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TRANSVAAL INDIANS AND THE LAND TENURE BILL

(BY C. F. ANDREWS)

CONSIDERABLE misunderstanding exists concerning the very far-reaching consequences of the proposed Asiatic Land Tenure (Amendment) Bill and the reasons why Indians have protested so strongly against it. I have been asked, therefore, to prepare a very brief statement giving the main outline of their case.

For nearly fifty years the Indians in the Transvaal have been suffering from disabilities such as were never imposed upon them, either in Natal or in the Cape Province. These began under the old Boer Republic administration and received emphasis when gold was discovered in very great quantities on the Rand. The first Gold Law was passed in 1885, soon after their arrival in the country. Since then they have been subjected to a whole series of disabling measures, each one of which has taken from them some of their rights of residence, occupation and trade. They have struggled, after each disablement, to discover some new method of continuing their occupations and earning their livelihood, in spite of new legislation enacted against them. They have been hampered, restricted on all sides and repressed. Every effort has been made to put such pressure on them from time to time as to compel them to leave the towns and go into "locations." When excitement has been raised against them, every loophole of the law has been used to force them out of their houses, which have been held on a precarious tenure. Is it any wonder that from their side also every loophole of the law has been eagerly seized in order to stave off the day of defeat?

The Original Intention

What the original basis of their occupation rights under the earlier Gold Laws was has very often been contested in the law courts. Various judgments have been given. One thing is quite evident from the White Paper (Command 6087) of March, 1912. Lord Crewe is supremely anxious as Colonial Secretary, in his correspondence with Mr. Jacob de Villiers (now the Acting Governor-General), to safeguard every Indian interest before allowing the Gold Law, Act 35 of 1908, to be finally accepted by the Crown. In this correspondence Lord Crewe is amply assured by Mr. Jacob de Villiers that this Gold Law is simply a mineral law, providing for the issue of mining licences. Such mining titles and privileges, he says, have always been reserved for members of the European race. "No right," he affirms, "or privilege, which a coloured person has, at the present time, is taken away by the new Act." On those two assurances (i) that it is a mining Bill pure and simple, (ii) that no right or privilege of any coloured person (including Indian) is taken away, the Bill was sanctioned by the Crown.

It is a story far too long to repeat, how that at a later date this Gold Law of 1908 was brought forward in the courts in order to deprive Indians of rights and privileges which they had been led to believe to be absolutely secure. The drafting of certain clauses from a legal point of view was faulty; but the ordinary layman, who would take the trouble to go through the State correspondence,

could have no doubt left in his mind as to what Lord Crewe was aiming at before he allowed the Bill to be signed and passed into law.

Yet in spite of its original mining object, it has now been amended and changed by new legislation out of all recognition. For example, it is proposed under the amending Bill of 1930 to keep up, on deproclaimed areas, all the disabilities from which coloured people, including Indians, suffered from on proclaimed areas. That is to say, when all digging has ceased, the land is still to be regarded as a mining area.

Many of the harshest interpretations of the old basic Gold Law are now being embodied in this new measure; and if it were put before anyone for judgment, side by side with these published letters between Mr. Jacob de Villiers and Lord Crewe, it would be quite easily apparent how the Bill of 1930 honours the Gold Law of 1908 far more in the breach than in the observance.

"Defined Areas"

The menace, however, of the new Bill goes much further than any legislation that has gone before in one special feature. It embodies, word for word, in some of its clauses, the segregation sections of the late Class Areas Bill, which was abandoned at the Capetown Agreement of 1927. For the obvious intention of the new measure is to close up every other avenue, and thus indirectly compel at last the Indians in the Transvaal into what it calls "defined areas."

This new phrase "defined area" is really the old word "location" writ large. Those areas have been pilloried by Commission after Commission which have been appointed by the Union Government. They have been described as hardly fit for human habitation. In order to test what Commissions have thus reported about these "segregated areas" I have myself actually lived in them, and the experience I thus gained revealed to me the fact that the remarks of the different Government Reports are literally correct in their descriptions.

It is necessary once for all to understand that the Indian indignation against any idea of segregation in any form whatever is as deep seated as possible and quite ineradicable. In this connection, it is well to refer to the words of the Lange Commission itself concerning the entirely unpractical and unfair nature of this segregation policy which is now being brought forward afresh in the Transvaal. "In the Transvaal," says the Lange Report, "the evidence and statistics which have been summarised should go far to remove the misconception and allay the ill-founded alarm regarding the 'Asiatic menace.' It seems inconceivable that the few thousands of Asiatics in the Transvaal and their descendants could ever succeed in swamping the European population, as has been so frequently and emphatically asserted. We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segrega-

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CONCERNING FREEDOM

FREEDOM is gained by escape from bondage, by breaking down imprisoning walls, by conquest of environing limitations. Only those seek liberation who find bondage intolerable, in whom the urge for escape is overwhelming, to whom freedom is as necessary as is air to the lungs. The sheltering walls that afford protection to the young and helpless may, if exit be barred, become a prison-house to the grown-up. The limitations of the nursery are appropriate to the infant; the adult who seeks them, or who is content with them, becomes only a pitiable spectacle. Man does not live by bread, alone; he may be "free" to satisfy his animal wants while yet the Man of him is in darkest bondage. The truly free are they who act inspired from "within"; the bound, they whose actions are but reactions to promptings from "without." "Within yourselves deliverance must be sought." Liberation from "the house of bondage" is coeval with liberation from the Egyptian darkness of ignorance. The ache for freedom arises only after some degree of self-realisation has been attained. To such as love darkness or to such as find darkness comfortable and satisfactory the Light has no attractions, makes no appeal. Perchance for them it does, not even exist. Self-realisation is the finding of one's self, of one's soul. Thereupon, there follows as it were a shifting of the "Centre of Gravity". With the first feeling of contact, the real struggle for emancipation commences. The forces of reaction close up their ranks and concentrate upon the not letting go of their bondman. They are fighting for their lives, for their continued being, which must cease if the bondman escape. The temptations to succumb to the reactions are incessant; still more insidious are the deductions to make compromises. "Meet us at at least half-way!" "Why be so unbending? Why so inconsiderate, so cruel?" "Dwell with us yet awhile in the prison-house!" "Your bondage shall be made comfortable, easy, even pleasant!" Such are some of the forms of appeal to which the aspirant to freedom is subjected. If he attend to the seductive lures, and suffer his firm resolve to be softened and weakened, turning aside from his purpose in "worship of other Gods", he must inevitably awaken to find himself at once betrayed and betrayer. There is for

the devotee to the Real, the True, no room for compromise. Races, nations, individuals have throughout all time, paid the penalty of trying to reconcile Principle and Expediency, God and Mammon, the Pure and the Base. To the understanding, any would-be "facing both-ways" becomes pitiable, means the riveting on afresh of chains partly broken. Hard is the climb, and narrow the path-upwards. Descent is ever easy; one has only to slip to reach the bottom, but the price of falling may be death.

Indians in Congress

The *Cape Times* in a leading article dated December 30 writes as follows under the above heading:

The Congress of representatives of the Indian community in the four Provinces, which began yesterday in Cape Town, is an event of unusual importance this year. As Sir Kurma Reddi, the Agent for the Government of India, said in the wise and temperate speech with which he opened the conference, the main subject of discussion this year is the Asiatic Tenure Bill. The Bill affects Indian trading licences in the Transvaal. It was introduced last session and was referred before second reading to a Select Committee, which took abundant evidence and reported the Bill, with substantial amendments, to the House of Assembly. The procedure now is that the Bill will be re-introduced when Parliament meets again and that amendments will have to be considered in committee of the whole House. So far as white opinion in the Cape Province goes, the question of Indian licences in the Transvaal is very much a closed book. Few would claim to understand the intricacies of the subject. There is a vague feeling that the number of Indian traders in the Transvaal is increasing year after year by leaps and bounds; that the Indian is driving the white trader out of existence; that his low standard of living gives him an unfair advantage in the struggle with his white competitor; and that, unless a drastic restriction is put on the grant of licences to Indians in that Province, all the petty trade of the Rand and the neighbouring districts will pass from white into Asiatic hands.

These vague beliefs do not survive a study of the statistics; and it will be well if, as a result of this meeting of the Indian Congress, the facts up to date are published in a clear and convinced way for the information of the white population of South Africa. The figures, so far as they are available, suggest that, during the past ten years, the number of the Asiatic trading licences on the Rand and in the neighbouring magisterial districts has decreased, not increased, in proportion to the number of white trading licences. There is a good deal to be said, too, for the view that the Indian trader keeps down the cost of living for the poorest class of white and that the Indian confines himself to trading, whereas the white trader is apt to have his eye on the land of his debtor, which he secures when the debt cannot be paid in cash.

Generally it is true that the trend of legislation in the Transvaal since the end of the Anglo-Boer war and before has been to restrict Asiatic trading facilities. But the tendency of administration has been to enforce such legislation very sparingly and to be lenient with evasions of the various laws by

Indians—evasions which can hardly be denied but may almost be said to have been legalised by the indulgence of the administrative authority, Provincial or municipal. That is a fact which cuts both ways; and it would be folly for the present Government to ignore it. It would be an even greater folly for the present meeting of the Congress to discuss the Asiatic Tenure Bill without recognition of this fact. Much, indeed, will depend on the tone of the speeches in Cape Town this week. Sir Kurma Reddi evidently had this in mind when he told the Congress at its first meeting yesterday that the Viceroy and the Government of India have taken a keen interest in the Bill from the first; that they have been kept constantly informed about every detail; and that their representatives at the Round-Table Conference now meeting in London "held informal consultations with General Hertzog during his stay there." Sir Kurma said, too, that Dr. Malan—for whom, in his sad bereavement, all South Africans, whatever their colour, feel the keenest sympathy—had expressed his willingness to hear the views of the Government of India during January. Sir Kurma, acting in close co-operation with the Government of India, may be relied upon to put the case of the Transvaal Indians as well as it can be put; and the record of the South African Government in its handling of the Indian question, has been so broad-minded and statesmanlike that it should be trusted to listen to Indian representations with an open mind. The unrest in India has a bearing on this local question which no one who has the welfare of the peoples of the Commonwealth at heart is likely to ignore. We hope that no member of the Indian Congress will be tempted to think that Indian unrest supplies a lever which might be used to put pressure on the South African Government. That would be a grave and mischievous error and would do more to put reasonable advocates of the Transvaal Indian cause out of court than anything which could be imagined or devised.

More Indian Problems

In a leading article under the above heading the *Cape Argus* writes:—

Although much progress has been made in disposing of the difficult questions arising from the presence of Asiatics in the Union, it is evident that sources of friction are by no means at an end. In fact, the Transvaal Asiatic, speaking generally, finds himself to-day faced with an unusually bleak prospect. As Sir Kurma Reddi observed in his opening address at the Indian Congress, the question uppermost in Indian minds is the Asiatic Tenure Bill introduced by Dr. Malan at the end of last session but not then proceeded with, under which the future of probably 75 per cent. of Transvaal Indians is thrown into the melting pot. The details of that measure are not of special interest in the Cape Province, where Indians have always found it possible to pursue their business in compliance with the law and have not been worried by special restrictions. In the Transvaal matters are very different. For nearly half a century the white community has been enacting measures to protect itself against the influx of Indians, and particularly of Indian traders. One by one these measures have been found inadequate or incapable of enforcement, or were simply not enforced because it was nobody's business to enforce them. In the battle of wits the Indian has shown himself a stout antagonist. Possibly his best gambit was the formation of limited liability companies which, as the law stood, could own fixed property where ownership was forbidden to the individual. This move, like others, was checkmated by legislation, but according to the Select Committee which reported last May, even in

this case "other ways and means to frustrate the intention of the law have been subsequently discovered and utilised, whereby the restrictions referred to have been largely evaded." The game of hide and seek still goes on merrily in the Courts. The Asiatics are stimulated by the prospect of losing their means of livelihood, the authorities concerned hover between a desire to avoid trouble in the Courts and a desire to satisfy the popular cry against Indian traders.

It is all rather undignified. Most people will agree that if the Asiatics now in the country cannot be put on the same economic footing as Europeans—and apparently public opinion in the Transvaal cannot face so simple a solution—further legislation is required to regularise the position. The Select Committee has done its best to meet both sides. Where Indians have encroached upon residential townships, in which the title deeds contain a restrictive covenant, the committee declined to interfere on the ground that a remedy may be sought in the Courts. Moreover, they go a long way in protecting vested interests, even when these originated in illegality. But they could not escape the main problem. It appears that of the total number of licences issued to Asiatics in the Witwatersrand area since 1919, a large proportion has been issued to persons in illegal occupation of land proclaimed under the gold laws. How this position arose is a whole comedy in itself. Obviously great hardship would follow if the law were now immediately enforced. The committee recommended that a register of all such business should be compiled, that within five years they should all be disposed of, and that local authorities should be compelled to assign suitable areas in which the owners could start business again.

From the Indian point of view this recommendation, which is embodied in the Bill, forms the crux of the question. On logical grounds they can hardly resist it because the illegal occupants have known throughout that their occupation was a contravention of the gold laws. But where livelihood is concerned logic hardly counts, and the actual position is that a high proportion of Indians will not only be moved from localities in which they have built up goodwill but will be segregated in special areas to which customers of the same class are not at all likely to resort. Perhaps their best hope lies in the probability that the assignment of these new areas will lead to insuperable difficulties between the Government and the local authorities and so reduce the new law to a dead letter like so many of its predecessors. But they cannot be blamed for fighting strenuously against the loss of their livelihood, and Parliament would do well to pause before carrying obsolete legislation to its logical conclusion. Figures show conclusively that the Indian population no longer constitutes a threat to the white civilisation to which General Hertzog shows so much devotion. There is certainly not a scrap of evidence to show that the Indian trader's "encroachments" have increased in the last few years. In many cases he fulfils a real need by catering for natives and very poor people, who otherwise would be ill-provided for. And it is not his fault that the laws restraining him have been allowed to rust in disuse. When the Bill comes again before Parliament, we hope that even the appearance of persecution will be eliminated.

King Says Good-Bye To Indian Delegates

London, Jan. 13.—The King and Queen bade farewell to 100 Indian members of the Round Table Conference at Buckingham Palace to-day.—*Reuter*.

(Continued From Front Page)

tion of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European."

It would be difficult in a sober Government Commission Report to find stronger words than these. Therefore it is a very strange thing, that such grave statements have to be uttered again and again by South African leaders themselves before the idea of segregation of Indians can be given up. Is it not possible to understand what a bitter insult this thought of being "reduced to helotry" is to a people like the Indian people, who are rightly proud of their statesmen and sages for a hundred generations past? Has not the presence of the Hon. Mr. Sastri in South Africa, followed by that of Sir Kurma Reddi, distinguished ambassadors, who have been given highest places in the order of precedence in all State functions, made once and for ever this whole idea of "segregation" unthinkable?

Undoing Good Work

All men and women of good will throughout the civilised world had hoped that a permanent basis of friendly relations between South Africa and India was at last established, when the Capetown Agreement was signed. A sigh of relief went up, that a fatal conflict, damaging to both sides, had thus been averted. But now again to bring up the segregation menace in a new form, and to revive the insult to India which lies behind it, is the surest means of starting afresh the whole trouble between India and South Africa. It is the one way to undo the good work which has already been accomplished by Mr. Sastri and others.

From the side of India, which I know full well, there is the sincerest and most cordial desire to cement still further the friendship already established. I cannot lightly believe that, in the midst of grave difficulties in many other directions, South Africa will thrust aside the hand of friendship that is openly offered.—*Cape Times*.

India's Great Loss

A mass meeting of the Cape Indian Congress was held at Fidelity Hall in Capetown immediately the news of the death of Moulana Mahomed Ali in London was known in Capetown. The hall was fully packed. Sir Kurma Reddi and Rev. C. F. Andrews were present. Messrs. A. Christopher, Medh, Pragji Desai, M. D. Bharoochi, A. I. Kajeer and Shaikh Hamed of Pretoria were also present. Mr. Khan Gool, President of the Congress, Messrs. Ismail and Nagia (Secretaries of the Congress) received Sir Kurma and Mr. Andrews at the gate.

The chairman Mr. H. K. Gool said that the name of Moulana Mahomed Ali would become famous in world history on account of his self-sacrifice. No one except Mahatma Gandhi had suffered so much as he did, and he died in London because he had determined to sacrifice life itself in order that his country might gain Hindu-Moslem unity.

Sir Kurma Reddi

Sir Kurma said India had sustained an irreparable loss in the death of Moulana Mahomed Ali. The passing of this noble son of India meant the disappearance of a brilliant star. To-day when the destinies of India hung in the balance and his services were most required, he could least be spared. Although he knew he was a dying man he undertook the journey to the conference in London placing his life second to the duty to his country. Sir Kurma hoped that the solution taken to the conference by Mahomed Ali would be accepted as a means of saving India.

Rev. C. F. Andrews

The Rev. C. F. Andrews proposed the following resolution:—

"That this meeting of the City of Capetown desires to convey to the widow and bereaved family of Moulana Mahomed Ali the deepest sympathy in their great sorrow and to offer their thankfulness for the heroic sacrifice and devoted love which the late Moulana displayed both for the upholding of religion and for the welfare of his country."

The audience stood in silent prayer to signify the passing of this resolution.

Mr. Andrews spoke of the life of Moulana Mahomed Ali and the affection his country had for his mother, a woman of wonderful womanly courage, who was undoubtedly the inspiring cause of her son's willingness to sacrifice everything in the service of his religion and his country. Mr. Andrews described the great fast kept by Mahatma Gandhi at the house of Moulana Mahomed Ali and the fine service rendered by Moulana to Gandhiji during the fast of 17 days. At the end of that fast the Moulana gave his promise to Gandhiji that he would lay down his life for Hindu-Moslem unity. That promise he kept in the spirit as well as in the letter. His journey to England and the suffering that it entailed was his way of keeping the promise to the end. Of all things that made his soul on fire, his love of Islam was the greatest and his love of his country came next.

Messrs. A. Christopher, Medh, Pragji Desai, Bharoochi, Kajeer, A. Ismail, Sheik Ahmed, Nagia and others spoke on the resolution. The meeting terminated with prayer for the departed soul.

Johannesburg Indians' Tribute To Moulana Mahomed Ali

A mass meeting of Muslims of all races and Indians of all creeds assembled at Osrin's Bioscope Hall on the 6th instant, under the auspices of the South African Muslim Conference, to pay tribute to Moulana Mahomed Ali, the deceased Muslim leader and patriot. Leaders of the Indian community were on the platform.

After prayers were offered by Moulvi Ismail, the chairman, Mr. A. L. Gabru, said that the Muslim community was shocked to learn of the death of Moulana Mahomed Ali at this critical period in the history of India and Islam—at a time when he was engaged in the most momentous of conferences. The Moulana, he said, lived and died for Islam and India—a hero of sterling and unblemished character. Mr. H. Motan, who described the loss as tragic, was so overwhelmed with emotion that he fainted.

Mr. S. M. Nana pointed out that the Moulana was an ex-president of the Indian National Congress, the greatest honour which the country could offer.

Mr. Rooknoodeen of Durban declared that they remembered the name of Moulana Mahomed Ali for his devotion to the cause of nationalism.

Mr. Moosa Master said that the Moulana's dictionary did not contain the word "impossible."

Other speakers were Messrs. Mulji Patel, D. M. Nursoo, N. A. Camay, A. A. Mirza, Ebrahim Jamal, Omar Khan, Hussein Maal, E. S. Coovadia and Moulvi Ismail.

The following resolution was passed unanimously the audience standing:—

"The South African Muslims have learnt with grave concern and sorrow of the demise of Moulana Mahomed Ali and are greatly shocked, and record with sincere love and appreciation his great services to Islam and India and express that they feel the loss more keenly because this great champion of liberty has passed away at a time when engaged in the most momentous of conferences where the destiny of India is being shaped and declare that he lived and died for Islam and India, a true heroic patriot, saint and leader; and respectfully tender

heartfelt sympathy to Moulana Shaikat Ali, Begum Saheba, Mohamed Ali and relatives in their and our irreparable loss, and urge all Muslim delegates to the London Round Table Conference to assist in the realisation of his lofty ideal and requests all Muslims in South Africa to offer up prayer on Friday next in all the mosques for his great soul."

The Muslim Club of Johannesburg sent a cable to Madam Mohamed Ali expressing sympathy "in the irreparable loss suffered by the Muslim world." The Transvaal Kokni Mahommedan Society declared in its cable of sympathy that "the whole Muslim community felt the loss very heavily, and was unable to express in appropriate terms its appreciation and gratitude for Moulana's invaluable services to Islam and India". Mr. Ebrahim Jamal stated in his cable that the Muslim community felt the loss as a national and Islamic one, and were profoundly distressed; while the Young Muslim Association declared that "Moulana's death in the present critical situation was a tragedy to Islam."

All Indian and Muslim businesses were closed in the afternoon as a token of respect to the departed leader.

A Life Sketch Of The Late Maulana Muhammad Ali

(BY C. F. ANDREWS)

I

It is with no ordinary feeling of deep emotion and heart felt sympathy that I shall endeavour in this article to write out what is in my heart, immediately after hearing the news of the death of Maulana Muhammad Ali. I had known and loved him for so many years as a personal friend, and his brother Shaikat Ali had become equally dear to me. It was first of all their own personal character that drew me to them. They had both of them such a profound love for India, as their own Motherland, and for Islam as their own religion that it was very easy to win my heart and they at once succeeded. Both of them were brimming over with enthusiasm and absolutely sincere in all they said and did. They had no sense of fear. While others were cautious and often ready for compromise, they were uncompromising and out-spoken.

It has to be remembered, how in those early days, about which I write, when I met them first in Delhi twenty years ago the general tone of India, except perhaps in Bengal and Maharashtra, was in a manner submissive and subdued. Here and there an act of daring would be done or an uncompromising speech would be made, but usually what Mahatma Gandhi called the 'slave mentality' remained painfully in evidence in national affairs. There was also a considerable amount of local patriotism, but not so much active enthusiasm and love for India itself. Mahatma Gandhi was still in South Africa waging the great 'passive resistance' warfare. He had not yet come back to India to raise there the banner of Swaraj. Lokmanya Tilak had already spoken out and uttered his own great watchword: "Freedom is my birthright;" but the strength of his movement had not hitherto reached far beyond the confines of the Bombay Presidency and his appeal had not reached the Muhammadans. The *national* awakening was still needed.

There had been very great leaders before among the Musalmans themselves. Sir Sayed Ahmad Khan was the greatest of all, and Aligarh University owes to him its foundation. At Delhi, Hakim Ajmal Khan was the greatest and noblest leader of the

younger generation and among the men of that time I had no greater personal friend among Muhammadans whom I admired. That friendship remained unbroken to the very end. Among the older generation, it has always been a delight to me to recall the memory of Altaf Husain, the Poet, and the two leaders of old Delhi Muhammadan Society, Maulvi Nazir Ahmad and Munshi Zaka Ullah. But in politics, they had already passed into the background; and they belonged to the ancient order of things that looked forward to the perpetual dominion of Great Britain in India as an arbiter between Hinduism and Islam. The new nationalism had not come across their horizon and they hardly understood its significance. I met Dr. Ansari on his return from abroad and the poet who was now rising into fame Iqbal, but their time for influencing Indian life at its centre had not yet arrived.

But the advent of Muhammad and Shaikat Ali shook the whole Islamic world in India to its foundations; and its repercussions went far beyond Islam itself. The Hindus saw a fiery patriotism equal to their own. For it was far more forceful than anything that had gone before except the Partition Movement in Bengal, in which Aurobindo Ghose had at one time taken active part as the central political figure, and the Swaraj Movement under Lokmanya Tilak in Maharashtra to which I have already referred.

A picture of them may be drawn by me rapidly at this point in my narrative as I first saw them together. Shaikat was far taller and broader than Muhammad. He was quite a giant in physical stature, both in breadth and height. They were quite inseparable and from the first went by the name of the Ali Brothers. With the beards trimmed at the lip, their open countenances, and their fearless eyes, they inspired a kind of militant courage wherever they went. There was a physical sense of daring about them, that won over Young Muslim India irresistibly. Very soon they showed to the world that their goal was an independent India and a world-wide revival of Islam. The latter included the former. They believed that a free India would be a re-birth of Islam.

Shaikat had formed a Society for the protection of the Holy Places of Islam in Arabia and his enthusiasm about this was quite overwhelming. Muhammad had a marvellous fluency in English speech and also in English writing. The earlier years during which he conducted his two newspapers, side by side,—'Hamdard' and 'The Comrade',—were the brightest and happiest in his whole career, after he had come to India fresh from Oxford. In that University, he had made a mark of distinction such as perhaps no other Indian student had made for a very long while. He loved Oxford, his Alma Mater, with a passionate love and devotion as the true home of free idealism and new aspirations. He spoke there of the Democracy of Islam and the fearless freedom of the Islamic faith. In his own intellectual life he went through a time of what may be described as 'rationalism' in religion. It was the intellectual basis of his own creed that formed its great attraction for him. He would speak of its extreme simplicity, its scientific acceptability, as denying nothing that modern science was teaching, its freedom from dogma, its democratic basis, its republican ideal. The mystical side of his religion attracted him later; and while he continued a rational believer, he held, as I have found out from him in later life, that there were more things in heaven and earth than could be contained in any human philosophy. He therefore gave a full place to mystical experience, and as time went on spent

more and more time in prayer, never missing in any circumstance whatever his five appointed times of prayer each day. With the strictest fortitude also he kept each year the great fast of Ramazan.

(To be Continued)

India's Future Government

A Moderate's Views

The Federal Structures Committee is working hard on the momentous issue of responsibility at the centre, writes the London correspondent of the *Cape Times*. The most definite indication of what moderate India wants in this direction was the declaration of Sir Tej Bahadur Sapru—for five years the Home Member of the Viceroy's Executive Council—who was lately engaged in peace conversations with Mr. Gandhi. Sir Tej Bahadur Sapru wants a Central Executive controlled by the Legislature, though he will leave to the Viceroy powers for dealing with serious disorder and the right to appoint Ministers for Foreign Affairs and Defence, while, regarding finance, he suggests the establishment of a reserve bank for managing credit and currency and an acknowledgment of India's liability for public debts and service pensions.

Even newspapers of the Left Wing here doubt whether these proposals are practicable, though they come from an Indian who is reputedly moderate.

What, then, is being asked, is to be done about Young India? This organisation has some 50,000 of its members in gaol, and is out to reject any conclusions reached by the Conference, however favourable to India's nationalistic aspirations they may be.

It is reported unofficially here that the British delegates have now reached an agreement regarding this question of executive responsibility.

Speech By Ex-Viceroy

Sir Tej Bahadur Sapru's scheme brought Lord Reading (a former Viceroy) to his feet in the Conference and in an important exposition, which lasted over two hours, he virtually pledged the support of the Liberal Party to the Sapru programme. According to Lord Reading, the Liberals are prepared to make the Executive of India responsible to an All-India Legislature, subject, however, to the reservation of certain subjects which Lord Reading enumerated as follows: Defence, army, foreign relations, international obligations, and obligations already entered into. Also Lord Reading insisted that the machine of Government under the new constitution must be workable.

Moreover, it is clear from Lord Reading's speech that the Viceroy will have other powers of a far-reaching nature. Thus, though law and order is entrusted to the Provincial Legislatures, Lord Reading contemplates a situation possibly arising where trouble might spread, and he therefore insists on the Viceroy—not, as it is noted, the Federal Government—having the necessary powers to deal with it.

The Viceroy is also to be assured of adequate funds to maintain an army quite independent of any control by the Legislature. The Viceroy is also to have the power to protect minorities, to control external, and also, in a minor degree, internal loans, and, above all, to have the power to suspend any Bill.

Lord Reading also outlined a very complicated plan for securing unity in the government of the country, despite the inevitable dualism which follows from the creation of reserved subjects.

Apparently he contemplates that the Ministers appointed to deal with these subjects will also sit with the Cabinet and discuss transferred matters, but will not vote on them. In the same way, Cabinet Ministers will also take part in discussions with the Viceroy and his special Ministers on reserved subjects, but will not vote. The special Ministers will resign with the Cabinet, though the Viceroy will have the right to reappoint them.

Mr. Sastri Dissents

Mr. Srinivasa Sastri followed Lord Reading, and at once took an opposite line from Sir Tej Bahadur Sapru and the ex-Viceroy. He insisted that power should be transferred not merely to the conservative elements who were satisfactory to the British, but to the whole people of India.

Safeguards on the Executive, he said, would arouse suspicion. "It is ridiculous," he declared, "that certain Ministers should be thrown out at the door, and then come in the next morning by the window." He specially objected to the powers given to the Viceroy regarding law and order. He also regarded the encroachment on finance as an encroachment on responsibility.

Finance should be transferred without any restriction or safeguards, for the Indian Finance Department was, he claimed, as good as the British Treasury.

In the position more or less of a Dominion, India could not allow the Secretary of State to regulate or restrict its public services. Finally—and adding that he was speaking for 70,000,000 Indians in the States—he claimed the right of the Government of India to interfere in cases of misrule in those States. Mr. Sastri's speech proves that the Conference is not yet out of the wood, especially when one takes into account its repercussions in India.

Conservative Party's View

A demand that the powers of control vested in the Viceroy must not be taken from him in any form of Government for India was made at the Round Table Conference by Sir Samuel Hoare on behalf of the Conservative Party.

Sir Samuel, who for the first time revealed the official attitude of the Conservative Party with regard to the future Government of India, said he wished to see a federation safely and surely installed in India. Financial safeguards were insisted on not because they wished to put difficulties in the way of India's advance, but because the difficulties were in India itself—hard facts of gold and credit and financial obligations.

At present India could not depend upon herself. She was dependent upon the British Army, and the British Army could not be put under any order than that of the British Government. If, as suggested, the Defence Minister was in the Cabinet, how was it possible to reconcile his responsibility to the Crown with his responsibility to other Ministers and to the Legislature.

Interests Of Minorities

It was necessary for the Viceroy in the interests of minorities, to retain overriding powers. Such overriding powers were bound to cause a deep breach in any system of responsible government.

The Indian Cabinet, said Sir Samuel, would not be unitary in the sense in which the British understood the term. How, if the Viceroy was not to be the effective head of the Executive Government, would he exercise his reserve powers when opportunity demanded? If he had no administrative department under him he would have no instrument for the exercise of his powers. If he presided over a Cabinet which was responsible to the Legislature

He, and through him the Crown, would be drawn into dangerous relations and, it might be, into actual conflict with public opinion.

"Complicated And Vulnerable"

Sir Samuel was certain that the constitution suggested by Sir Tej Bahadur Sapru would be so complicated, so vulnerable to the attacks of critics, and so full of formalities that it would be workable only upon a basis of wide acceptance and substantial goodwill in India itself. Was there any evidence that the goodwill would be forthcoming? His fear was that the attempt would end in blurring responsibility, weakening the Viceroy's position, and making the central government of a great continent in which there was much inflammable material, unsuitable at the very moment when the two great experiments of an All-India Federation and Provincial Autonomy were being introduced.

"I am bound," said Sir Samuel in conclusion, "to adopt a non-committal attitude to the question of responsibility at the centre. I am purposely non-committal. My attitude is not a non possumus attitude. I do not say on no account and under no conditions would I ever agree to a particular scheme. I do not say I would be greatly influenced in my final answer by a completed picture when it is filled in and by comprehensive and completed proposals that come to us from a willing India, but I do say with the information at my disposal and with my doubts unsatisfied that I cannot at present commit myself to a proposal that seems surrounded by so many practical difficulties and fraught with such vital consequences to the men and women of India and the British nation which has taken upon itself the responsibilities that can neither be forgotten nor destroyed."

Conference To End On January 21

It is understood that in view of the progress made, and the fact that all the reports of the sub-committees will be submitted about the end of next week, the Indian Round Table Conference will terminate on January 21, and that the majority of the delegates will be returning on January 23.—(Reuter.)

"A Tragedy In Human History"

At the request of the recent session of the South African Indian Congress, the Rev. C. F. Andrews sets out, in the following letter to *The Argus*, the objections which the Indian community have to the Asiatic Land Tenure (Amendment) Bill for the Transvaal, which is to come before Parliament next session.

It was hoped by all Indians in this country (he writes) and in India itself, that with the acceptance of the Cape Town Agreement and the arrival of the Hon. Mr. Sastri as Agent-General, a new era had begun between South Africa and India; that in view of the settlement reached, generous actions of a friendly nature would be attempted on both sides; and that all contentious actions as far as possible would be avoided.

As a sign of that goodwill, the Class Areas Bill, which had been shown in many ways to hurt Indian sentiment deeply, was dropped. That action on the part of the Union Government was very highly appreciated in India, as I can personally testify from my own experience in that country. As a sign of generous feeling from the side of India the Hon. Mr. Sastri P.C., C.E., was sent out as an ambassador of goodwill. The reception he received in the Union from all classes and all parties alike,

proved how cordially the Indian people had responded to the generous feeling expressed by the Union Parliament in dropping the Class Areas Bill. The new friendly sentiment thus created was mutual.

Contentious Measure

But now, before the five years have expired during which it was generally understood that the Agreement should run its course, a contentious measure called the Asiatic Land Tenure (Amendment) Bill, affecting the Transvaal Indians, has been brought forward which embodies phrases and passages from the late Class Areas Bill and aims at the very 'segregation' which was the cause of wounding Indian sentiment so deeply before. The Indian community ask, therefore, that within this five years period from the signing of the Cape Town Agreement, such a contentious measure shall not be passed into law by the Union Government.

It is fully understood that a pledge has been given by the Minister of the Interior that the Bill will be brought forward unmodified next session. That pledge will, of course, be fulfilled; but what may reasonably be asked is that a postponement should then take place pending the decision of the Union Government as to whether it is intended to revise the Agreement or, if the worst comes to the worst, to repudiate it. If it is decided to do the latter, then it seems to me only reasonable and just to give full and timely notice and repudiate the Agreement first and then bring in this contentious legislation afterwards.

If I may express my personal opinion (as one who has learnt to love very deeply indeed both South Africa and India,) it would be a tragedy in human history at the present critical time of universal economic depression and world distress, to reopen an old cause of bitterness between two neighbouring nations by any such repudiation. The very idea of such a thing is almost inconceivable. It would also be rash and foolish because there may be many ways of settling difficulties from both sides which are still open to trial and experiment. The method of friendly conference is by no means exhausted.

The Golden Rule

If it be asked by the Union Government why the new measure is felt to be contentious and unfriendly, I would venture to refer to the golden rule of Christ which as far as possible ought to govern all our actions. We should try to do to others what they would wish us to do to themselves. Here, then, is a very simple rule of life. If this acid test were ever personally applied to us, we should be quite unwilling, as a civilised people, to allow both ourselves and our descendants to be confined to locations such as exist in the Transvaal for Asiatics at the present moment.

[Mr. Andrews then goes on to quote the words of the Lange Commission to which he has also referred in his article to the *Cape Times* which appeared on the front page of this issue, and says that these are the words deliberately chosen by a Union Government Commission.] Would we, I ask, as Christians, like such things as these to happen to ourselves. If we would not like this, then we are bound, as Christians, to refuse to inflict these things on others.

If the reply be given that this new Bill substituted the words "defined areas" for the old words "segregated areas," I am afraid if we were in the same position we should be inclined to answer that this was a distinction without a difference. Would we trust our own and our children's future to such a precarious form of wording? I think not.

National Insult

The Mining Commissioner's evidence shows that there are no "defined areas" such as the new Bill contemplates, near the centre of the towns and those who would administer the working of the Act (if it passed into law) might have to go miles before they found a "defined area" which had every site free from clauses prohibiting sales to Asiatics. Indeed, the Bill has already been condemned by experts as unworkable for that very reason. In any case we should be wholly justified in refusing to put any trust in vague promises that "segregation" under this Bill would be something very different from "segregation" under the Class Areas Bill which was so strongly condemned before.

It is "segregation" itself in any form that is objected to by Indians as a national insult and no amount of explaining away of harsh words and phrases will have any effect on this belief. The insult will remain.

Can it not be realised in South Africa that it is quite impossible to receive as ambassadors in South Africa the Hon. Mr. Sastri and Sir Kurma Reddi, who are given special and peculiar honour at all State functions, while at the same time to treat their own fellow-countrymen in the Transvaal with the indignity of segregation? Can it not be understood that the dead past must bury its dead and that all such antiquated ideas must be thoroughly changed? Surely with the beginning of a New Year in a New World such derogatory ideas of India—the land of Rabindranath Tagore and Mahatma Gandhi, whose names are revered all over the civilised world—must be abandoned.

India has already long ago been admitted into

the League of Nations on an equal footing with Great Britain and South Africa. India is at the moment making good her claim to independence within her own house as a fellow member with South Africa of the British Commonwealth of equal nations. It is quite out of the question now to turn back to the old Gold Law of 1885 as if the ideas of India that were then held are still to be kept unchanged in the year 1931. Since the day when the Class Areas Bill was dropped and the Hon. Mr. Sastri was accepted as ambassador from India to this country, all further talk about segregation ought to have been regarded as out of date and out of place. It certainly cannot be revived without imperilling the Cape Town Agreement.

IN THE MAGISTRATE'S COURT For The District Of Durban Held At Durban

Case No. 340/1931.

In the matter of ANDIAMMA No. 4425/—Plaintiff and P. KRISHNA NAIR, Free Indian No. 105338, lately of Durban but whose present whereabouts is unknown to Plaintiff—Defendant.

To the above named defendant:—

Take notice that a summons has been issued against you in this Court by ANDIAMMA No. 4425 of Wyebank, for Divorce a Vinculo Matrimonii on the ground of malicious desertion and costs of suit and that an order has been made that Publication of Notice of such summons shall be deemed to be good and sufficient service of the summons on you.

You are hereby required to enter appearance to the summons day on or before 9th day of February 1931 and if you do not do so Judgment may be given against you in your absence.

Dated at Durban this 9th day of January 1931.

L. B. THORP
Clerk of the Court, Durban.

J. W. Godfrey
Plaintiff's Attorney
437, Smith Street, Durban.

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