

Indian Opinion

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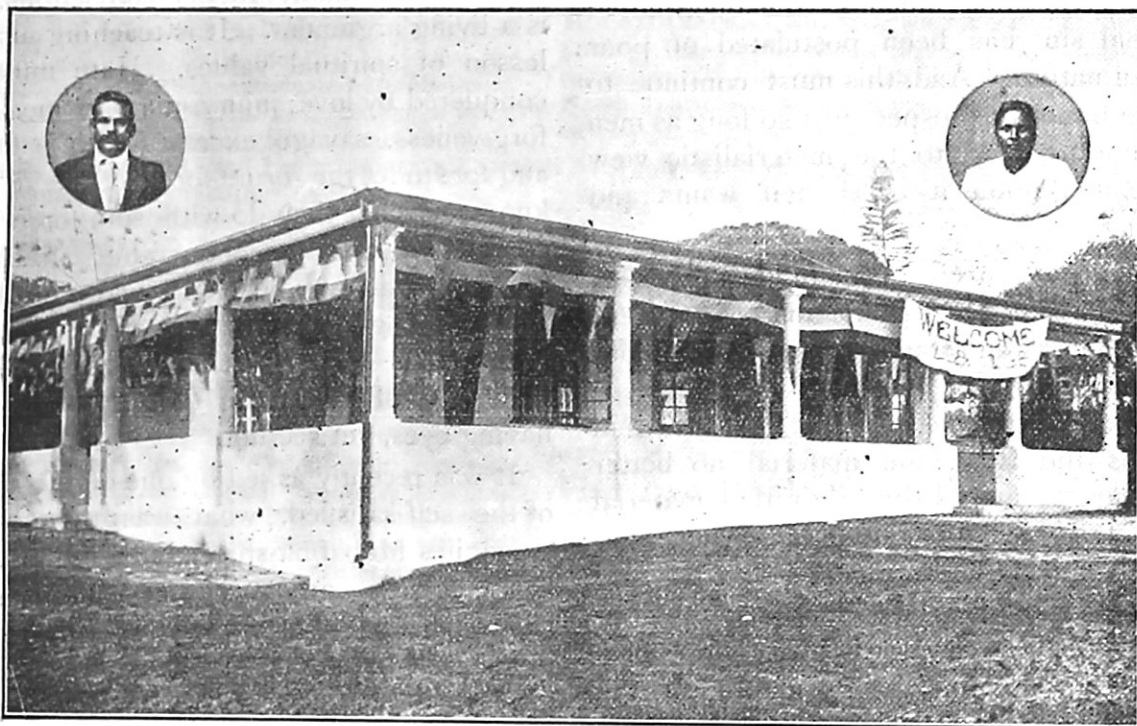
TANJORE SCHOOL

OPENED BY SIR KURMA V. REDDI

A LONGSIDE the residence of Mr. R. K. Naidoo, above the banks of the River Umgeni, stands the Tanjore School. It is built on a site that commands the Sea, Town and inland views. The building is single storeyed with a very wide verandah on both sides and has accommodation for about 150 children. The cost of the building has been borne entirely by Mr. R. K. Naidoo, yet another instance of his generosity.

It would appear that when the Agent of the Government of India, Sir Kurma V. Reddi was convalescing at Mr. Naidoo's residence, after his serious illness, he happened to remark to Mr. Naidoo that the District needed a school. It is as a result of this remark that the Tanjore School now owes its existence.

On Sunday, the 29th June, the School was opened by the Agent-General Sir Kurma V. Reddi. The School Room which was tastefully decorated, was filled to its capacity and amongst those present included the Mayor the Rev. A. Lamont, Mr. R. K. Naidoo, who presided, Messrs. A. Christopher, T. M. Naicker, Sorabjee Rustomjee, P. R. Pather, A. I. Kajee, K. R. Nayanah, P. K. Koru, T. Raghavan Nair, S. P. Sinha, A. Shakoor, Shaik Himed and O. H. A. Jhaveri.



In thanking those present for responding to the invitation the chairman, Mr. Naidoo, said that the need for a school was felt for a long time. The school had now been built to fill that want. It was proposed to teach English and Tamil as was the case at the Hindu Tamil Institute at Durban. He hoped that through Sir Kurma's influence the Provincial Government would be able to give a grant-in-aid. He thanked Sir Kurma for acceding to the request of the School Committee to open the School. He then garlanded the Agent-General and handed bouquets to the Mayor, Mr. Sorabjee Rustomjee, Mr. A. Christopher and Mr. V. G. Kurma.

Sir Kurma, in rising to speak, was received with cheering. He spoke in glowing terms of the many kindnesses that he received at the hands of Mr. R. K. Naidoo during his illness. His generosity knew no bounds. He was happy to see such a school built on the heights of the River Umgeni. He felt that the Committee would have no difficulty in getting a grant-in-aid provided the School conformed to the general curriculum. He would assist in that respect.

The Mayor, who followed, congratulated Mr. Naidoo on his generosity and hoped that the School would be a distinct success.

Other speakers included Mr. Sorabjee Rustomjee, Advocate Albert Christopher, Messrs. A. I. Kajee, T. M. Naicker, V. S. C. Pather, P. K. Koru and K. R. Nayanah. Light refreshments were served at the termination of the function.

WHAT HAS BLINDED MEN AND NATIONS

TO the impartial, detached observer of the political, industrial and social problems presently confronting the civilised world, it is obvious that an uneasy conviction is making itself felt in the minds of even some of the stoutest champions of modern civilisation that there is something inherently rotten in its character and constitution.

To those whose vision is restricted to a materialistic outlook, the root-causes of this universal sickness that has humanity in its grip must remain undiscovered. They will continue to tinker with symptoms, apply their temporary reliefs, and when finally cornered, protest that the disease is inherent in the organism and impossible of eradication.

National and industrial wars and strifes, exploitation of the helpless by the powerful, self-seeking and corruption, have come to be regarded as unavoidable concomitants of this civilisation, much as the doctrine of original sin has been postulated of poor human nature. And, this must continue to be the hopeless prospect just so long as men continue to cling to the materialistic view of life, and upon it base their wants and conduct.

The urgent need of mankind, obsessed as it is with the shiboleths of modern civilisation, is an arousing from the stupour of materialism into which it has fallen, a re-awakening to the fact that the Spiritual alone is the Real, the material no better than the shadow; to the truth that material conditions are but the objectivation, concretely expressed of *our own* collective and individual thoughts and emotions; that our ills are our own creations, the natural progeny of our activities past and present, the very children of our selfish desires. By the "Seers of the Essence of things" it is perceived that conditions and conditioned both, are no better than the creature of our own joint and several begetting, reflecting as in a looking-glass, the lusts and hates, the attractions and repulsions, the ideals and the idolatries, to which mankind, bartering its spiritual heritage for a mess of pottage, has lent itself in its worship of "other Gods." According as is the sowing so must be the reaping, and the sower must, *as experience*, eat of the fruit of his sowing. Thus do we

find ourselves prisoners self-sentenced in the prison—houses of our own building, tangled victims in a web of our own weaving.

"What lets, Brothers? The darkness lets
which breeds ignorance
Mazed, whereby ye mistake these shows
for true, and thirst to have
And having, cling to lusts which
work you woes!"

Truth as old as eld, true for to-day, true for all time. It is this "heresy of separateness" that has blinded men and nations to the fact that humanity is an organic whole. That fact re-established, it must be seen that no one part of the organism can be injured without the injury reacting upon every other part; that on the principle that action and reaction are equal, the part responsible for initiating the mischief must finally be the part that suffers most.

To such truths is it that Mahatmaji is endeavouring to awaken a world to which the company of shadows, the treacherous marsh-lights of worldly ambitions and desires, have become life's only objective. His own life is the testimony to his convictions. It is a living argument. It is teaching us the lesson of spiritual values. Hate must be conquered by love; injury must be met with forgiveness, savage excesses with patience and fortitude, the brute-force of them who know not what they do with soul-force that conquers but is unconquerable. Such is the way—has ever been the way—of those to whom a glimpse of the White Bird of Truth has been vouchsafed. Such too, is the way of conversion of the blind, who having eyes, yet see not.

It was recently asked by one of the order of the self-satisfied, what was thought of Gandhiji's Mahatma-ship. India has already supplied the answer. Deep alone can answer the call of deep, and it is because the soul of India still burns bright beneath the artificial overlay for which centuries of distraction from her ancient Vidya have been responsible that there at least Gandhiji is recognised and revered as Mahatma in the highest and truest sense. For he, too, has given himself "to help to bring the world deliverance and its bliss."

Mr. G. N. Naidoo, President of the Griqualand West Indian Cricket Union, has despatched the following cable to K. S. Duleepsinhji (Lords, London):—"Kimberley Indian sportsmen send heartfelt congratulations on your splendid achievement in the second test."

Dr. Kassim Seedat

Entertained To Tea Party

Messrs. Sorabjee Rustomjee and A. I. Kajeer were the joint hosts at a Tea Party given in honour of Dr. Kassim Seedat, who recently arrived from England. The function was held at the Peters Lounge and Tea Room where over 200 guests were entertained to tea. The gathering was of a representative character comprising every section of the Indian community.

Mr. S. Rustomjee presided over the function and amongst those noted were Advocates R. K. Khan, Albert Christopher, and J. W. Godfrey, Messrs. M. A. H. Moosa, P. R. Pather, V. Lawrence, R. K. Naidoo, Rooknoodeen, Shaik Himed, A. Shakoor, P. K. Koru, F. Khan, S. P. Sinha, I. M. Haffjee, E. I. Motala, O. H. A. Jhaveri, M. A. R. Khan, and Molwan Ebrahim.

Mr. Rustomjee in extending a welcome to the Doctor said:—

"It gives me immense pleasure to extend a warm and hearty welcome to Dr. Kassim Mahomed Seedat. I say it is immense, because our guest this afternoon is a colonial born Indian and he has returned to us with a distinguished career.

Dr. Seedat was born in Newcastle in the year 1897 and received his primary education at the Convent School at Newcastle, and afterwards at the Mission High School, Surat, where he matriculated. For his higher education he attended the Gujerat College, Ahmedabad. Subsequently, he joined the Medical College where he graduated in Medicine. Receiving his Medical Degree, he practised at Surat for a period of three years. His practice in Surat was the training ground for a bigger career. There he had a considerable practice.

Dr. Seedat, as evidence of his remarkable ability, gained a scholarship of Rs. 8000 out of the Funds of Seth Dawoodbhai Fazalbhai of Bombay. With this scholarship as an incentive, he proceeded to England as a student and then the Charing Cross Hospital. In England, his career was as distinguished as it was in India. His degrees comprise M.R.C.S., L.R.C.P., and L.M.S.S.A., which speak eloquently of his career. That he is a very hard worker could be seen by the fact that not content with receiving his degrees, he did special work in Tropical Medicines and eye diseases.

As I have said before Dr. Seedat has returned with a distinguished career, and with such a career, I feel fully confident that he will achieve success. I have no doubt that the Indian community will find in the Doctor a real friend, for, his noble profession will be of great assistance to all.

I have much pleasure, to once again extend Dr. Seedat a hearty welcome. It would ill befit me if I do not offer my sincerest congratulations to Mr. Mahomed Seedat, through whose foresight, the Doctor has been able to attain such a brilliant success. Indeed he has a fine son.

On your behalf and on behalf of Mr. Kajeer and myself, I wish the Doctor every success in his future career.

Mr. Kajeer and I thank you all for responding to our invitations."

Mr. Rustomjee then garlanded Dr. Seedat. Amongst those who spoke were Advocates R. K. Khan, A. Christopher, J. W. Godfrey, Messrs. O. H. A. Jhaveri, B. A. Magrajh, A. Shakoor.

Dr. Seedat replying said that he was very much indebted to Messrs. Rustomjee and Kajeer for having arranged the function and thereby having given him an opportunity of meeting his many friends. As was natural he had also his aspirations. He

promised that he would always throw in his lot with the Indian community.

We are pleased to announce that Doctor Seedat has acquired premises in Wills Road, the number being 71. The Telephone No. is 2838. He commences practice at the above premises immediately.

News Of Independence Struggle In India

Nehru Sent To Gaol

Allahabad, Tuesday.—Motilal Nehru, president, and Syed Mahmud, secretary of the Congress Working Committee, have been sentenced to six months' imprisonment.—Reuter.

Patel Succeeds Nehru

Allahabad, Tuesday.—Motilal Nehru has nominated Vallabhbhai Patel, brother of the ex-Speaker of the Assembly, and one of Gandhi's lieutenants, who has just been released from prison, to succeed him as president of the All-India Congress.—Reuter.

Martial Law Withdrawn

Simla, Tuesday.—Martial law has been withdrawn at Sholapur, but the display of Congress flags is prohibited for two months.—Reuter.

3,302 In Prison At End Of May

London, Thursday.—Replying to questions in the House of Commons, Mr. Wedgwood Benn, Secretary of State for India, stated that persons in India convicted in connection with the civil disobedience movement since March 1, and still serving sentences, numbered 3,082 on May 31.—Reuter.

Held-Up Procession Stones Police

Poona, Sunday.—A large procession proceeding to Yerwada gaol to pay homage to Gandhi was held up in the Bund gardens. Members of the procession squatted in the road until the early morning, and refused to disperse.

They stoned the police, and several policemen were injured, as also was a military officer who was passing in a motor car.

The police finally charged and scattered the crowd, several of whom were injured.—Reuter.

First Expedition Of 8,000 Volunteers To Break Forest Law

Yeotal (Berar), Sunday.—Eight thousand volunteers, forming the first batch of the Forest Law breakers, have left for Pusad in readiness to launch the Satyagraha campaign on July 10.

The expedition is fully equipped, from axes to ambulance cars and bandages, and has a qualified doctor in attendance.—Reuter.

Indian Unrest

The situation in India continues to be most disquieting, not so much from violence and political unrest as from economic depression due to the boycott and other economic weapons of the agitators, says a message from London.

It is significant that, according to the *Daily Telegraph's* Bombay correspondent, an Indian writer in the *Times of India* asks if the country owing to the boycott is not driving towards bankruptcy or Bolshevism, or both. He believes that the situation has got beyond the control of the authorities.

According to the correspondent, the boycott is being continued in Bombay along with the Nehru hartal. Schools and colleges are closed, also mills. The streets are reverberating with slogans, there are noisy processions, and the hats and caps of passers-by are snatched off their heads and burned.

Misapprehension Cleared Up

Simla, Wednesday.—Misapprehension in regard to the recent proclamation that the working committee of the All-India Congress is an unlawful association has been cleared up by the explanation that this applies to the whole of India and not the United Provinces alone. The committee consists of fifteen members. The declaration does not apply to ordinary membership of the Congress.—Reuter.

News Sheets To Be Suppressed

Simla, Wednesday.—Lord Irwin has promulgated an Ordinance against unauthorised news sheets to combat the propaganda of cyclostyle bulletins issued by the Congress.—Reuter.

Inquiry Into Peshawar Riots

Simla, Monday.—The official committee of inquiry into serious rioting at Peshawar on April 24, and the measures taken to restore order, upheld the action of the civil and military authorities, and the Government of India has accepted the committee's findings.

The committee consisted of Sir Shah Muhammad Sulaiman, a High Court judge, and Mr. Pankridge, assistant High Court judge. Sir Muhammad Sulaiman holds that events before the second firing did not justify firing to the extent resorted to. Mr. Pankridge, however, holds that it was justified. The Government accepted the latter's view and gave an assurance that points raised by Sir Muhammad Sulaiman would be carefully considered.

Armoured Car Incident

Sir Muhammad Sulaiman believes that some persons were run over by an armoured car before a despatch rider was attacked, and expresses the opinion that otherwise the situation would not have assumed such a serious aspect. Mr. Pankridge did not feel satisfied in coming to this conclusion on the evidence. The Government agreed to consult military officials in regard to the danger of the use of armoured cars to quell civil disorders.—Reuter.

Simon Report

The Calcutta correspondent of the *Rand Daily Mail* reports:—

While the Government is girding up its loins and smiting opponents of law and order, as shown by Pundit Motilal Nehru's arrest, its performance in the purely political sphere is far less satisfactory and continues indicating irresolution, with a marked sway towards a fall on the wrong side of the Simon Report fence.

The Government is still obsessed with the idea of courting extremist politicians in order to induce them to the Round Table Conference, and it would not be surprising if the discovery is made in the Indian Government of a party prepared for the denudation of its powers beyond that already suggested in the Simon Report.

Special Meeting Summoned

A special meeting of the Viceroy's Executive Council has been summoned as a result of a request from the British Government for some indication of the Indian Government's views—the request resulting from the meeting of leaders of the three parties in the Premier's room on Thursday, the object being to assist the Secretary of State for India in making some acceptable pronouncement in Parliament.

Civil Disobedience

Meantime, there are plain indications that the civil disobedience movement directed by Congress is tending more and more to organised violence, Congress having completely discarded the ordinary methods of political protest in a deliberate attempt to subvert the Government.

Ramsay MacDonald And India

In its issue of June 11 *The Nation* (New York) gives the following article, under the above heading, which we have no doubt will be read with interest by our readers:—

Never has there been a clearer illustration of the taming effect of office-holding upon liberals and radicals than that afforded by the MacDonald Government in England on the question of India. Until a couple of years ago the Laborites were in arms against the Indian policy of Conservatives. Now they are in office and the Nationalist uprising has been taming them as by fire. Although forewarned five months before they took office in June last by the announcement of the All-India National Congress that there would be a demand for independence if dominion status were not granted by December 31, 1929, the Labour leaders took no steps towards a radical solution of the problem. In consequence they have the revolution to deal with and their fate in large measure is in the hands of Gandhi and his followers. By that we do not mean the mere question of their retention of office. It is their moral standing before the bar of international judgment which is at stake. Have they or have they not the moral courage to meet the situation in all its most difficult and trying aspects?

We must confess to doubt and discouragement when we read the cabled reports of the May 25 speech of Wedgwood Benn, Secretary of State for India. It is adequately characterised by a London correspondent of the *New York Times*:—

"As a matter of fact, the speech of the Secretary of State for India, Wedgwood Benn, differed but little, and that little was in theory, from any statement which might have been made by a Conservative statesman. India needed England and England needed India, he said, and if the newspapers chose to exaggerate the recent troubles that constituted no reason why London should not proceed with the plans of the coming Indian Conference. That Mahatma Gandhi and some others had been put in jail, it was explained, was not to punish them for their political views, but simply to place them where they could not disturb the good order existing in most parts of India among most of the 300,000,000 population.

In so far as Mr. Benn's Second Internationalist theories may have clashed with the interests of the British Empire, the British Empire won."

Precisely. The result was that the left wing of the Labour forces was "disgusted," but the speech "satisfied a large majority of the House of Commons."

It should not satisfy Ramsay MacDonald. For that Prime Minister is on record not once but several times. For example, as late as October 17, 1927, Mr. MacDonald wrote in the *London Daily Herald* that further tutelage of India for self-rule was useless, and that India should receive independence at once:

"The moral justification that has always been made for the existence of our Empire among subject peoples has been that we are training them for self-government. The most typical of that is our Indian Empire. A thousand and one reasons are given for a little more tutelage... Now plain, common sense should come to our rescue. Nobody can imagine that any harm will come from independence. Let independence be granted."

Ten days later he reiterated this position. Indeed, in the columns of our weekly there appeared on January 4, 1928, an article by him in which he said: "If any party has been conspicuously sympathetic to the growth of nationalism in India and to the satisfaction of that spirit it is the Labour Party..."

Nor was he the only Labour leader to speak thus. There is no finer spirit in the party than that of George Lansbury. As far back as 1920 Mr. Lansbury thus echoed some famous words of Richard Cobden :

"There are more than three hundred million people in India; there are forty million of us English in the British Isles. We claim to know what is good for those people better than they do themselves. Was there ever impudence more colossal? Because our skin happens to be white we claim more brains than those whose skin has been browned by the sun. Whenever I look at Indians I feel ashamed of myself."

Now we are well aware of what Mr. MacDonald will face if he attempts to live up to his opinions. Fenner Brockway, M.P., has stated that if MacDonald should grant Gandhi's request for the release of the many political prisoners who have been rotting in prison since 1915 eight or nine of the British governors in India would resign at once. This, Wedgwood Benn has not dared to face. The India Office is full of officials who live by British control of that teeming distressed country. Again, Mr. MacDonald is reported worn and tired as a result of the long and unhappy Naval Conference, his anxiety about the unemployment situation, the secession of Sir Oswald Mosley, and all the other difficulties which confront him. None the less we feel that he must meet the test which India offers; that he cannot evade the issue by falling back upon the intransigence of the Anglo-Indian officials. If he would keep his record clear he cannot long approve of Wedgwood Benn's Tory theory that it is right to jail a great leader like Gandhi on the excuse that he is disturbing or may disturb the good order of India. It is not Gandhi who is the disturber, but those countrymen of MacDonald's who insist on keeping India in tutelage. There is no moral salvation for the Prime Minister save to say again: "In all attempts to govern a country by a 'benevolent despotism' the governed are crushed down. They become subjects who obey, not citizens who act." We cannot conceive a finer slogan for MacDonald to go down to defeat with than his own "Let independence be granted," for we believe that out of such a defeat would come lasting victory.

This question of the effect of office-holding upon the reformer is one of far-reaching moment. There is nothing so dangerous, nothing so benumbing to the moral sense, no other pitfall half so deceptive—witness the fall of Woodrow Wilson. It is not to be disposed of by saying that the taming is inevitable; that the theorist must become the realist when he takes office; that practical considerations must take precedence of ideals. Those are moral traps; those are the excuses that men give for not living up to the best that is in them; for refusing to face defeat; for breaching principles they have upheld all their lives. That is the way of the politician, the professional office-holder. It can never be that of the true reformer.

Mr. Srinivasa Sastri, the Indian Liberal leader, addressing an all-party meeting in the House of Commons, contended that the suggestions that more power should be given to the Provincial governments, reversed the policy hitherto pursued, of creating a strong central government.

Mr. Sastri also criticised the absence from the Simon report of any mention of the Viceroy's statement about Dominion status and asked why this statement had been made if the position was to remain as before.

The Indian Problem In The Union

Where Dr. Potgieter Went Astray

(BY A SOUTH AFRICAN INDIAN)

Dr. Karel Potgieter, Nationalist M.P. (North-East Rand), and a member of the recent Select Committee on Asiatics in the Transvaal, has taken the opportunity to hurl a vicious attack on the Indian community in the Transvaal in particular and the South African Indian community in general, at a meeting of his constituents recently. He has not even spared our respected and genial-hearted Agent-General, Sir Kurma Reddi.

He is reported to have said that: (1) They always looked upon the Indians as guests of South Africa—guests in the sense that they would soon depart; (2) the South African-born Indian community—which forms the majority of the Indian community—is no direct concern of the Government of India, which, in any case, does not seem to want them back badly; (3) the Indians have not carried out their obligations under the Capetown round-table settlement of 1927; (4) the Indians have violated the laws of the country, and more stringent laws will be enacted if it is found that the proposed laws are not found severe enough; (5) and lastly, Sir Kurma Reddi, the present Agent-General, is committing a gross breach of etiquette by commenting on the Asiatic policy of the Union in public.

When the Smuts-Gandhi Agreement was signed in 1914, after a great struggle of passive resistance, the Indians held a profound hope that the past was buried and that the Indian was included in the South African national unit, to share the prosperity and bear the difficulties of the country with a common will and determination. The ray of hope was flashed that there was the end of racial prejudice and persecution. The Agreement was signed in that spirit. It was hailed as epoch-making even in India, although the latter had to agree to complete cessation of further Indian immigration, except of the progeny and family of the Indians domiciled in South Africa. This hope only remained temporary, as soon after the great war Act 37 of 1919 was enacted to restrict Asiatic trading and residential rights. The cry of the "Asiatic menace" was continued when certain cases went against the local authorities, and a mountain was made out of a molehill by alleging encroachment on European trade, European society, and European civilisation by the Asiatic. The Asiatic Inquiry Commission (1920) went exhaustively into the matter, and decided unambiguously and unequivocally that the cry of the "Asiatic menace" was unwarranted. It further laid down the principles of no repatriation and no segregation.

While the decision of the Commission was clear, it did not redound to the credit of the South African Government to continue its pin-prick policy towards the Asiatic by drafting a Bill—known as the Class Areas Bill in 1924—which introduced the very same principles against which the Asiatic Inquiry Commission gave its considered and dispassionate judgment.

Our first serious charge against the South African Government is that it is hardly desirous to give fairplay to the Indian, and is always prepared to listen to anti-Indian reactionaries and to pacify

them, although it may be unjust to a section of the Union's most law-abiding and peaceful population—so much so that it would go against the conclusions of its own judicial courts and judicial commissions.

The victory of the Hertzogites did not change the situation, and the old Class Areas Bill saw its new form in the Areas Reservation Bill in 1925. It was only when the Paddison deputation made serious representations to the Union Government and voiced their strongest disapproval against the principle of segregation that South Africa decided to call the round-table conference at Capetown, to which the representatives of the Government of India were invited to discuss and settle the Asiatic question once and for all. The Segregation Bill was dropped, and the new Agreement was signed, which said, *inter alia* :

(1) The Indian population of the Union should be reduced by the repatriation under the assisted emigration scheme, and the Indian Government should take the obligation to look after such emigrants on their arrival in India.

(2) The South African Government should accept the Indians as a section of the Union population, and considers its duty to uplift the permanent Indian population when public opinion favours it.

(3) Steps should be taken to improve the education situation of the Indian in Natal, and the trade restrictions should be gradually removed in the Transvaal.

(4) In order that the Agreement may come into operation under the most favourable auspices and have a fair trial, the Government of the Union decides not to proceed with the Areas Reservation Bill, and requests the Government of India to appoint an Agent in the Union in order to secure continuous and effective co-operation between the two Governments.

Dr. Potgieter contends that the Government of India and the Indians have not carried out the obligations under the Capetown Agreement. This is certainly a serious reflection on the integrity and faithfulness of the Government of India. It was never desired or understood that the Government of India and the Indians should work as the recruiting agents of the Government of the Union to increase the numbers of repatriation, which is understood to be perfectly voluntary. What was intended was to help the emigrants from South Africa landing in India, as above mentioned, by the Government of India. This has been not only done, but the Government of India and her Agent-Generals in the Union have gone further. The Government of India has opened special offices at Bombay, Madras and Calcutta to greet the repatriated Indians, and commissioned special officers to look after their convenience in order that they may not return to the Union within the specified period. Only recently a commission was appointed to examine the condition in which the emigrants lived and devise ways and means to raise avenues of employment to make their stay permanent in India. Mr. Sastri worked hard for the success of the assisted emigration scheme, and Sir Kurma Reddi has not spared any efforts to induce the Government of India to make the scheme a success.

Let us see how the Government of South Africa carried out its obligations.

(1) Only a few months after signing the Agreement, Dr. Malan contravened the spirit of the Agreement by declaring that the aim was to reduce the Indian population to the "irreducible minimum;" (2) although it was understood that the Asiatic Act of 1927 would not be retrospective, Dr. Malan changed his mind and instituted the condonation

scheme; (3) the Capetown Agreement accepted the Indian community as a section of the Union population, whose gradual uplift was promised; but the Union Government did not accept it as a national unit in the Flag and Nationality Act; further, it did not confer the rights of the Old Age Pensions Act on the Indians; (4) it was understood that the immigration difficulties will be reduced, but to-day these difficulties have increased and the regulations have been tightened; (5) to crown all, the new legislation (Transvaal Asiatic Tenure Amendment Bill) has been introduced which spells immediate ruin to the Indian community in the Transvaal, in spite of the understanding that the *status quo* shall be maintained; and (6) although the segregation principle was dropped to mark the signing of the Capetown settlement, it has been revived in this new measure, under the veil of safeguarding the laws, thus replacing the stigma of inferiority on the Indian and the Indian nation.

This will prove conclusively that the South African Government is not inclined to observe the obligations of the Capetown settlement in the letter and the spirit, but is determined to root out Asiatics from the Transvaal by hook or by crook, by administration or legislation, by regulation or persecution and oppression.

To go prior to the Agreement, let us see how the periodical fits of South African anti-Asiaticism have worked. Here is some of the legislation which has more or less affected the existence of the South African Indian, with serious consequences in several instances:—Apprenticeship Act (1913), Act 37 of 1919, Industrial Conciliation Act (1921), Natal Land Alienation Ordinance (1922), Natal Rural Licensing Ordinance (1923), Natal Boroughs Ordinance (1924), Minimum Wages Act (1925), Local Government Provincial Powers Act (1926), Transvaal General Dealers Control Ordinance (1926), and Colour Bar Act (1926).

The Indians in the Union, tired of the annual attacks hurled on them, heaved a sigh of relief when the Capetown Agreement was signed. They accepted the above legislation under the impression that there was not the slightest reason to doubt the sincerity of the Union Government, but that the gate to upliftment was opened. All these hopes have been shattered by the latest blow: The Transvaal Asiatic Tenure Bill; the withdrawal of which will require the united effort of justice-loving people in the Union.

Dr. Potgieter claims that the anti-Asiatic laws have been dictated by economic necessity. To refuse this I would quote the following considered opinions:—

The Economic Commission (1914) declared: "Your commissioners fail to discover evidence proving that skilled labour has suffered seriously from the competition of the Indians."

The Asiatic Inquiry Commission (1920) also remarked on the baseless nature of the alleged Asiatic menace.

The Economic and Wages Commission (1925) recorded their opinion that "Many witnesses were of opinion that the scope for employment for Europeans could be increased by the legislative exclusion from specified occupation. On general principles it appears to us to be an unsound policy to exclude by legislation a class which has no representation in the Legislature, from economic opportunities now open to them, for the benefit of the politically privileged class. The governing consideration in Wage Regulation should be to encourage the use to its fullest capacity of every class of labour, and to discourage any waste of capacity.

In the special circumstances of South Africa, the policy of restricting the opportunities of low-paid non-European workers is particularly dangerous. The white man has less to fear from an improvement than from a deterioration in the economic status."

The Indians have been settled in this country for over three generations; 80 per cent. of them are born and brought up in this country. They know only one home—South Africa. As long as they are not accorded their due status, India is morally and lawfully bound to look after them. The Agent-General is in the Union to voice their aspirations. South Africa has enacted sufficient legislation against the Indians, and the time has arrived to call a halt to further repressive moves. It is up to South Africa to see that her fair name is not tainted with any further undignified attacks on the limited rights of the Indians in the Transvaal, or elsewhere in the Union.

The Indian question can only be settled satisfactorily by the mutual cognisance of difficulties and desires. It will be never settled by oppressive legislation, which raises national tempers and raises international complications. Inconsiderate attacks, as that made by Dr. Potgieter on Sir K. V. Reddi, will make settlement more difficult.—*Pretoria News*.

Mr. Tyson's Statement To The Select Committee

(Continued from page 222)

26. It has been deemed necessary to make these introductory observations because, though the Committee's reference is closely drawn, the discussions have ranged further afield and have amounted at times to a great indictment of the Indian trader. Remedies have been propounded—such as universal trading and residential segregation of the Indian throughout the Province—which go far beyond the symptoms for which the Committee has been invited to prescribe. An attempt has therefore here been made to show that even in this wider sphere no case has been made out for far-reaching and drastic legislation. *A fortiori* in the narrower field of the terms of reference, it is submitted, no menace to the general welfare has been disclosed. The Committee are faced with problems of undoubted difficulty, but they are problems which call for dispassionate deliberation and cautious legislation rather than for the sweeping interference with elementary private rights which some of the witnesses have demanded.

27. The first paragraph of the terms of reference of the Select Committee bears on the position created by three recent judgments regarding Indian residence on, or occupation of, fixed property in the Transvaal. The first of these is the case *North-Eastern Districts Association (Proprietary) Limited vs. the Norwood Land and Investment Co., Limited*. The township of Norwood is a private township, not on proclaimed land. It is one of a large number of similar townships, in and around Johannesburg, in which the residence on, or occupation of, fixed property by Asiatics except in the capacity of "servants" is precluded by the terms of the freehold title on which the lots are held. It was decided by the Court that the term "servant" in this connection meant a domestic or menial servant and did not cover the case of a "managing director" of a company or a manager of a business. The "physical presence"

of these Asiatics was held to be "occupation" and, as they were not "servants" within the meaning of the restrictive clause, such occupation was against the terms of title. As a natural result of this decision, it would appear that there are no Asiatic traders left in Norwood, except one who has raised a defence that his 20 years' occupation should operate to deprive those who seek to eject him of their right to enforce the terms of the title. This case is *sub judice*—*North Eastern Districts Association vs. Surkey*.

28. It is clear that, subject to the decision of the Courts in cases such as that last cited—a decision which would be governed by the circumstances of each particular case—those who object to the presence of Asiatics in townships where the title contains an "anti-Asiatic" restrictive clause have only to go to Court to secure the ejectment of the Asiatic. There seems to be an impression abroad that Asiatics, besides having an "unlimited fund of money" to draw upon, combine themselves together to fight these cases, and it has often been suggested that you may get eight people allowing themselves to be ejected so as to exhaust the funds of the society ejecting them in order that the ninth may remain. The suggestion that in the Norwood case the defendant allowed himself to be turned out and did not raise a defence in order that that defence might be reserved for the subsequent case really puts more on the self-sacrifice of the defendant than common sense would seem to justify. The latter would not appear to have any remedy unless he can make good a defence such as that which has been raised in the case of *North Eastern Districts Association vs. Surkey*. While on the one hand there would not appear to be, from the point of view of those who object to the Asiatic, any need for further legislation to secure the result desired, on the other there would appear to be no remedy for the Asiatic who has sought to occupy fixed property in defiance of the terms of the title. If, however, in any such case it should be held by the courts that long and undisputed tenure, or other circumstances, entitle the Asiatic to remain in occupation of fixed property in such townships; it is respectfully urged that no case has been made out, or appears, for legislating to deprive him of the fruits of such a decision. In short, the enforcement of restrictions in private titles should be left to be decided by the courts on the initiative of private parties; no case has been made out for intervention by the State either to give statutory force to the covenants or to take the initiative in enforcing them whether directly or indirectly. For example, it is unnecessary, it is submitted, in respect of private townships; to place any statutory bar on, or to set up any special machinery to prevent, the acquisition of trading licences by persons who *prima facie* are not entitled to occupy sites in such townships. The other lot-holders in such townships have the remedy in their own hands; they have merely to bring an action to enforce the terms of the title deed. By succeeding on this issue they render trading by the other party on that site impossible. Therefore I suggest that if it were thought necessary for the future to make necessary some sort of certificate that the man is entitled to occupy the premises in respect of which he seeks a licence—to make that a *sine qua non* for an Asiatic getting a licence on "proclaimed" land—land where there are statutory restrictions—there is no need to apply that to these private townships at all. The people have the remedy in their own hands, and the Norwood case shows that as soon as they bring a suit for ejectment they can turn the whole lot out.

29. The second judgment—in the case of the

Turf Stores (Proprietary) Limited vs. Municipal Council of Johannesburg—decided that a certificate for a trading licence cannot under the Transvaal General Dealers' (Control) Ordinance be refused merely on the ground that, independently of the character of the applicant or the nature of his business, he is a member of a class (or race), which class (or race) is objectionable. This forms one of a number of decisions affecting the powers of "local authorities or boards" to refuse licence certificates under that Ordinance and, as the point has been the subject of much discussion before the Select Committee, it will perhaps be permissible to treat of it more widely than the somewhat restricted extent of the decision in the Turf Stores case would otherwise justify.

In this connection it may be recalled that the situation which led to the appointment of this Committee was precipitated by the action of the municipal authorities of Johannesburg in deciding in January, 1929, to reserve orders on applications from Asiatics for licence certificates until it should be decided whether or not a "local authority" or "board" is entitled or bound, in considering applications under the Ordinance, to take into consideration the title of the applicant to occupy the site in respect of which he seeks for a licence. It is unnecessary to discuss how far the Indian community are justified in regarding this action on the part of the municipal authorities as an attempt to usurp the functions of the Union Government and, through the medium of a Provincial Trading Ordinance, to enforce laws against the occupation of land which successive Governments in power in the Transvaal down to the present Union Government have refrained from enforcing—to do, in fact, what the Union Government legislated to avoid in 1919. The whole question of the future enforcement of the Gold Law and of the protection of interests which have grown up in contravention of that law since 1919 is raised by paragraph 3 of the Terms of Reference and will be discussed in its proper place. Assuming, however, as most of the evidence given before the Committee assumes, that the view may prevail that for the future the Gold Law is to be strictly enforced except as against those who may now secure protection and their successors in title it would follow that for the future, it is undesirable that Government or local bodies should countenance illegal occupation by granting licences or licence certificates to persons who are prohibited by statute from occupying the premises in respect of which the licence is sought.

I would draw a distinction between the private township and the case where the restriction is statutory. You already have such a distinction in section one of Act 37 of 1919 which refers only to areas where restrictions are statutory.

(To be Continued)

LECTURE

AT THE

Parsee Rustomjee Hall,
140, Queen Street, Durban.

"SYSTEMS OF INDIAN EDUCATION"

BY

A. SHAKOOR, Esq., M.A., B.T.,

on Tuesday, 15th July, 1930, at 7.30 p.m.

His Worship the Mayor (Rev. A. Lamont) will preside.

All are invited to attend.

Move Towards Republic

A meeting of Nationalists at Bloemfontein decided to form a republican league within the Nationalist Party and to call a conference to that end. The meeting was attended by representatives of all the provinces except Natal. The principal speakers were Dr. H. J. Steyn and Mr. Edeling, of Bloemfontein, and Professor de Wet, of Potchefstroom. The discussion turned on the Union's present constitutional position vis-a-vis the Empire all the speakers agreeing that General Hertzog's idea of the Union's independence does not reflect a real independence. Dr. Steyn said three conceptions were in the field: 1. The South African Party's—that the Union must take its place without qualification in the Commonwealth. 2. The Nationalist Party's—that the Union had a place in the Commonwealth with the right to secede in reserve. 3. The view of this meeting—that the Union was not now independent, that since the 1926 Imperial Conference the Imperial tie tended to harden, and that the solution of our national problems depended on complete independence—i.e., a republic.

Dr. Steyn and Mr. Edeling opposed General Hertzog's views on independence at the Winburg Conference of the party last year, but the Premier had no difficulty in defeating them. It was said at the Bloemfontein meeting that a large and increasing majority of the Nationalist Party follow the Premier.

—The Star.

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