

INDIAN OPINION

Founded by
MAHATMA GANDHI
IN 1903

No. 9—Vol. XXXII. Friday, March 2nd, 1934

Registered at the G.P.O. as a Newspaper
Price Fourpence

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Notes and News

Lest We May Forget

INDIANS in South Africa, we know, are pre-occupied but it will not do for them to forget their brethren suffering in India as a result of the earthquake calamity in Bihar. Let them not forget Mahatma Gandhi's appeal. This is a cause in which every human being of whatever race he may be should help. Who knows but that South Africa may be visited by a similar catastrophe. South Africa will then be glad to have help from whatever source it may come. Let people of South Africa, therefore, not think this a matter which does not concern them. It concerns every human being and most of all every Indian. The response to the appeal by the Red Cross Society in so far as can be judged from the published reports has been very poor indeed and Mahatma Gandhi's appeal too has not received the response that we should have liked to see. Let this serve as a reminder not to forget Mahatma Gandhi's appeal and our duty to our suffering countrymen.

Funds Already Collected

WE are happy to announce that the Parsee Rustomjee Trust which always rises to the occasion at such times has contributed a sum of £500 for the relief of Bihar. Besides this the Transvaal Prajapati Association has collected £100, Roodepoort Hindu Seva Samaj £32 10 9, the Zoutpansberg Indian Congress £122 5 6 and Springs Sanatan Veda Dharma Sabha £21, which with other amounts makes the total reach over £800. This is in response to Mahatma Gandhi's appeal through INDIAN OPINION. We have no record of what has been collected by the Red Cross Society.

All are requested to send their collections not to this office but, in accordance with the wishes of Mahatma Gandhi, direct to Patna to Babu Rajendra Prasad.

Divine Chastisement

SPEAKING at a meeting at Tuticorin, Mahatma Gandhi referred to the Bihar earthquake as follows: "This divine calamity has suddenly reminded us that all humanity is one; and as is but right and proper, in the face of this calamity the Government and the people have become one. For the time being distinctions between Congressmen and non-Congressmen have been abolished, and all parties are supplementing the efforts of one another." "I want you," he proceeded, "to be superstitious enough with me to believe that the earthquake is a divine chastisement for the great sin we have committed and are still committing against those whom we describe as untouchables, Panchamas, and whom I describe as Harijans. Let us derive the lesson from this calamity that this earthly existence is no more permanent than that of the moths we see every night dancing round lights for a few minutes and then being destroyed. This earthly existence of ours is more brittle than the glass bangles that ladies wear. You can keep glass bangles for thousands of years if you treasure them in a chest and let them remain untouched. But this earthly existence is so fickle that it may be wiped out in the twinkling of an eye. Therefore, whilst we have yet breathing time, let us get rid of the distinctions of high and low, purify our hearts, and be ready to face our Maker when an earthquake or some natural calamity or death in the ordinary course overtakes us."

Death Of Mr. Leon Renaud

THE death occurred in Eshowe Hospital last Monday morning of Mr. Leon Renaud, who has been a very well known figure in Natal for many years. Mr. Renaud was attending a planters' meeting at Mr. Cropper's house at Gingindlovu, apparently in the best of health, when he had a stroke. He was immediately rushed to the Hospital at Eshowe, where he died. Mr. Leon Renaud practised in Durban for over 25 years. He was a member of the Durban Town Council during the years 1921-22, and also a member of the Municipal Valuation Appeal Board, which was due to consider appeals from the Greenwood Park area. Owing to his sudden and unexpected death the Board postponed its meeting. The Mayor, Mr. P. Osborn, expressed the Board's deep regret at Mr. Renaud's death and sympathy with his relatives. Mr. Renaud, who was married in London in 1901, leaves a grown-up son and daughter. He was a brother of the well-known advocate, Mr. Eugene Renaud, to whom the sympathy of all Indians who have known the late Mr. Renaud and had dealings with him will go out in their very sad bereavement.

Lichtenburg Town Council Rescinds Its Resolution

AT last the much discussed application for a certificate for a general dealer's licence of Mr. M. Mooosa of London House has been granted by the Lichtenburg Town Council. The latter decided, at its recent ordinary meeting, to rescind a previous resolution refusing the application and to grant it. Mr. C. W. de Klerk tabled a motion that the licence should be granted, finding a seconder in Dr. I. Olen. In supporting the proposal, Mr. C. J. Grove said that in view of the statements made by the applicant's attorney the Council could do nothing less than grant the application. If they refused it, the ratepayers might have to pay for a court case. An earnest plea that the Council should adhere to its former decision was made by Mr. A. I. Ludick. He thought they had as much chance of winning as of losing if a court case resulted. When the vote was taken Mr. Ludick was the only dissident.

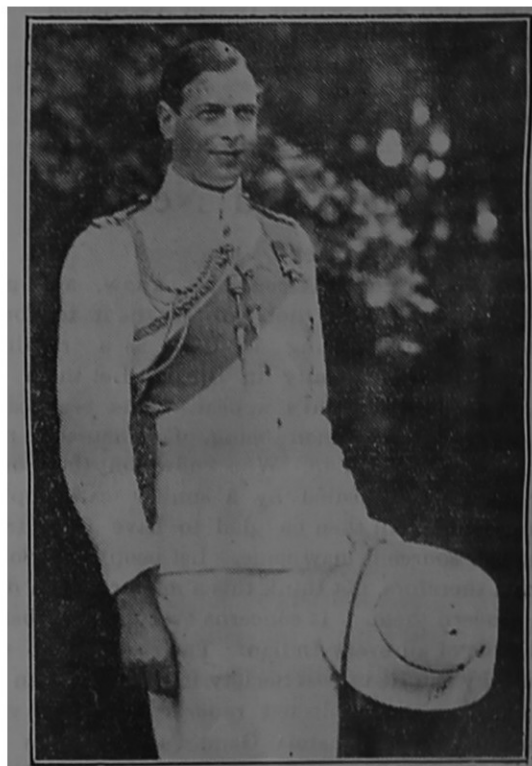
Indian Opinion

FRIDAY, MARCH 2ND, 1934.

WELCOME PRINCE GEORGE

AR. H. The Prince George will be in our midst on Monday. No strange person visiting Durban to-day would believe it if he were told that Durban was suffering from depression. The whole town is gaily decorated and the people are gay and are anxiously waiting to welcome His Royal Highness. While there is joy and happiness over the forthcoming visit of Prince George we are a little unhappy to note that there is not that much desired contentedness in the Indian community. There is certainly not any division of opinion on the question of welcoming the Prince. Even the Congress who launched on a boycott campaign during the visit of Prince of Wales seems to-day to be over-anxious to make up for any spirit of disloyalty that may have been displayed then. The only cause of discontentment is that the very section that had whole-heartedly participated in the welcome celebrations of the Prince of Wales, against the wishes of the Congress, is to-day not given representation on the welcome celebrations of Prince George. Its only fault is that not being able to agree with the methods of the Congress it has formed itself into a separate body known as the Colonial Born and Settlers' Indian Association under the leadership of Mr. A. Christopher. Though the Mayor was given full discretionary powers he failed to use his own judgment and at times when he appeared to

be about to use he was checked, in his own words, by "persons in authority from time to time." Who those mysterious persons are is not known. The Mayor certainly would have lost nothing in giving representation to members of every section when the only object of that section was to heartily co-operate in making the Prince's celebrations a success. The question of politics might have been laid aside at least until after the Prince had left us and the co-operation of all those who were anxious to welcome H. R. H. should have been sought and accepted. We must blame the Mayor, Councillor P. Osborn, more than anyone else for the unhappy state of affairs created in the Indian com-



H. R. H. The Prince George

munity. Were Prince George to come to know of this we do not think even His Royal Highness would approve of the Mayor's action. It is, however, too late now to make amends. Our advice to our brethren in the circumstances is not to indulge in any action that would mar the celebrations in any way. Those who are justifiably dissatisfied should remember that they have nothing against His Royal Highness himself. If they are debarred from actively demonstrating their spirit of loyalty it is no fault of their's. What pains us most of all in this incident, of course, is that a great opportunity of making common cause and thus working towards bringing about unity once again among the Indian community has been lost

by the sheer haughtiness on the part of a few among us and by the Mayor's weakness in being swayed by those elements. The inevitable result will be that the Prince will come and the Prince will soon go but he will leave us far from united. However, His will be done. We extend to His Royal Highness a very hearty welcome and in doing so we are sure we are voicing the sentiments of every section of our community.

CURRENT TOPICS

COMMENTS AND CRITICISMS
(BY BHURAMBOOR)

Golden Opportunity Lost

It was felt that the visit of Prince George was a golden opportunity for the members of the Indian community to join hands in according a hearty welcome and also of cementing their differences on all political questions. On account of the partiality of the Mayor and the stubborn and unyielding attitude of the leaders this has not come about. The Prince, next week, will be in our midst and will go back perhaps leaving us divided more than ever. Would that good counsel prevailed upon all concerned even at this eleventh hour.

Winterton Committee

From reliable source I understand that the tug of war between the teachers and the Congress has ended by the formation of the Winterton Committee. This Committee will now have the control of the Albert Park celebrations. It was anticipated that Mr. Winterton would have included all representatives on his Committee, but, owing to the one-sided attitude of the Mayor he has evidently not succeeded. The teachers have joined, although they had insisted that the Colonial Born and Settlers Indian Association should also be included. Obviously they could not do otherwise for the chairman of the Committee is Inspector Mr. O. K. Winterton. It is a case with the teachers of falling from the frying pan into the fire. Enough said.

What A Transformation!

The following appears in the *Natal Mercury*—

"Mayville Castle, on the main road to Maritzburg, was brilliantly illuminated on Tuesday night. Festooned with coloured lights from summit to base, it attracted attention from a wide area, as well as being admired by travellers along the main road. Evidently the Indian community is going to contribute prominently to the decorations in honour of Prince George."

Little does the public know that the owner of this Castle took a prominent part in boycotting the celebrations during the Prince of Wales' visit. What a transformation!

Indian Lady Doctor

The Indian community is proud to welcome the first Indian lady doctor to this town. Indians in the march of nations cannot be left behind. When we find that men are progressing it is but natural that our sisters will advance hand in hand. It is pleasing to note that there are two other lady doctors qualifying for the profession and will soon be in our midst. But a warning

note might not be out of place. Many of our men have taken up the medical profession and I would not be surprised if they find themselves a little too many. Now we hear already of three lady doctors. In their very laudable ambition of mending souls let them not find themselves on the unemployment list!

Twenty Pounds Brigade

I am wondering what the Congress and the Association are doing to prevent the Indians from joining the Twenty Pounds Brigade who are leaving these shores for India. We hear harrowing tales of the repatriates, and yet, it seems no move has been made to educate Indians in estates and industries to the true position of those who had gone under this scheme. Money is going to be spent during the Prince's visit on a one-day's tamasha. Why could not a little be spent on organised propaganda work for the upliftment of the people. Time has come for new sannyasies to take the place of the old ones to preach the gospel that starvation, misery and ruination faces those who go to India under this scheme. But I had nearly forgotten how could we expect all this from those who still believe in exploring other countries for the Indians of South Africa to colonize.

Indians In Greater Durban

Indians who have been either trading or living for a number of years in the suburbs—now called Greater Durban—are daily being troubled and worried by sanitary inspectors who continually want them to do this, that or the other entailing unnecessary expenditure; failing to carry out their instructions involves them into litigation or the deprivation of their licences. This joining up and becoming residents of Greater Durban has been no gain to them. They have to pay the rates and taxes and also suffer the pin-pricks of our sanitary tin-gods. This Greater Durban will be the ruination of Indians.

India Cant Hit Back

The Indian settlers in South Africa may be treated as pariahs, may be deprived of their civic rights and subjected to any number of disabilities, but according to Sir Samuel Hoare's memorandum, India will not be allowed to adopt retaliatory measures against those who ill-treat and oppress its nationals. It seems strange that if the principle of reciprocity is accepted between Great Britain and India why it should not be accepted between the Dominions and India. Is England impotent that she could not raise her voice against South Africa?

Fountain Of Wisdom

A man should never be ashamed to own he has been in the wrong, which is but saying in other words that he is wiser to-day than he was yesterday.—SWIFT.

"How can any Christian, worthy of his principles, have any racial prejudice when Jesus Christ was an Asiatic? That is what is too often forgotten. Christ lived as an Asiatic, spoke an Asiatic language, ate and lived as an Asiatic and, if I may humbly say, he looked like an Asiatic. Therefore, mindful of this you must give every race its opportunities."—KUNWAR SIR MAHARAJ SINGH.

Bad laws are the worst sort of tyranny.—BURKE.
Strange all this difference should be 'Twice Twaddle and Twaddleless!'—BYRON.

RACIAL DISCRIMINATION IN PROVINCIAL TAXATION

CHARGES AGAINST PRINCIPAL AUTHORITY AND REVENUE DEPARTMENT

EX-CIVIL SERVANT'S ALLEGATION

(Reproduced From The *Natal Witness*)

The substance of the charges made in the following article is that hostile discrimination is shown against Indians who appeal for clemency in the matter of payment of the Personal Tax. The writer, Mr. D. H. McLaren, B.Com., was an official of the Revenue Department, but has resigned and gone to England. He had to wait until his connection with the public service was sundered before making revelations backed by inner evidence, of injustices which he had long resented.

I WANT to make it quite clear, that, in this article I am criticising not individuals but what I should call the collective Civil Service mentality. I doubt, indeed, whether the individual is conscious of anything else but that he is conscientiously carrying out his duty: from that point of view he does it; I fully admit, efficiently and effectively; nevertheless, in spite of his rigid devotion to rule and regulation, he is a human being and subject like everyone else, to the delicate and hidden interplay of suggestion and intimation which binds society together, and by virtue of his position he is often able to give effective force to popular beliefs and ideas.

My object is, firstly, to show the civil servant how far he is allowing himself to be the mouthpiece of prejudice and has wandered away from the objective, impartial carrying out of the law which is his code; and, secondly, by "blowing the gaff" to bring about a much-needed piece of social justice. If, after the clear indictment I am about to bring, both legislator and administrator continue the oppressive measures of the Personal Tax Ordinance, there can be no social conscience in South Africa.

All observers agree that the most marked component of South African character is "colour prejudice," and we do not expect to find it absent either in the Executive Committee of the Provincial Council or in the Department of Inland Revenue. Let me make this statement of fact and not of speculation: that it is the avowed intention of the Executive Committee to "net in" the Indian—to incorporate in the Personal Tax Ordinance a special poll tax for Indians on the same lines as that imposed on natives. If the provincial authority can deny this as the particular point which has been agreed upon in sundry conferences with Natal Receivers of Revenue, how, then does it explain this circular?

Circular 32

(Confidential.)

Administrator's Office,
Maritzburg.

23.10.31.

R.B., Durban.

P. AND I. T. ORDINANCE EXEMPTIONS.

Under Section 7 of Ordinance No. 16, 1928, provision is made that the Administrator may, from time to time, instruct revenue officers as to the principles to be followed in determining when applicants applying for exemption on the grounds of indigency may be exempted.

The Executive Committee, while not wishing to lay down any hard and fast rule, has decided that, as a general principle, the following classes may be exempted:—

(a) Married men who are employed as unskilled labourers on provincial or municipal relief works.

(b) Married railway employes who are performing unskilled work at an average daily pay of approximately 7s. 6d.

(c) All other married persons whose income, more or less, equals 7s. 6d. per day.

It is considered that all single men who are liable unless there are exceptional circumstances, for, e.g., that they are supporting parents or dependants, should be called upon to pay the personal tax, subject, of course, to the receiver's discretion to accept tax by instalments if application is made before the prescribed date.

The above apply to Europeans and coloured persons. With regard to Indians, the Executive Committee is of opinion that both married and single should be called upon to pay the tax except in cases of actual indigency.

While the Executive Committee has laid down the above guiding principles, it is to be distinctly understood that they have been laid down with the idea of securing some measure of uniformity, and are not to be regarded as hard and fast rules. Receivers are therefore left to exercise their own judgment in the matter, it being realised that there are circumstances which may be known to the receiver which would justify a departure from these guiding rules.

It is felt, however, that in the case of Indians actual indigency should be the only test, bearing in mind that the native is called upon to pay a Union tax of £2 per annum, and it is only on very rare occasions that a native is exempted.

A. E. CHARTER,

Provincial Secretary.

Note, in particular, the final paragraph! And to make the indictment clear and final, let me illustrate the differentiation "made between Indians and Europeans with the following actual cases, which I have picked out at random from the records of the officers of the Receivers of Revenue at Maritzburg and Durban:—

INDIANS

(1) Sahai Jhaga, care of S. A. Railways compound, Durban, is married, with five children, and earned £36 for the 1931 tax year.

(2) Davichan Sookranani, of Clairwood, was married and unemployed for the 1931 tax year.

(3) S. Datchun, of Clairwood, was married, and supported, according to Indian custom, his aged parents, widowed sister and four children, and was employed for only five

months of the tax year. He told me that he had to borrow the money wherewith to pay the tax.

(4) Pancham, No. 112,132, was married, ill, earned nothing and subsisted on earnings of his wife, amounting to £12 for the year 1933 tax year.

(5) Ramdhani, in the employ of Mr. Pope-Ellis, was married and earned £24 for the 1933 tax year.

(6) Chingrah Soobiah Naidoo, of 423, Boom Street, Maritzburg, was married, with five children, and earned £75 for the 1933 tax year.

(7) Sookoo, employed by the S. A. Railways, was married, with three children, and earned £30 for the 1933 tax year.

(8) Tommy Nandallah, employed by the Maritzburg Corporation, was married, and earned £65 for the 1933 tax year.

Most of these Iddiaps applied for exemptions and were refused. This is the type of communication sent them:

"... I am not prepared to grant you an exemption; it will therefore be necessary for you to remit the sum of £1 2s. in payment." (Letter headed "P.T. December," from the Receiver at Durban, dated 18-18-31), or

"Completis and return the attached declaration, together with £1 2s., to this office not later than 5th January, 1932, in order to avoid issue of summons." (Same office, dated 17-12-31.)

Or they are given "time to pay" at terms not more advantageous than 1s. on 31-1-34 and 10s. on 28-2-34, as with Nos. (4) and (5) above. Nos. (6) to (8) have actually paid their taxes this year.

Now look at the very different treatment accorded to European applicants:—

EUROPEANS

(1) Mr. W., of Durban, was granted exemption, certificate No. 1,001. His earnings were £14 a month, and he had four children.

(2) Mr. G., of Maritzburg, was granted certificate No. 14,912 on an income of £116 per annum.

(3) Mr. R., of Maritzburg, was granted certificate No. 15,045 on an income of £72; married, one child.

(4) Mr. A., of Maritzburg, was granted certificate No. 14,955, with an income of 9s. a day, i.e., say £10 a month; married, two children.

(5) Mr. v. d. M. was granted certificate No. 14,959 on an income of 7s. a day, say, £8 a month.

(6) Mr. v. d. M. was granted certificate No. 14,968 on an income of 5s. 6d., on which he had to support a wife and four children, i.e., about £7 a month.

It is clear, then, that a differentiation is indubitably made between European and Indian. But the official mind has various arguments to present in favour of this differentiation. I do not intend meeting them on any ethical or moral grounds—this would require a regeneration of spirit for which a South African Carlyle would have to arise—but first of all on his own code of implicit obedience to the law, and secondly on principles which no educated person, not even the civil servant, can deny. Let me take these arguments one by one:—

(a) The natives must pay a poll tax of £1 under harsh legal provisions.

Is official lom (extending that term to the Provincial Council) quite unable to see that the existence of one bad tax is no sane argument for building up a fiscal system based on that tax? I do not intend arguing the provisions of the Native Poll Tax, but I call upon people who use it in seeking to justify another tax to bring some little independent judgment to bear on the whole question and to understand the views of enlightened persons who have already done so.

Why, the average civil servant does not know the original reason for the Native Poll Tax, and that

the reason can no longer be used as its *raison d'être*!

And can it not see that the incidence of Indian Personal Tax is just as harsh among the "poor Indians" (by which term I mean "members of the depressed class" only), who live not on but generally under the civilised margin of subsistence and among whom there is widespread unemployment?

Well, if these counter-arguments fail, we shall proceed to rout the official in his own territory: he knows full well that the South Africa Act protects the Indian as regards differentiating legislation; that is why no definite reference to the Indian could be made in the Personal Tax Ordinance.

But how then is effect to be given to that clear intention to "net in" the Indian of which I have already spoken? The difficulty is got round by giving the Receiver of Revenue discretion in the matter of granting exemptions. I have shown that this discretion is only used to differentiate between the two races, and to ensure particular enforcement of the tax in the case of Indians.

Obviously the standard used for exempting Europeans is NOT applied to the Indian. And that this is contrary to law was definitely established when the Natal Indian Congress appointed Mr. Godfrey, of Durban, to defend three batches each of some 20 Indians who were prosecuted not long ago by the Receiver of Revenue at Durban for failing to pay the Personal Tax. When Mr. Godfrey had shown that the Indian was treated for fiscal purposes as a class apart, the magistrate could and did not convict one single Indian. Did the Executive Committee lose heart? No, it met the case by appointing inspectors on the lines of the English tax collector, who intensively combed the areas inhabited by Indians!

And, incidentally, it confessed to the necessity of not appearing to apply this measure solely to Indians (who, in fact, were the only reason for its introduction) by making a slight and half-hearted attempt to inspect Europeans as well. This is another fact—I shall really be interested to know how the Provincial Secretary will refute it, as no doubt he will attempt to do so in the next two arguments, trivial as they may appear, because they definitely loom large in the official mind:—

(b) The Indian, to put it mildly, has not the same respect for truth as the European, and therefore it is difficult to decide whether his professed inability to pay the tax is genuine.

To argue about the Indian's moral character is beside the point. If the official is to be entrusted with a wide discretion in administering a fiscal law, is it necessary to point out that this assumes an intelligent knowledge on his part of the social conditions of the community upon which he exercises the discretion?

He should—I cannot say that he does—understand the wide social and economic differences among Indians and to seek to establish the particular economic class to which each Indian belongs; this is, in fact, really an easy task, particularly with the "poor Indian." I have found that there exists in

the mind of the official (who rarely, for example, can distinguish between Mahomedan and Hindu) a somewhat vague impression of the Indian community as a whole—for example, there is little to choose between the prosperous merchant at the top end of Church Street and his poorer brethren at the other end—and I doubt very much whether he has attempted even the following rough classification which can be obtained from the Union Year Book, containing vital statistics for the Natal Asiatics in 1921:—

Agricultural, 20,699—i.e., about 26 per cent.

Commercial, 5,740; professional, 436,—i.e. about 8 per cent.

Labourers, wage-earners and others, 52,889—i.e., about 66 per cent.

Observe the overwhelming predominance of the depressed classes!

Having obtained some knowledge of and insight into the economic conditions of whatever classes into which he may divide the community, the official should with his superior knowledge know better than the dull-witted, illiterate and entirely inarticulate "poor Indian" his own level of income, to which he may then apply the more or less uniform standard he employs in granting exemptions. Quite apart from the possibility of its being a manifestation of "colour prejudice," accusing the Indian of not telling the truth is too easy a means of shelving responsibility.

(c) And, lastly, the official uses this argument:

The fact that the Indian does pay is an indication that he is able to pay, and that the tax cannot inflict any great hardship. It is varied as follows (I may be raising a smile, but it is no exaggeration and a plain statement of fact): the Indian can live on the "smell of an oil-rag," and therefore can the more easily spare a £1 than the European, who has greater needs to satisfy.

Unreasonably Heavy Taxation

Well, can even an official be as ignorant of economics as not to know that the tax is out of all proportion to the "poor Indian's" average income? He must well know that a similar proportion could not be applied to Europeans. It may be too much to expect him to know that a repressive tax applied thus to a people living on or below the margin of subsistence means to them a sacrifice of the very necessities of life.

And perhaps I am going outside the limits I have set myself by asking him to observe and understand just a little the human beings with whom he is dealing. Is it possible for him to believe that the "poor Indian" pays not because he can but because he has to. He has too great a respect for the "raj," and too great a fear of the consequences, of defying it to evade the tax. I discovered this fact when I tried to incite poor Indians into passive resistance, as I have frequently done; but if you require some confirmation just observe the steady stream of sorry beings that pours into the Receiver's office when the tax is due.

Whether or not they are to be regarded as human beings, the fact is certain: the tax does cause definite

distress; it is more often than not paid by borrowing (often at exorbitant rates of interest) or by collecting contributions from friends and relatives.

One official method of refuting the criticisms I have made is to give statistics of the number of exemptions given to Indians. I am not denying that the exemptions are granted to Indians—on the basis of the circular I have disclosed, but the number granted is quite an irrelevant answer to the charge that a distinction is made between European and Indian. Moreover, statistics of this nature will probably prove to be information that can be used in evidence against the official: not the number of exemptions granted to European and to Indian should be compared, but rather the proportion of the indigent white class that has been exempted should be compared with the proportion of the Indian depressed class that has been exempted.

There can seem, then, no reason for refusing the very reasonable request more than once presented to the Executive Committee that some fixed standard of exemption be introduced into the Ordinance. It would be the better plan from all points of view; it would remove from the shoulders of the official a good deal of the difficult task of administering the Ordinance; it would save much, not only of the time but of the expense involved in granting exemptions and the privilege of paying in instalments (no Revenue Office could refuse confirmation of the excessive and disproportionate amount of labour and expense involved in collecting the personal tax), and it would ameliorate the harsh incidence of the tax on Indian and European alike.

Colonial Born And Settlers' Indian Association

A Protest Meeting

A meeting of the above Association was held at the Hindu Tamil Institute last Sunday when the hall was packed to capacity. The meeting was called for the purpose of explaining the methods adopted by the Natal Indian Congress with reference to H. R. H. Prince George's visit. Advocate A. Christopher presided. The Chairman dealt with the correspondence that ensued between the Mayor and the Association. He then explained the forecast of the Colonisation Inquiry Committee's report and the part played by the Congress and Mr. S. R. Naidoo. He referred to a new Bill which he said would detrimentally affect the unskilled Indian labourers in Municipalities and industries. Among other speakers were messrs D. S. Chetty C. R. Naidoo and M. Beethasee Maharaj.

A resolution was passed appealing the Mayor to reconsider his decision even at this eleventh hour.

Land Tenure Act Commission

Sittings At Springs

Council Charges Refuted By Indians

MR. J. V. BRINK, K.O., with him Mr. H. J. B. Vieyra (instructed by Mr. Ivan Davies) appeared for the Springs Municipality and the Springs Chamber of Commerce, while Mr. P. B. Goldberg appeared for the Springs Indian Commercial Association and several other bodies when the Asiatic Land Tenure Act Commission sat in that town last week:—

Council's Statement

An important statement was presented to the Commission by the Springs Town Council setting out the Town Council's side of the case, all of which charges were, however, denied by the Springs Indian Commercial Association.

The Council in its statement pointed out that as a rule the Asiatic trader attracted to a large extent the native trade, and he was unable to control his customers to the same extent as the white trader, which created in most cases an undesirable congregation of natives around his shop to the annoyance and inconvenience of occupants of adjoining properties and users of the public thoroughfares.

"As a general rule," went on the statement, "the trading methods of the Asiatic are looked upon with suspicion, particularly in so far as the general belief is that he fails to comply with the laws and ordinances governing his trade. As an example, it is a general belief that the assistants of an Asiatic are underpaid, and this creates an unfair trading advantage in competition with traders carrying out the terms of the law."

Evasion Of The Law

It is generally recognised that the Asiatic by reason of restrictive legislation has developed a sense of resistance to and evasion of the law. This restrictive legislation from time to time was without doubt occasioned through the wishes of the public.

"Springs is a growing town, and with the opening of the new mines it is progressing and developing rapidly. Certain believers in the future have at considerable cost and expense erected modern premises in the recognised business centre of the town into which Asiatics have penetrated, to the very prejudice of such investors.

"The encroachment of Asiatics invariably results in the depreciation of adjoining properties and has done so in the case of Springs, to the loss and discomfort of owners of adjoining properties, who view this penetration as a grave menace. European traders are disinclined to set up business next door to an Asiatic trader, with the result that each encroachment creates an oasis in the continuity of the building up of the business centre of the town."

A table was submitted showing that even affected by the encroachment, showed a decrease in valuation.

"Encroachment invariably results in the enforced removal of the business centre, as is quite apparent from the example of Vereeniging. The Council has provided adequate accommodation and trading facilities for Indians in the Asiatic bazaar at Springs, but when it became known that the town of Springs was an "open camp" after the decision in the case

of the Town Council of Springs v. Mosea and Seedat, 1929, hawkers and shop assistants in the bazaar filed applications for certificates under the General Dealers' Control Ordinance, and became fully fledged traders in the town of Springs. This influx has resulted in frenzied trading, the wholesale cutting of prices, and in great loss to established firms. The town was flooded with handbills advertising sales under cost—all from these new firms anxious to obtain a footing in the town. This influx persisted notwithstanding the publication of the Bill, now Act 22 of 1925, and it is felt that this type of trading which must result in insolvency, must be viewed with very grave suspicion; and it is a continual source of worry and concern to adjoining traders.

New Penetration

"The areas penetrated by the Indian traders were not, prior to such penetration, occupied by coloured persons, and such penetration is against the wishes of other occupants of and owners of land in these areas.

"The introduction of the Asiatic trader and the possible forced retirement of white traders, unable to compete with the Asiatics, tend to obstruct an avenue of employment for the white youth of the country.

"The Town Council suggests that the appearance and the spread of the Asiatic standard of living into the centre of the town of Springs is distasteful and obnoxious to those who enjoy the white standard of living and by frequenting the shopping centres of Springs must perforce come into contact with the Asiatic standard of living."

The Springs Indian Commercial Association submitted that the members of the association served the needs of the European as well as of the native to the same degree as their white competitors.

With regard to the "attacks" on the trading methods of Asiatics, the association denied the charges and stated that in so far as the trading methods of the members of the association were concerned, the records of the local court would refute the charges. "No prosecution and no conviction of an Asiatic in Springs for contravening any law or Ordinance governing the conduct of his trade has been brought before the Court in the last 15 years."

Other such charges made by the Town Council were also refuted.—*The Star*.

Indian School At Nigel

Temporary Building

The question of a building for the proposed new Indian school at Nigel, which has for some months been the cause of constant quarrels between two sections of the Indian community, has been finally settled. Parents and guardians have decided on the construction of an entirely new building.

Last year the residents of the Indian bazaar section of the Nigel location applied for a school. The request was granted in November and a meeting was called to elect a committee to make final arrangements. The question of accommodation then arose, and at first it was decided to hire a building in the location. It was later suggested that a new building should be constructed. This second proposal met with the approval of the majority of parents, but

it was only at last week's meeting that it was decided to make application to the Nigel Town Council for a gift of four stands free of rates for a school building.

In view of the fact that the location will probably be moved in the near future, a temporary building of wood and iron will be constructed. A brick building will be erected in the new location. Work will commence as soon as the consent of the Educa-

tion Department has been received.

It was also agreed to offer the building to the department rent free for the first 12 months of occupation.

The Rev. A. Hipkin, rector of the Indian Church in the Hiedelberg district, has accepted the position of chairman of the committee and 51 children have already been enrolled.

GRAHAMSTOWN BRITISH INDIAN ASSOCIATION

HALL OPENED BY MAYOR

(From Our Correspondent)

THE Grahamstown British Indian Association Hall was opened by the Mayor (Cr. Lewis Miles) recently.

The building, which is a great credit to the Association, was tastefully decorated for the occasion, and the gathering of members of the Association, the Mayor and Mayoress, the Town Clerk (Mr. J. T. Yeomans), and European friends, enjoyed a very pleasant ceremony, followed by refreshments in the hall itself.

Mr. V. N. Pillay, President of the Association, extended a cordial welcome to the Mayor, and expressed his appreciation, on behalf of the Association, of the interest he had shown in the hall and of his consent to perform the opening ceremony. His friendliness and encouragement was greatly appreciated.

The president then presented the Mayor with a silver key, asking him to keep it as a gift from the Association in memory of the occasion.

The key was engraved: "Presented to Lewis Miles, Mayor; opening the British Indian Association Hall, Grahamstown, 10th February, 1934."

The Mayor then opened the hall with this key, and the gathering entered.

Mr. F. Dullabh, the vice-president, then garlanded both the Mayor and the President, with a few appropriate words, and Miss Valliamal Pillay, daughter of the president, gave the Mayoress a beautiful bouquet.

Peaceable And Law-abiding

The Mayor said that he understood that the hall had been constructed for the purpose of holding meetings of the Association and for social gatherings and that they were considering the question of establishing a school to teach the vernacular languages to the children of the Indian citizens.

"The City Council and myself appreciate the fact that the Indian people are peaceable and law abiding, and that you desire to dwell in harmony with the other races in our great country.

"I thank you very much for having presented to me a souvenir of this very pleasant function, and on behalf of myself and fellow councillors, I congratulate you upon your enterprise, and I extend to the Indian Association our good wishes for its continued prosperity.

The President then said: "I believe that the majority of our well-wishers present here this afternoon are unaware of the fact that the British Indian Association was founded here many years ago, and in view of the fact that the future destiny and government of every country lies in the hands of

the younger blood and generation, we, the younger section of the Indian community of this town, with the support and co-operation of the seniors have made it our duty to build what I think you will agree is a very fine hall. (Applause).

"The hall will be chiefly used for the purpose of conducting our regular meetings and social evenings, and we are also considering the possibility of establishing an Indian school for the education of our children in the vernacular languages, and I hope this will be achieved before long.

"Our Association is out to do everything generally that might contribute to the betterment of the Indian community, and to guard and protect by all legitimate means the status of Indians in this town. We are out to collaborate with all right-thinking sections of the community for the common good of this country; and it is our duty, privilege and pleasure to endeavour to promote goodwill with the different authorities concerned, and in this we feel certain that we have the hearty co-operation of the many broadminded Europeans present and absent here this afternoon." (Applause.)

Mr. D. Morgan (chairman of the executive) proposed a vote of thanks to the Mayor, which was seconded by the secretary, Mr. D. A. Naidoo.

Several congratulatory telegrams from other Indian associations were read.

Tamil Benefit Society

A committee meeting of the Tamil Benefit Society will be held on Sunday 4th March 1934 at the Tamil School at 2-30 p.m.

Agenda:—(a) Minutes, (b) Correspondence, (c) Invitation to Advocate Christopher, Messrs. Manilal Gandhi and P. B. Singh to address meetings in the Transvaal under the auspices of this Society re Colonisation Scheme, Repatriation and the general position of Indians, (d) The question of relationship with the Transvaal Indian Congress, (e) Address by Swami Adyananda to the Tamil community.

S. P. MOODLEY

K. NARANBAMY

REV. B. L. E. SIGAMONEY,

Joint. hon. secretaries.

NEWS IN BRIEF

The Agent of the Government of India and his staff are due to arrive in Durban on Sunday on a short visit.

Mr. N. K. Sham, brother of Mr. A. Sham of Verulam who recently passed his matric at the Sastri College was recently given a farewell reception at Kader's Cafe on the eve of his departure for Fort Hare where he intends furthering his studies. Many friends of Mr. Sham were present and Mr. G. H. Maiter presided. Speeches were made wishing Mr. Sham all good wishes and a diary was presented to him. Mr. Sham suitably replied.

Mr. Rajcoomar, a prominent Hindustani gentleman of Stamford Hill, Durban, and his friend Mr. R. R. Alfred, also of Stamford Hill, are leaving next week on a tour for Europe by the mail boat.

Mr. D. Morgan of Grahamstown has arrived in Natal by car and is staying with Mr. A. B. Naidoo of Malvern. He will be leaving for home in a few days time.

At a meeting held on the 11th Jan. 1934, at the Nonoti Indian School, the Nonoti Young Men's Society was formed. It has also been agreed to build a hall for Hindi education. The following are the officials and members.

Patron: Mr. Ramportal, President: Mr. B. Dwarika, Vice-Presidents: Mr. A. N. Maraj, Hon. Sec: Mr. R. Mahangi, Asst. Sec: Sooden Prag, Treasurer: Mr. H. L. Ramportal, Committees: Messrs. H. S. Ramportal, K. Prag, S. M. Maraj, S. Hurbens and Chuni Lall. Members: G. Soojan, Sunker, Hulas, Sookraj, S. Soojan, G. Ramcharan, D. Jodha, R. Bechoo, V. Rambaran, Sewpaasad, Gareeb Singh, Ramaran, N. Lutchman.

The marriage of N. Sathorar, son of Mr. and Mrs. Moonsamy Sathorar, of Uitenhage, with Miss Lutchmalal, daughter of Mr. and Mrs. Nariansamy (Vassen) Naidoo, of Craddock, took place on Sunday the February 4, at the bridegroom's residence, No. 71 Ouyler Street, Uitenhage. The pandal was beautifully decorated, and a large number of relatives and friends, including European guests, were present to witness the ceremony, conducted according to Hindu Rites. The bride and bridegroom were the recipients of many valuable presents.

A bazaar will be held at the St. Athony's School hall, Retief Street, Maritzburg, on Saturday March 10, in aid of the Child Welfare Society. The Committee are working hard to make this event a success.

The Indian adoption cases, which were formerly investigated by the European Child Welfare Society, are now being investigated by Indian women, under the direction of Mrs. Shirley.

The Maritzburg municipality have also started a weekly clinic at the Aryan Benevolent Home, and this is proving of very great benefit to Indian mothers. Many children are brought on Wednesdays and the mothers are given good advice by Dr. Janey Kelly, and sister McDougall.

Mr. A. T. Allison has assisted greatly in raising money to equip the clinic, and the thanks of the committee are due to him for his help in this connection.

SPORTING NEWS

Estcourt Indian Tennis Club

At the annual general meeting of the Estcourt Indian Tennis Club, which took place at the Samuel's Cafe, on Sunday last, the following officials were elected for the ensuing year:—Patron: Messrs. A. F. Brokensha, E. M. Haffjee, and Jackson; Vice Presidents: Messrs. A. G. Naraidoo, M. Naiker and N. S. Chetty; Secretary and Treasurer: Mr. A. G. Naraidoo (re-elected); Captain: Mr. J. Samuel; Vice Captain: Mr. A. D. Cooverjee.

Estcourt cricket Result

On Sunday last the Pirates Cricket Club, met the Hostpurs Cricket Club, at the Princess Park, Estcourt, in the league Cup Competition.

In the first innings the Pirates scored 70, to which the Hostpurs replied with 68, when the Pirates were again dismissed for a score of 33. A determined and confident start by the Hostpurs was frustrated by the fine bowling of J. David, who took four wickets for eight runs, and A. N. Samuel 6 for 18, which brought the innings to a close for only 35.

South Coast D. I. F. Association

The annual general meeting of the above Association took place at the Committee room, 542, Main Road, Clairwood recently. After the report of the secretary and of the financial statement were submitted and passed the following election of new officials for the ensuing year took place:—

Patron: Mr. A. Singh, President: Mr. P. M. Pillay, Hon. Life Vice-presidents: Messrs. N. P. Naidoo, M. Babus, M. Royeppen, A. Singh, M. G. G. Naidoo, P. M. Pillay, R. S. K. Singh, G. Badary, S. M. B. Lazarus, S. P. Paul, E. M. Paruk, Vice-Presidents: Messrs. A. M. Pillay, T. G. Govender, L. Nanco, M. E. Sigamoney, C. K. Naidoo, R. R. Moodley, N. M. Pillay, Hon. Secretary: Mr. D. G. Francis, Hon. Treasurer: Mr. A. B. Ramith, Hon. Auditor: Mr. G. Badary.

Cricket Team For India proposed

The hon. secretary of the Indian Cricket Board of the Control has received a letter, it is stated, from the Chairman of the Metropolitan-Suburban Cricket Association, Capetown, stating that negotiations have been opened for a visit of a fully representative South Africa team to tour India and to play five tests.

Interviewed by Reuter Mr. Lavigne (chairman of the above association) stated that up to the present he had received no reply from India. If a favourable reply was received the association would send a team after the inter-provincial tournament at Capetown during the 1935-36 season, but if necessary the team could be sent before that time. The team would consist of coloured and Malay cricketers whose strength, Mr. Lavigne was confident, would not be below that of the two Springbok teams which recently toured Britain and Australia. Mr. Lavigne indicated that he first opened negotiations with the West Indies and received a reply that while it was at present impossible to receive a South African team, owing to financial reasons, the West Indies would be pleased to reconsider the matter after the South African team had returned from India.

ઈન્ડિઅન ઓપિનિઅન.

પુસ્તક ૩૨ મું.

ફ્રીડેડે, શુક્રવાર, તારીખ ૨ માર્ચ ૧૯૩૪

અંક ૯

નોંધ અને સમાચાર

વિષય સુચી

નોંધ અને સમાચાર

પ્રીન્સ ઓફ ઓપિનિઅન (અનલેખ)

ગ્રેટ બ્રિટન, બી ઇન્ડિઅન એસોસીએશન

પોર્ટ એલિઝાબેથનાં પ્રીન્સ ઓફ

ફ્રીડેડે, લેન્ડ, ડેન્યુર કમીશન

વિષય સમાચાર

અબ્યાસ ટીચબલ (ચિત્ર)

બાળકોની કેળવણીનો માર્ગ કયાંથી?

ભીહાર પરતીકંપ

ભીહાર પરતીકંપ સંકટ નિવારણ કન્ડ

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નહિ સાચવી શકાય. એક આંખનાં પળકારામાં તેને નાશ થઈ જવાનું નિર્માણ છે.

“ જીવન જીવતાં આપણે આપણા ભેલાવને ધોષ નાંખીએ હૃદયને શુદ્ધ કરીએ અને આવી કુદરતી આપણ આપણી સામે આવે સારે આપણે કર્તાની સામે ઉભાવા તૈયાર રહીએ.”

આજ સુધીમાં શરેણા ફાળો

અમને નોંધ લેતાં સંતોષ થાય છે કે પારસી રસ્તમજી ટ્રસ્ટ કે જે આવે વખતે મોકા સામવતું આવેલું છે તેણે બિહાર સંકટ નિવારણ કન્ડમાં પાઉંડ ૫૦૦ ની રકમ દાન આપેલી છે. આ કંપરાંત ટ્રાંસવાલ પ્રબળપતિ એસોસીએશને પાઉંડ ૧૦૦, રૂડીપુર્ટ ડિફેન્સ સમાજે પા. ૩૨-૧૦-૬, ક્રાઉટપેન્સબર્ગ ઇન્ડિઅન કોમેસે પા. ૧૨૨-૫-૬ અને રમીંગ્સ સનાતન વેલ્ફેર સભાએ પા. ૨૧-૦-૦ કરેલા છે જે અને બીજી મળી પા. ૮૦૦-૦-૦ જેટલી રકમ થઈ છે. આ ‘ઈન્ડિઅન ઓપિનિઅન’ દ્વારા મ. ગાંધીજીને કરેલી અપીલનાં જવાબમાં થઈ છે. રેડ ક્રોસ સોસાયટી તરફથી કેટલી રકમ થઈ છે તેની અમારી પાસે કશી નોંધ નથી. હજી વધુ ઠાગાની આજ્ઞા રાખવામાં આવે છે.

વિનંતિ

આથી ફાળો કરનારા સર્વને વિનંતિ કરવામાં આવે છે કે તેઓએ અહેરઆની ડી પોતાને ફાળો ‘ઈન્ડિઅન ઓપિનિઅન’ પર નહિ મે. લા. ગાંધીજીની સુચના મુજબ સીધા પઠના શ્રી. રાજેન્દ્રપ્રસાદ બાબુ પર મોકલી આપવે.

લીપ્તનબર્ગ ટાઉન કાઉન્સિલે પોતાને કરાવ રહ કર્યો જનરલ ડીવરના હાઇસેન્સના માટે સર્ટીફિકેટની લડન હાઉસના મી. એમ મુસાની અરજી લીપ્તનબર્ગની ટાઉન કાઉન્સિલને મંજૂર કરવી પડી છે. કાઉન્સિલની છેલ્લી મીટીંગમાં અરજી નામંજૂર કરનારો કરાવ રહ કરવાનો અને અરજી મંજૂર કરવાનો કરાવ રહ થયો હતો. મી. સી. ડબ્લ્યુ ડીકબાર્કે હરખાસ્ત મુકી કે લાયસેન્સ અપાવું તો જ એ અને ડો. આઇ. એલિને ટેકા આપ્યો હતો. મી. સી. જી. એ. એ હરખાસ્તના ટેકામાં જણાવ્યું કે અરજી કરના એટરનીએ કરેલી રજૂઆતો તેના કાઉન્સિલને અરજી મંજૂર કર્યા સીવાય છુટકાજ નથી. જો તે નામંજૂર કરશે તો રેટપેયરને કાઢ કેસનો ખર્ચ ભરવો પડશે. મી. ડ્યુ કે કાઉન્સિલને પોતાના મુજબ રાવને વળગી રહેવાની અનુમતિ મંગળી કરાઈ જણાવ્યું કે કેસ દારી જવાનો જેટલો સંભવ રહે છે તેટલો જ જીવવાનો પણ રહે છે. વોટ લેવાતાં વિરુદ્ધ મન આપનારાઓમાં મી. ડ્યુડીક એકલાજ રહ્યા હતા.

બિહાર પરતીકંપ

સાઉથ આફ્રિકાનાં ‘દિ ડેઇલિ’ એ વિત અને બાબનમાં લેખ લખેલું છે પરંતુ તેણે બિહારના પરતીકંપથી પીડાએલા આમણા દેશવધુઓને તો નજીક જુલવા લેખેલું. તેણે એ મહાત્મા ગાંધીજીની અપીલ નહિ જુલવી લેખેલું. આ બાબત એવી છે કે જેમાં ભૂલતી સાતિ કે વધુનો ભેદ પડી શકતો નથી. પ્રત્યેક મનુષ્યની તેમાં મદદ કરવાની હરજ છે. કાણુ એણે છે કે આવતી કાલે સાઉથ આફ્રિકામાં પણ એવી આદત નહિ આવી પડે. અને તે સમયે સ ઉચ આફ્રિકા ડુનીયાની ગમે તે ભાગમાંથી સહાયતા મેળવવાને ખુશી થશે. આથી સાઉથ આફ્રિકાની પ્રતિએ એમ માની લેખ એવરવા બની નહિ જવું જોઈએ કે આ બાબત આપણને લાગુ પડતી મથી. મનુષ્ય મારને તે લાગુ પડે છે. રેડ ક્રોસ સોસાયટી ની અપીલને તેના પ્રસિદ્ધ થએલા હેલ્થોપરથી કંઈ સારો પ્રત્યુત્તર મળેલો નહિ કરી શકાય, અને મહાત્મા ગાંધીજીની અપીલને પણ અમે ઇચ્છીએ તેટલો પ્રત્યુત્તર મળેલો નથી. ગાંધીજીની અપીલને અને પોતાના કુખી અધુઓ પ્રત્યેની હરજને નહિ જુલવાની ધામનાર આ એક યાદી તરીકે સમજે.

હૃદયની આફત

વૃદ્ધકારીનમાં લાષણ કરતાં મહાત્મા ગાંધીજીએ બિહારના પરતીકંપ વિષે બોલતાં નીચે પ્રમાણે જણાવ્યું હતું :-

“ અરપૂરપતા પ્રત્યેના આપણા મહાન પાપના પરિણામે ઉતરેલી હૃદયની આફત તરીકે હું પરતીકંપને માનું છું અને એ આન્યતામાં સમત થવા હું તમને જણાવું છું. દીવા ઉપર ઉડતા પતંગિયાની નશ્વરતા જેટલીજ આ જીવનની નશ્વરતા છે- એવો ધડો આપણે આ હૃદયની આફતમાંથી લખએ. આ પૃથ્વીપરની હસ્તિ સીએના હાથ પરની નાળુક અમડીના જેવીજ ક્ષણિક છે, કદાચ એવી જગડીને સદામત રથને રાખી તમે તેને હજારો વર્ષ સુધી સાચવી શકો પરંતુ જીવનને એમ

INDIAN OPINION

Founded by
MAHATMA GANDHI
IN 1903

No. 10—Vol. XXXII.

Friday, March 9th, 1934

Registered at the G.P.O. as a Newspaper
Printed at ...

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Indian Opinion

FRIDAY, MARCH 23RD, 1934.

OUR SHAME

THE Congress gave a right royal banquet to H. R. E. the Prince George at the D.L.T. Hall on Tuesday night. A civic banquet was of course given to His Royal Highness on the day of his arrival in Durban but the Congress was evidently not satisfied with that. They wanted the Prince all to themselves. They had decided at first to give an "At Home" but it was later altered to a banquet. It is quite a legitimate desire on the part of loyal subjects of H. M. The King and one could have nothing to say against it. We would have wished that this banquet idea was really inspired by deep love and affection for the Prince. But we are sufficiently acquainted with the working of the Congress to know that that was really not the case, but that it was an expensive *tamasha* at the expense of the Prince to regain the waning influence of the Congress by showing the outside world that the Congress is so influential as to have the honour of dining with the Prince and presently also with H. E. the Governor-General. And in this the Congress has the support of the great influence of the Agent of the Government of India—which in our humble opinion is misused.

Be that as it may, we do not wish to quarrel over that. It was the duty of everyone in this country to show his loyalty to H. M. The King and his love and affection to the Prince in whatever way and as extravagantly as he may choose. What has shocked us beyond limits however is the Menu card placed in our hands by a friend with a sarcastic

remark that the Congress was fast advancing towards Western standard for living. He was referring to the elaborate liquor list contained therein. It pained us. The depth of our pain could be judged from the manner in which we have headed this article. We were grieved to think that instead of emulating and scrupulously following the good traditions set by Mahatma Gandhi whom at least some of the leaders of the Congress profess to worship they were thrown entirely overboard. It used to be the boast of the Indian community under the leadership of Mahatma Gandhi to give banquets where there was served neither liquor nor flesh. And yet they were more successful than recent banquets given by the Congress and much more appreciated. The reason was because there was some novelty, some originality about them and because the labour occupied was not paid but it was labour of love by volunteers. These are all now things of the past. In recent times there has been a strong element in the Congress insisting on having meat served at banquets. There were some in the Congress who always put their foot down at the suggestion. But now to our shame we find not only meat but liquor introduced at banquets. Is this change to be accounted for the fact that a number of the present prominent officials of the Congress are not totalitarians? Can the Congress justifiably advocate total prohibition after supplying the best and most expensive liquor at their own banquets? Did they think that the Prince would have considered it an affront if he were not served with liquor? We refuse to believe it. The banquet would have been just as well appreciated and the loyalty of the Congress recognised even without mimicking the Westerners. Mahatma Gandhi always put into practice what he preached and if the leaders of the Congress are true followers of his as they profess to be and not merely exploiting his name when it suits their purpose should at least try a little to follow in his footsteps.

What Next?

Well, the Prince's banquet is over. It was futile to expect the Congress to concentrate even a little on the distressed in Behar while they were busy with that. But will they ever be free from such *tamashis*? They seem to have made a business of them. The next one will soon be engaging their attention when H. E. the Governor-General visits Durban, in a few months time. Might we in the meantime take the liberty of diverting their attention