

Indian Opinion

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NATAL INDIAN CONGRESS

MASS MEETING OF INDIANS

A MASS MEETING of Indians of the Province of Natal, under the auspices of the Natal Indian Congress was held last Sunday afternoon at the Rawat's Bio Hall, Victoria Street, to protest against

(a) Local Government (Provincial Powers) Act, which validates the Public Health Ordinance and the European Committees formed thereunder.

(b) Colour Bar Bill.

(c) Liquor Bill.

There were about 1000 present, and the meeting was as representative as possible, and the speeches were listened to with silence. Mr. V. Lawrence presided, Mr. P. R. Pather, the Acting Secretary supporting him, and amongst those on the platform were Messrs. R. K. Khan, J. Royeppen, B.A., (Cantab), A. I. Kajee, the General Secretary of the South African Indian Congress, S. R. Naidoo, P. S. Aiyar, C. R. Naidu, R. K. Naidoo, E. M. Ally, A. H. Kazi, J. M. Francis, M. M. Lokhat, I. M. Haffeejee, R. B. Chetty, S. Emammally, C. Miankhan, Mahomed Ebrahim, M. C. Coovadia, Moulvi Fateh Mahomed, B. M. Patel, B. M. Singh, S. Himed, S. N. Richards, A. H. Moosa and Satya Dev.

The Chairman's speech was as follows:—

Gentlemen,—We have assembled here to-day for the purpose of dealing with matters of very far reaching importance to the community in Natal and the other Provinces of the Union. It has been our unfortunate lot that since the present Government came into power, specially the Indian community in this Province have been made the target of attack incessantly, and the Natal Provincial Council which is supposed to be pre-eminently a British institution, has had a lot to do with leading these onslaughts on a voiceless and unrepresented community such as the Indians in Natal. It was not long ago that the Provincial Council deprived us of our Municipal and Township Franchise. These were preceded by the Public Health Ordinance No. 7 of 1923, which aimed at establishing Health Committees in urban areas in order to inaugurate a better system of sanitary conditions in those areas and though the ostensible object was said to be for promoting sanitation and better Health conditions, yet our community realising that the Ordinance referred to was not likely to promote the proclaimed objects, protested against the Ordinance and submitted that sanitation being a concern in which our community was as much interested as the European community, that due representation be given at such Committees in the appointment of the members thereof, but unfortunately, the Provincial Council did not give heed to our representations which we made before the Select Committee appointed by the Provincial Council. However, the Health Committees were appointed despite our protests, and our Community had no other choice but to stoutly refuse to pay the taxes levied by those Health Committees and defend the actions instituted by them against some of the prominent members of our community, which resulted in a decision being given in our favour by the Natal Provincial Division

of the Supreme Court of South Africa, and by virtue of a judgment of the Appellate Court dated the 27th day of November 1925, it was declared that it was not within the powers of the Provincial Council to pass the aforesaid Ordinance. As soon as the highest judicial authority in the land had declared the aforesaid Health Ordinance illegal, the present Government immediately took steps to remedy the defect by introducing a Bill entitled "Local Government (Provincial Powers) Bill" the objects of the Bill apparently being to validate all acts done by or under the authority of the aforesaid Provincial Public Health Committees. On hearing the introduction of this Bill before the Union Parliament, the South African Indian Congress despatched a telegram to the Minister of Health protesting against the Bill and requesting for an opportunity to be given our community to lay their views, but this was not agreed to, and in the course of a few hours' sitting of Parliament, the Bill was hastily rushed through in all its stages. This Bill legalises all the illegal acts done by the aforesaid Public Health Committees and declares the Public Health Ordinance *intra vires*. Again after the passage of the Bill and before it received the assent of the Governor General, representations were made to the Governor General with a request to receive a deputation from the S.A. Indian Congress to which the following reply was received:—

"In reply to your telegram of the fourth February, I am directed by the Governor General to inform you that on the advice of his Ministers, he has signified his assent to the Local Government (Provincial Powers) Bill and no good purpose therefore would be served by his receiving the proposed deputation from your Congress."

The operation of this Ordinance has been made retrospective in so far as the levy of rates and charges and other acts done by the Health Committees under and by virtue of the said Ordinance are concerned.

Such is the severity of the Union Parliament in dealing with matters affecting the Indian community. And I sincerely hope that unprejudiced European citizens would seriously ponder over the tendency of the Union Government regarding the direction it is leading the country to. In so far as the Indian community was concerned in respect of the Health Ordinance, I take this opportunity to state that while we are quite prepared to contribute our share of work in the direction of promoting sanitation and better health conditions, we have to emphatically declare to the world at large, that having regard to the present racial antipathy, our countrymen are not prepared to contribute any taxes unless due and proportionate representation is given to us in the administration of such matters because from the little experience that we have had at the hands of these Health Committees, we have found that taxes collected from Indians and other non-Europeans were being used mostly for improving the sanitary conditions in localities where Europeans predominate. We say that if the Provincial Council was sincere in its desire to promote

sanitation amongst all sections of the community, why do they hesitate to give the Indians a voice in the administration of the affairs governing such matters? On your behalf, therefore, I venture to lodge the strong protest against Local Government (Provincial Powers) Act and although it is placed on the Statute Book, I may inform the Government that they are not going to have a smooth sailing by those who are concerned in the operation of this Act.

Now I come to the Works and Mines Amendments Act. This very same Bill was introduced last year, the object being to reserve all skilled trades and occupations for the descendants of the European race. As you are aware, the Bill raised a storm of opposition from all quarters and as the Senate threw out the Bill in the last Session, it has been re-introduced with the avowed objects of making it a law of the land. I need hardly say that no civilised legislature has enacted a measure of this kind for the proposed legislation for all eternity will brand millions of non-European subjects to a position worse than that of helots and will place them under a stigma and disability from which they could never rise. Students of history know that even the most cruel tyrant never promulgates a law of this kind because even tyrants intuitively held that that would be going against the law of nature. Here, the Union Parliament, in their wisdom have deemed fit to preclude the whole of the Indian and Native races from pursuing any trade that is run by mechanical power.

It is really very surprising to note that the Labour Party which is supposed to champion the principles and sanctity of human labour is the most clamorous element for introducing the Colour Bar Bill and in the ardent desire to oust all the trade rivals, they have apparently allowed themselves to be obsessed by passion and prejudice and undermine the cause of justice and truth.

I have now come to deal with the Liquor Bill which has been introduced to Parliament. The objects of this Bill are to consolidate and amend the Liquor Laws in the Union. Although, on principle, the Congress has always stood for temperance amounting to total prohibition, yet in dealing with a measure that has for its objects the consolidation of the existing laws, we cannot ignore the principles underlying the present Bill; that is to say under the guise of the consolidation measure, the Government have taken the opportunity to introduce class legislation avowedly aimed at the elimination of the Indian and Native workmen from earning a livelihood by being employed in this trade. Seeing that this is a class legislation and observing that it is intended to further the financial interests of the white race, we strongly object to a legislation of this kind. If legislation, having for its object, high ethical motives were introduced, we should be quite prepared to assist in the administration of such a legislation. But when it is introduced for enriching a few such as contemplated in the present legislation at the expense of the Indians and Natives and at the same time prohibiting them from being employed in such trades, we consider that such legislation is immoral and wicked for it aims at throwing thousands of Indians and Natives out of employment and opening up avenues of employment for Europeans. I cannot find sufficiently strong expression to condemn the attitude of the Ministers in connection with this Bill. I would hail with delight if the Minister introduced a clause making absolute prohibition for all. The Bill is a monstrosity and a gross violation of all known moral principles that ought to govern any civilised government. On your behalf, I lodge a strong protest against the objectionable clauses contained in the Bill.

Under the regulations framed under the Industrial Conciliation Act, the printing trade has been greatly

affected. That is to say, by one stroke of the pen, the Minister has declared that those who run printing industries are called upon to pay a certain wage regardless of the financial position of a particular industry the result being, that the owners of this trade are put to heavy loss and in some cases, they are being threatened with ruin. Under the latest regulations, both the Indian Master Printers and their employees are liable to be hauled up before the Court and probably compelled to close business for contravening the Ministerial orders. On the whole, the effect of the regulations framed is that hundreds of Indians both employers and employed would be compelled to cease operations and in fact they would be prohibited from pursuing their legitimate trade. Such is the Ministerial vagaries against the printing industry of our country. The subtle manner by which the regulations are made operative should be of particular interest to the public at large. Perhaps you may not be aware of the fact that owing to Colour Bar no Indian is admitted either in the Master Printers' Association or the Typographical Union. But at the same time the ministerial order enjoins that any agreement that may be entered with the Master Printers' Association and the Typographical Union shall be binding and in fact, shall have the force of law on all those who are pursuing the printing industry. The result being that any and every agreement that may be entered into with the European Master Printers' Association and the Typographical Union is made operative on all, though the Indians have never been a party to and in fact, have been ignorant of, any such agreement. As a result of such autocratic action on the part of the Minister some of the unscrupulous men are using it for the purpose of blackmailing, as several cases are pending before the Courts. I do not wish to dwell much on this aspect of the question but I sincerely hope that the Government will see the iniquitous nature of the regulation and take the necessary steps to remedy the evil.

Similar attempts are being made to ruin the Indian tailoring and boot-making trades and it is the duty of Indian tailors and boot-makers Association to take prompt steps through the Congress to represent their case before the Ministers ere it is too late.

Before I close, I should like to tell all the Indian shop-assistants as that their interests are likely to be affected shortly they should organise themselves and work hand in hand with the shop-owners.

To-morrow, the much criticised Asiatic Bill will be introduced in Parliament, and I have no doubt that our countrymen are very much concerned over the measure and will watch the proceedings with unabated interest.

Whatever may be the ultimate issue, I hope I am echoing your feelings when I say that despite all these trials and oppressions we are determined to fight to the last ditch and we shall not surrender our honour and self-respect under any circumstances. The Government obsessed by passion and hatred are rushing headlong with a species of legislation which is bound to recoil on their own heads, and in order to fill the cup of iniquity, they appear to have embarked on promulgating a series of legislation the immediate effect of which is cessation of industrial activities by Indians. On the whole, the present economic persecution combined with political oppression is going to have a tremendous effect on the country at large. Even now, should the Ministers have eyes to see and sense to learn they may retrace their steps and revert to the right path, if not, they would know to their utter discomfiture that oppression and persecution had never triumphed in dealing with subject races.

Gentlemen, you will remember last year, in a speech made before the National Party in Cape Town, the sponsor of the Asiatic Bill speaking of

the Deputation to India said that they had gone there to do mischief, create ill-feeling between South Africa and India and to assist our Motherland in obtaining self-government. I emphatically deny that there is any intention either on our part or on the part of the Congress Deputation as is being implied by Dr. Malan. We had no other alternative but to send the Deputation to India because the Union Government refused to treat us as South Africans and to discuss the principles of the Bill which differentially and specifically affected us and agree to a round table conference we pleaded for. The clear object of the Deputation as is well known, is to lay before the Indian Government and people our case.

Gentlemen, it has been decided by the S.A. Indian Congress to hold prayer meetings throughout the Union on a day that will be announced hereafter for divine guidance to our rulers who seem to be departing from the paths of justice, righteousness and humanity and aggravating racial prejudice. I appeal to you gentlemen, to respond to our call. On that day, I ask you to close all shops and cease doing any business or work. To whatever denomination you may belong, I ask you to spend the day in a devotional manner and appeal to Almighty God to instil in the minds of the Ministers and Parliamentarians of the Union a truly Christian spirit which alas they seem to be so sadly lacking in so far as the treatment of subject races is concerned.

Certain resolutions will be submitted to you this afternoon affecting all the matters that I referred to in my speech which I commend to your favourable consideration.

Resolutions

The following resolutions were then passed:—

1. That this meeting of the Indians of Natal strongly protests against the Colour Bar Bill which is a class legislation and which is deliberately brought to exclude the non-European races from participating in the benefits of civilised labour and in acquiring opportunities for self-development and thereby keeping them down as helots, and this meeting respectfully requests that in view of the determined stand taken by the Government in pushing the Bill through, despite warnings given of the dangers that are ahead, the Senate will exercise its powers which the non-European races expect from it, by not passing the measure as was done last year.

Proposed by Mr. J. Royeppen, B. A. (Cantab.)

Seconded by Mr. A. H. Kazi.

Supported by Mr. C. R. Naidu and Mr. M. B. Naik.

2. That this mass meeting of the Indian community of Natal while supporting any temperance movement and welcoming any measure that would further and fortify the objects of temperance, is totally opposed to the Liquor Bill which is conceived in a spirit of class legislation, imposing as it does, class disabilities based on race and creates racial inequality and this meeting further strongly protests against and objects to the several provisions in the Bill designed to throw out of employment, summarily, thousands of Indians and Natives, who have been employed in the different branches of the liquor trade, and in excluding them from being so employed, thus introducing a further colour bar into the Union legislation.

Proposed by Mr. S. R. Naidoo.

Seconded by Mr. I. A. Essack.

3. That this mass meeting of the Indians of the Province of Natal, assembled in Durban under the auspices of the Natal Indian Congress places on record its strong protest against the Local Government (Provincial Powers) Bill, now assented to by the Governor-General legalising the Ordinance No. 7, 1923 (Natal) which was declared to be *ultra vires* the powers of the Provincial Council by the Appellate

Court of the Union and validating the acts done under the authority of the said Ordinance. This meeting deplores the attitude of the Union Government in rushing the Bill through post haste and in giving no opportunity to the Indian community to state their objections to some of the provisions of the now legalised Ordinance. While welcoming the underlying objects of the Ordinance to promote health and sanitation we emphatically protest against other provisions which debar us from having any say in the election of the members of the Health Committees notwithstanding the fact that the Indians are required to pay taxes, and hereby respectfully appeals to the King-Emperor to exercise his prerogative of vetoing the Act.

Proposed by Mr. A. I. Kajee.

Seconded by Mr. B. M. Singh.

4. That this mass meeting of Natal Indians assembled at Durban under the auspices of the Natal Indian Congress whilst again objecting the principles contained in the Asiatic Bill reiterates a special plea contained in the resolution submitted by S. A. Indian Congress to the Union Government and since supported by the Viceroy of India to agree to the holding of a Round Table Conference and respectfully urges upon the Union Government to stay the Asiatic Bill until all avenues have been explored by all parties concerned with a view to arriving at an honourable settlement.

Proposed by Mr. P. S. Aiyar.

Seconded by Mr. M. M. Lockhat.

Supported by Mr. S. N. Richards.

5. This mass meeting of the Indians of the Province of Natal assembled at Durban under the auspices of the Natal Indian Congress in response to the terms of the Resolution passed by the South African Indian Congress appeals, as indicating a further solemn protest against the Asiatic Bill to all Indians to close their shops on a day to be appointed and to offer divine prayers invoking the blessings of the Almighty God to bring peace on earth, and to give strength and wisdom in the hard struggles that are facing us.

Proposed by Mr. Hajee Moulvi Fateh Mahomed.

Seconded by Mr. S. Emmamally.

MR. ANDREWS' WORK

IN the midst of all our trials and difficulties we are most fortunate in having as our champion such a good man and true as Mr. C. F. Andrews. Ever since his arrival in South Africa, Mr. Andrews has not rested, but continued steadily to place before the people of this country the true facts concerning the Indian question. By his letters to the public press, interviews with prominent men of all shades of opinion, and his weighty utterances, Mr. Andrews has created a steadily-growing European public opinion in favour of meeting out justice to Indians. If as a result of Mr. Andrews' work, we have not yet a strong public opinion on our side, we have at least a growing number of people who are not prepared to "swallow" the Asiatic Bill without question. The Government will find that this determination to force British Indians to leave South Africa by means of offensive legislation will not be approved of by sensible, God-fearing men and women. We have Mr. Andrews to thank for sowing the seed of divine discontent. It is not yet too late for this moral force to assert itself. The Bishop of Natal has uttered a solemn warning to the members of the churches in his diocese, and we trust

that other church leaders will be courageous enough to follow his example, and call upon their hearers to pause and consider before condoning a moral wrong. People are beginning to recall how, in years gone by, the principles of "British Justice" were held sacred. What has happened that responsible public men dare to say that they will support the Asiatic Bill even though it may be unjust? Times have changed indeed!

Mr. Andrews had decided to leave Cape Town for England on the 29th ulto., but he felt it his duty to remain here longer. We are glad to hear that the Labour Party has decided to confer with him on the Indian question. We await with interest the result. In the midst of all his activities we now learn that Mr. Andrews is engaged in writing a book on the Indian controversy, which we can promise our readers will be an important publication. Such remarkable energy by a man with a none too robust constitution denotes great love and intense spiritual force.

As to-day (12th) is the birthday of Mr. Andrews, we offer, on behalf of our readers and ourselves, hearty good wishes and loving greetings. We know that all Mr. Andrews' work is a labour of love. What can we desire better for him as well as the Indian community than the conquest of hatred, suspicion and race prejudice by a broad, generous and loving spirit? This is our only hope. And we must not forget that this same spirit must permeate the Indian community as well as the European.

'Cape Times' On Indian Accusations Against South Africa

IV.—The Natal Land Question

A charge of breach of faith is being brought against South Africa in respect of the Areas Reservation Bill, popularly known as the Asiatic Bill. There are three "counts" in the charge:

(1) That the segregation provisions of the measure constitute a breach of the Smuts-Gandhi agreement of 1914.

(2) That the Bill is inconsistent with the undertakings given by Union statesmen at Imperial Conferences since 1917.

(3) That the restrictions imposed by the Bill on the acquisition of land in Natal by Indians break the pledges given by the Natal Government to Indians brought in Natal under the indenture system.

In a short series of articles these "counts" are examined in the light of the available documentary evidence. The concluding article, printed below, deals with the last of the three "counts."

The last of the charges of breach of faith brought against South Africa by the Indians alleges that the clause in the Areas Reservation Bill (Clause 10) placing restrictions on the future acquisition of land by Indians in Natal breaks the pledges given by the Natal Government to Indians brought into the Colony under the indenture system.

This is a far more definite and specific charge than either of the other two and has far more substance. But, as we shall see, even this charge is not accompanied by sufficiently definite proof for a final opinion on it to be expressed.

The Indian case is this: From 1860 to 1911 indentured labour was imported into Natal from In-

dia. This could only be done with the consent of the Government of India. There was, accordingly, almost continual negotiations between the Government of India and the Natal Government in the course of which conditions were laid down by the former and accepted by the latter. These conditions included the right of Indians to remain in the Colony, at the end of their indentures, as "free men," which status included the rights to own land and to trade.

Under the South Africa Act the Union took over all the obligations of the four Colonies. Therefore, in placing restrictions on the right of ex-indentured Indians and their descendants to acquire and own land, the Areas Reservation Bill is a breach of faith. And this breach of faith is all the more heinous, because, having built up her prosperity on Indian labour, Natal now seeks to evade the obligations by which alone she was able to obtain the benefits of that labour.

Thus runs the Indian argument, and it must be admitted that here the Indians have made out a strong *prima facie* case.

Every Inducement

It is quite true that Natal was so eager for Indian labour, that, as the Asiatic Inquiry Commission puts it, "every inducement was held out to the indentured coolies both by their employers and the Government to renew their indentures when completed and subsequently to remain in the country as free labourers." It is even true that at first grants of Crown land were made to induce Indians to remain in the country, although that was done only for a short time.

But as recently as 1908 the keenness of Natal to avail herself of the advantages of Indian labour was shown. In that year the Indian Government put a stop to emigration of indentured labour to Natal on the ground that the Indians were not fairly treated under the licensing law. Natal implored the Indian Government to raise the ban, and when the Indian Government replied that it would do so if the licensing law were amended so as to allow a right of appeal to the Supreme Court against a refusal to renew a dealer's licence, the Natal Government promptly complied by passing Act 22 of 1909.

There was always in Natal a large section of the people which strongly disapproved of the policy of importing Indians under what was practically a system of State-aided colonisation. And it is sometimes argued that Natal of to-day has no obligations towards its Indians because the Crown Colony Government did not really reflect the will of the people.

Natal's Benefits

But, willing or unwilling, Natal has received the greatest benefits from Indian labour. The 1919 Solomon Commission quotes the following passage from the report of a Commission appointed in Natal in 1909 to inquire into the question of Indian immigration:

"Absolutely conclusive evidence has been put before the Commission that several industries owe their existence and present conditions to indentured Indian labour, and that if the importation of such labour were abolished under present conditions the industries would decline and in some cases be abandoned entirely."

Chief among these industries are the sugar, tea, and wattle industries.

Seeing that Natal owes her prosperity to a considerable extent to Indian labour, it behoves her for her fair fame to be most scrupulously careful to see that she does not now set aside any obligations she may have incurred in bringing that labour from its native home to her shores. Let us, then, see what evidence there is available as to the pledges, if any, that the Natal Government has given.

There is, unfortunately, not much evidence, and what there is is indirect and not very conclusive. The forms of indenture set out in the schedules of the Act of 1881 and 1895 do not help. They contain merely such matters as rates of pay, rations, and periods of service. Nothing is said in them about the status of the Indian who remained in Natal after his indentures expired, except that under the latter Act he had to pay an annual licence fee of £3.

Conditions of Recruitment

The Solomon Commission, too, said nothing on the subject. But the 1920 Asiatic Inquiry Commission went into it, though not very deeply. Referring to trading rights (and rights of land ownership were, presumably, on much the same footing), the Commission's report says:

"The further recruitment of Indian labourers for Natal from time to time is said to have been assented to by the Government of India on the distinct understanding that those rights would not be interfered with."

Again summarising Sir Benjamin Robertson's memorandum, the report remarked:

"As regards Natal, it was submitted on behalf of the Government of India that it would be inequitable to deprive indentured Indians or their descendants of rights which were open to them at the time of their introduction to the Colony, and were in effect conditions of their recruitment."

The words we have italicised suggest that the Commission had not before it any direct and conclusive evidence that free ownership of land had been definitely promised by Natal to the indentured Indians.

Mr. Duncan Baxter's Views

On the other hand, Mr. Duncan Baxter, a member of the Commission, in dissenting from the Commission's recommendation that the right of Indians to acquire land in Natal should be restricted to the coastal belt, gave it as one of his reasons that the restriction would be

"in the case of ex-indentured Indians and their descendants, a breach of the conditions of recruitment, which, I think, should be scrupulously adhered to in the interests of good feeling and the sense of fairplay, so necessary in our relations with the Indians in South Africa and the Government of India."

The members of the Commission, however, did not find the evidence as to "conditions of recruitment" so certain, and in recommending the confining of Asiatic land ownership to the coastal belt, they thought it sufficient to say: "In Natal it has been suggested that no great hardship would be suffered if the rights of Asiatics to acquire land were restricted to the coastal belt."

But Clause 10 of the Areas Reservation Bill goes much further than that. Not merely does it make it impossible for any Indian to acquire land at all outside the coastal belt, but even within that belt it allows Indians to acquire land only from other Indians. Thus, within the coastal belt no more land can ever be owned by Indians than is now owned by them.

Indian Enterprise

Apart from the moral question involved, the expediency of such a course is made highly doubtful by certain impartial evidence given before the Asiatic Enquiry Commission. The Commission was evidently much impressed by the facts brought forward by Mr. A. J. S. Maritz, Magistrate of the Lower Tugela Division, in regard to the sugar and tea-planting district of Stanger. Mr. Maritz, says the report,

"stated that there are large numbers of small Indian farmers in his district, many of whom possess their own land. He finds, however, that

they gradually get squeezed out as the sugar industry expands. Originally they acquire waste land, and, after cultivating and developing it, they eventually dispose of it at a good price to European sugar planters. Then they go further afield and purchase cheaper land elsewhere; and thus they are continually opening up new land, which Europeans would not find payable. But, by cultivating it on a small scale and in an economical manner, they manage to improve their holdings, and render them attractive to European planters."

That, however, is by the way. If Natal thinks it in her interests to put a stop to so useful a process, that is her affair. But the moral question concerns not only Natal, but the whole Union.

Clause 10

It is certainly the duty of the Government to examine the justice of Clause 10 more narrowly than it seems as yet to have done. The question of first importance that must be answered is whether any definite pledges were given about land ownership by the Natal Government to the Government of India. The only way to settle that point is by a thorough examination of the records, an examination that only the Government can carry out.

If such definite pledges have ever been given, they must be honoured. A proviso would have to be added to Clause 10 exempting from its operation ex-indentured Indians and, if need be, their descendants.

If no actual pledges were given in so many words, if the fact, which was then true, that land ownership was free in Natal, was merely held out by recruiters as an inducement to Indians to come to Natal, then the obligation not to restrict Indian rights of land ownership is not so binding. But the question would still remain whether it is quite fair to take advantage of the difference between a definite promise and a recruiting inducement.

In any case, more light is needed on this point of land ownership than the public now possesses. Clause 10 was not in the Class Areas Bill. It is the most restrictive and far-reaching of all the provisions in the new Bill. In taking away certain rights, the segregation clauses give the Indians other rights in their place. Not so Clause 10, which merely denies to Indians the right to acquire any more land at all in Natal.

Clearly Oppressive

In itself, the reservation to certain races of the right to own land in certain areas is not new to South Africa. There are European areas where natives may not buy land; there are native areas where Europeans may not buy land. But Clause 10 goes further than that. It does not allow an Indian the right freely to buy land in the Coastal Belt, and deny him the right elsewhere. Even inside the Coastal Belt he may buy land only from another Indian.

It is difficult to see how such a provision could be administered without entailing very considerable hardship on Indians. It is the one clause in the Bill that is clearly oppressive.

So far as the rest of the Bill is concerned, if it is fairly and justly administered, it may, despite the obnoxiousness of its compulsory principle, do something to advantage both Europeans and Indians. But Clause 10 can be administered only to the detriment of Indians.

For these reasons the public will look to Dr. Malan, when he introduces the Bill, for very clear justification of this provision. If the Clause is to stand, the Government will have to prove beyond a peradventure that no binding pledges were ever given by Natal on this point. And beyond that, he will have to show that there is a very real necessity in the circumstances of Natal for legislation so severely restrictive as Clause 10.

If he cannot do that, he had better either jettison the clause altogether or very materially amend it.

Mr. Wm. Cox in the "Times of India"

Mr. Wm. Cox has addressed the following letter to the *Times of India* :—

Sir,—It is deeply regretted by many British South Africans that the position of the European population of the Union in relation to the Indians in South Africa is not understood in India. For instance, even a journal with the high status of the *Times of India*, in a leading article (in your issue of August 18th, 1925) states : "The South African Government are bent upon courses oppressive and brutal to the degree of inhumanity towards the Indian community living under their rule." The provisions of the Areas Reservation Bill, introduced into the House of Assembly in July last, and which will be dealt with in the forthcoming session of the South African Parliament, is the main cause of complaint which has evoked this criticism.

It is well known in South Africa that trading and residential segregation in urban areas is necessary on the ground of public health. The Indian population in South Africa is almost entirely of the lowest class of the Indian peoples. Medical Officers of Health are continually calling attention to the insanitary conditions under which they live, even on spots where they have penetrated European areas, and Dr. Malan's Bill as far as it provides for segregation is an expression of the determination of the whites not to permit Asiatics to purchase property in European localities and through these insanitary conditions depreciate the value of property in the neighbourhood of their holdings. This is not a matter of colour but one of cleanliness and the observance of sanitary by-laws.

You, Sir, state that the Bill in question is a violation of the Smuts-Gandhi Agreement, but that agreement was broken by the Indians here almost before the ink upon it was dry. They put in a demand for full civil and political equality with Europeans, and evaded Law 3 of 1885 in the Transvaal by the formation of land companies. Are the whites to be bound by an agreement which the Indians have flagrantly violated? It is the conduct of the Indian in breaking the agreement, and in putting forward demands the granting of which would involve Indian rule in Natal, and the gradual undermining of white civilisation in South Africa, that has compelled the whites to ask for legislation to protect them from unfair Indian competition, encroachment and insanitation.

Let me ask, Sir, how Indians of the class we have here are treated in India. We are aware of the condition of the depressed classes in India, and white South Africans fail to understand the outcry in India on behalf of people who are much better off in the Union than they would be in their motherland, and who will still be much better off, if Dr. Malan's Bill is passed than they would be in India. In South Africa they have the white population at an economic disadvantage, which is a very important factor when it comes to justice being done between the two races in the Union.

The cry of injustice to Indians is raised. Let me present the other side of the picture. Asiatic competition in Natal is inflicting grave hardship on Europeans. It is felt acutely by almost every class; the farmer, the storekeeper and the skilled craftsman; the farmer suffers indirectly by the restriction of his markets through Indian competition and the limitation of the European population; the storekeeper by the unfair competition of his Indian rival and his assistants some of them prohibited immigrants—who are engaged at a beggarly wage, while the skilled craftsman is surely, if in some

cases slowly, being supplanted by the Indian artisan. Thousands of Indians in Natal are doing the work which in other Provinces (Transvaal and Free State) and in other Dominions is performed by white men, the white sons of many Natalians are unable to find employment. The European can only meet this competition by adopting the Indian standard of living. The only alternative appears to be the removal of the competitor.

Now, Sir, in view of the conditions in Indian factories, are the Europeans justified in handing over the natives of this country to Indian domination? Are they justified in allowing themselves to be driven out of the country in which they have built up a civilisation?

I may point out, in conclusion, that the whites here have become exasperated by the interference of Asiatics in the grave and delicate native problem of the Union. Their action at their recent Congress in Capetown is typical of what they have been doing for some years past. At this Indian South African Congress, held only a few days ago, they actually passed a resolution asking for citizen rights for all unrepresented people in South Africa. The patience of the whites has become exhausted by the activities of the Indian organisations among the natives. It was only recently that they identified themselves with the Rev. John Dube (a full-blooded native), a notorious agitator for political equality as between whites and natives. The Rev. Mr. Dube delivered an address at the Durban Town Hall meeting when the Indians of Durban assembled to protest against Dr. Malan's Bill and the very large Indian audience assured Mr. Dube by shouts all over the hall while he was speaking that they were the friends of the native. Only people who live in this country can appreciate the full significance of these incidents.

Dr. Malan's Bill is a natural reaction to the aggressive activities of the Indian National Congress of this country, which have forced the Europeans to take steps towards their own preservation, and to insist that this is a domestic question upon which outside interference cannot be permitted. The white population of Natal, which is mostly British, is solidly behind Dr. Malan in this matter.

WM. COX.

Pietermaritzburg,
November 30th, 1925.

The "Times of India" Comment

The *Times of India* has the following leading article on South Africa :—

Popular racial or religious animosity we can all understand, but the aberration of judgment now determining the policy of the South African Government towards the Indians in the Union beats the comprehension of plain men. We should have thought the world's history provided enough object lessons to prove that the mere oppression of a minority community serves no useful purpose. No method of pursuing it less drastic than the Turkish one could make it successful, and we do not suppose that even what the Union Government's Asiatic Inquiry Commission of 1920 termed "the innate antipathy of the Dutch people" in the Union contemplates more thorough. The measures propounded by South African statesmen to "reduce the numbers" our moderation makes us use Dr. Malan's phraseology rather than the blunt word "extermination" adopted by Bishop Fisher of Calcutta) of the Indians are bound to prove futile. The principle of the new Bill from which the Union Ministers refuse to depart is to make the lives of their hundred and sixty thousand Indians so wretched that they will either flee to India, whence their forebears emigrated to South Africa under fair promises of the rights of citizenship which are now being disregarded, or die. The mixture of inducements and threats served out by the Union Government in accordance with this cruel policy has, it is true, resulted in ten thousand South African Indians sailing for India but those remaining have meanwhile increased by a greater number. The main fruit of continuing the resort to partition

would be finally to exasperate a hitherto law-abiding and marvellously patient community and to turn it into a bitter and dangerous section of the body politic whose power for mischief and desire for retaliation would immensely complicate the colour problem throughout the sub-continent.

The Viceroy, in his recent speech to the South African Deputation, took heart from the fact that the Hertzog Government have not yet carried any anti-Asiatic legislation. The revising chamber of the Union Legislature has prevented them from doing so and there are evident signs that the Senate's action has considerable support in the country. The claims of the Indians to fair dealing have therefore staunch friends and the reflection should make us in India discriminating in our criticisms of the Union people and their leaders. On the other hand, though the Hertzog Government have passed no anti-Asiatic legislation they are going to reintroduce the Colour Bar Bill and they have by executive order perpetrated wrongs that breach the Smuts-Gandhi agreement of 1914 which had hitherto and reasonably been regarded by the Indians and by the Government of India as a charter of good faith. But still we refuse to abandon hope in negotiation and that because of another statement in the Viceroy's speech. His Excellency said that his Government have addressed to the Union Government a detailed despatch containing their views on the Asiatic Inquiry Commission's report of 1921, that there had been long correspondence in this connection, and that the discussion was still going on. The Commission in question was that before which Sir Benjamin Robertson appeared in behalf of Lord Hardinge's Government and gave the most admirable exposition of the Indian case that has been written. The inquiry did not lead to the acceptance of the Government of India's views but the Commission made a report by which the Hertzog Government's current legislation stands abundantly condemned and it contained some excellent recommendations. General Smuts' Government and its successor have hitherto appeared to ignore the carefully weighed judgments of the Commission, but in the present circumstances to hear that the Hertzog's Cabinet and the Government of India are discussing them together is good news.

Lord Reading's speech was a remarkable example of discreet words which, spoken under necessity in the midst of negotiations, hold on to the vital points at issue without endangering the discussion of them. Their studied caution and moderation should make them a model for everyone of us at this juncture. But there is one direction in which they might lead to popular misconception of what we regard as an important aspect of the situation. To acknowledge the Dominion status of the Union and upon it the Union's claims to freedom from interference in its internal affairs (including its right to determine the constitution of its own population) is all very well, but the Union's position is subject to particular limitations. To begin with the Indians in South Africa cannot be regarded as alien interlopers for they went there under pledges and in 1914 had renewal of those pledges which give them good title to the rights of citizenship. Secondly, the constitution of the Union contains a provision that in case of legislation "specially or differentially affecting Asiatics" the Governor-General "may refuse assent or reserve for the signification of the King's pleasure." This Indian problem does not belong only to the internal affairs of the Union; it overflows and has a profound imperial importance which was recognised by the Imperial Government and by the Union authorities when both put their signatures to the Union constitution. The Government and people of India have therefore a right to demand of the Imperial Government the strongest possible support of their reasonable claims and if in the last resort the Union Government remain obdurate and the matter becomes an imperial scandal, as in that case it would do, the Imperial Government will not be able to escape responsibility.

Indians in Natal

A "Menace" to the Europeans?

I.—THE COOLIE.

The following is the first of a series of articles appearing in the *Cape Times* by a Natal Correspondent:—

The Asiatic question as it presents itself in Natal divides naturally into two parts, and it is strange that hardly anyone has yet perceived in this fact the clue to a reasonable solution, if not one that will satisfy the Natal white extremists. We shall have made some progress when it is universally recognised that the measures, the so-called "solutions" for which the extremists clamour are impossible; during recent years all discussion has been clouded by the demands of pure prejudice.

The immense growth of Anti-Asiatic sentiment is an after-effect of the Great War. In the main, the Indians were brought into Natal to perform specific tasks for which no other labour, white or black, was then available. A shortage of white labour continued in varying degree during the period when the foundations of Natal's industries were being laid and became acute during and immediately after the Great War. Whenever the Indian invaded a sphere of labour which had been, or appropriately might be, reserved for Europeans, the work he performed came to be regarded as "coolie work." White men were reluctant to engage in it, and employers, leaving other considerations out of account, were reluctant on this ground alone to offer it to white men. When the turn of the wheel came, and unemployment became prevalent among Europeans during the period of depression, every Indian in regular employment became a cause of offence in the eyes of the unemployed white man, however menial the work he was doing.

Spheres of Labour

In recent years definite steps have been taken in the direction of a fresh delimitation of the spheres of white, brown and black labour respectively. Some interesting experiments have been made by the Durban Corporation and by private employers in replacing Indians and Natives by European men or youths. These experiments have not been uniformly successful; but there can be no question that they might be extended with a double advantage to the community through the diminution of white unemployment and the abolition of a legitimate sense of grievance among the white artisan classes against their Asiatic neighbours.

Actually, however, the number of Indians employed on work for which Europeans would be willing to engage themselves permanently, is not large. If the Anti-Asiatic extremists had their way and all persons of Indian descent were shipped back to India to-morrow, by far the greater part of the work they are doing in Natal would fall to the Natives, and much of it would be done less efficiently and less economically, if it was done at all. It is even probable that any gain in white employment would be more than counterbalanced by the loss of white employment due to the check to industries which have been built up in part upon the cheap labour of the coolie.

When the Indians were brought into Natal to supply labour (almost exclusively unskilled) for the sugar estates, they were recruited largely from the lowest castes. Through regular employment, combined with better feeding and more attention to health than their ancestors had known, some of them have developed favourably in the course of three or four generations; but a very large proportion still belong essentially to the lower coolie class, superior to the Bantu in habits of industry, a few degrees superior in intelligence and initiative, pronouncedly inferior in physique. It is difficult to understand why an element of the population which can be fairly described in these terms should be flattered by being regarded as a "menace"—something to be feared. On the other hand it is certainly an economic asset,

The Real Competition

That the "coolie" is far more frequently in competition in the labour market with the Native than with the European will be admitted on reflection by anyone who knows Natal. The Natal Natives and even the Zulus are gradually overcoming that aversion from regular work which compelled the Imperial Government in the early days of Natal to choose between imported indentured labour and forced Native labour for the nascent cane-growing industry. (Incidentally it is the pronounced preference of the planters of that day for forced Native labour which has given rise to the modern legend that the Indians were forced upon Natal against her will by the Imperial Government.) Natives have displaced Indians to a very large extent in the canefields and sugar-mills. The Native cook and house-boy have gained ground in competition with the Indian in domestic service; and the Native washer-woman has broken down the monopoly of the Indian "dhoby."

On account of his habits of industry the coolie will probably hold his own against the Native for generations to come in the market-gardening business, laundrying and a few other occupations. But here he is hardly in competition with the European. The callings in which he is in competition with the Native—either possessing an advantage in his superior intelligence or being at a disadvantage owing to his inferior physique—or at the worst with the coloured man, who forms a comparatively small element in the population of Natal, account in the aggregate for a very large majority of the Indians descended from the indentured labourers who are working regularly in Natal today.

Clerks and Others

A much smaller but still considerable group comprise those who are engaged in one way or another in ministering to their own race or to the Natives. This group includes the lawyers' clerks who frequently figure far too conspicuously in discussions of the subject. (The Indians are a litigious people, and many lawyers in a small way of business have a clientele mainly Indian; it is natural that they should require Indian clerks. No other European professional or commercial men employ Indians in that capacity.) It includes also Indian orderlies in hospitals for Indians and Natives, employees in Indian bars and eating houses, in stores run by Indians for Indians and Natives, and on motor-omni-buses catering chiefly or exclusively for coloured traffic. These occupations would disappear if the Indians disappeared, but meanwhile those who fill them are not "doing white men out of jobs."

Finally, there is a small group of occupations, of which

cabinet-making is perhaps the most conspicuous, where the descendants of the coolie labourer are admittedly competing with white men, though often it will be found that where the white man has to face Indian competition in Natal he has to face coloured competition in other Provinces. In this group of occupations there is, as has been shown, scope for re-adjustment; for the white worker to regain ground which he lost by default in the past. But the rivalry between European and Indian in this group of occupations is certainly not sufficiently serious, even on the most generous estimate, to justify hostility towards the Indian community as a whole.

The position of the so-called "Arab" or "Bombay Trader," will be considered in the next article.

(To be continued.)

Natal Indian Congress

ASIATIC BILL

A Day of Prayer

Roll up in your thousands to the Mass Meeting. Record your silent protest against the Asiatic Bill. In accordance with the resolution of the executive of the South African Indian Congress every Indian throughout Natal is asked to observe Tuesday 23rd day of February 1926, as a day of Prayer and every Indian business house is requested to close the whole day on that date.

A Mass Meeting will be held at the Rawat Bio Hall, Victoria Street, Durban, at 10-30 a.m. on that day when prayer will be offered to Almighty to instil a sense of Justice in the hearts of the Ministers and the Parliamentarians of the Union.

V. LAWRENCE,
ABDUL HACK KAJEE,
Vice Presidents.

P. R. PATHER,
Acting Secretary.
Natal Indian Congress.

હામારી ભુની અને બહુતી બગ્યા

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