

Indian Opinion

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NOTES AND NEWS

WAVE publish elsewhere in this issue the text of a judgment delivered by the Immigrants' Appeal-Board (Transvaal) in the case of an appeal by an Indian woman .Hawa against an order by the Principal Immigration Officer declaring her to be a prohibited immigrant. The decision, in short, means that any Indian lawfully resident here who, even by promiscuous intercourse with some woman, is adjudged to have become the father of a child of such intercourse may be deprived of the right of bringing his lawful wife and children into the country. If this be a correct rendering of the law, the sooner the community moves for its amendment, the better.

Interviewed by Reuter, Mr. Andrews is reported to have said that the Indian position as regards the Colour Bar Bill must be a fundamental and unalterable opposition because the measure contained a racial stigma and was a direct blow at Indian national honour. Therefore the Indians would unceasingly oppose it, not only on their own account, but on account of the African Natives. Mr. Andrews emphasised that if the Bill received the Royal assent, a racial stigma would be, for the first time, statutory in South African Parliamentary legislation.

Criticising Lord Birkenhead's recent speech in the House of Lords Mr. Andrews is reported to have said he was amazed at the speech which he evidently delivered on the spur of the moment and without previous consultation. Such an irresponsible and unwarranted utterance clearly did not bind the Indians.

Mr. Andrews is reported further to have said, it would be impossible to carry on free discussion in regard to Western standards of life with South Africa, without referring to the Colour Bar Bill, or seeking a modification of it. The Indian delegates would be entirely justified in seeking to obtain a Government pledge to restrain its application to the narrowest limit.

While everything is being done in this country to give the black man a permanent status of "hewer of wood and drawer of water" the following advocacy by Mrs. Ethelreda Lewis, the South African novelist, of a scheme for fostering racial harmony between the white and the black man will be read with no little interest. In the course of a lecture delivered under the auspices of the South African Old Boys' Debating Society in the Y.M.C.A. Hall at Johannesburg, Mrs. Lewis is

reported to have said:—"I don't know in all the world a place where you would find a greater task for the intellect and the spirit than the lifting up of inter-racial relationships in this country. It is a man's job. We have to realise that there is no supremacy, no racial prestige, but that which is engendered by character. We all know in our heart of hearts that Mahatma Gandhi is not only a greater man than Charlie Chaplin or Pussyfoot Johnston, but also a greater man than the King of England—no man so ready humbly to admit it as King George; and that he is very much more like Christ than the ecclesiastical princes of Europe. The Indians have spiritual greatness, and can we say that it is never likely to appear among the native races too?"

Mrs. Lewis went on to refer to the great work done in Africa and on the Rand by the American missionaries, who since the days of the late Dr. Bridgman had constantly striven for the welfare and the uplifting of the native. The Bantu social centre was one of the achievements, but such social work could be developed in many different directions exactly as the Southern States of America were doing. In America the man in the street had set up "The Inter-Racial Commission of the Southern States." The scope of the commission was this:—"The commission, with headquarters at Atlanta, Georgia, has charge of the work in 13 Southern States. Under this commission, State commissions are organised in each State, each State organisation being responsible for the establishment in the State of county inter-racial committees. These State commissions and county committees have adopted some such programme as this: (1) Equal educational facilities for the races; (2) justice in the courts and the prevention of lynching; (3) equal travelling facilities; (4) the improvement of health and living conditions among the negroes; (5) adequate recreation facilities for coloured children." Mrs. Lewis read extracts from a pamphlet in which the working of these commissions is detailed and the necessity for intellectual contact between black and white emphasised. "Need I say that the necessity for establishing and enlarging such a reasonable intellectual contact in South Africa has suddenly become a bitterly urgent one since the passing of the Colour Bar Bill? For what is that Bill but a faint yet unmistakable echo of the slavery which brought America to civil war?" To achieve this contact in which, in Mrs. Lewis's opinion, lies the salvation of South Africa, Europeans should meet on a common social ground.

The Indian Educator publishes an article on "what is meant by National Education" by Mr. T. V. Appasundaram M. Ed. (Leeds) in which the writer points out the following as essential features of national education:—

(1) A fundamental thing in a scheme of national education is that the organ of education should be the pupil's mother tongue. To be educated in a language other than one's vehicle of thought must cramp intellectual development in all kinds of ways. In our judgment, if the pupil is educated in his mother tongue, there will be a spontaneity of mental unfolding passing in sympathy into larger areas of interests and activity. (2) Again, the content of the educational thought must be largely Indian. Historical traditions must not be eliminated, and our teachers and students should know what is our share in the heritage of the customs of the race. Indian history must be taught with the precision of a scholar and with the passion of an Indian patriot. If we are to teach arithmetic, the sums must deal largely with the Indian concepts. If Botany is taught, the beginning must be made with Indian botany and not with the botany of a foreign land. The same idea can be worked out in the field of Poetry, Drama and Art.

COLOUR BAR BILL ASSENTED TO

MINES and Works Act, 1911, Amendment Act better known as the Colour Bar Bill which was recently passed by a majority of votes at the joint sitting of the Senate and the House of Assembly in the face of strong opposition of the civilised world has now been assented to by His Excellency the Governor-General. It was expected that His Excellency would withhold assent to the Bill especially in view of the strong opposition of the South African Party and the country in general, and also in view of the fact that the Bill was purely racial. He has however not considered it important to do so and a racial stigma has thus for the first time been allowed by the Crown to be made statutory in South African Parliamentary legislation. What material effect this Act will have upon the Indians time will soon show but one immediate result of it is that it has shattered to pieces the principle on which our struggle in this country was always based. Whatever pledge the Government may make to restrain the application of the Act to the narrowest limits the venom is in the racial stigma contained in the measure. The Press and the people who protested strongly before the legislation was passed have assumed an amazing silence after the passing of it. And yet, of course, they are the least to be expected to make a noise if those who are directly affected by the measure are satisfied with their position and choose to sit quiet. Indians and Natives have been given a status inferior to the bastard and mixed races. With this status how India will confer with the Union Government on the Asiatic question with a view to coming to an amicable settlement is a thing we plead guilty of being dense to understand. The Natives have a

stiff battle before them and they have a strong case to fight that battle in which the support of the whole civilized world will doubtless be behind them. Indians have a double duty to perform. A duty to themselves and to the Natives. Mr. Andrews rightly says that the Act strikes a direct blow at Indian national honour. They have on that very account to oppose it and they should also assist the Natives as the principle involved is the same. It will be for both the communities to decide whether they will rest contented to wear the badge of inferiority which is forcibly imposed upon them or whether they will rise to a man and be their worth. May God guide them to do the right thing.

Transvaal Immigrants' Appeal Board

An Important Decision

The following is the text of an important judgment delivered by the Transvaal Immigrants Appeal Board in the case of an appeal heard before Mr. S. A. McCormick, Chairman, and Mr. P. J. H. Hofmoyr and Mr. E. W. Sprawson at Pretoria on the 6th May 1926:—

This is an appeal by an Indian woman named Hawa against an order by the Principal Immigration Officer declaring her to be a prohibited immigrant. She claims that she is entitled to remain in this country. Prohibition notices were also served on her minor children, Adam and Mahomed Adam. The history of this matter is briefly this. Hawa was married in India by Mahomedan rites to one Adam Raja. Adam Raja has resided in the Transvaal for a number of years and is an exempted person. Hawa came to the Transvaal in 1920, being admitted by the Immigration Authorities on the ground that she was the lawful wife of Adam Raja, and she has lived here ever since. In 1924 a Cape coloured woman named Selina Smith sued Adam Raja in the Witwatersrand Local Division for damages for seduction and for the maintenance of a child born to her in 1918 and of which she alleged Adam Raja is the father. The action was decided by Justice Stratford in her favour. At this stage I may say that Mr. Ritch, who appeared for the appellant, stated that Adam Raja denied that he had still denies that he is the father of Selina Smith's child. As, however, that fact was definitely decided against him on trial and he was ordered to pay for the maintenance of the child I think this Board must regard that point as settled. When the Principal Immigration Officer became aware, in 1924, of the facts brought out at the trial he served a prohibition notice on appellant, in December, 1924. The appeal came on for hearing in September, 1925, but was postponed and in October 1925 Adam Raja married Hawa before the Magistrate of Johannesburg, under the civil law of the Transvaal. The two children Essop Adam and Mahomed Adam were born in the Transvaal to Adam Raja and Hawa between 1918 and 1925.

The Immigration Officer bases his prohibition notice against Hawa and her two children on Section 3 (2) of Act 22 of 1914, which amended Section 5 (g) of the Immigrants Regulation Act No. 22 of 1913. It is true the notice purports to be issued under Section 4 (1) (b) of the latter Act, but this point was waived at the hearing of the appeal. It is because in 1920, when Hawa entered the Transvaal

Maritzburg Notes

[FROM OUR OWN CORRESPONDENT]

Mr. F. P. Shuter, an ex-magistrate, will address an informal meeting which will be held under the auspices of the Natal Indian Congress (Maritzburg Branch) on the 7th instant at 7.30 p.m. in the H.Y.M.A. Library. The meeting is held for the purpose of hearing his views as regards the question of forming a society composed of Europeans and Indians. A society, so formed, it is suggested, would form a basis of discussing the Indian problem, and would be the means of educating public opinion. All interested are invited to attend the meeting.

Those Indians who desire to make applications to enrol their names as voters on the Burgess Roll of the City are requested to communicate with the hon. Secretary of the Congress (Maritzburg Branch) at No. 226, East Street.

The final senior intertown match between Ladysmith and Maritzburg was played at the Maritzburg sports ground on Union Day, and resulted in a win in favour of Maritzburg by two goals to nil.

The members of the Selection Committee appointed by the Natal Indian Football Association will now proceed to select a team to compete in the South African Indian tournament, and having regard to the fine form put up by the Maritzburg intertown team, it is expected that Maritzburg men will figure largely in the tourney.

A representative meeting of the natives of Natal was held in the H.Y.M.A. Hall on Union Day, when strong protest was made against the colour bar contained in the Mines and Works Amendment Bill passed at the joint sitting of the Assembly and Senate.

"London Times" On The Proposed Round Table Conference

The *London Times* has the following leading article in its issue of April 26:

The announcement made on Friday in the Parliament of the South African Union by Dr. Malan, the Minister of the Interior, is of much greater importance than is immediately apparent from its reserved and carefully calculated terms. Briefly, Dr. Malan declared that his Government had agreed to a round-table conference on the status of the Indian population of South Africa, and had decided that, granted the consent of Parliament, the consideration of the so-called Areas Reservation Bill, which would bear very hardly on the South African Indians, should be postponed until the results of this conference were known. It is reported from Simla that this announcement has been hailed with great relief in India. There is every reason to welcome it. It transfers an extremely difficult problem to new planes of discussion, and rescues it from the dangerous vicissitudes of a controversy at long range. A link of reasonableness has been established between India and South Africa. The danger that South Africa might decide the complicated issues involved in the Bill on purely local grounds, without reference to India, is now definitely removed. There are only 160,000 Indians in South Africa and the population of India is over 300,000,000. A large number of the South African Indians have lost touch with their mother-country and have wholly identified their fortunes with the developing possibilities of South Africa. Their exis-

her husband, an exempted person had, in the Transvaal, offspring by another woman who is still living, that the Immigration Officer declares her to be a prohibited immigrant. The facts in regard to this offspring only came to light in 1924, and any argument based on the fact that Hawa was allowed to enter the country by the Immigration Officer in 1920 falls away when the provisions of Section 10 of Act 22 of 1913 are referred to. This section says that no prohibited immigrant shall be deemed to have acquired a domicile in this country if he has been allowed to enter or remain owing to the fact having been undiscovered that he was such a prohibited immigrant. We have, then to look at the position as it stood at the time Hawa entered the country. She could only enter at that time by virtue of the fact that she was the lawful wife of Adam Raja. "Wife" is defined in Section 3 (2) of Act 22 of 1914, which states in the proviso that no woman shall be deemed to be the wife of such exempted person if such exempted person has in any Province offspring by any other woman who is still living. Now *ex facie* that seems to conclude the matter because in 1920 he had in the Transvaal offspring by Selina Smith who was then still living, and who was alive in 1924. But Mr. Ritch argues that the words "any other woman" must be given a restricted meaning. He says the same meaning must be given to them as is given in the preceding paragraph i.e. a woman with whom there exists a union recognised as a marriage. If that were so then the only woman to whom subsection 2 (b) could apply would be one who had been divorced from an exempted person. The language of subsection 2 (b) is plain and its terms are very wide. It would have been easy for the Legislature to say that it was intended to apply to a divorced wife of an Indian, but in the absence of any qualifying words it is difficult to see how the plain language of the sub-section can be whittled down as Mr. Ritch suggests. But the point is concluded by authority, and therefore it is unnecessary to speculate upon the reasons of the Legislature for inserting this provision. If the ordinary rules as to the interpretation of statutes are applied there does not seem to be any difficulty in deciding upon the meaning of the words used. In the case of Nagan Gunpat vs. the Principal Immigration Officer (1925) T.P.D. it was held that if an Indian had children in this country by a woman still living, even if it were a purely promiscuous union, his lawful wife could not enter this country because she is a prohibited immigrant, and the same applied to her children. This case followed the decision in Nandkor vs. Principal Immigration Officer (1917) C.P.D. 309. That case dealt with a divorced, but the reasoning applies equally well to the present case, and was adopted in the case of Nagan Gunpat which dealt with a case of promiscuous union. Applying the law in this way it is clear that Hawa is a prohibited immigrant, because, by reason of the exception in Section 3 (1) (b) of Act 22 of 1914, she is not a wife within the meaning of that Act. And it seems clear that the decision must also involve her children. "Child" is defined as the offspring of the exempted person and of a "wife" as defined by the Act, and if Hawa is not a "wife" as defined by the Act, then Mahomed Adam and Essop Adam are not "children" as defined by it, and are therefore prohibited immigrants. This decision may seem extremely harsh but we are bound by the provisions of the Act which we have to administer.

That the decision presses very hardly on the innocent wife and children is unquestioned, but cannot influence our decision. Any relief sought for must be obtained from the Minister, who has a discretion in these cases.

The three appeals are dismissed. The two members concurred in this judgment.

tence is not, however, forgotten in India, and so soon as it is made a political and racial issue, through the introduction of measures especially directed against them, the fate of this tiny band of Indian emigrants and their descendants arouses in India a natural anxiety and there, too, becomes a political issue. It is impossible not to regard this controversy with deep interest. The legislative measures proposed by the white community in South Africa with the object of maintaining their own standard of living and their own conceptions of social development have a symptomatic importance that is not confined to South Africa. A good many accepted ideas and generous aspirations are being put to a severe test in this effort to maintain political and social stability in a unique ethnic environment.

The nature of this difficult question has already been explained in our columns. It was proposed in the Areas Reservation Bill to restrict the Indians in South Africa to certain definite areas, and the effect of such a restriction, coupled with the deprivation of other civic rights, would have been to reduce the Indians to such a condition that the majority of them would have been practically compelled to leave South Africa and, possibly, to return to India. The two areas chiefly affected by the presence of the Indian population are the Transvaal and Natal. In the Transvaal a good deal of feeling has been aroused by the successful competition of Indian traders with their white rivals. In Natal the position is different. The importation in earlier days of a large number of Indians to work on the sugar plantations has led to the establishment in that province of a considerable Indian colony that actually slightly outnumbers the white population. This colony consists in the main of descendants of the original immigrants, whose education and experience of life are South African, who are finding their way into various professions and, as artisans, are successfully competing, on account of their cheapness, with white labour. Further immigration from India into South Africa was finally stopped in 1913. The emigration of Indians from Natal into other provinces is not allowed. Complaints of a lower and insanitary standard of living among the Indians have intensified the feeling induced by forms of economic competition in which they are engaged, and there is a strong tendency to relegate the Indian problem, thus complicated, to those regions of very anxious sentiment which the presence of a large and rapidly growing native population in South Africa keeps constantly alert. The Indian question is seen as part of a bigger colour problem, and a certain amount of confused thinking is the result. The Class Areas Bill was an attempt to calm some anxieties and summarily to regularise conditions that had become disquieting through the contradictory effects of widely differing periods of earlier legislation. Many of the provisions of the Bill were criticised in South Africa on various grounds. There were some who considered the whole measure far too harsh and advocated as an alternative the idea of carefully planned and gradual repatriation. Parliament proceeded with the first reading of the Bill. In the meantime protests were raised in India, an Indian deputation was sent to South Africa, and the Indian Legislative Assembly only refrained from debating the subject on receiving an emphatic assurance from the Home Member that the Government was in entire sympathy with Indian sentiment on the subject.

It is to the credit both of the South African Government and of the Indian deputation that the effect of their meeting was to induce on both sides a greater deliberation and restraint in the treatment of this highly controversial question. Before the Bill was brought to a second reading it was referred to a Select Committee which heard, and was clearly im-

pressed by, the arguments of the Indian deputation. The original proposal of the Indian Government for a round-table conference was coldly received. As a result, however, of an exchange of Notes between the Governments and of consultations with the deputation, the conference idea was developed in a new form, and, as now accepted by the South African Government, "it definitely assures," as Dr. Malan says, "the co-operation of the two Governments in exploring all possible methods of settling the Asiatic question in South Africa on the basis of the maintenance of Western standards of life by just, and legitimate means." This fortunate decision not only greatly relieves the immediate tension. It constitutes, in more senses than one, a landmark. The courage of General Hertzog and his colleagues in taking a far-reaching decision that will require of them very full explanations in view of the strength of feeling in the country has its parallel in the restraint and skill with which the members of the Indian deputation have argued their case. The conference thus agreed upon will be of exceptional importance because of the large questions of principle and polity that its discussions will raise.

Prof. Thaele at Potchefstroom

An interesting address was delivered by Prof. Thaele recently in the African Methodist Episcopal Church at Potchefstroom. The Church was crammed with Natives and there were present also a few Asiatics and two European detectives. The following report of the address appears in the *Potchefstroom Herald* :—

Professor Thaele said he was very sorry that owing to bad weather they had had to come into a place which was not really large enough to accommodate them all; secondly that the time was too limited to go as deeply into things as they ought to do. There were many things about which he would like to have gone into detail for their own satisfaction and information.

"However, he went on, "you will recall the statement made by the chairman outside before we came in. It was a reply to the statement which from time to time appears in the Press. His statement was to the effect that we are not opposed to the white race, but what we are fighting for constitutionally are our rights. We believe that the Land Act of 1913 has been the direct cause of taking the land from the black man and making him homeless, and is directly responsible for the influx of the native races to the towns to-day. It is the direct cause of unrest and injustice on the part of the Christian Government.

"So now," he proceeded, "in our efforts to bring about political reforms, educational reforms, and religious reforms, we are greatly misunderstood. We find a great deal of difference between now and the Victorian days. The acts of the Union Government since 1913, as I have said, have been a policy of taking land away from the natives and reducing our numbers, and the African National Congress, as you know, has sent about four successive deputations to Great Britain to bring about reforms.

"But we find no satisfactory response on behalf of the Imperial Government. So, in our efforts to find a solution, we shall have to find an example, a corollary, from other nations who were in similar conditions. We find that India was also subjected to the same principle and the same indignities. We find that the American Negroes, who 50 years ago were released from slavery, had to do something for their own liberty and their own freedom. When we turn into the pages of history, we do not find that any race has ever come to the top of the ladder without making supreme sacrifices on its part."

The Position To-day

The position confronting them, therefore, was this, a position which they and he must understand once and for all; that was the relative position between the two races, black and white. "It is—I say emphatically—it is a question between black and white." They thanked their European friends very much for what they had done for the natives; he felt it would be grossly unjust if they were to forget the sacrifices made by the white man to elevate the native. "The only thing you and I have got to do is to do what we are doing. You may ask me the question: what is the thing I am talking about? I will tell you. "The slogan to-day," said the speaker, "is a White South Africa." When the Italian comes from Italy, the Russian from Russia, the Syrian from Jerusalem, they are all white people when they arrive, and the differences between their nationalities sink.

"Now, to-day, what must you and I do? First let us sink those tribal differences among ourselves. Your crime is your numbers. You are seven million strong, taking the Union of South Africa and the native territories. You are rising in education, culture, refinement and religion, but the Government realises that by conceding any of its privileges to you there will be no possibility of making Africa a White South Africa."

Kith and Kin

Their Indian friends—their own kith and kin,—according to the Professor, because of their colour,—could not enter hotels, as well as the natives; they could not enter technical institutions and colleges in Capetown. They were suffering the same things because of their colour. A Bill called the Colour Bar Bill was affecting them in a manner similar to that in which it was affecting the natives. There was also the Class Areas Bill, directed against the Indians, which was exactly the same as the Segregation policy of Hertzog except that Asiatics were to be put into "bazaars" instead of "locations" or townships. Their crime, as Marwick has already told the country, was that the whole of Durban had been Indianised. They were very strong commercially, and they must go back to India. They were transported from India over 50 years ago without any substantial capital as far as finance was concerned, but because of their commercial determination and commercial keenness they had made themselves men and women to-day. And now to-day, the Christian Government, the Government that opened its proceedings with prayer always, wanted to be rid of the Indians without any gratitude for or appreciation of the part they had taken in developing the sugar plantations from a wild state.

"But the Union Government," he declared, "has started with the wrong side of the hammer, because it has found a people that has developed the national spirit. The Indians are very loyal, but they have in themselves a national spirit. Nobody gave India to the British Empire inscribed on copper plate. No sooner did the Imperial Government neglect its duty to India than that was the beginning of the Nationalist spirit in India."

The American Negro

Leaving the Indian question alone and turning to the American Negro, Professor Thaele drew attention to the sacrifices he had made, and declared that the South African native would never be anything unless he made similar sacrifices. The white man, after all, was but a human being with human shortcomings, who could not do more than was expected of him. They must try to make a beginning as the American Negro had done. Unless they adopted that policy and that spirit salvation, he did not care how long or how earnestly they prayed for it would never come.

The American Negroes began by organising themselves religiously and educationally—a free system of education. That was why he would like to base his lecture strongly on education. They had the right to the best technical education. The American Negroes had got their Wilberforce University controlled by themselves and owned by them. The Indians had their University at Lucknow, controlled by themselves, with its syllabus and subjects outlined by Indians.

"Now, I will tell you what you and I have in Africa as natives. I make this recommendation because I want our Congress to work earnestly, because it is just one little thing that is going to keep Hertzog in his place, and that is, one system of controlled education. When they know you have education they will know you are human beings and will deal with you as Christians."

Not Far Enough

Professor Thaele went on to criticise the syllabus of the native college at Fort Hare, near Alice, C.P., contending, in effect, that it did not go far enough. "We don't want gardening in our schools," he said. "Gardening we know already." The only applause of the afternoon was evoked by the following declaration: "What we do want is technical training—training that will enable you to compete with the white man, wherever you go."

He further declared that there were two systems of education in South Africa—one for the whites and one for the blacks, and the white man only taught the black man to know his place. In accomplishing these things they did not want to decry the white man. He was a human being. Christianity had failed—the white man had failed to put it into practice. What the native had to do was to carry on from where the white man had left him. He drew attention to the facts that the American Negro had his own bishops and the Indians their own Imams.

"What are you going to do?" he asked. "Do you want the Government to give you all these things? Our Congress has passed a resolution that in order to meet these difficulties there must be encouragement of some kind—that is the development of the black church and a closer and better understanding between ourselves and our Indian friends and in fact—this was given by Mrs. Sarojini Naidu—we must show our white friends that we are better Christians than they are."

Professor Thaele urged that the natives must make a beginning by getting schools and churches for themselves, and concluded by appealing for funds for a technical institution for natives at Capetown in order, he said, that it might be free of debt by June.

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