

Indian Opinion

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PRICE ONE PENNY

THE ADMISSION OF MINORS

FROM official reports and our own correspondent we learn that on the 12th ulto., before Major F. J. Dixon, A.R.M. (Acting Chairman), I. N. van Alphen and J. G. C. Wagner, forming the Immigration Appeal Board, the appeal of Ahmed Ebrahim was heard. Mr. de Beer for the Appellant, Mr. Chamney for the Immigration Department. [We referred at length to this matter in our leading columns last week.]

Mr. Chamney informed the Board that five appeals had been set down for hearing on that day, and as the other four cases were of a similar nature he thought that if a decision were given in one case it would possibly be found applicable to the other four. He asked for permission to give a short explanation of the difficulties which were arising in cases such as these. The appellants had come to this country from India without proper official proof regarding parentage and age, and had entered the Transvaal without authority. On the coming into force a year ago of Act 22 of 1914, certain procedure to be followed in cases of the proposed immigration of minors and which would have materially assisted them was laid down. He handed in form of application No. D.1.90 which had in the first place to be completed, and also form D.1.91 which was subsequently issued to the father of the immigrant for completion in India where it had to be signed by a Chief Presidency Magistrate in a Presidency town in India, a Political Officer in a Native State or a District Magistrate.

Mr. Wagner, enquired whether these forms were statutory.

Mr. Chamney replied that they were departmental, and explained that the Act required that evidence should be furnished by the immigrant to the satisfaction of an Immigration Officer and it was only reasonable that forms such as these, and which had been approved by the Honourable the Minister, should be completed. When this was not done it was difficult for the Immigration Officer to state that he was satisfied with the claims to lawful residence of the immigrant. The Indians however did not appear to want finality in these matters, and in only one instance had a D.1.91 form been properly completed and returned to his office. In some cases forms were issued to reputed fathers and a few months afterwards the boys arrived in South Africa in possession of the forms which were still blank, and had not even written in much less signed or attested. Instead of adopting the procedure laid down they much preferred to go to an inferior Magistrate and procure a certificate to their own liking which was generally of an unconvincing nature. He thought it was scandalous that Indians should thus ignore the reasonable requirements of the Government, especially in view of the fact that the procedure in question was only adopted after consultation with Sir Benjamin Robertson at the time of the visit of this high Indian Official to the Union in 1914. If this sort of thing were to continue he would not be surprised if the Gov-

ernment were forced to adopt more stringent regulations to control the immigration of Asiatic minors. In the case before the Board to-day he was inclined to think that instead of wasting time in leading a mass of inconclusive evidence it would be better for the Board to adjourn the cases and require the appellants to procure properly completed D.1.91 forms from India within a period of say four months. He mentioned that period because ever since the out-break of war the sailings between India and South Africa had been most irregular, and experience showed that in many cases four months was necessary to secure reports.

Mr. de Beer stated that although he would have preferred that the cases should be finally disposed of he was quite prepared to agree to Mr. Chamney's suggestion.

The Chairman stated that he thought the best course might be to hear the evidence and then if the required forms had not been completed, and the Board were not satisfied, to dismiss the appeals and send the boys to India. In view, however, of the representations made by Mr. Chamney he was prepared to adjourn the cases for a period of four months on the understanding that the required forms be completed during that period. No further adjournment would be granted.

At the sitting of the 23rd ultimo, Mr. Chamney, addressing the Board, said that Mr. de Beer wished to say a few words regarding the cases of Ahmed Ebrahim, Ismail Ebrahim, Natha Gopal and Dawjee Moosa, whose cases were adjourned for a period of four months in order that forms D.1.91 could be completed by a Magistrate in India.

Mr. de Beer stated that it was Mr. Chamney's suggestion that the appeals should stand over until his clients could comply with the requirements of the procurator from India of a completed form D.1.91. At that time he had not been properly instructed and he therefore agreed to the postponement of the cases. Since then, however, he had discussed the matter more fully with his clients and they had informed him that it was almost impossible for them to get the required forms completed. To do so it would be necessary for the fathers and sons to return to India, the expense and inconvenience of which would be tremendous. He would ask the Board in view of the fact that the procedure had not been one of very long standing that it would allow him to go on with the appeals at the next sitting of the Board. If they did not then succeed in establishing their claims they would be prepared to abide by the decision of the law. He had certain evidence which he wished to bring up and certificates which were held by them but which were not in strict compliance with the regulations. He thought that the Board was not bound by the forms D.1.91 as they were purely departmental and not required by statutory regulations nor regulations framed by the Governor-General under the Act, and in justice and fairness to

his clients he thought the cases should be heard as soon as possible. He was instructed that the Magistrates in India refused to sign any of the certificates unless the parents and the children were present.

Mr. Niemeyer, appearing on behalf of other appellants, in reply to a question by the Board, said that his clients had not completed the D.1.91 form, but that he had understood from the Registrar of Asiatic that the only objection he had to the appellants was in regard to their age and that he had now come before the Court armed with Doctors' certificates in which the age given by the appellants was stated to be correct.

Mr. Chamney denied that he had ever made such a statement and said that the appellants had not even completed the D.1.90 forms.

Mr. Niemeyer: "I have a note on my cover that you made this statement in your office."

Mr. Chamney: "I do not care about any notes made on your cover."

Mr. Niemeyer: "You say one thing in your office and another in court."

Mr. Chamney: "I have no recollection of this conversation."

The Chairman asked for specimens of the forms D.1.90 and D.1.91, and having examined them informed Mr. de Beer that the forms were prescribed upon advice given to the Union Government by Sir Benjamin Robertson in 1914.

Mr. Chamney confirmed this and said that Sir Benjamin Robertson was a most important officer and had been sent out by the Government of India on board a Man-of-War at enormous cost to themselves. His advice on the question now raised had been accepted by the Union Government. He added that although Mr. de Beer stated that the Magistrates refused to sign certificates he could not accept such an *ex parte* statement. He would require positive proof of this before he would be prepared to take the matter up. If they furnished full particulars of a specific case of such refusal he would ask the Minister to confer with the Government of India.

Mr. de Beer said that the case of Bhaua, the son of Lalla Jugga, was one in point.

The Chairman remarked that the whole trouble had arisen on account of the fact that these people would persist in ignoring the Immigration Department and bringing their children out without complying with the requirements of the Department. They come to Delagoa Bay and force their way into the country and they are naturally restricted. They then note an appeal to the Board and are issued temporary permits in order that they may come here for the hearing of their appeals. So far as he was concerned he was going to take up a strong attitude. These people must understand that if they want to bring their children into this country they must not ignore the Immigration Department. If their cases were *bona fide* he was quite sure that the Department would assist them rather than place obstacles in their way. The best way for them to prove their claims to the satisfaction of the Immigration Department or the Board was for them to comply with the rules and regulations that were made by the Department. The Board had every right to take cognisance of the requirements of the Department and the Department had every right to insist upon those requirements being complied with. These people pleaded ignorance in many cases but he was not convinced that such ignorance really existed, and the mere fact that a man failed to complete the necessary forms immediately threw very strong suspicion upon the case. The Board must insist upon these forms being filled up before the cases could be further considered. They could always get crowds of witnesses but that was not always convincing. The most convincing evidence that the Board could get was that from the authorities in India. If the case was a *bona fide* one he felt sure that the people would have no difficulty in obtaining the required evidence from India.

From the Editor's Chair

TRANSVAAL IMMIGRATION BOARD

SINCE we last wrote on the procedure of the Board we understand that a number of representations have been made to it with a view to place the true facts of the situation and the legal position before it, so that the Board might reconsider its previous view in regard to form D.1.91. We are glad to say that, as a result of these representations, the Board appreciates the fact that there are serious difficulties in the way of the invariable production of this form, and that it is prepared to receive whatever evidence may be placed before it in the ordinary course, reserving, however, the right to call for further evidence in the event of that produced not being to its satisfaction. This is a reasonable demand, and we are sure that appellants will do their best to meet the requirement. We strongly recommend that before minor sons are brought to the Transvaal, form D.1.91 should be procured from the Principal Immigration Officer and properly completed in India. Where this is done no question will be raised. In any event no minor should come to the Transvaal without producing a duly authenticated senior magistrate's certificate stating the relationship and the age, and bearing particulars of identification. Similar particulars, except as to age, will be required where the Immigration Officer has no record of the wife having been already claimed. We are glad to note that the Principal Immigration Officer, Transvaal, admitted to the Board that the requirement of form D.1.91 was not statutory, and that it had not been advertised in any way whatever by the Government to the Indian community of South Africa.

Indian Volunteers

A mass meeting of Indians was held on the 27th ultimo at the Port Elizabeth Veda Dharma Sabha Hall to consider the question of participating in the movement to provide an Indian Ambulance Corps to proceed overseas. Mr. David Jossie was voted to the chair and Mr. V. A. Pillay was elected secretary.

The chairman explained the object of the meeting, dwelling on the magnificent spirit of patriotism and loyalty to the British Raj which permeated India. He referred to the aid already given by the Indians in the Transvaal and Natal, and exhorted his hearers to follow their example, to prove their own patriotism.

Mr. V. A. Pillay also addressed the meeting. He had been in communication, he said, with the leaders in the Transvaal and Capetown on the matter for about a fortnight. He also read a telegram from Capetown in connection with the movement. Mr. Pillay and other speakers who followed him appealed to the young men to do their share.

Some of the audience expressed their wish to go overseas at their own expense to join the Indian Ambulance Stretcher-bearer Corps, and others handed in their names to the secretary as willing to give their services to the Empire.

A resolution was adopted by the meeting to the effect that the community were at the disposal of the Government. The meeting terminated with cheers for India and a prayer for the success of the cause of the British Raj and Allies.

Further Bazaar Restrictions

Mr. Carstairs, Chairman of the British Indian Association, addressed the following letter, dated the 19th ultimo, to the Town Clerk, Germiston:—

"My Association desires to lodge its protest against the proposed addition to the Asiatic Bazaar By-laws of your Municipality, providing that no one shall be let or leased to any person who is in possession of a licence to trade outside the Bazaar area and the cancellation of any existing licence to trade in the Bazaar if the holder acquires a licence to trade outside the Bazaar area."

"In my Association's humble opinion, the proposed By-law will be in restraint of trade and that, it being of a racial nature, it is for these reasons and otherwise undesirable."

"I have the honour to request further that, in the event of the proposed By-law being adopted by your Council, my Association's objections will be forwarded to the Honourable the Administrator."

Coloured Men and the War

"In my opinion a regiment of Cape Boys [Coloured men] would prove very serviceable, very serviceable indeed," said Sergeant Ingram, who took in hand a number of corner boys and passed them through gymnastic training with great results.

"In my opinion," said a veteran politician, "you had better let the Cape Boys alone, otherwise there will be a buzzing in the political hive for years."

These two opinions (says the *Cape Times*, mark the wide difference between the men who would make use of good material and the men who fear political disturbance arising out of the Colour question, and there is a great reluctance to deal with the wish of the Cape Boys for active service except in a vague and non-committal way.

We present some aspects of the question and leave the matter for consideration. In other parts of the Empire the black man has been and is being used in the fighting line with good results. He has also been seen in the fighting line in South Africa. In the Zulu War the Edendale Basutos furnished a most efficient troop of mounted scouts who frequently engaged the Zulus and behaved with unquestioned courage.

"The coloured people," said Senator Col. Stanford, "are strongly desirous of serving and when you remember that our men are already fighting in the same lines with Senegalese from the French settlements, it seems to me that there is no question of colour principle. The best opinion in Cape Town is in favour of meeting the wish of the Coloured people for service, in one of two ways. Either in a separate Contingent with their own mess and quarters, or that they should go as officers' servants, and transport men in which capacity they would relieve trained soldiers for the fighting line. In getting Coloured boys to carry out these very necessary duties there would be no departure from custom since it has always been the practise to engage Coloured boys in such capacities."

I see myself no objection to the enrolment of a Coloured regiment as a separate unit, and the matter is now under consideration."

"In my opinion," said another eminent authority, "I believe that the enrolment of a Coloured contingent would be sound on the ground that responsibility and discipline are in themselves good. The experience of the war has proved that the British policy of freedom is best. The response of the free Dominions has been too remarkable to ignore and I maintain from that experience that if you trust a people, if you give them responsibility and trust, they will do more than you had any right to expect. I do not agree with those who say that if you accept the freely offered services of the Coloured people you will spoil them. My view is that if you put them on their trial you will make better citizens of them."

Transvaal Immigration Appeals

Further Immigration Appeals were heard at Pretoria on the 30th ultimo, before Messrs. H. Rose-Innes (Chairman), Isaac N. van Alphen and J. G. C. Wagner, members of the Transvaal Immigration Appeal Board.

In the case of Ebrahim Amod Mamoojee, Mr. Hofmeyr was for the appellant.

Amod Mamoojee, sworn, stated that the appellant was his son. He was first married in 1889. The name of his wife was Rasool. He was married in India. The appellant was the son of his late wife. He was born in May, 1901. The mother of the boy died in 1902. The boy came to Natal in 1911. He had produced evidence to the Immigration Officer at Durban, and upon that evidence the Immigration Officer allowed the boy to land and reside in Durban. He obtained his Transvaal pink certificate in 1906, and his boy was mentioned upon it.

Questioned by Mr. Chamney: He had only one wife. His first wife was dead and the appellant was the child of the deceased wife. His second wife was residing in Natal. She had never been to the Transvaal.

Mr. Chamney invited the attention of the Board to Section 3 of the Indian Relief Act No. 22 of 1914, and said it was for the Board to decide whether the appellant was or was not an exempted person. He himself had been working upon the assumption that the man's second wife was residing with him in the Transvaal where the man had a domicile. It appeared from the evidence, however, that the woman was residing in Natal. The boy had entered without authority and had been restricted at Volksrust where he had noted an appeal to the Board.

The Chairman announced that the appeal would be upheld.

In the case of Sheik Omar and Dadamia, Mr. Niemeyer was for the appellants.

Mr. Chamney handed in Prohibition Notice, Notice of Appeal and Minister's Declaration, and informed the Board that it would be advisable to deal with these two cases collectively as the boys were brothers and were claiming residence in the Transvaal on the grounds that their father, who died before they came to this country, was a registered resident of the Transvaal. He admitted that the boys ages were 13 and 15 as claimed, and that they were shown on his office records as the sons of Goolam Omar, who was a registered resident of the Transvaal but was now deceased. It was claimed that the boys were now under the guardianship of another registered Asiatic of this Province. The boys, however, did not fall under any of the exemptions mentioned in Section 5 of the Immigration Regulation Act, 1913, provision being made only for the sons or daughters of persons domiciled and actually living in this Province. He would draw the attention of the Board to the Supreme Court ruling in the case of Ratanjee Laloo versus Rex, which had often been quoted before the Board, where it was laid down that a man could bring in his son but could not send him here. In the cases before the Board the father was not alive and he did not see how it could possibly be claimed that the boys were entitled to exemption.

Mr. Niemeyer said that he did not agree with what Mr. Chamney had said. He claimed that the boys were entitled to be here under sub-sections (g) and (4) of Section 5 of Act 22 of 1913, read in conjunction with Section 30. His contention was that the father himself having had a domicile here, his sons were entitled to the same privilege. It was admitted that the boys were both under the age of 16 years and that being the case, the boys being the sons of a registered Asiatic, they were entitled to registration in this Province. He held that it was not the intention of the Immigration Act to take away the rights of children because their parent had died. He claimed that they were entitled to registration under Act 2 of 1907.

Mr. Chamney pointed out that the Board had nothing whatever to do with Act 2 of 1907. The reason why he allowed the boys to be formally prohibited and so given an opportunity to appeal to the Board was because, at the time the boys forced their way into the Transvaal, the whole question of the position of wards was under the consideration of the Departments of the Interior and Justice, and he desired to avoid any appearance of harshness in the matter. A decision had since been given which was against the admission of wards circumstances as were the appellants.

Mr. Niemeyer intimated that if the Board was going to decide against the appellants it was his intention to ask the Board to reserve the question for the decision of the Supreme Court under Section 3 (2) of the Act.

The Chairman announced that the Board was against the appellants and dismissed the appeals. The appellants could, of course, state a case, on the point of law raised, for consideration by the Supreme Court.

News in Brief

We intend from next week onwards to change the day of publication of this paper from Wednesday to Friday. We are of opinion that it will be more convenient for readers to receive their paper at the end of the week when they have leisure to read and discuss matters affecting the community. We have also found that the irregularities of the Post Office have considerably handicapped us in receiving news matter from the Transvaal and we have frequently had to hold over important matter for a week. The new arrangement will therefore, we hope, be of benefit to all concerned.

The Natal Zoroastrian Anjuman sent the following cablegram to Dr. Dadabhai Naoroji on the occasion of his birthday: "Accept hearty congratulations birthday. Natal Zoroastrians."

We have received further reports of appeal cases at Pretoria in which the question of procuring evidence in India regarding minor children belonging to Transvaal residents was raised and discussed. We shall give the reports in due course.

Sir Thomas Watt, speaking at Dundee, is reported as follows:—We could not be too thankful that, during the turmoil and misery entailed by the rebellion the great mass of inhabitants of South Africa had remained loyal and peaceful; he meant the patient, faithful Native races, who had been true to us when their minds had been puzzled and distracted by the spectacle of white men at war with each other in their midst. The Indians also had shown trust and confidence in their white rulers in times of difficulty and danger, and, as a member of the Government, he wished to publicly thank both these races for their loyalty. Many white men might have followed their example with advantage to themselves and the country.

The question of barring the attendance of Natives and Indians at local bioscope entertainments was again brought forward at the monthly meeting of the Dundee Town Council, the Mayor reporting that he had interviewed the bioscope proprietor on the subject. The proprietor, Mr. Atwell, had pointed out that these people were not debarred in other towns in the Province from attending such entertainments, but he was considering the hiring of another hall for bioscope entertainments for coloured people. Councillors were mostly of opinion that Natives and a certain class of undesirable Indians should be excluded from bioscope entertainments, and the Mayor was authorised to take up the matter again with Mr. Atwell with a view to taking some action.

અઠવાડીક પંચાંગ

વાર	ખ્રીસ્તી	હિંદુ	મુસલમાન	પારસી	સુર્યોદય	સુર્યાસ્ત
	૧૯૧૫	૧૯૭૧	૧૩૩૩	૧૨૮૪	ક. મી.	ક. મી.
	સપ્ટે	ભાદરવા	જલકાદ			
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શુક્ર	૭	" ૩૦	૨૮	૬	૬-૬	૫-૪૬
શુક્ર	૧૦	સુદ ૧	૨૯	૪	૬-૫	૫-૪૭
શનિ	૧૧	" ૨	૧	૫	૬-૪	૫-૪૭
રવિ	૧૨	" ૩	૨	૬	૬-૩	૫-૪૮
સોમ	૧૩	" ૪	૩	૭	૬-૨	૫-૪૮
મંગળ	૧૪	" ૫	૪	૮	૬-૧	૫-૪૯

Indian Opinion

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ગ્રાહકોને વિનંતિ

હવેથી ૬. ઓપીનીઅનનું લવાજમ ૬. આફ્રીકાના યુનીઅનને માટે એક વરસના પોસ્ટેજ સાથે ૦-૫-૬ રાખ્યું છે. યુનીઅન બહારનું લવાજમ પોસ્ટેજ સાથે ૦-૬-૬ છે. જેમનું લવાજમ અમારી પાસે જમા છે તેમને આ નવા લવાજમના દર પ્રમાણે મુદતમાં વધારો કરી આપવામાં આવશે. આ જાહેર ૧ બરથી અમારા ગ્રાહકો કે જેનું લવાજમ અમારી પાસે જમા હશે તેમણે સમજી લેવું કે અમે તેમને મુદતમાં વધારો કરી આપ્યો છે.

છુટક નકલ એક પેની, પોસ્ટેજ અરધી પેની.

હિંદુસ્તાનની સ્ટીમરો અને ટપાલ

સ્ટી. અમકુછી - તા. ૨૦ ઓગસ્ટના રોજ કલકત્તાથી આ તરફ આવવા ઉપડી છે.

સ્ટી. ગુજરાત - કલકત્તાથી તા. ૧૦ સપ્ટેમ્બરના અરસામાં અત્રે આવવા વધી છે.

સ્ટી. પાંડુઆ - તા. ૧૮ સપ્ટેમ્બરના અરસામાં જંગબાર રસ્તે મુંબઈ જવા ઉપડશે. તા. ૧૫ મીએ આવવા વધી છે.

સ્ટી. અમલોટી - તા. ૮ સપ્ટેમ્બરના અરસામાં કલકત્તાથી આ તરફ આવવા ઉપડશે.

સ્ટી. સુરત - તા. ૯ અક્ટોબરના અરસામાં આવવા વધી છે.

સ્ટીમર કેકોન માર - તા. ૩૦ સપ્ટેમ્બરના અરસામાં આવવા વધી છે.

સ્ટીમર અમકુલી - તા. ૧૭ સપ્ટેમ્બરના અરસામાં કલકત્તાથી આ તરફ આવવા વધી છે.