secretary (the Hon. Evelyn Baring) were present at the proceedings and gave evidence.

In the statement by the Indian Congress it was pointed out that in the city of Johannesburg there are about 36 wholesale merchants and that they represent an aggregate capital of £3,000,000. There are about 800 retail general dealers in the city and suburbs and they represent an aggregate capital of £320,000. Of the wholesale merchants and general dealers some are protected under the Act of 1919, but others are not protected because men have changed from one place to another, and some of them may have gone to India and taken partners. Of the 36 wholesale merchants and 800 others who have acquired vested interests since 1919, many are not protected. One witness said that 80 per cent. of the £3,000,000 involved is not protected.

## The Present Position In India

(BY AN ENGLISHMAN.)

What is a law-abiding person to think about the present position in India? To give an answer it will be necessary to review the past. We went to India for our own benefit. We stayed there for the same reason. Our innate sense of justice made us good rulers. We enriched ourselves whilst doing our utmost to satisfy those over whom we ruled. We found the masses oppressed and poor. We did what we could to relieve oppression and rather less to alleviate the poor. Expediency and a sense of fair-play made us champions of minorities. Similar motives inspired our support of Native Princes. We stood by, ever ready to guide them along the path, from despotic to more constitutional methods of Government. Our good intentions were patent to all. Our integrity was seldom questioned. In the main, India was satisfied; England proud of her EMPIRE in the EAST. Then, time brought changes. Advancing civilization revived the instinct for independence. Voices here and there were raised in opposition to our dominance. Fingers, here and there were pointed at excessive taxation. Administration, however benevolent,

failed to make equitable laws that appeared to be unequal. Suspicion arose, and with suspicion discontent. Benevolent and just, we became uneasy. A growing fear robbed us, now and then, of our better judgment and clear vision. Excessive generosity and stern repression alternated spasmodically to confuse stable Government.

India was stunned at the ingratitude and folly of our early post-war legislation. Here and there blunders were made in administration. Blunders fraught with ghastly consequences. Blunders, as stupid, as cruel. Blunders no nation could forget. I refer chiefly to Jallan Wala Bagh and Guru kabagh. Our Mohammed and friends were astonished and disappointed to discover the emptiness of Llyods Georges' war pledge. We became less honest. We cried more loudly "We are here for your good" while we knew, more definitely, that our own interests were at stake.

By this time India's eyes were opened. She saw all this. True it was that Laceshires's prosperity was dependent on India's poverty. Too true it was that expediency in "dividing to rule" had dictated dishonest exaggeration of the disharmony between India's religions and races. Too true that Britain sometimes distorted the truth and belittled India's capability to govern herself.

Her dissatisfaction turned not to rage but to a dogged determination. Fight she would not, but "SWARAJ" must be hers. Now she wields her weapon. A weapon almost untried in the history of humanity.

A mule, but a scantified mule, India refuses to obey. "We will suffer; we will die, but Swaraj must be ours" is not the cry of an unruly mob but the voice of a great nation. Does not our sympathy go out to such a race? What army can fight an unarmed foe. Turmoil and tribulation "Swaraj" will bring in its train. What great nation achieved its goal without?

Shall we not raise our hats to those who in grim determination to win, hold in leash India's hot heads? Shall we not admit that the world's greatest experiment in disarmament is being made in our day, not in Europe but under an Eastern sky? Never was prayer for guidance so needed. Our hearts go to those who stand by, armed yet passive, in danger as great as that on any fighting front. Never in the world's history were armies less willing to fight.

In the day of our opportunity let us lay down our arms. Let us admit that the methods of the SERMON ON THE MOUNT are being tried. They may work! God alone knows! Let us who look on from afar pray, with bated breath, that God will guide those "on the battle front" from Lord Irwin to the humblest policeman, from Mahatma Gandhi to the meanest peasant.

### Messages Sent To India

The following message has been sent to Mrs. Gandhi by Mr. B. M. Patel, Hon. Secretary of the M. K. Gandhi Library and Patee Rustonjee Hall Committee:—

Srimati Kasturba Gandhi  
Satyagraha Ashram  
Ahmedabad, India.

"Dear Ba,—I am directed by my Committee to convey to you their regret at the unwarranted arrest of our revered leader Mahatma Gandhi, the Apostle of Peace by the Government of India. I might add that this event has not only evoked greater admiration and love for him by his countrymen in India and all over the world, but

has given an impetus to our National struggle for the freedom of India from a foreign yoke.

We also admire you, in this hour of your anxiety and the Nation's trial, for your undaunted courage and perseverance, and our only prayer to the Almighty is that He may grant the Mahatma and yourself long life and strength to continue your noble work for the cause of our Motherland."

The following telegram has been sent to Mrs. Gandhi by the Surat Hindoo Association (Durban):—

"Surat Hindoo Association regrets arrest great Soul Mahatma Gandhi who has been great source of inspiration to our Motherland in her struggle for freedom. May his noble endeavours be crowned with success and may Almighty grant Mahatma and your good self long life and happiness."

The following telegrams have been sent by the Mayavant Association respectively to Mr. Vallabhai J. Patel and to Mrs. Gandhi:—

"Mayavant Association representing depressed classes of South African Indians whole heartedly support Mahatma Gandhi and all the Leaders of the Indian National Congress in their struggle for India's freedom. Please convey to Congress Committee Association's protests against the action of some of the Leaders of the depressed classes in India working against the movement and our disapproval of any representative on their behalf to attend Round Table Conference."

"Mayavant Association representing depressed classes of South African Indians expresses sorrow arrest Mahatma Gandhi whose saintly personality and peaceful disposition has been guiding light in political advancement of India. Pray Almighty attend Nation's struggle for freedom."

## WHEN YOUR NERVES FAIL

### BEWARE OF NEURASTHENIA

When you find yourself getting nervy and irritable, when both work and play get too much for you, you should beware of neurasthenia. Pitiful is the cry that comes from victims of this complaint, which arises out of the competition and striving of the age. Medical evidence proves that neurasthenia is getting more and more common.

Seldom do two sufferers experience the same symptoms, but all more or less endure a feeling of misery night and day, lack of appetite, morbid thoughts, exhaustion after slight exertion, aching limbs, indigestion, headaches and insomnia.

There is only one way to treat neurasthenia, and that is through the blood. That is why so many sufferers have found immense relief in Dr. Williams' pink pills. These pills refresh the weak nerves with a nutritive stream of new, rich blood; thus the nerves are reinforced with just the elements they need; they gain strength and vigour, and the miseries of nervous exhaustion are dispelled.

If you are threatened with neurasthenia, begin Dr. Williams' pink pills now. Of all dealers, or direct from Dr. Williams' Medicine Co., P.O. Box 604, Cape Town; 3s. 3d. for one bottle, or six for 18s., post free.