

INDIAN OPINION

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NOTES AND NEWS

Our Apology

WE express our apology to the reader for the present issue being belated owing to most of the members of our staff being laid up with flu which is at present raging all over the country. Many matters of interest and importance have also consequently been held over for next week.

Colonial Born Association

Accepts Unity Formula

A special meeting of the Colonial Born and Settlers' Indian Association was held at Prince Edward Street, Durban, on Sunday afternoon to consider the formula agreed to by representatives of the Association and the Natal Indian Congress. Mr. A. Christopher, who presided, briefly reviewed the history of the unity conferences culminating in the draft formula being accepted by representatives of both bodies. He stressed the need for unity in the community and urged the Colonial-Born Indians to take a greater interest in their welfare. He said a draft constitution of the new body, which will be known as the Natal Indian Association (with which are amalgamated the Colonial Born and Settlers' Indian Association and the Natal Indian Congress), had been prepared and would be placed before the meeting for consideration and acceptance. After lengthy discussion the formula and draft constitution were accepted unanimously with the alteration in the date of the joint meeting of both bodies from September 24 to October 8.

Government Protection Against Profiteering

The Minister of Commerce and Industries, Mr. R. Stuttaford, gives an emphatic assurance to the public that the Government is taking steps to protect it against profiteering, and to ensure that all necessary commodities for the ordinary household shall not be sold at any exorbitant or unreasonable price. The Minister intends to enlist the aid of chambers of commerce and commercial men generally to see that the unpatriotic exploitation of the public by merchants and shopkeepers is stopped. Mr. Stuttaford comments in the strongest possible terms that those individuals who are able to buy large quantities of foodstuffs and other necessities for the purposes of hoarding are doing a great disservice to

the country, and that their action is definitely unpatriotic. "Nobody who has the interest of South Africa at heart would do such a thing," said the Minister. The Government will not allow the poorer sections of the community to suffer, or be placed at a disadvantage, by people who are hoarding and buying in excess of their ordinary requirements. The Government will deal also with the price of petrol through the motor traders' association. The Minister will not hesitate to ask oil companies to stop supplies immediately to traders in any part of the country who sell petrol above the ruling price. Other measures are being investigated, and it is possible that the Government will make an announcement when at any time prices of imported goods and commodities warrant any increase in price. The Minister urges traders not to supply their regular customers with more than their normal requirements, and to restrict supplies in cases where they consider there is over-buying of certain commodities.

Increase In B. I. Boats Fares

Since all the shipping lines have increased their fares the B. I. Company catering for Indian passengers between India and Africa has also increased its fares by twenty-five per cent. In so far as the B. I. Company is concerned it has been the bitter complaint of the passengers that the fares are already exorbitant for second class and first class, and deck passengers get altogether scant consideration. They are treated just like cattle. With this unsatisfactory state of affairs would-be passengers will certainly be perturbed over the unjustifiable increase in the fares. The B. I. Company's treatment of Indian passengers is Hitler-like and in the absence of any other company to compete against it, it evidently thinks that it can safely ignore the complaints of those on whom it is profiteering.

Transvaal United Party Supports Hertzog

By 26 votes to 16 the Head Committee of the United Party in the Transvaal on Tuesday, September 12, decided to support General Hertzog in the stand he had taken in Parliament over the question of South Africa's neutrality in the present war, an amendment supporting General Smuts's action being defeated.

Indicative as this is of the fact that General Smuts has not got control of the Head Committee as it is at present constituted, it does not give a true reflection of the political strength of the opposition sections in this Province, for the Witwatersrand, which is pro-Smuts, has only eight members on the Head Committee, says the political correspondent of the *Natal Mercury*. The Witwatersrand Executive of the Party passed a motion supporting General Smuts, sixty members voting in favour of the motion and ten for neutrality.

India Council Of State Supports

Poland

In Simla, the Council of State has unanimously decided to inform Poland of its deep admiration for the country's struggle against aggression, and India's entire confidence in ultimate victory. Moving the resolution, Sir Jagdish Prasad, leader of the House, urged that India should wholeheartedly take her share in the fight of right over brute force. He added, "let us not forget the ultimate fate of India will be decided on the battlefields of Europe."

Death Of Mr. Edward Saunders

The death, after a short illness, of Mr. Edward George Arthur Saunders, J.P., at his home in Ridge Road, Durban, last Sunday morning, removes from the life of Natal one of its best-known pioneers in the Natal sugar industry. Mr. Saunders was the life managing director of the Tongaat Sugar Company Ltd. He was born at Tongaat in 1861 and was connected with the sugar industry all his life. The late Mr. Saunders was known and respected by the Indian community for his kind and generous treatment towards Indians working under him as compared with other mill owners. Mr. Saunders is survived by his wife, a son and two married daughters. His son is Mr. Douglas Saunders, general manager of the Tongaat Sugar Company. Mr. Saunders's eldest son was killed during the Great War. His death in Flanders was announced after armistice had been signed. The funeral of Mr. Saunders took place on Monday afternoon at the Tongaat cemetery. Many Indians were present to pay their last tribute. The Indian community's heartfelt sympathy goes out to the bereaved family.

Swami Bhawani Dayal Returns

Swami Bhawani Dayal, ex-president of the Natal Indian Congress, who had been to India to inform the public and the leaders of India about the offensive legislation passed and contemplated to be passed by the Union Government against

Indians in South Africa, has, after a successful tour, returned to Durban last week. A public reception was to be given in his honour by the Congress on the day of his arrival but owing to his indisposition it has been postponed to September 20.

Indian Opinion

FRIDAY, SEPTEMBER 15TH, 1939

Unity Formula

THE unity formula aiming at amalgamating the Natal Indian Congress and the Colonial Born and Settlers' Indian Association into one body known as the Natal Indian Association, which was adopted by a special general meeting of the Natal Indian Congress on August 27, was also adopted by a special general meeting of the Colonial Born and Settlers' Indian Association held on Sunday, September 10. It was decided, however, that the meeting of the amalgamated bodies which was arranged by the Congress to be held on September 24, should be held on October 8. This decision was arrived at owing to unforeseen circumstances. The Sam China Cup tournament takes place at Capetown and some of the officials of the association will be absent. There is also at the Mayville Theatre a Tamil drama in aid of a school at Inanda, and many of our brethren will be attracted there, and there is also a function at Verulam. In view of all these circumstances, the Colonial Born and Settlers' Indian Association was quite justified in suggesting a week's delay in holding the meeting of the amalgamated bodies, and it is to be hoped that this arrangement will be agreed to by the Congress.

It was emphasised at the meeting, that if the Colonial-born Indians who form over eighty per cent. of the whole Indian population and most of whom know no other home, should begin to take a keener interest in their political and social

uplift work and to see that the right men are chosen to represent them who will not let them down. This they cannot do by sitting at home or considering the attraction of sports to be of more importance than the question of their welfare. Sports cannot be the all-in-all in their lives. They cannot merely live and die for sports. It is after all a recreation and should be treated as such. Otherwise they will soon find their position to be like that of Rome burning while Nero sat fiddling. Indians in South Africa, whether Colonial born or home born, must begin to take a personal interest in matters pertaining to their rights and interests in this country and not merely depend upon the representatives they have elected doing everything for them. The bitter experience of the past should be a lesson to them.

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Profiteering

LAST week's agitation against the abnormal rise in the price of rice and other foodstuffs has had a somewhat salutary effect, for the price of rice has gone down from 35s. and 40s. to 22s. Whilst the protest was fully justified we do not approve of the strong and ungentlemanly language used by some of our brethren and of their making a target of only Indian merchants. Other sections are just as much to blame for the curse of profiteering and the blame is applicable really to all traders generally.

With great satisfaction we now learn that the Prime Minister is proposing to promulgate a new wartime emergency legislation for the protection and safety of the public and the State, one of the major items to be dealt with being the question of the control of profiteering and the fixation of food prices. The political correspondent of the *Natal Mercury* states that "profiteering is reported to have reached such dimensions that General Smuts is prepared to take drastic action, as the Cabinet considers that profiteers are among the most unpatriotic members of the public and must be dealt with accordingly."

Whilst it is but right that the Government should adopt stringent measures to bring to book these unscrupulous merchants who take this opportunity to set upon the public like vultures, much also depends upon the attitude of the public themselves. After all it is the public that keep the merchants going. If they did not afford a market to the merchants the latter would die a natural death. The public must try not to be the slaves of the merchants. They can do so by reducing their requirements to the minimum and by depending on the foodstuffs that are produced locally. It needs a little self control, practice and a little sacrifice, which of course is no sacrifice at all when compared with those who are involved in the present war and are just struggling between life and death. If the public were to adopt this course they will soon find the merchants coming down to their knees. If, on the other hand, the public are not prepared even for this little sacrifice at a time like this, it would not be too much to say that they deserve the fate they are subjected to. A certain amount of sacrifice is needed by all in these trying days and those who can sacrifice the most will be performing the best service to mankind.

EMERGENCY FINANCE REGULATIONS

THE following regulations have been made under the Currency and Exchanges Act, 1933, by the Union Government and are published for general information in the *Gazette Extraordinary* dated September 9:—

Definition Of Terms

1. In these regulations, unless the context otherwise indicates—

"authorized dealer" means, in relation to any transaction in respect of gold, a person authorised by the Treasury to deal in gold, and in relation to any transaction in respect of foreign currency;

"bank notes" means bank notes which are legal tender in the Union;

"foreign currency" means any currency other than currency which is legal tender in the Union;

"gold" means gold in any form, except in regulations 2 and 3, in which "gold" means any gold other than wrought gold;

"owner," in relation to any security, includes any person who has the right to sell or transfer that security, or who has the custody thereof, or who receives or has the right to receive whether on his own behalf or on behalf of any other person, dividends or interest thereon, or who has any other interest therein;

"security" includes shares, stock, bonds, debentures, debenture stock and Treasury bills, but does not include a bill of exchange or promissory note;

"the appropriate officer" means any officer of customs or excise, any immigration officer, any member of the South African Police or any person authorised by the Treasury to act as such;

"the Treasury" means the Minister of Finance or any other Minister of State acting in his stead, and in relation to any power or function assigned to the Treasury by these regulations which any person has by such Minister been authorised to exercise or to perform, includes that person;

"transfer" includes transfer by way of loan or security; and for the purposes of these regulations a person shall be deemed to transfer securities from the Union elsewhere if he transfers securities from a register in the Union to a register outside the Union.

Restriction On Purchase, Sale And Loans Of Foreign Currency & Gold

2. Except with permission granted by the Treasury, no person other than an authorised dealer shall in the Union buy or borrow any foreign currency or gold from, or sell or lend any foreign currency or any gold to, any person not being an authorised dealer.

Restriction On Export Of Currency, Gold And Securities, etc.

3. (1) Subject to any exemption which may be granted by the Treasury, no person shall, except with permission granted by the Treasury,—

(a) take or send out of the Union any bank notes, gold, securities or foreign currency, or transfer any securities from the Union elsewhere; or

(b) draw or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment in the Union is created or transferred as consideration—

(i) for receiving a payment, or acquiring property, outside the Union, or

(ii) for a right (whether actual or contingent) to receive a payment, or acquire property, outside the Union,

or make any payment as such consideration.

(2) Paragraph (1) of this regulation shall not prohibit the doing of anything, within the scope of his authority, by a person authorised by the Treasury to deal in foreign exchange, and shall not prohibit the doing of anything which is certified by the Treasury to be necessary for the purpose—

(a) of meeting the reasonable requirements of a trade or business carried in the Union; or

(b) of performing a contract made before the sixth day of September, 1939; or

(c) of defraying reasonable travelling or other personal expenses.

(3) Any person who is about to leave the Union (in this paragraph referred to as "the traveller") shall, if required to do so by the appropriate officer—

(a) declare whether or not he has with him any bank notes, gold, securities, or foreign currency; and

(b) produce any bank notes, gold, securities, or foreign currency which he has with him;

and the appropriate officer, and any person acting under his direction may search the traveller and examine or search any article which the traveller has with him, for the purpose of ascertaining whether he has with him any bank notes, gold, securities or foreign currency, and may seize any bank notes, gold, securities or foreign currency produced or found upon such examination or search unless either—

(i) the appropriate officer is satisfied that the traveller is, in respect of any bank notes, gold, securities or foreign currency which he has with him, exempt

from the prohibition imposed by paragraph (1) of this regulation; or

(ii) the traveller produces to the appropriate officer a certificate granted by the Treasury which shows that the exportation by the traveller of any bank notes, gold, securities or foreign currency which he has with him does not involve a contravention of that paragraph.

No female shall be searched in pursuance of this paragraph except by a female.

(4) The appropriate officer and any person acting on his directions may examine or search any goods consigned from the Union to a destination outside the Union, for the purpose of ascertaining whether there are being sent therewith any bank notes, gold, securities or foreign currency, and may seize any bank notes, gold, securities or foreign currency found upon such examination or search unless the appropriate officer is satisfied that the Treasury has granted a certificate which shows that the sending as aforesaid of the bank notes, gold, securities or foreign currency does not involve a contravention of paragraph (1) of this regulation.

(5) For the purposes of this regulation, any bills of exchange or promissory notes payable otherwise than in currency which is legal tender in the Union shall be deemed to be foreign currency; and for the purposes of paragraph (1) (a) of this regulation, documents of title relating to securities shall be deemed to be securities, and references to securities in paragraphs (3) and (4) of this regulation shall be construed as including references to such documents of title.

Acquisition By Treasury Of Gold

4. (1) Every person resident in the Union who at the commencement of these regulations is entitled to sell, or to procure the sale of, any gold which is in the Union, shall within thirty days after that commencement, and every person resident in the Union who after the said commencement becomes entitled to sell, or to procure the sale of, any gold which is in the Union, shall within thirty days after becoming so entitled, offer that gold, or cause it to be offered, for sale to the Treasury or to a person authorised by the Treasury to act under this regulation; and the Treasury and the person so authorised may purchase that gold at such price as the Treasury may fix, being a price which, in the opinion of the Treasury, is not less than the market value of the gold on the day of purchase.

(2) The provisions of paragraph (1) of this regulation shall not impose on

any person an obligation to offer any gold for sale or to cause any gold to be offered for sale, if—

- (a) he satisfies the Treasury or a person so authorised—
- (i) that all the persons interested in that gold, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge which came into being before the sixth day of September, 1939, but including any persons beneficially interested in the gold under a trust, are not resident in the Union; or
- (ii) that the gold is required for the purpose of performing a contract made before the said day; or
- (iii) that the gold is held for the purpose of meeting the reasonable requirements of a trade or business carried on in the Union otherwise than by way of dealing in gold; or
- (b) he is, in respect of that gold, exempted from this regulation by the Treasury or by a person so authorised.

Acquisition By Treasury Of Certain Foreign Currency Etc.

5. (i) Every person resident in the Union who at the commencement of these regulations is entitled to sell, or to procure the sale of, any foreign currency which is in the Union shall within thirty days of that commencement, and every person resident in the Union who after the said commencement becomes entitled to sell, or to procure the sale of, any foreign currency which is in the Union, shall within thirty days after becoming so entitled, offer that currency, or cause it to be offered, for sale to the Treasury, or to a person authorised by the Treasury to act under this regulation; and the Treasury or the person so authorised may purchase such currency at such price as the Treasury may fix, being a price which, in the opinion of the Treasury, is not less than the market value of that currency on the day of purchase.

(2) Every person resident in the Union who at the commencement of these regulations is entitled to assign, or to procure the assignment of, any right to receive outside the Union, in respect of any credit or balance at a bank, payment of any amount in a foreign currency shall, within thirty days after that commencement, and every person resident in the Union who after the said commencement becomes entitled to assign, or to procure the assignment of, any such right, shall within thirty days after becoming so entitled, do all things necessary for the purpose of assigning that right to the Treasury or to a person authorised by the Treasury to act under this regulation.

The sum payable as consideration for any assignment made in accordance with this paragraph shall be such as the Treasury may fix.

(3) The provisions of paragraphs (1) and (2) of this regulation shall not impose upon any person an obligation in respect of any foreign currency or right to receive payment of any amount if—

- (a) he satisfies the Treasury or a person authorised by the Treasury to act under this regulation that all the persons interested in that currency or that right, as the case may be, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge which came into being before the sixth day of September, 1939, but including any persons beneficially interested in that currency or that right under a trust, are not resident in the Union; or
- (b) he satisfies the Treasury or a person so authorised that that currency or that right, as the case may be, is held or is required for the purpose—
 - (i) of performing a contract made before the sixth day of September, 1939; or
 - (ii) of meeting the reasonable requirements of a trade or business carried on in the Union otherwise than by way of dealing in foreign exchange, or
 - (iii) of defraying reasonable travelling or other personal expenses, or
- (c) he is, in respect of that currency or that right, as the case may be, exempted from this regulation by the Treasury or by a person so authorised.

6. (1) The Treasury may, by notice in the *Gazette* direct the owners of any securities specified in the notice, being securities which, in the opinion of the Treasury, are likely to be marketable outside the Union, to make to the South African Reserve Bank, in such form and manner and within such period as may be specified in the notice, a return giving such particulars with respect to those securities as may be specified in the notice.

(2) The Treasury, if it is of the opinion that it is expedient so to do for the purpose of strengthening the financial position of the Union, may by order transfer to itself any such securities as aforesaid specified in the order, at a price specified in the order, being a price which, in the opinion of the Treasury, is not less than the market value of the securities at the date of the order; and upon the making of such an order—

- (a) the securities to which the order relates shall forthwith vest in the Treasury free from any mortgage, pledge or charge, and the Treasury may deal with the securities as it thinks fit; and
- (b) the owners of any of the securities to which the order relates and any person who is responsible for

keeping any registers or books in which any of those securities are registered or inscribed or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary or as the Treasury may direct to be done for the purpose of ensuring that the securities and all documents of title relating thereto are delivered to the Treasury or to such person as the Treasury may direct, and, in the case of registered or inscribed securities, that the securities are registered or inscribed in the name of the Treasury or such person as the Treasury may direct.

(3) The duty to deliver any security under paragraph (2) of this regulation shall include a duty to do all such things as are necessary to ensure that any dividends or interest on that security becoming payable on or after the date of the order shall be paid to the Treasury; and if, in the case of any security payable to bearer which is delivered in pursuance of the said paragraph, any coupons conveying the right to any such dividends or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Treasury may think fit:

Provided that, if the price stated in the order in relation to any securities is ex any dividend or ex any interest, this paragraph shall not apply to that dividend or interest or to any coupon conveying the right thereto.

(4) A certificate signed by any person authorized in that behalf by the Treasury that any securities specified therein are securities transferred to the Treasury under this regulation shall be treated by all persons responsible for keeping any registers or books in which the securities are registered or inscribed, or who are otherwise concerned with the registration or inscription of those securities, as conclusive evidence that the securities have been so forced.

(5) This regulation shall not apply to any security if the Treasury is satisfied that at all times since the beginning of the sixth day of September, 1939, all the persons interested in the security, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge which came into being before the said day, but including any persons beneficially interested therein under a trust, were not resident in the Union.

Control Of Capital Issues

7. (1) No person shall, except with the consent of the Treasury and in accordance with such conditions as the Treasury may impose, make an issue of capital in the Union or renew or postpone the date of maturity of any security maturing for repayment in the Union:

Provided that this paragraph shall not apply to the issue of shares for a consideration not exceeding one hundred pounds in all to the signatories of a memorandum of association.

(2) No person shall issue any prospectus or other document offering for subscription any securities which does not include a statement that the Treasury has consented to the issue of the securities.

(3) For the purpose of this regulation a person shall be deemed to make an issue of capital who—

(a) issues any securities (whether for cash or otherwise); or

(b) receives any money on loan on the terms, or in the expectation,

that the loan will or may be repaid wholly or partly by the issue of any securities, or by the transfer of any securities issued after the making of the loan.

Exemption From Stamp Duty

8. Stamp duty shall not be chargeable on any document made for the sole purpose of meeting the requirements of these regulations.

Forms

9. The Treasury may prescribe such forms for the purposes of these regulations as it may think expedient.

Penalty

10. Every person who contravenes or fails to comply with the provisions

of any of these regulations, or contravenes or fails to comply with the terms of any notice or order issued or any permission or exemption granted under these regulations, or who obstructs any person in the execution of any power or function assigned to him by or under these regulations, or who makes any incorrect statement in any declaration made or return rendered for the purpose of these regulations (unless he proves that he did not know, and could not by the exercise of a reasonable degree of care have ascertained, that the statement was incorrect), shall be guilty of an offence and liable upon conviction to a fine of not exceeding five hundred pounds or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

SCRAPS OF PAPER

IN the previous issues we have seen how there was no case made out for the enactment of the restrictive clauses of the Asiatics (Transvaal Land and Trading) Bill, which is now an Act. They are reactionary inasmuch as they take away the existing rights of Indians. The Minister professed that his intention was merely to "peg" the existing situation and no more. In reality, the Bill worsens it. It has already been stated that there was never any prohibition of occupation of land, other than proclaimed land, in the Transvaal, and the Murray Commission has testified that such occupation was not opposed to the letter or the spirit of law. Now the present Bill prohibits any new occupation. It takes away an existing right. Further, as Messrs. Hofmeyr and Blackwell pointed out, prohibition of all new occupation will confine within existing areas the normally increasing Indian population, and accentuate over-crowding and cause real hardship in an increasing measure.

The Minister replied that he had taken power under clause 4 to give relief in special cases. He was repeatedly asked by Mr. Hofmeyr to give an assurance that he would use his discretionary power "in the spirit of the last section of the uplift part of the Capetown Agreement dealing with trading licences, and having due regard to the necessity of providing for the annual increase of the Indian population." It will be recalled that the Capetown Agreement, among other things, called for the relation of the restrictions on Indian trading. The Minister replied:

The hon. member for Johannesburg North (Mr. Hofmeyr) wants me to say whether I will carry out clause 4 in the spirit of the 1927 statement as confirmed in the 1932 statement. Now I have read that statement; it is the kind of windy statement so dear to the hearts of my two predecessors. I don't mean that in any nasty sense,

By
P. KODANDA RAO
In "The Servant Of India"

but I mean it in the sense that the ordinary man does not know exactly what all these words mean. There are words and words and words, and as far as I can take it, what it means is, you shall give these fellows a fair deal provided that in doing that you don't give anybody else an unfair deal. That is the spirit in which I shall carry out clause 4, but if you ask me to give you a categorical statement that I am prepared to stand up to every line of that statement and to accept the interpretation of either of my two predecessors, I say, no. I cannot.

But this is not all. Far from maintaining the *status quo*, as the Minister professed, the Bill threatens to worsen the existing position of the Indians. The Minister agreed with Mr. Blackwell that by "pegging" he had meant that "all existing businesses are to be protected, but no new businesses are to be allowed to come into existence." Under the trade licensing laws of the Transvaal, however, an existing business ceases to be so if it changes its manager or a partner or moves from one place to another—changes which, as Mr. Goldberg remarked, are ordinary rights that accrue to any trader. Thus, under the licensing laws, every such change makes a new business of an old one, and under the Bill no new business is permitted, except with the permission of the Minister, who is not bound to give it in all cases. In practice, the Indian who wants, for instance, to change the name of his business, has to do so without knowing in advance whether the Minister would give his permission or not. As Mr. Goldberg said:

He is called upon to take this step when he does not know the ultimate fate of his application. The Minister, influenced perhaps by the statement that there has been a great deal of evasion, may refuse to sanction the change of name, leaving the applicant in this position, that he has done what is open to any commercial trader, and notwithstanding that he suffers the possibility of losing his licence. He has got to take the step first and then find out whether it meets the approval of the Minister. The provision in section 4 does not enable him to test the view of the Minister on any such proposed step. If that were the case, if the Minister did not sanction the proposed step, the man could forego it; but he has to take the step first at the risk of losing his licence. That should indicate to those who attach so much importance to the safeguards in this Act by virtue of section 4, how little in fact there is in such a safeguard.

Mr. Burnside lifted the veil when he said:

I realise the hypocrisy of stating that this Bill is intended to peg down the existing position, whereas among the reactionaries it is realised that it contains all the possibilities and probably all the probabilities of reducing to a very considerable extent within the next two years Asiatic licences before any kind of conference is held with the Indian Government, if such a thing can ever be held.

This contingency of reducing the trading licences of Indians had not escaped the attention of the Minister when he said that his object was to peg the existing position and to protect existing businesses. He had counted on the licensing laws to bring about that effect, for he declined to accept an amendment to the effect that a mere change of name or management or partnership should not be a change in

the existing business, needing his special permission to continue. He opined that that would not be "pegging" the existing position. Since the ulterior motive of the Minister was to prevent the occupation of new areas by Indians and so facilitate ultimate segregation, it is easy to understand why he wished to prohibit any change of place of existing business to an area not hitherto occupied by Asiatics. But there was no need to penalise changes in managership or partnership or of place within areas already under Indian occupation. They do not create new businesses.

Furthermore, as Messrs. Hofmeyr and Blackwell pointed out, the Bill abrogates certain positive rights conferred on certain Indians by the law of 1919. As a consequence of the Gandhi-Muts Agreement of 1914, the Act of 1919 condoned all illegal occupation of proclaimed land by Asiatics and protected their "vested rights" as defined by Mr. Gandhi. That definition, which was embodied in the Act of 1919, said that an Indian was free to shift his place of residence or business within the same township. The present Bill, by a special clause, prohibits even such limited change of place of business without the permission of the Minister. This is a positive infringement of a vested right granted by Parliament in 1919. The Minister defended it on the ground that, while he was taking away the right of unrestricted occupation of unproclaimed land which all Indians had ever since they had been in the Transvaal, he was not going to respect the more limited right of free movement, within the same township on proclaimed land, of Indians who had once been guilty of violating the law and were subsequently condoned. It was unfair to protect a minor right while taking away a major one.

The critics of the Act also contended that it was a violation of the Capetown Agreement, which was still in operation and had not been terminated. Dr. Malan, who suggested at the third reading that the Agreement should be terminated, admitted however that it was at the moment in operation. Nobody was prepared to assert that the Agreement was not then in operation, though Mr. Nicholls from Natal charged the Government of India with having failed to carry out its part of the bargain and opined that in consequence the Agreement had lapsed. Messrs. Hofmeyr and Blackwell reiterated that as the Agreement was in operation, such legislation was wholly out of order.

Dr. Malan suggested that the Agreement did not stand in the way of anti-Asiatic legislation, for in announcing the Agreement in 1927 he had stated that the Union Government did not surrender its liberty to deal with the Indian problem by legislative means as and when it thought fit. Mr. Black-

well countered this argument. "As long as that Agreement stands," he said, "we are in the position that we have agreed not to legislate in a harsh and oppressive manner against the Indian" and he called specific attention to the sub-section of the uplift section of the Agreement which referred to the relaxation of restrictions in the licensing laws. He then continued:

If language has any meaning at all, it means that so far from the licensing laws that existed in 1926 being made harsher in their operation on the Asiatic community, they should be made lighter. But here we have a Minister admitting in effect that this Bill is intended to act more harshly on the Asiatic community.

The Minister evaded the issue, and took cover under the proviso to the Agreement which said:

It is difficult for the Union Government to take action which is considerably in advance of public opinion.

He said that Dr. Malan left the uplift clause severely alone because he was not prepared to act in considerable advance of public opinion, and Messrs. Hofmeyr and Blackwell wished the Minister to take action much in advance of public opinion, and he himself wished to push on a little ahead of public opinion, and that it was all a question of interpretation! He thus fenced the direct question whether his Bill was or was not in contravention of the Capetown Agreement.

While suggesting that compulsory segregation was the only solution of the Indian problem in South Africa, the Minister contended that the Bill under consideration did not commit anybody to the policy. At the second reading of the Bill on May 4 he said:

Now I want to emphasise that this Bill is purely an interim measure, and it does not prejudice the main issue in any way or in any direction.

Not without misgivings on the subject, Mr. Hofmeyr repeatedly underlined this statement of the Minister in order to peg him down to it. He said:

Because this Bill is so clearly interim legislation, it cannot be regarded as committing the House to the acceptance of the principle of segregation based on legislative compulsion. The Minister said this Bill is purely an interim measure. It does not prejudice the main issue in any way or in any direction. This Bill, therefore, does not commit the House in any way to the principle of segregation.

There were other members, however, who realised that the Bill did prejudice the issue and commit the House to a policy of legislative segregation. Mr. B. J. Schoeman, an ardent segregationist from the Transvaal, supported the Bill precisely because it not only held up the Feetham resolutions but it embodied "an entirely new principle"; for the

first time it segregated the Asiatics on non-proclaimed land in the Transvaal. Speaking from the opposite point of view, Mrs. Ballinger said:

I am entirely opposed to the further clauses for the reasons which the hon. member for Fordsburg (Mr. Schoeman) advanced for his support viz., that they introduce a new principle into our methods of dealing with non-Europeans, and let me say I fail to follow the careful reasoning of the hon. member for Johannesburg North (Mr. Hofmeyr) in the matter. He faced the fact that the implication of the clauses in this Bill amount in actual fact to segregation, but he agrees to support the Bill because, he says, the Government is not explicitly committed to segregation... I feel that if the Government takes its stand on what in effect is a segregation measure, it has, in spite of the assurances of the Minister, prejudiced the issue. The issue is fully and completely prejudiced by the assumption in this Bill... I maintain that no interim legislation should prejudice any future consideration of an issue when it is considered, by laying down certain new principles in regard to that issue.

Mr. S. C. Quinlan of the Transvaal, who supported the Bill and claimed credit to his party for it, admitted that Mrs. Ballinger's view was correct. He said:

For the first time in the Transvaal in rural areas we are discriminating against Asiatics because they are Asiatics and for no other reason.

Later in his speech, he said:

There has never been any discrimination against the Asiatics in rural areas... Then if there is room for a licence, as the law stands to-day, there is no discrimination on account of colour, and the magistrate must grant the licence. This Bill terminates that, and for that we are taking credit.

Thus, notwithstanding the Minister's protestations to the contrary, and Mr. Hofmeyr pinning down the Minister to his protestation, it is beyond doubt that compulsory segregation is to-day in operation even in the rural areas of the Transvaal, and the issue of segregation has been prejudged already.

Natal Indian Congress

WELCOME RECEPTION TO SWAMI BHAWANI DAYAL

The general public as well as members of the Natal Indian Congress are kindly requested to attend a welcome reception in honour of Swami Brawani Dayal, who has recently returned from India, at the Pavilion, Ocean Beach, on Wednesday, September 20, at 7.45 p.m.

Ladies are also requested to attend.

A. E. SHAIKH,
ASHWIN CHOUDREE,
Jt. hon. Secretaries.

Things In General

Gandhi Library And Rustomjee Hall

THE eighteenth anniversary of the M. K. Gandhi Library and Parsee Rustomjee Hall was celebrated at the Parsee Rustomjee Hall, 140 Queen Street, Durban, on Tuesday, September 5. The chairman of the Library Committee, Mr. O. H. A. Jhaveri, presided. After his opening speech, he garlanded the Mayor and Sir Rama Rau and presented bouquets to the Mayoress, Mr. Alex Doull and Sister Glenne. On account of the unavoidable absence of Lady Rama Rau, a bouquet was presented to Sir Rama Rau for her. There was a large attendance and amongst those present were His Worship the Mayor, the Mayoress, Sir Rama Rau, Mr. Alex Doull, Dr. and Sister Glenne and Mr. A. H. West. The Mayor congratulated the Library Committee for the progress made during the year and wished the Parsee community a happy and prosperous new year. The Agent-General, Sir B. Rama Rau, said that it was a pleasure for him to be present at the celebration of an institution which bore the names of two great persons in Natal. The first was that of Mahatma Gandhi, one of the greatest politicians of the last two or three centuries and the greatest Indian since the time of Gautama Buddha. The second was that of the late Mr. Parsee Rustomjee, the donor of the library, which stood as a monument in memory of him whose generosity and kindness was well known not only in South Africa but also in India. Sir Rama Rau congratulated the Library Committee for the very fine report submitted and hoped that still further progress would be made during the coming year. Speeches were made by Sister Glenne, Mr. Alex Doull, Dr. Glenne, Messrs. Hurbaas, Jeewa, A. H. West, S. Patchay, A. I. Kajee, M. B. Naik, R. Shukla and Satya Deva. Mr. S. J. Randeria, hon. secretary, thanked all those present, and on behalf of the Parsee community he thanked the several speakers for their good wishes for the New Year.

Maritzburg Protest Against Profiteering In Foodstuffs

At a protest meeting held under the auspices of the Colonial Born and Settlers' Indian Association (Maritzburg Branch), on Sunday September 10, at the Veda Dharma Sabha Hall, Longmarket Street, against the abnormal increase in prices of rice and other commodities, the president of the association, Mr. M. J. David, stressed the point that there should be no cause for panic among the people as the rice and other foodstuffs were plentiful. He also pointed out that the traders were taking advantage of the international situation and used

this as a weapon in defence of the sudden increases. He went to say that the people should not buy large quantities of any commodities but to acquire sufficient as their needs warranted. After many speakers had expressed their views on the parasitic manner adopted by the traders, the following resolution moved by Mr. T. Ramkilawan and seconded by Mr. M. Gopaul was passed unanimously: "This mass meeting of the Indian community of Pietermaritzburg, held on Sunday, September 10, emphatically protests against and deprecates the unjustified action of the traders in increasing the prices of rice and other essential foodstuffs to such an exorbitant extent, and urges the Government to institute an immediate inquiry and thereby bring to book those that are exploiting the poorer sections of the community and thus causing untold hardship. In view of such profiteering by the traders the Government is requested to take measures to ensure stabilisation and control of all commodities."

Mr. S. R. Naidoo's Son On War Service

A cable message has been received that Mr. S. R. Deenadayalu, who is qualifying for the medical profession at the King's College, Newcastle-upon-Tyne, England, has been, due to war emergency, given a hospital post. He is the eldest son of Mr. and Mrs. S. R. Naidoo of Pietermaritzburg. Born in the City in September 1914, he first entered St. Anthony's School, and thereafter St. Paul's and York Road Government Indian Schools. After completing his primary education he took up further studies at Lovedale College, and matriculated at the South African Native College at Fort Hare. He was the first Indian student from Natal to gain admission to the Medical Faculty of the Capetown University. After completing a part course he went overseas and entered the King's College at Newcastle-upon-Tyne, England, and has been a student there for the past two years. He is about to complete his final examination at the end of this year.

New Scheme For Sending Money Orders By Air

Owing to the curtailment of the air mail service, advices of money orders issued on overseas countries are now being forwarded to their destination by surface mail. In urgent cases advantage of the air mail for remittances to any of the following countries, viz, Australia, Eire, France, India, Kenya, Uganda, Tanganyika, Malaya, Netherlands, Netherlands Indies and the United Kingdom, will be arranged on payment of a special fee equal to the minimum rate of

postage for air mail letters to the country of payment. This fee is payable on each money order and is additional to the ordinary commission. Requisitions for air mail money orders must be endorsed by air mail.

Shree Gopallal Hindu Temple

The Shree Krishna Asthamee, Lord Krishna's birthday celebration, took place at the Shree Gopallal Hindu Temple, Verulam, on Wednesday, September 6. In spite of the inclement weather the Temple hall was well filled. Mr. Ochoonilal Raghavjee presided and speeches on the life of Lord Krishna were delivered. The orchestra of the Arya Sangeet Mandal was in attendance. The Temple officials and the committee convey their thanks to Mr. D. Roopanand for the interesting music supplied by him. Any Hindu of Verulam and district wishing to be a life member of the above Temple can do so by sending his application with the sum of 2/6 to the secretary. All applications must reach the secretary before the end of the current month. Enrolment forms can be obtained from the secretary.

Tamil Drama In Aid Of School

On Sunday, September 24, at 1 p.m. the Thiruvalluva Nadaga Sabha of Durban will present a Tamil Drama, "Nallathangal," a most heartrending and pathetic melodrama, depicting the famine of the sacred city of Benares, in aid of the Inanda Tea Estate Indian School, at the Mayville Theatre, Mayville, Durban. The Mayor and Mayoress, Mr. Fleming Johnston and Mrs. G. Cyrus, Sir B. Rama Rau (Agent-General for India) and Lady Rau have extended their distinguished patronage to the show. Admission will be by donation tickets. An appeal is made to the Indian community to assist and support a worthy educational cause.

Muslims Pray For Success Of Britain

Prayers for the success of Great Britain in the war were offered up by Durban Muslims at a gathering of over 2,000 on the South Coast Road last Sunday. The prayers were organised by the South Coast Junction and Clairwood Muslims.

India's Message To Poland

It is reported from Warsaw that the Polish Government has received a message from Sir Rabindranath Tagore, the distinguished Indian poet, and other eminent Bengalese affirming India's clear duty to offer sympathy to Poland and stand by Britain. In another message, the Indian Nationalist Leader, Pandit Jawaharlal Nehru, states that all the sympathy of India is on the side of the Democracies. The message appeals to Indians to throw all their resources into the common struggle against Nazism.

India Letter

(EXTRACTS FROM A. I. O. C. FOREIGN LETTER)

Bombay Inaugurates Prohibition

A MIDST scenes of mass enthusiasm and jubilation unparalleled in the recent history of Bombay, total prohibition was inaugurated in the City on August 1. A huge procession of over 2,000,000 people marching abreast started from the Congress House and wended its way through the streets of Bombay. The procession was led by Sardar Patel, the Ministers and a number of Provincial leaders. They were followed by grey-uniformed prohibition guards, and the khaki-clad volunteers gave a picturesque effect to the entire procession. Behind them marched athletes, red-shirts and mill-workers. Workers, specially women workers, formed a solid block in the procession. A vast concourse of people followed and the crowd went on surging as they marched on. A large number of prohibition posters were displayed. As the procession passed, thousands of spectators crowded at the windows and balconies and showered flowers on the people. The procession ended in a mammoth meeting. Addressing the citizens, Sardar Vallabhbhai Patel, who presided over the meeting, said that the day for which the whole of India was waiting had dawned and the eyes of the entire world were centered on Bombay. "When the history of the

country is written special mention will be made of the great social reform programme undertaken to-day in the Premier city of India. The Bombay of to-day rendered pure as it has been—is different from Bombay of yesterday. Bombay dry is Bombay beautiful." He continued that while the nations of the West were mobilising for the purpose of aggression against each other, people in the eight provinces of India were mobilising to make one of the greatest items of social reform a success. Bombay has given the lead to the rest of the provinces in the past. By undertaking the prohibition in the city and suburbs, Bombay would again justify its claim to be the Premier city of India. Several people had expressed doubts whether the Ministry would be able to undertake the programme on August 1, and whether the public would co-operate with the Ministry. The functions in which Bombay's thousands participated on August 1 would set all doubts at rest. The Congress was determined to see prohibition through, at all costs. They would shortly approach the Central Government to realise some of the enormous sums of money to finance the prohibition programme. If the Government of India did not co-operate with them, they were prepared to take up the gauntlet

and wage a fight on the issue. All the Congress Governments would take joint action in the matter. He urged that the people, not only in Bombay, but the entire country, should give their whole-hearted support to the Congress Cabinets in this matter.

An Unfortunate Incident

The success of the celebration was however marred to a certain extent by an unfortunate incident. A band of communalists took out a procession protesting against the newly imposed property tax. The unruly behaviour of the processionists created considerable disturbance and the situation took a serious turn. The police had to resort to force in order to bring the crowd under control.

Mahatma Gandhi's Message

Almost all prominent people of the country sent messages of greetings and success to the Bombay Government on the eve of the inauguration of the scheme. The following message was sent by Mahatma Gandhi:—"I hope that good sense for which Bombay is famous will ultimately prevail and all will combine to make the brave reform undertaken by the Bombay Ministry, the success it deserves to be. I am quite sure that the removal of the curse of intoxicating drinks and drugs will confer lasting benefit in our country."

The Sporting World

Central Factory F.C. Vs. Hill View Rangers F.C.

THE Central Factory Indian Football Club met the Hill View Rangers Football Club in a friendly match at the Umhloti Football Ground on Sunday, September 10. The opening match was between the "B" division teams. After fine soccer being played, the home team emerged winners by 2 goals to nil. The main match was played between the "A" division teams under ideal conditions with promising movements. The first goal was scored by the Hill View Rangers during the first 20 minutes of play. The game became more exciting when both the team's backs were to the best of their form. The Central Factory scored their equalising goal by heading the ball from a corner kick. The match ended with another goal for Central Factory, who won by 2 goals to 1.

Verulam Temple C.C.

At the annual general meeting of the Verulam Temple Cricket Club held recently, the following office-bearers were

elected for the ensuing season:—Patrons: Messrs. R. Talawantsingh, L. Rajcoomar, Ochoonilall Raghavjee, T. P. Sam, G. H. A. Kathrada, A. Moonsamy, Jata Jeewa, M. Juggath, A. Kader, M. G. Juggath and A. Parasuraman; president: Mr. S. R. Maharaj; vice-presidents: Messrs. S. J. Morris, G. Bechoo, B. Sham, N. Jata, S. Dhanpath, L. M. Singh and J. R. Talawantsingh; captain: Mr. G. Bechoo; vice-captain: Mr. J. Juggath; hon. secretary: Mr. R. L. Beharee; hon. treasurer: Mr. E. P. Juggath; hon. coach: Mr. S. J. Morris. Delegates to Durban District Indian Cricket Union, to which the club is affiliated, are: Messrs. S. Attawarie and S. S. Maharaj.

Lichtenburg Ottoman C.C.

The second annual general meeting of the Lichtenburg Ottoman Cricket Club was held at the local school recently, when the following office-bearers were elected:—President: Mr. Yusuf Kajee; vice-presidents: Messrs. N. M. Dada and George Usher; secretary and treasurer: Mr. I. A. Abed; record clerk: Mr. A. H. Khan; captain: Mr. A. Y. Kazi; vice-

captain: Mr. I. Lakhi. Challenges for friendly matches are invited to P.O. Box 2, from surrounding centres.

Discrimination In Sports

We have received the following letter from the secretary, Transvaal Indian Football Association:—Sir,—With reference to the letter published in your paper, "Discrimination in Sports," the Transvaal Indian Football Association at its council meeting at Germiston on Wednesday September 6, discussed the letter. We the undersigned secretaries of the district associations and of this association have been authorised by the Transvaal Indian Football Association to repudiate that statement. Not a word of truth in the said letter.

(Sgd.) W. WARNASURIYA, Hon. Secretary,
Pretoria District I.F.A.

L. P. MAHARAJ, Hon. Secretary,
East Rand I.F.A.

B. D. I. SIGAMONEY, Hon. Secretary
Witwatersrand I.F.A.