

Indian Opinion

No. 10—Vol. XXXI.

Friday, March 10th, 1933

Registered at the G.P.O. as a Newspaper.
PRICE FOURPENCE.

NOTES AND NEWS

THE Johannesburg Municipality has refused the transfer of a trading licence held by a Chinese to Indians. The case is thus reported in the *Star* of March 3:—

An interesting point was raised in an application before the Johannesburg Municipal General Purposes Committee this week from two Indians trading as Lambart Bros., for a trading certificate at No. 229, Louis Botha Avenue, the site being at present occupied by a Chinese, who has carried on business there for some years. Mr. Morris Alexander, on behalf of certain ratepayers in Orange Grove, objected to the transfer of the licence, though it was understood that the landlord was prepared to consent, on the grounds that the licence was already granted to the Chinese and that he (Mr. Alexander) understood the Indians in question proposed to reside on the premises. The Court upheld the objection and the Indians' application was refused.

THE case of the Town Council of Roodepoort-Maraiburg v. Eastern Properties (Prop.), Ltd., an appeal from the decision of the full Bench of the Transvaal Provincial Division reversing the judgment of Mr. Justice Greenberg, which had decided that occupation by Asiatics and coloured persons other than *bona fide* servants of certain stands in the Roodepoort area was unlawful in view of sections 130 and 131 of the Transvaal Gold Law No. 35 of 1908, came up before the Appellate Division of the Supreme Court on Wednesday, March 2. Mr. N. E. Rosenberg with Mr. O. I. Frankel appeared for the Council and Mr. J. V. Briuk, K.C., with Mr. O. D. Schreiner appeared for the respondent. After hearing the arguments on both sides judgment was reserved.

MR. H. N. Venn, ex-Commissioner for Immigration and Asiatic Affairs, has been appointed a member of the Board of Censors of Entertainment in Capetown. Mr. Venn was presented by the Cape Indian Congress at a lunch given in his honour with an illuminated address. On behalf of the Port Elizabeth Indian community, Mr. Teikamdas presented Mr. Venn with a silver tea service and tray. Mr. A. Ismail, Secretary of the Cape Indian Congress, paid a tribute to Mr. Venn's services to Indians in the Cape Province. Kunwar Sir Maharaj Singh, who presided at the lunch, is reported to have said he had been connected with Mr. Venn only since last August, but he and his secretaries had always found him straightforward, prompt and efficient. Some people might say that Mr. Venn had been rather too strict, and perhaps he had been forced to consider rather overmuch the legal and strictly technical aspect of the matter. "But the reason I give is that there is perhaps a little too much of the Puritan in him," said the Kunwar, amid laughter, "and I am fortified in this opinion by the fact that he is now to be one of the Board of Censors of Entertainment in Cape Town. I am sure that you will get a different class and a far higher class of entertainment now. That is where

the Puritanism in Mr. Venn will come out." (Laughter). He was extremely sorry that Mr. Venn was going and wished him every success in his new sphere of life. Of one thing he was confident, and that was that Mr. Venn, when he was free from the shackles of office, was going to help Indians and the Indian cause in South Africa to the best of his ability.

TRADE LICENSING LAWS

WE have had occasion to comment on the unsatisfactory position of the Union's licensing laws more than once. While being of general application strict impartiality is not observed in their application. A European hardly ever has cause for complaint for he finds no difficulty in getting his application granted. But an Indian is nervous from the moment he makes an application and heaves a great sigh of relief when he finds it granted. If a European's licence were refused in the way an Indian's is generally refused, no Councillor, perhaps, would find himself sitting on the Council. But who is there to listen to the voice of the Indian? His legal advisor will place his case to the best of his ability before the Council sitting as the Licensing Appeal Board, but he would be knowing, while he did so, that he was wasting his breath before a court which did not know what justice or impartiality was. But there ended the matter. If the Council refused a licence there was no higher Court for the Indian to go to. We have very often pointed out that the Town Council is totally unfit and incompetent to sit as an Appeal Board. The fact has been proved to the hilt often enough. Even Mr. Justice F. E. T. Krause did not mince words once when he condemned the Council as being totally unfit to decide licensing cases. It was for this reason that it was made a condition in the Capetown Agreement that when the time for the revision of the existing trade licensing laws arrived, the Union Government would give all due consideration to the suggestions made by the Government of India Delegation, *inter alia* that there should be a right of appeal in cases of first applications and transfers, as well as in cases of renewals, to the courts or to some other impartial tribunal. The time did arrive in the Transvaal for the revision of the existing trade licensing laws, but far from giving due consideration to the above-mentioned suggestion of the Government of India Delegation, the laws have been further tightened up and even the partial right of appeal to the court has been taken away.

Under the new Transvaal Licences (Control) Ordinance, new trading licences as well as hawkers' licences to Indians are refused, we understand, on a wholesale scale, and in many instances, even old hawkers' licences have been refused and the grieved have no remedy whatsoever. Two cases of such refusals—one in Johannesburg and another in Dundee (Natal)—are reported elsewhere in this issue. In Johannesburg a transfer of a Chinese trading licence to Indians was refused by the Town Council. In Dundee an Indian application for a mineral water trading licence was refused by the Town Council. The former, we understand, was refused on the ground that the Indian applicants intended to reside on the premises for which the licence was sought and that the premises were situated on proclaimed land. It would appear that the Transvaal Asiatic Land Tenure Act has been put into operation while the Commission is still sitting to enquire into the rights of Asiatics on proclaimed land. Will those who have advised Indians to withhold their contemplated action against the Act until the findings of the Commission are out, sit quiet at the action of a responsible authority like the Johannesburg Town Council? We hardly think it would be fair.

As for the Dundee Town Council we hardly think it requires any comment. Any sane person could see clearly from the report that the council was incompetent to sit as an Appeal Board. When the fact that the applicant had to pay rates to the amount of over £23 for the property on which the licence was being refused one of the Councillors said, "we did not ask him to buy the property." We cannot conceive of anything more irresponsible coming from one sitting as a member of an Appeal Board. Surely the applicant did not know at the time he purchased the property that the Town Council was not going to allow him to trade there, nor was there any law prohibiting him from purchasing the property.

We know of instances in the Cape Province where Councillors, or members of Local Boards, have actually induced Indians to purchase properties from them and then when an application for a trading licence was made for that very place that very Councillor would be the one to refuse the application. This is the unsatisfactory position of the trade licensing laws as they affect the Indian community. We can only appeal to the sense of justice of the ruling race, among whom are many who stand for right and justice, to take the necessary steps to remedy this wrong.

Sayings Of The Day

"There are times and circumstances when we must not simply humiliate ourselves and there are such things as honour and justice."—Mr. J. H. THOMAS, Secretary of States for the Dominions.

Indian Trading Licences In Dundee.

Within the short period of one month the Dundee Town Council has again been called upon to sit as a Board of Appeal on licensing matters.

The application on this occasion was one by Sheik Abdoel, of Dannhauser, for a licence as a dealer in produce and livestock and for a mineral water dealer's licence. The appeal was heard on March 1 by the full Council, Mr. J. W. Francis appearing for the appellant, and Messrs. A. L. Williams and H. Kahn for the Chamber of Commerce as objectors.

The previous appeal was for the reversal of the Licensing Officer's decision in granting a general dealer's licence to Mahomed Hassim. On that occasion the Council reversed the decision and refused the licence. On this occasion the Licensing Officer had refused a licence to Sheik Abdoel in both cases. The Council on March 1 upheld the appeal in respect of the dealer in produce and livestock by granting the licence, but the Licensing Officer's decision was upheld in regard to the mineral water licence, which was refused.

Mr. Francis, addressing the Board for the applicant, said he hoped in time to convince the Council that, in restricting licences to Indians in the Indian area, it was not acting in the best interests of the community, nor of the European traders. The applicant was prepared to put £20,000 into the business. He was trading at Dannhauser, and had, some years ago, bought the property in Dundee for £800 as an investment. It was valued on the Valuation Roll at £1,502, and he paid over £23 in rates. Having failed to secure satisfactory tenants lately, he now wished to take advantage of the investment by opening up a business himself in the premises. Would the Council refuse the licence and still take the man's rates?

A Councillor: We did not ask him to buy the property.

"Well, then, gentlemen," said Mr. Francis, "if that is your attitude I have nothing further to say."

Mr. Francis argued that to refuse the licence did not meet, in his opinion, with the requirements of British fairplay.

Mr. Williams, in reply, argued that there was no need for a further licence, and quoted a number of firms who already held similar licences and could cater for all the trade.

A councillor later objected that the Chamber had not given evidence at the previous hearing before the Licensing Officer. He considered the Chamber, if it wished to object, should give evidence so that the facts might be entered in the record and taken into account.

The Council retired, and eventually announced that the mineral water licence would not be granted, but the Licensing Officer's decision would be reversed in connection with the produce dealer's licence.—*Natal Mercury*.

The Political Situation

The Bishop of Johannesburg writes in the *Watchman*—

It is a delicate matter to write on a subject which divides us, but I can, and indeed I must point out one big principle we ought to have in mind as we approach the question.

We have no right to say we are out for a white South Africa any more than a black South Africa. It may make a telling election cry among the more ignorant, but what nonsense it is. How can you ignore the greater part of the population, and what a disaster it would be if you did. Surely Professor Macmillan, Professor Frankel and others have shown clearly enough that the poor black problem reacts on the poor white. If you want to keep the black man down in the gutter, you have got to go down into the gutter yourself and hold him there. If the white man is out to drive the black man down, he will be dragged down himself. No great state has ever prospered permanently on a slave or serf basis. Therefore, we must say we care for South Africa—all sections in it—not one section. Can we be so blind as not to see the lesson that is being hammered into our thick heads by the world depression, namely, that as nations stand or fall together (and a prosperous Germany means a prosperous England, and vice versa), so the sections of a nation stand or fall together—Dutch and English, Black and White, Indian and Coloured—all go up to make South Africa, and the best thing that can happen to South Africa as a whole, is that each section in it should have unlimited opportunities of progress—the more you remove grievances from one section, and teach them to look up and hope, the more you benefit all the other sections.

If we cannot learn this in the present state of the world, I wonder whether we ever shall. I write confidently because I believe this to be sound economics, sound political science, and sound Christianity.

Kunwarani At The National Council Of Women

"Women all over the world are politically much more sensible than men. They seem to lack the party feeling in which the men specialise."

This claim was made by the Kunwarani Lady Maharaj Singh, when she described the work of the National Council of Women of India at a recently held monthly meeting of the Cape Town branch of the National Council of Women.

The National Council of India, she said, had been much agitated at the communal award made by the British Government in deciding the system of parliamentary representation. The Indian women wished to be represented as a body, and not to be separated in camps. They felt that such a system would tend to disunite women who were now working together in the friendliest spirit, and they hoped that it was not yet too late to get the system changed.

The National Council of Women of India, said the Kunwarani, was not as highly organised as in some other countries, but undertook very definite tasks. One of these was the political education of women so that they might exercise their franchise right, and carry out their civic responsibilities. They had always supported legislation tending to social reform; for example, the Bill to raise the marriage age of children had the strongest support of all the women's councils.

The Head Council had recently succeeded in raising a large sum of money for an entirely new institution

intended to give women a better form of education. Until now women had to be content with the same educational facilities as men. This had included the domestic side of education.

It was owing to full-hearted co-operation of the women of India, she said, that Gandhi had been able to make a national movement of his enterprise, and its success was due to the fact that the women bought homemade stuffs and abandoned the imported materials they had formerly used.

They had so influenced public opinion that now a woman of taste and culture would be ashamed to be seen in anything except homespun.

The Kunwarani concluded by calling attention to the "heavy and great" problems in India and suggesting that the National Council of South Africa and the National Council of India should interchange papers and so become better acquainted with each other's work.

"Party government," said Mrs. K. Spilhaus, the president, when a vote of thanks was passed, "is nothing but a fight as to who shall be "top-dog," and then to keep the others down."

Lady Clarendon, Lady de Villiers and Mrs. Grant also spoke.—*Cape Argus*.

Prison Statistics

The Union Director of Prisons has issued his annual report for 1931 which appears in the form of a Blue Book. According to the report there has been a steady rise in the number of people admitted to prison during the five years ended 1931, when there was a total of 183,234 persons admitted, of whom 154,928 were serving sentences. Of the admitted included Europeans 7,129; Natives and Coloured 175,040; Asiatics 1,065.

Of the sentenced included 4,387 Europeans, men and women, 150,037 Native and Coloured folk and 504 Asiatics.

Of the total convicted persons of all races 135,850 were males and 19,075 females.

About 2.3 per cent. of the population of the Union spent some part of 1931 in prison. This reflects an increase when compared with 2 per cent. in 1927.

Every day 19,412 people on an average spent the day inside a goal or under prison supervision. In 1927 the daily average was only 18,328.

Juvenile wrongdoers have been steadily increasing during recent years. The total for 1931 was 19,665, as compared with 16,398 in 1927.

Among juvenile misdemeanours, of offenders under 21 in the year under notice there were 339 male Europeans against only 10 females. Among the natives and coloured juveniles the males numbered 16,818 and the female only 2,931, while 60 Asiatic boys got into trouble as against only two of the other sex.

In 1931 2,931 offenders were sentenced to corporal punishment. They received a total of 19,751 strokes.

There were 18 executions in 1931.

Civil Debts

A steady rise in the number of civil debt imprisonments is reflected. In 1927, there were 417 cases; in 1931 there were 1,735. By far the majority of the prisoners were Europeans, who nearly doubled the Native and Coloured cases.

Natal had one woman imprisoned for civil debt in 1931. The provincial figures show the Cape as by far the highest on the list; her total of 160 cases easily swamps the totals of the Transvaal, with 676, Natal with only 156, and the Free State (despite its recent bankruptcy) with only 43 cases.

The tables of convictions under the liquor laws show a decrease of 2,323 males and an increase of 608 females compared with the 1930 figures. This was

drawn from a total of 32,670 convictions, of which 1,120 were for supplying liquor to Natives and 13,045 cases of drunkenness.

It costs the South African taxpayer 1s. 8d. a day to keep each prisoner in its gaols and 3s. a day for each reformatory inmate. This figure has fallen from 2s. 1d. in 1927, and 3s. 5d. for reformatory cases. The total expenditure for 1931 for the Prisons Department was £625,417.

The revenue of the Department for 1931, being cash receipts principally for prison labour, amounted to £96,137. In addition free services were rendered to other Departments in the form of prison labour valued approximately at £63,842.

Memorandum By Transvaal Indian Commercial Association

To The Asiatic Land Tenure Act Commission

In our issue of February 24 we published a short report of the memorandum submitted by the Transvaal Indian Commercial Association to the Asiatic Land Tenure Act Commission with our comment on it. We have now before us the full text of the memorandum which runs into not less than 28 closely-typed foolscap sheets. We publish below a portion of it and the rest will be published in parts in the future issues of INDIAN OPINION.

Constitution Of The Association

The Transvaal Indian Commercial Association was formed to represent before the Asiatic Land Tenure Act Commission the views of a large number of the Indians affected by the Act. A copy of the Articles of the Association is attached to this memorandum. Among the members of the Association will be found most of the bigger Indian merchants in Johannesburg and we believe that we represent truly the opinions of a great majority of those whose interests are most nearly affected and who are willing to co-operate with the Commission. At the time of the formation of this Association, representative Indian opinion from Townships on the Rand outside Johannesburg was also consulted. In this memorandum, which is confined to the Municipal area of Johannesburg, we have not touched upon such Townships and it is possible that when the time comes they will present their own cases before the Commission. At the same time we feel confident that generally speaking the views put forward are such as will meet with their approval and that in the proposals we make we can count on their support.

Scope Of The Memorandum

At the outset we desire to place on record that we appreciate the motives which impelled the South African Indian Congress to refuse to participate in the Commission's enquiry and that we sympathise with them in their dislike of the Asiatic Land Tenure Act. At the same time it is our view that the aims and ideals which led to that decision and which are shared by all Indians in South Africa, will be better served by co-operation with the Commission.

In order that all concerned in the present enquiry should be fully conversant with the Indian position as it is now and the events which have contributed to it, we think it is desirable to recount as briefly as possible the history of the Indian community in the Transvaal. The following section will afford a background to the picture we wish to draw of our present position and will, we hope, to some extent,

elucidate the angle from which we have approached the problem and the proposals which we subsequently put forward. These proposals we have made with reference to particular areas. We have examined each area stand by stand and the results of this local investigation are embodied in short statements on each area and in the accompanying plans. We wish to make it clear that the areas which we have suggested for exemption do not constitute sufficient room for the expansion of our whole community in perpetuity. We have made every endeavour to confine them to the present needs of the community including the minimum provision for such Indians as may be disturbed.

To avoid any misunderstanding we wish to note at this point that we have throughout this memorandum referred mostly to the Indian trading community without special reference to hawkers and pedlars. The reason for this is that as we read the Act it does not appear to affect them so far as trading is concerned. In the matter of residence, they are, of course, on the same footing as all other Indians on proclaimed land and we desire our remarks with reference to residence to be taken as applicable to any Indian whatever his trade or calling.

In regard to all figures which are given, allowance must be made for the shifting population. To this extent the plans are probably incorrect, but for the same reason it will always be impossible to obtain exact figures. Furthermore, it is often difficult to differentiate between Europeans and Coloureds. The benefit has always been given in favour of a person being a European, but in actual fact it may be in a number of cases that the occupants are coloured.

In this memorandum we do not propose to suggest alterations in the existing oppressive laws. That is a question which we conceive would be outside the Commission's terms of reference, but past experience impels us to make it clear that by the submission of this memorandum we by no means relinquish our right or the right of any Indian in this country to protest on the proper occasion against this or any other legislative measure and to press for and endeavour to obtain every right to which an Indian as a British subject is entitled. Our main concern, therefore, will be to make suggestions for action under the existing Law and we hope to show that such action can reasonably be taken to the mutual advantage of all concerned with a minimum of disturbance to any one community.

The immediately following paragraphs are not intended either as a statement of political grievances or as a declaration of political aims. Our object is to show that the apprehensions of the Indian community and their present position are the necessary and logical outcome of events and that the fears felt and expressed by other communities in the Transvaal are without real foundation. We believe that if these two premises can be established, all real obstacles to co-operation between the different communities will have been removed and the way paved for a satisfactory solution of the vexatious problem.

Short History of Asiatics In The Transvaal

The bulk of the Transvaal Indians belong to the trading community. Some of them are wealthy merchants in Johannesburg with branch businesses in the country districts. They confine themselves chiefly to groceries, soft goods, and the distribution of fruit and vegetables. Indian trade in the Transvaal started about the year 1880. There were at that time no restrictions whatsoever against them. In 1884 the London Convention was signed and in Article 14 it was provided that all persons other than natives would:

- (a) Have full liberty to enter, travel or reside;
- (b) Be entitled to hire or possess immovable property, shops, etc.;

(c) Be entitled to carry on business.

Within a few months of the signing of the Convention a Bill was introduced in the Transvaal Volksraad which eventually became law—the well-known Law 3 of 1885. The Transvaal Republic felt some doubts whether the Bill was in accordance with the recent Convention and consulted the Imperial Government. The Imperial Government protested against the Bill as a whole but on the assurance of the Transvaal Republic that it was necessary in the interests of public health alone, they withdrew their opposition. The provisions of Law 3 of 1885 were not enforced in their entirety at any time and the practice arose of Indians purchasing stands in the name of a trustee. That the Government were aware of this practice is proved by the fact that in the very first recorded case the Mining Commissioner himself was the trustee.

In August 1888 in the case of Ismail Suliman & Co., the Supreme Court decided that Asiatics could not carry on business except in a location. Though this decision was upheld in arbitration in response to protests from the British Government and though the Transvaal Government from time to time issued proclamations endeavouring to confine the Indian community to locations, the Indians themselves continued to trade freely without being penalised. Law 3 of 1885 in fact provided no penalty.

Immediately after the Anglo-Boer War, there was increased agitation on the part of Europeans against Asiatics. A Government notice was issued in 1903 practically reaffirming Law 3 of 1885. In 1904 in the case of Habib Motan, the judgment in Suliman's case was reversed and it was held that the Government had no power to refuse to grant licences to Asiatics to trade outside locations. Representations were made by the Transvaal Government to the Imperial Government, but as the Imperial Government disapproved of any legislation against Asiatics, further restrictive legislation was not undertaken until some years after the Transvaal had obtained responsible government in 1906. In 1908 two measures were passed which materially affected the trading rights of Asiatics. These two measures are known respectively as the Townships Amendment Act and the Gold Law, being Acts 34 and 35 of 1908. Sections 130 and 131 of the Gold Law need no repetition. The provisions of these sections were strenuously opposed by Asiatics. In the course of correspondence with the Imperial Government, the Transvaal Government gave an assurance "that no right or privilege which a coloured person then had was taken away by the new Gold Law." After further assurances from the Transvaal Government the Secretary of State expressly noted:—

- (1) Section 131 safeguarded any rights which coloured persons might at that time have in occupying land in mining areas.
- (2) The assurances of the Attorney-General that no right or privilege which coloured persons had at that time was taken away.
- (3) The Mining Commissioner had powers enabling him in the future to exempt coloured persons from being required to live in Bazaars.

Khota's case (1909 T.S. 180) showed that the Attorney-General's assurances were based on a mistaken view of the effect of the legislation prior to 1908. It is clear that the predominant concern of the British Government was to protect the rights of its Indian citizens. In 1911 in the case of Rex vs. Tamblin (1911 T.P.D. 772) a European was prosecuted for allowing occupation by a coloured person. The prosecution failed because the parti-

cular stand was a stand outside a Township and was protected by Section 77 of Act 35 of 1908. Substantially speaking no steps were taken by the Government to enforce the provisions of the Gold Law after that date.

The next occurrence of importance was the Smuts-Gandhi Agreement in 1914. The Union Government gave the following assurance:

"With regard to the administration of existing laws, it always has been and will continue to be the desire of the Government to see that they are administered in a just manner with due regard to vested rights."

Speaking at the Imperial War Conference in 1917, General Smuts said with regard to the Indian problem:—"Once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions would be considered subsidiary and would become easily and perfectly soluble. That is the position in which we are now—that the fear which formerly obsessed the white settlers has been removed. The great principle of restricting immigration for which we have fought is on our Statute Book with the consent of the Indian population in South Africa and the Indian authorities in India, and that being so I think that the way is now open for a peaceful and statesmanlike solution of all minor administrative troubles which occur and will occur from time to time."

At the Imperial Conference in 1918, Mr. Burton made the following statement:

"As far as we are concerned it is only fair to say, and it is true, that the Indians in our midst in South Africa, who form a portion of the population, are good, law-abiding and quiet citizens, and it is our duty to see that they are treated as human beings with feelings like our own and in a proper manner."

Shortly after these sentiments had been expressed by two of the most prominent political men in the Government of South Africa, agitation arose as a result of the case of Dadoo vs. Municipality of Krugersdorp. In 1919 the Asiatic Land and Trading Amendment Act 37 of 1919 was passed. This Act in itself is peculiar, in that it forbids certain actions but does not provide for any penalty for transgressions. Thereafter many Indians formed companies in which the controlling interest was, in terms of the Companies' Law, in the hands of a European, although substantially the property belongs to the Asiatics. Such companies were and have been held by our Courts to be perfectly legal.

In 1921 a Commission was appointed by the Government and the finding of the Commission as set forth in paragraph 224 is as follows: "Repatriation being out of the question and further immigration of Asiatics being prohibited, the serious and important problem must be faced how to deal with those who are domiciled in the country and have the right to remain in it. Their numbers are limited and cannot increase in any Province of the Union to any material extent, except by the normal excess of births over deaths, for by the Immigrant's Regulation Act of 1913, immigration is barred not only from overseas but also from one Province to another. It seems inconceivable that in the circumstances mentioned the few thousands of Asiatics in the Province and their descendants could ever succeed in swamping the European population as has been so frequently and emphatically argued. We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helots."

Such measures, apart from their injustice and inhumanity, would degrade the Asiatics and react upon the Europeans."

"On the 18th September, 1922, the following Resolution was passed by the League of Nations on the motion of the representative of South Africa: "The Assembly expresses the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in their treatment of their own racial and religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the Treaties and by the regular action of the Council."

"Agitation against the Indians still continued and the Class Areas Reservation Bill came up for consideration in 1923, and was before Parliament when it was dissolved. In 1924, speaking to the Indian Deputation, General Hertzog, the present Prime Minister, expressed his sentiments of resentment and disapproval of the Smuts Government policy of continued pie pricks against the Asiatics, instead of either adopting a bold policy of expatriating them from the country or allowing the lawful resident Indians to remain in the country and granting them the elementary rights of humanity. The Bill was not proceeded with. Instead, as a result of a Conference between representatives of the Government of India and the Union Government, the following statement was made officially: "The Union Government firmly believes in and adheres to the principle that it is the duty of every civilized Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacities and opportunities, and accept the view that in the provision of educational and other facilities the considerable number of Indians who will remain part of the permanent population should not be allowed to lag behind other sections of the people." The Bill lapsed and no action was taken against Asiatics in regard to illegal occupation.

Thereafter, the General Dealers (Control) Ordinance of 1926 was passed in the Transvaal and various Municipalities endeavoured to debar Asiatics from trading. Almost without exception the rights of the Asiatics were upheld in the decisions of the Supreme Court. In 1930 legislation was started which resulted in the present Asiatic Land Tenure Act.

Effects Of The Aforegoing Legislation

The brief recital of fact in the preceding paragraph is, we believe, sufficient to establish one part of our case, namely that the present position of the Indian community is the necessary and logical outcome of events. Our short survey has covered a period of over 50 years. At the beginning there were no Indians and no restrictions. As soon as our community began to enter the Transvaal, efforts were made to impose restrictions of various kinds. These were resisted in the first place by the British Government and, in the second place, by the community itself and the cumulative effect of the events we have recounted is of great significance. We have shown that from the very beginning the restrictive laws have been largely inoperative. The importance of this point lies in the fact that the Government was fully aware of the powers which it had and yet refrained from exercising them. This, we think, is clear from the cases of *Jemal Sidlemali* and *Rex vs. Tamblin* which we have cited.

In addition to the inaction of the Government there is the further extremely significant fact that

licences continued to be granted to Indians to trade. Any Mining Commissioner could have enforced the provisions of Act 35 of 1908 and yet in evidence before the Select Committee in 1919 Mr. Hamel, Mining Commissioner of Boksburg, when asked why Indians were allowed to trade, replied that it was a matter of Government policy. When Act 37 of 1919 became law it might naturally have been expected that the Government would take steps to prevent the Indian from trading. In actual practice if an Indian applied to the Municipality for the certificate, he received a certificate and gave it to the Receiver of Revenue who issued him a Licence entitling him to trade, just as if the Act had no restrictive intention. The Act, in fact, contained no penal clauses in this matter. Indians have traded outside locations since 1885 and since 1908 have traded and resided on proclaimed land in Johannesburg, and it should be remembered that such trading has been publicly acknowledged and sanctioned by the issue of licences. Finally, as we come nearer to the present day, there is the fact that public utterances by responsible political leaders have in an increasing degree indicated an intention to treat the Indian community on the broad lines of humanity and equity.

"We submit that all these facts taken together necessarily and inevitably gave rise to the impression in our community that the restrictions contained in the various laws were not intended to operate to our detriment and that this is exactly the reason why so many Indians to-day are in technically illegal residence or occupation. We contend that they have been definitely encouraged into that position; that the Government have throughout been fully aware of the state of affairs and have taken no steps either to clarify or alter it."

(To be continued)

India's Economic Salvation

"Preach And Practise Swadeshi"

Sir P. C. Ray's Speech At Indore

We reproduce below the speech of Sir Prafulla Chandra Ray which he delivered at the opening of the Swadeshi exhibition at Indore on Jan. 12, for its educative value to Indians in South Africa.

The gorgeous vista of a federated India to which John Bright referred more than half a century ago has been floating before our imagination and at last is on the eve of materialisation. The Panditry States occupy one-third of the area of this vast peninsula and harbour in their bosom one-third of her population. The wave of nationalism and Swadeshim which is very much in evidence in British India can no more be kept out of the India of the Rajas than Canute could command the surging tides of the ocean to recede. When, therefore, I received your kind invitation to open this exhibition, in spite of numerous preoccupations and the infirmities of age, I could not but respond to it. The more so as Sir Swarnp Chan Hookim Chaud, under whose auspices this exhibition has been organised, is one of our foremost captains of industry. He or his firm owns, manages or controls perhaps the biggest jute mill on the banks of the Hugli; his electric steel works located in the suburbs of Calcutta is a wonder and puzzle, even to me—a student of physical sciences. Long before we in India realised the potentialities of

Swadeshi industries, Sir Hookum Chand's far-seeing gaze saw the importance of starting cotton mills. His industrial activities are not confined to his own home land—I mean the Maharaja Holkar's territories, but spread over the whole of India. Calcutta and Bombay bear as much eloquent testimony to his abounding energy and business capacity as his own Indore.

In order that the spirit of Swadeshimism may permeate every section of the community it is much to be desired that exhibitions of this type should be organised at intervals. From time immemorial India has been noted for her fine arts and the products of her cottage industries. The patriotic ladies of ancient Rome took pride in bedecking themselves with gems and pearls and wearing the famous *Dacca muslin*. Indeed, Pliny the historian, laments the drain of wealth to the East. Even up till the 17th and 18th centuries the 'wealth of India' continued to excite the envy and cupidity of the poet and the adventurer alike. But as steam power began to supplant manual labour the tables were turned. The heavy protective duties with which England practically crushed out of existence our weaving and spinning home-industries need not to be detailed here. It will be sufficient to quote these few lines from Romesh Dutt's *Economic History of British India*:

"The process of the extinction of Indian manufactures went on, however, under the new arrangements; in 1813 Calcutta exported to London two millions sterling of British cotton goods; in 1830 Calcutta imported two millions sterling of British cotton manufactures."

British manufactures were imported into Calcutta on payment of a small duty of 2½ per cent., while the import of Indian manufactures into England was discouraged by heavy duties ranging up to 400 per cent. on their value.

It is no use, however, crying over spilt milk, and wringing our hands in blank despair. We must wake up and shake off our habitual lethargy and make vigorous efforts not only to revive our lost industries but start new ones. I am glad to find that notable success has been achieved in this direction by individual private efforts, e.g., pen holders and nibs for steel pens, 'lead' pencils, carbon papers and ribbons as manufactured at Karachi, flash lights, as also batteries for the same, rubber shoes, oil-cloths, 'swan-back' waterproofs, soaps of superior quality are now in evidence. How much partial success has been achieved in the preparation of chemicals and drugs need not be dwelt upon; as I naturally feel some delicacy here. However, a visit to the stall of the Bengal Chemical will, I hope, give one a faint idea of it.

Spinning And Weaving

The influx of cheap machine-made articles of foreign-make has played havoc with our handicraft industries with the result that millions of spinners, weavers, blacksmiths and almost every class of artisans have been robbed of their bread and thrown out of employment thus increasing the pressure on the land. And as the sowing and reaping of the crops occupies only a fraction of the year, there is an appalling wastage of human labour. The following short extract from an account of peasant life during the slack seasons in the agricultural (i.e. non-industrial) countries in Middle Europe may be of interest as showing how the people utilize their time when no outdoor work is possible: "The easiest time for the peasant is midwinter. Then he is obliged to stay inside, and while he mends pots and

pans, does a bit of carpentry and sharpens sickles, knives and saws, women are spinning, weaving and even embroidering."

The Bombay cotton mills at best give employment to 3 or 4 lakhs, as do the jute mills on the Hughli; and the Cawnpore mills find occupation, it may be, for another couple of lakhs. Utmost two millions earn their bread in the industrial centres of India, but what of the remaining 318 millions? Will you wait till Manchesters, Liverpools, Glasgows and Dundees spring up here and transfer 80 per cent. of the rural population to the urban areas? Are you going to industrialise rural India? With the exception of Calcutta and Howrah there are no towns in Bengal. The district towns are only towns in name; they are the localities where the law-courts have sprung up and they support a parasitic population. I am afraid you will have to wait till doomsday. Apart from the question of the desirability of bringing about this happy consummation, have you, my Westernized brethren, even shown sufficient capacity for it? Why then all this tall talk about opening up big industries and relieving congestion?

After all, India is an agricultural country and must ever remain so. The problem is how to increase the productivity of the soil by improved methods of agriculture, and how to supplement the scanty income of the dwellers in the villages by the introduction and encouragement of a subsidiary occupation. I hold that spinning and weaving are the two parts of the one cottage industry which admits of universal application in India.

A simple calculation will show the immense potentialities of the *charka* for which Colebrooke pleaded hard more than a century and a quarter ago. The population of India is 320 millions. If a fraction of the millions in the villages—say only one-eighth—were to earn 2 pice (a pice equals one farthing) a day the total would amount to 80,000,000 pice or Rs. 12,50,000 per day, which works out to 365 by 12,50,000 or Rs. 45,62,50,000 per year. Industrialists now-a-days talk of mass production; but in India we have to count population in masses, hence earnings by the teeming millions, however insignificant they may appear at the first blush, when calculated in mass, amounts to crores. The well-known aphorism in the *Hilopadesa*,

तुणोरुणत्वमापन्नैर्वधान्ते मत्तदन्तिनः—

i.e. a single blade of straw is by itself very weak, but bundles of it when twisted into a rope are strong enough to bind a mad elephant—holds literally true here.

I have said somewhere that I am strange contradiction. As a chemist I have been a lifelong test-tube holder and my keenest pleasures have been derived from my experiments with my beloved pupils in the recess of my laboratory and even now I consider a day mis-spent if I cannot spend 4 to 5 hours there. Yet somehow or other I am regarded as a pioneer in starting some of our industrial Students of zoology know well that the Royal tiger of Bengal (my close neighbour in the district of Khulna) is also the cat belonging to the same family; the tiger is called a magnified cat. So there is some sort-of family relationship between Sir Hookum Chund and myself; only the former is of the Royal tiger type while my humble self is only a cat of rather a kitten. Yet I have been a staunch advocate of the spinning wheel and have always prided myself on being the unworthy disciple of Mahatma Gandhi in this respect. In most parts of Bengal there is but one crop—the *aman* (paddy)—9 months in the year

the peasants sit idle; whereas taking the average of the whole of India full six months are wasted as being the non-crop season.

(To be continued)

News In Brief

Union Parliament has been prorogued until April 25.

The Verulam Vijay Tennis Club played their first opening match with the Darby Club of Darby Street, Durban, on Messrs. Oboonilal Bros' Tennis Court. The result of the match was a win for the Verulam Vijay Club by 6 sets to 3. The following players represented the Verulam Vijay Club:— V. Raghavjee, M. Raghavjee, B. Juts, N. Juts, V. Juts, and Krishna Desai of Gandhi & Co., Tongaat.

The third annual general meeting of the Witwatersrand Indian Football Association was held in Johannesburg and the following officials were elected for the ensuing season:—Patron, Dr. Williamson Godfrey; vice-patron, Mr. D. M. Nursoo; president, Rev. B. L. E. Sigamoney; vice-presidents, Messrs. Sol. D. Royeppen, Amod Jajbhoy, S. Nana, G. Kamaludien, M. Coovadia, Himdad Kahn, Lewis Sebastian and S. Cassim; hon. secretary, Mr. D. Pavady; hon. treasurer, Mr. K. Thumbay; record clerk, Mr. Lawrence Williams. A brief report on the forthcoming Indian soccer tour from India was submitted and it is anticipated the team will land in Durban to play the first test match during August.

The decision of the Government to ban the session of the National Congress at Calcutta has had the fullest approval of Sir Samuel Hoare, Secretary of State for India, and all the Provincial Governments, stated Mr. Harry Haig, Minister of Home Affairs, in the Assembly.

A fine of £3 was imposed in the Maritzburg Court on I. S. Ferreira, of Bishoptowe, for assaulting a native on February 17. Ferreira was alleged to have tied the native to a tree and lashed him with a whip until he lost consciousness.

Sir George Schuster, Finance Member of the Viceroy's Council, presenting his Budget in the Assembly said that the surplus was £1,627,500. In spite of two most difficult financial years India was not only paying her way, he said, but also providing £3,112,500 for the reduction of debt. The floating debt had been reduced from £63,000,000 to £26,250,000.—Reuter.

To Storekeepers:

INDIAN FESTIVAL EASTER.

We have a new up-to-date range of:—

Boys Suits with long trousers for boys 8 years upward—smart—up-to-date.

Only the trade supplied.

W. G. Brown & Co., Ltd., Stockists, 303, Pine Street, Durban,

(પાને ૧૦૦ થી માહુ)

પરશ્યાનો તેલનો ઝઘડો—જામીંડ અને પરશ્યા વચ્ચેના તેલના અથા સંબંધી મુશીબતોની પરશ્યાની સરકારની સાથે ચર્ચા કરવા એંગ્લો પરશ્યાન એપલ કુ.ના પ્રમુખ મર જોન ફોર્બેન એક્સપર્ટ સાથે મર્ચન્ટી આખરીએ ટેકરાન પહેલવાની આજ્ઞા રાખે છે.

બ્રિટનની હિંદની નીતી વિરુદ્ધ મી. ચર્ચીલ—કનઝરવેટીવ એસોસિએશનોની નેક્સનલ યુનીયનની સેન્ટ્રલ કાઉન્સિલની મીટિંગ મી. ચર્ચીલ અને તેમના મિત્રોની યોગ્યભૂમિ ખોટી સરકારની હિંદુસ્તાન સંબંધી નીતીની સાથે વિરોધ દર્શાવવા મજબૂત હતી. સરકારમાં અવિશ્વાસનો ડરાવ ૧૬૫ વિરુદ્ધ ૧૮૯ મતે ઉડી ગયો હતો. મી. ચર્ચીલ અને તેના પક્ષને આ પરિણામથી સંતોષ થયો હતો કેમકે માત્ર ચોવીસજી મત સરકારના પક્ષમાં વધારે મળ્યા હતા. બીજી તરફથી સરકાર કહે છે કે તેને કંઈ ધારતી નથી કેમકે ૦૬૫૮ વેપરમાં સહીસલામતીઓ બહાર પડશે ત્યારે અતિ ઉચ્ચમતવાદીઓ સિવાય બીજા બધા પક્ષોને તેથી સંતોષ ત્રણ એવી તેને ખાતો છે.

બધા ઉચ્ચમતવાદી નથી એવા કનઝરવેટીવોને ખીટીઓ હોંડ સાથેના વેપાર પડી ભાગવાની ધારતી ભાગે છે પણ સરકાર પક્ષના લોકો કહે છે કે હિંદુસ્તાનમાં ખીટી સરકારને એપમ છે તે હિંદુસ્તાનના રાષ્ટ્રમવાદીઓને લીધે નથી પણ ભાગવાની હરીફાઈ અને ફનીવાની આર્થિક મંદીને લીધે છે.

ચીકાગોનો એચર અરણ્ય પાઠ્યો—ચીકાગોનો એચર મી. કરમાક કે જે ઝોંબારાએ અમેરીકાના પ્રેસીડન્ટ રૂઝવેલ્ટ સાથે કરેલા ઝાળાવાર વખતે ધવાયો હતો તે અમા સોમવારે અરણ્ય પાઠ્યો છે.

અમેરીકામાં નાણા સંબંધી ગંભીર સ્થિતિ—અમેરીકામાં નાણા સંબંધી સ્થિતિ ધણીજી મંબીર થઇ મધ છે પ્રેસીડન્ટ રૂઝવેલ્ટે સોનાની નીકાસપર પ્રતિબંધ મુક્યો છે અને અમેરીકાની પ્રેસિડ પાસે, કાઇ પરદેશી રાજ્ય અમેરીકાપર ચઢી આવેલું હોય તેમ સંજોગો તેને કુલ મત્તા આપમાં આવે, તેવી કુલ મત્તા આર્થિક સ્થિતિની સાથે ઝુંબેચ ઉડાવવાને આપવાની મગણી કરી છે.

બર્મનીમાં હિટલરની ફતેહ—બર્મનીમાં ગયે રવીવારે ચમ્બલી નવી યુટલ્પીમાં હર હિટલરની જીત થઇ છે. નાઝી પક્ષને ૨૮૮ મત મળ્યા છે જ્યારે નવેમ્બરની યુટલ્પીમાં ૧૯૬ મળ્યા હતા. વળી નેક્સનલ પાર્ટી અને બરમ પીપલ્સ પાર્ટીથી હર હિટલરની રીચરટાગ (બર્મન પાર્લામેન્ટ) માં ૧૪૭ સભ્યોમાં ૪૭ ની બહુમતી રહેશે.

નાઝીની ધણ સર્ગત ફાવવામાં આવે છે અને જે વિરોધ ઉઠાવે તેની સાથે પમલાં લેવામાં આવે છે મારામારી અને કન્ન તો હળુ ચાલુજી છે. નાઝી પક્ષ પોતાનું જોર અબધારી રહ્યું છે. રીચરટાગ એપ્રીલ તા. ૩ અને તા. ૮ ની વચ્ચે બોલાવવાનો ડરાવ થયો છે. રીચરટાગ સમક્ષ સરકારને બંધારણ ફેરવવાની અને હિટલર તરફથી ધડાવેલું નવું બજેટ અમલમાં મુકવાની બહોળા સત્તા આપનારો કાયદો મંજુરીને માટે મુકવામાં આવશે.

બર્મનીના જુ લોગોની ઉપર બુલમ ગુબરવાની આતરગણિમ ફરિયાદ થઇ રહી હતી તેના સંબંધમાં હિટલર અને બીજા પ્રધાનોની સાથે મસલત કર્યા પછી કેપટન ગૌરિય તરફથી જુ લોગોના નેતાઓને મત્તાવાર ખાતો આપવામાં આવી છે કે તેઓના ઉપર કનનનીતી ચલાવવાનો બીજાકુલ વિચાર કરવામાં આવ્યો નથી.