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VERDICT ON SOUTH AFRICA
(THE TYRANNY OF COLOUR)

FIRST PUBLISHED JANUARY 1945

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TO

M A H A T M A G A N D H I

WHO INAUGURATED THE FIRST ON-
SLAUGHT ON THE SOUTH AFRICAN
STRONGHOLD OF COLOUR BAR BY
PASSIVE RESISTANCE, A MOVEMENT
BASED ON SOUL-FORCE. THE FIRST
OF ITS KIND IN THE MODERN AGE.

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VERDICT ON
SOUTH AFRICA
(THE TYRANNY OF COLOUR)

BY
P. S. JOSHI

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1945

PUBLISHERS' NOTE

The author of this outspoken and thought-provoking book is well-known in India and South Africa as a leading author and journalist. After studying at the Bahauddin College, Junagadh, {affiliated to the Bombay University), he came to South Africa as an educated entrant and settled in Johannesburg. He has actively interested himself in public activities for nearly a quarter of a century and held prominent positions in various social and political bodies. He has the reputation of an outstanding orator and scholar among European as well as Indian circles and also contributed frequently to the leading press in India and South Africa on the problems of India and Indians overseas.

" Verdict on South Africa " is the fruit of many years of study of the Indian problem. It is the first big effort to study the most complicated Asiatic problem from the economic and political standpoint. Today when the Indian problem in South Africa has once again come in the forefront of Indian politics in particular and of world politics in general, the publication of " Verdict on South Africa " will, we are sure, be helpful in enlightening the public on the correct state of affairs in South Africa.

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" There can be no rest for Indians in South Africa till legal status has been secured for Indian settlers throughout the Union. ... It is clear that racial antipathy has not diminished, and till Indians are treated as equally as other partners in the British Commonwealth of Nations, a slur must remain on South Africa's name. "

MAHATMA GANDHI

Introductory

I

THE PROBLEM OF THE COLOUR BAR

THE position of South Africa in the sphere of world politics is of immense importance on account of its various peoples and its mineral wealth. South Africa has become the cynosure of all eyes, because it produces nearly half of the world's gold output and it is a land overflowing with milk and honey for its own people and all those who enter there. Geographically too, its strategic importance is great.

Various civilizations have met one another in this sub-continent. Here has sallied forth, from one direction, the roaring, challenging, furiously progressing European civilization; from the other the Indian civilization, meekly protecting itself against stupendous invasions; and from the third the Bantu civilization, oscillating between the civilizations of the East and the West. They have all been lashing against one another in mutual conflict.

Different civilizations rule in the "Dark Continent." In the north the impregnable wall of Islamic civilization proudly stands; in the centre, the east, and the west of Africa is visible the vast Negro civilization; whereas South Africa only is the cradle of European civilization. Since more than half the entire African white population resides amidst the ocean of blacks, and since different races have adopted it as their motherland, it has naturally become a battle-ground of racial rivalries. Moreover, since whiteism declares that South Africa is the preserve of Europeans only, and it is destined to remain as such for many centuries to come, it has become the world's stronghold of colour bar. The whites leave no stone unturned to render this impregnable and invincible.

South Africa's problem of colour is an exceedingly notorious part of the world colour problem. Colour inequality is directly connected with the mediaeval system of slavery. The anxious efforts that have been and are still being made in various countries to nurse the colour bar are a living illustration of the fact that the age of slavery has not yet vanished completely from the civilized world. It can be fearlessly and unhesitatingly affirmed that slavery will never wholly pass away until the policy of colour bar is thrown to the winds.

All European powers except France and Soviet Russia have lent predominance to colour bar; but Great Britain, which has trumpeted the doctrines of democracy, freedom and equality into the ears of the world, has, in all its colonies and protectorates, exploited to the fullest extent its venomous influence. The number of coloured

people, in the population of about 500,000,000 in Europe, is insignificant like that of the Europeans in Asia. Still, the colour bar is observed practically everywhere in varied proportions. The exact vision of the European colour mania can be had especially in countries under its subjection in other continents.

Only 30,000,000 of the total population of 290,000,000 in North and South America are coloured; but so virulent a colour prejudice prevails there that even now incidents of lynching of negroes occur. In Australia the colour bar ran amok, and in consequence we have seen the complete disappearance of the aborigines.

The white civilization, luckily achieving success, has kicked over the traces of morality and culture, and adopted a destructively reactionary policy. It has started spreading a black terror in order to maintain its ascendancy over the world. The history of that terror spells a series of indescribable atrocities perpetrated by one civilization to consign another to its grave.

The whiteism steps an insane dance in all the continents of the world. There are in Asia only a handful of whites; they resemble drops in the deep. Still, they have, by reason of their political might, introduced colour bar in India, China, the Philippines, and other countries as a sign of their superiority. Had not Japan been triumphant over Russia, had not the white prestige suffered a severe blow, the same bureaucratic colour bar would have spread in a malignant form throughout the continent of Asia.

There is a population of about 150,000,000 in Africa. The blacks in it number 32,500,000 and the Europeans approximately 3,500,000; but the latter are the lords of Africa. Their voice predominates; their command makes the non-European races dance to the tune played.

Great Britain is not the only country connected with Africa. France rules in Africa over as expansive a region as Britains. Belgium, Portugal and Italy come next in order of possession. The remaining country of 900,000 square miles is subject to Egypt, Spain and Liberia. Over entire Africa is the rule of the white man, but South Africa occupies, from the standpoint of colour bar, a unique position in the annals of world history.

Many reasons are accountable for the country's colour mentality. To have an unbiased view of the modern white policy it is necessary to study the events that were instrumental in laying the foundation of colour bar. Lord Olivier lays the blame at the door of capitalism. Wherever they went, he says, the European capitalists took with them the negro slaves. The whole world has admired the noble attempts to eradicate slavery, but very few people are acquainted with the fact that they themselves commenced the era of slavery in America and Africa, where the history began with the auction of negroes.

In 1716 began the discussion in South Africa about the feasibility of white instead of slave labour. The Dutch East India Company threshed out this question in the Council. The result was that, with the exception of two pro-white labour individuals, the entire Council unanimously decided to continue the negro slavery.

Having imported slaves . . . every common or ordinary European becomes a gentleman, and prefers to be served rather than to serve. We have in addition the fact that the majority of farmers in the real sense of the word are not farmers, but plantation owners, and many of them consider it a shame to work with their own hands."

The relation between the white and the black at this time was that of the master and the slave. The white man, becoming the boss, began to sneer at the black man. The white man could not work; he could only watch, and make the black man work. This was the portent in the air. The work that the black man did was mean. It was the work of the Kaffirs. The white man could never do such mean work. These thoughts spread. Even to-day an appreciable white majority cherish these ideas, and so they are largely dependent on non-whites for manual labour.

The South African Boers, ever since they received these impressions, have been nursing the wish of remaining lords and masters. They love liberty, but want their native servants to remain only slaves. Even in the present age, the natives are kept in a state of slavery that would make the blood of any civilized people boil.

In 1836, when leaving the Cape, they trekked northward over the road to freedom. The Boers, besides refusing to accept the British flag, protested against the equality of the master and the servant, the white and the black. Piet Retief, their leader, proclaimed in a statement:—

"We are resolved . . . to uphold the first principles of liberty, but while we shall take care that no one shall be held in a state of slavery, it is our determination to maintain such regulations between the master and the servant."

Even to-day the statute-book embodies an enactment concerning the relation between the master and the underling. On the strength of it, the white master can flog the native servant, with the permission of the magistrate, but the servant cannot leave service without the master's consent. The natives are forbidden to stir at night without a pass. The Government lavishes huge sums on the maintenance of countless such laws.

The Boers migrated, leaving the Cape for Natal, the Transvaal and the Orange Free State. There they also continued this colour bar. Dr. Theal, the historian of South Africa, says:—

"The system of negro slavery caused the colonists to regard the black man as properly the hewer of wood and drawer of water."

The Boers established a republic in the Transvaal, Its consti-

tution declared: "There shall be no equality between white and black either in church or State."

The church of the South African Boers is the Dutch Reformed Church. Not only the black, but no non-white person has a right to enter it. Barring a few exceptions, the churches refuse to accept the black-white equality. The late Rev. C. F. Andrews has had a personal experience of this system, which is a blasphemy against Christ. He gave a truthful picture of it in his book, "What I owe to Christ." Mahatma Gandhi himself was refused admission into a church at Durban on account of his being an Asiatic. The Rev. C. F. Andrews opened his heart while describing this event and said:—

"At one of the Christian churches, where I had been asked to preach, Willie Pearson had brought Mahatma Gandhi to the church door because he wished to hear my sermon. Afterwards I found, to my utter shame, that the church-wardens had refused him admission, because he was a coloured man and an Asiatic."

It is but natural that such a state of affairs should break his heart, horribly. He wrote: "In such an act of refusal I felt that Christ himself had been denied entrance into his own Church, where His name was worshipped. Those who knew the facts best told us that such things were constantly happening in South Africa."

Every white man, Dutch or English, holds a fanatical belief in upholding the white civilization in South Africa. As millions of slaving natives swarm on its threshold, the white civilization battens on the country's prosperity, and keeps its head erect. If any opposition to the prevailing notion of European domination were to raise its head, the torch-bearers of white civilization would mercilessly and relentlessly crush it without any consideration for the march of time or changing conditions of our society. The latent significance of the laws that have been and are still being enacted to hound out the Indians, of the instruments that are engineered to keep the natives under eternal serfdom, and of the restrictions aimed against the Asiatics, is simply this—maintenance of white civilization.

Owing to these circumstances, there is here a very sharp difference between whites and non-whites. However educated, however cultured, however distinguished a non-European person might be, he cannot have rights similar to those of the white man. Wherever he goes, he encounters placards labelled "For Whites Only." The doors of the churches, gardens, museums, reading-rooms, government bungalows and offices, theatres, hotels, and cinemas are shut against him. There are separate arrangements for him in places where it is necessary to lighten him of his purse, such as post-offices, revenue-offices, and licence offices. Even **in** trams, trains, buses and other vehicles of general traffic, he is confronted with inequality. Even urinals for whites and non-whites are separate, Seats on railway platforms are also reserved.

Colour bar is reared with such a mighty care that no non-white untouchable would ever dare pollute the sacrosanct white man. Scrutinize the law of the land, and you will discover the naked truth, that 90 per cent. of it is bristling with clauses that encourage the colour bar. The Government would never brook a white's discomfiture in any field by a non-white. The inmost recesses of the white heart are ravished by the desire that the non-white should ever remain a drudging coolie.

The Government fling even geography aside in their worship of white colour. There are, in South Africa, legal restrictions, against Asiatics. Nevertheless, the Jews of Palestine and the Syrians in spite of their being Asiatics, have been accorded the same rights as those enjoyed by the whites. Their principal qualification for this achievement is their white skin. South Africa generally judges men by their colour. For want of white skin, the lives of black, yellow or brown men have very little influence. The ancient ideology of the Dutch begins to totter a trifle when they listen to Mahatma Gandhi, the Right Hon. V. S. S. Sastri, or Mrs. Sarojini Naidu, and read about them in papers. They oscillate in assigning equal status even to such celebrities.

Colour bar has plumbed such abysmal depths of South African life that the very idea of black-white equality tortures society, frightens the populace, and staggers the politicians.

The question of colour bar is the dominant question of South African politics. It can only be solved by the abandonment of the "colour" point of view. But the South African politicians consider the problem a matter of life and death; and therefore at present there is no possibility of its amicable solution. The South African white, in order to maintain his power and predominance, has been and will ever be striving to perpetuate the colour bar. So the South African non-white too will, for the sake of his own progress, struggle to have it effaced. If no solution for a satisfactory compromise is found at this juncture, the conflict will, in the space of about a century, create such a havoc in South Africa that the entire white civilization will be dislocated, and an unparalleled internecine war will flare up. Colour bar must go if South Africa is to have peace. White domination must go if the clash between the West and the East is to be averted. The seeds of peace will take root in the earth only when the arrogance of the white civilization becomes a history of the past.

Besides the question of colour bar, questions of racial chauvinism, too, have popped up on the threshold of South African politics. The hundred-and-twenty-five-years-old hatred between the English and the Dutch, the ceaselessly blazing jealousy against the Jews, and the treatment of the Cape coloured community, are also questions that play an important part in modern South African politics.

INTRODUCTORY

The study of such politics is one of labyrinthine complexity. Some of its problems have a plethora of literature bearing upon them; some like the Indian problem, are lying unresearched and unthought of. All South African questions are, either directly or indirectly, connected with one another in an interdependent manner. It is necessary, therefore, while discussing one question, to discuss another.

II

THE BOER AND THE BRITON

SOUTH African political history signifies a century-old sharp conflict between the English and the Dutch; a shoot of the British imperialistic madness; a tragic story of dire injustice meted out, for selfish ends, by one race to another. India's wealth attracted England; England's intrigues disunited India and gave birth to British imperialism; and India's discord awarded to England an empire never before seen by the world.

Possessing a jewel like India, Britain changed its whole political policy. English statesmen began to think about the best ways and means to keep India eternally under their sway, and to keep all the Indian sea-routes and land-routes solely under British control. Imperialism taught them that to render their rule and trade in India well protected, it was vitally necessary for them either to establish power in the countries stretched round India, or to create influence in them. Britain was lucky. Even its wrong moves turned right. Fortune smiled on it. England began to lay the foundations of a peerless empire. It fixed its control over the sea-routes of the Indian Ocean, and the Red and Mediterranean Seas.

In his "The Growth of the Empire" Mr. Arthur Jose details the countries over which Britain pressed its rule on account of India and represents the naked truth that even South Africa was occupied for the protection of Indian trade. Says he:—

"To reach India our adventurers threw themselves upon America; to guard the Indian trade we seized South Africa; upon India converge the routes that are dotted from end to end with our forts and coaling stations. And the struggle for India, has been a struggle against France. From France we took Canada; just, and only just, ahead of France we secured Australasia; it was for fear of France that we deprived Holland of the Cape Colony."

The history of British rule in South Africa at this period was a history of the bankruptcy of statesmanship, of the coldblooded indifference to the liberty of others, and of a spirit of intolerance to other races.

Any self-respecting race would be compelled to rise in revolt against the tyranny which the imperialist England deemed advisable to perpetrate against the proud and patriotic Boers. The first reaction took place in 1835, when a small commando under Willem Kruger swore by God never to rest till they had driven the oppressors of their nation from the land. The members of the commando were arrested and five of them were sent to the gallows at Slachter's Nek, the very place where the pledge of rebellion was solemnly taken by the discontented commando. No appeals moved Lord Charles Somerset to commute the sentence. Olive Schreiner reviewed the incident in her typical style and pointed out:—

"Had Lord Charles Somerset exercised his prerogative and extended mercy to these five men, he would have done more to consolidate the English rule in South Africa than, had he been able to introduce two hundred thousand men, he would have been able to effect. In the lives of English soldiers alone, England has probably paid at the rate of over a thousand a head for each man hanged; and if she could that day have purchased the necks of those five Boers at ten millions each, they would have been cheaply bought... But blood shed on a scaffold is always fresh. The scaffold may be taken down, the bodies buried, but in the memory of the people it glows redder and redder, and with each generation it is new-shed."

In 1828 was taken another step that wounded the hearts of Boers who loved their mother-tongue. Taal, the language of the majority, was discarded by law; and the English Government refused to accept publications written in that language. Besides, there came into force a law disallowing a person ignorant of English (for the teaching of which there existed no arrangement) to take his seat on the jury. In 1830, the English Government budgeted £20,000,000 to eradicate slavery from the English colonies and mandated territories. Slavery was abolished in the Cape in 1834, and from the above sum were set apart £1,247,000 for purchase and release of the South African slaves. But the sum was swallowed up before ever reaching the slave-owners, by reason of the carelessness of officials and the cunning of the middle-men. Consequently, men and women who were wealthy before the removal of slavery, turned mendicants after its abolition. The announcement was made that the Boer owners were liberally recompensed for releasing slaves, whereas they got practically nothing. So fuel was added to the fire. But the greatest humiliation to the Boers was that they were looked down upon as an inferior race. So sharp waxed the bitterness in the eastern parts of the Cape Colony in 1836 that numerous Boers abandoned their homes, and decided to trek to the north and found a republic there. This movement—this march—is styled in the South African history "The Great Trek."

Under the leadership of Andries Pretorius, Piet Retief, Gerrit

Maritz. and Hendrik Potgieter, the self-respecting and freedom-loving Boers sold out their homesteads, property and fields, collected their vehicles, and, along with their families, bade good-bye to the Cape Colony, their motherland, and started northward. Crossing the Orange River, the boundary-line of the Cape Colony, they entered a new land. There was no British administration here. The new land was called the Orange Free State, and it was declared a republic. A party of the Voortrekkers crossed the Vaal River, and reached the Transvaal, where also was established a republic.

While one division of the trekkers remained in the Free State and the Transvaal, the other crossed the Drakensberg Mountains and a thousand bullock-carts with Boer families got into Natal. Although Dingaan, the Zulu chief of Natal, is said to have massacred 400 Boers at Weenen, the Voortrekkers were eventually victorious over the Zulus by a terrific battle fought at Blood River in 1838. This event extinguished the last spark of Bantu heroism and the Boers founded a republic in Natal, with Pietermaritzburg as capital.

The British mentality, then, could not brook the Boer triumph. Sitting in the Cape Colony, the English government proclaimed that Natal would henceforward be a British colony. An army was despatched to execute this proclamation. The Boer struggle came to nought; their sacrifices went to the dogs; their dream of a republic was destroyed. The British gobbled up Natal, and threw back the Boers to shift for themselves. This move of British diplomacy undoubtedly stained the history of South Africa.

On the arrival of the English general at Pietermaritzburg, a great many Boers refused point blank to remain under British Administration. The women held a mammoth meeting. The Boer calamities were represented before the General. When nothing could be gained, the women determined to leave the country instead of putting up with British Rule. Pointing her finger at the Drakensberg range, the old leader of the Boer women said: "We shall cross these mountains, and traverse the path of Death or Freedom." With the exception of only 300 families, the entire Boer population vacated the country and departed. The migratories entered the Transvaal, and founded "The Republic of South Africa."

In 1852 the policy was accepted under the Sand River Convention that the English Government would not pursue the Boers in regions north of the Vaal, would recognise their independence, and would not interfere in their administrative management. The ability of the Boers to create a new society, their excellent unity, and their craving for liberty, made the Transvaal progressive. The elements of republicanism were accepted. Paul Kruger, a far-sighted member of the Voortrekkers, became the President of the Republic*

The Boers had established another republic in the Orange Free

State. That also went the way of Natal. The moment the Boers rushed into the Free State, British selfishness reared its head again. While the republic was yet in the process of being properly organized, the British flag was hoisted. In 1854, owing to increased expenditure and responsibility, the authorities changed their policy and proposed to relinquish the Free State, but the British Government did not confirm it. In 1869 were found diamond-fields in the free State. Having no strength to oppose the armed British forces, the Boers were obliged to sell out the precious country for £ 99,000.

All* these happenings aggravated the Anglo-Dutch hostility. The possibility of reconciliation became remote. In 1877, the Transvaal was deprived of its freedom. Rash acts like the Jameson Raid were done. The war of independence fought in 1880-1881 exposed British selfishness, and poured oil over troubled waters. The next fifteen years saw an Anglo-Dutch enmity unparalleled in the history of South Africa. Meanwhile, in 1886, goldfields were found in the Transvaal. The English hatched many an intrigue to master these. These causes culminated in a disastrous conflagration in 1899, and the Anglo-Boer war blazed out.

The Boer republics of the Transvaal and Free State resolved to fight for freedom. So intense was their hatred that the people openly began to talk of flinging Britons into the sea. The Boer men, youths, women, and even children participated in this war. Boer youths felt insulted, if they were not admitted into the army. Though of unripe years, they took pride in joining the fray.

The Dutch leaders, De Wet and Delarey, showed the courage and bravery of the Maharastrian hero, Shivaji. The self-sacrifice, patriotism, and the readiness to embrace death for the sake of self-respect shown in this war by a handful of Dutchmen against the biggest empire in the world shall be written in letters of gold in the history of the world. The tortures and humiliation endured in this war by the Dutch, including women, have not yet been forgotten. They naturally sustained a defeat, but their heroism has obtained a place in history.

The Transvaal and Free State were for some time kept under military administration.

In 1905, the freedom-loving Liberal Party came into power under Sir Henry Campbell-Bannerman. The then South African atmosphere was ebullient. The Boers were prepared to fight for their freedom, for their flag. A rebellion was sure to break out if the Liberals failed to do anything. On the other hand, some English coteries were adamant in their resistance to Boer demands for self-determination in South Africa. Britons in South Africa and England openly stated that they had not fought a three years' war to present the country to the Boers.

General Smuts, a national figure of South Africa, sailed **for**

England to see Sir Campbell-Bannerman and his colleagues, Lloyd George, Elgin, Morley and Churchill, and ask for self-government. Churchill flatly gave him to understand that there existed no example of gift of self-government to a conquered people. Lord Morley was a pro-Boer during the Anglo-Boer war, but now he sought shelter behind public opinion. At last he saw the Prime Minister, Sir* Campbell-Bannerman, and imprinted his point of view upon the mind of that magnanimous Scotsman. The latter received it, and decided the destiny of South Africa. The announcement was made to give self-government to South Africa, and General Smuts became a hero of the Boers.

In 1910, the two South African British colonies and the two Boer republics were amalgamated into a Union of South Africa, with General Botha as its first Prime Minister, and General Smuts and General Hertzog as members of the Botha cabinet.

Now the Dutch acted so adroitly that, within the span of a few years, they transformed their war time discomfiture into a political victory. We are struck by the set-back this success gave to British diplomacy. We cannot comprehend the cause of this blunder on the part of such a politically clever people as the British. The Dutch political insight eliminated the British supremacy, and established the Boer dominance.

So deep were the seeds sown by the Boer statesmanship born in 1910 that it became inconceivable for any Briton ever to occupy the Prime Ministership of South Africa. British sovereignty has remained intact in Australia and New Zealand; it is doubtful in Canada; but it is virtually nil in South Africa and Ireland. Just as De Valera and Cosgrave in Ireland, Kemal Pasha in Turkey and Lenin and his followers in Russia showed to the world that rebels could fight in war and govern, even so did the redoubtable South African rebel-warriors, General Botha, General Smuts and General Hertzog, by leading their land on to the path of freedom.

After the Anglo-Boer war, General Botha preached the British-Boer unity, mutual confidence and fraternity. This preaching won the hearts of the British race, but it did not fail to rankle in the Dutch mind. General Hertzog interpreted it as a sacrifice of Dutch rights on the altar of British selfishness. Botha's British policy sowed the seeds of disunion in the hitherto united Dutch race. In 1912 came the first flash of a Dutch split. General Hertzog left the Cabinet with a strong protest against the predominance of the English language, and founded the Nationalist Party. He was not content with the Dominion status. He believed that it only acknowledged British superiority. He kindled such a discontent into the minds of the freedom-loving Dutch that Great Britain grew greatly sceptical of the South African loyalty.

"Divide and rule" is the motto of the imperialist statesmanship. **It seeks to** achieve its own end by seemingly co-operating

with the moderates and persecuting the extremists.

The extremists generally represent a patriotic class. Their nationalism makes its friendship undesirable. So British statesmanship pats the backs of either Moderates or Communalists in India and opposes the Congress Party; sides with Cosgrave in Ireland and anathematizes De Valera. In South Africa it saw that its bread was buttered on the side of patting the backs of Smuts and Botha. The drum of the Great War was beating. The international situation was a tangled skein. Great Britain was faced with the question of life and death.

The British took the Botha-Smuts party over to their own fold. Generals Botha and Smuts co-operated with the English Government, but, at the same time, continued leading South Africa tirelessly to their goal. The English knew this, but they could not do without the South African Dutch help to protect British possessions in Africa against the German onslaught.

Generals Botha and Smuts remembered the British gift of self-government four years ago. They opposed the inflexibility of Dutch Nationalists, and took the side of Great Britain. The British were naturally pleased at their diplomatic success, and showered lavish praise on the two Dutch statesmen. This situation intensified the Dutch venom, and it was broadcasted that the war was being waged simply to protect imperialism. Under General de Wet, some old Boer chiefs mutinied against the Botha Government. The mutiny did not succeed, but it clearly revealed the Dutch mind. General de Wet and hundreds of Dutch insurgents were imprisoned. Curfew was declared, but within a year all political prisoners were liberated. The Dutch were pacified to some extent.

In the middle of 1915, the Governor of German South-West Africa submitted to General Botha, who was given the Mandate for that country through the League of Nations in 1919. Thus South Africa did not lose by the war.

In 1919, South Africa attained fame in the international field. Generals Botha and Smuts played an important part in the discussions of the Treaty of Versailles, and set their signature to the treaty as representatives of the Union. South Africa was thus slowly marching towards complete freedom, but an impatient Dutch section wanted freedom at one bound. General Hertzog took the leadership of this section. His desire was to break away from Great Britain at the first opportunity.

In the beginning of 1919, General Hertzog went to England with a Nationalist deputation to present to the British Government a petition for South African independence. The British Government turned a deaf ear to the request, and refused to recognise the right of a minority to make a representation in the name of the Union. The Hertzog deputation returned crestfallen. But they vowed to make the English rue their attitude.

Hertzog's Nationalist Party now began to direct criticism against British imperialism and oppression. The very next year the party profited by it, and the Nationalist Dutch race sent forty representatives to the Union Parliament. In 1920 were established every where **the** branches of a party, the members of which were negligible in 1912. The party took the seat of opposition in the Union Parliament.

Owing to the death of General Botha in 1919, the leadership of the country fell on General Smuts. He became Prime Minister in 1920. The four years of Smuts' prime ministership and Hertzog's leadership of the opposition might perhaps be written down in the South African history as the black years of Anglo-Dutch acrimony. Soon after the election, efforts were made to unite the parties of Smuts and Hertzog, but they broke down. Depression weighed down the country. The Nationalists exploited it to diffuse dissatisfaction against the Government. In 1922 arose violent industrial troubles in the Transvaal. A general strike was called throughout the country. Broils followed. General Smuts quickly motored up from Cape Town to Johannesburg, and heard thirty shots fired after him. Curfew was declared with his consent, and the rebellion was crushed. The majority of the strikers were Dutch miners. They did not forgive the attacks made on them by the Government from aeroplanes and tanks. So stormy grew the atmosphere against Smuts that the Nationalists and Labourites took him to be a capitalist and a militarist, and united together politically to undermine him. The desired fruit came in 1924. During this period, in spite of interne-cine quarrels, South Africa was advancing along the path of freedom. The Union took over the South African defence, which was in the hands of England for a hundred and twenty-five years. The British army left Cape Town, and the South African army came into existence.

In 1924, the Dutch overthrew the fifteen-year-old administrative policy. Not only did they give success to the Nationalists in the general election, but they sprang defeat on General Smuts from his own constituency and thus avenged the so-called militarism of 1922.

The Nationalists formed a cabinet with the help of the Labour Party, and started government on the basis of complete freedom. At the very first stroke, General Hertzog declared Afrikaans as the official language, and abolished the British policy of awarding titles. The distribution of honours, medals, and titles stopped in South Africa; sects arising out of the Government's favour or displeasure ceased to be. Consuls or trade commissioners were placed in foreign capitals. England was put aside and direct communications with various countries were set afoot. In 1926, General Hertzog realized his life's aim. He went as Prime Minister of South Africa to participate in the Imperial Conference at the capital of the same England **that had** rebuffed him in 1919. He trumpeted the independence of

dominions as soon as he reached there and made the British Government accept the fact that the freedom of the dominion was identical with that of Great Britain. The British had disregarded his request before, but now they stooped before his power. On his return to South Africa he made a statement regarding the country's independence, and in spite of a strong English opposition had the Union Nationality and Flag Act passed. The exertion of the Nationalist Party in the election of 1929 enabled him to form by himself a Nationalist ministry without the Labour Party's aid.

Thereafter, General Hertzog emphasized through his governmental policy the idea that the position of the farmer was superior to that of the gold-field. He took further steps towards the incarnation of South African independence. Great Britain approved of the Imperial Conference's decision in 1926 by passing the Westminster Act. Thus ended South Africa's march to complete freedom under the generalship of General Hertzog. The one-time formidable Anti-British rebel, Hertzog, extended his hand for Great Britain's friendship. He pardoned Smuts and struck the note of Anglo-Dutch unity.

In 1933 came a political miracle in South Africa. For the first time in the political history of South Africa General Hertzog and General Smuts, the bitterest enemies of half-a-century, entered into a coalition which lasted until the outbreak of the war on September 4, 1939. The intervening years saw acrimonious dissensions among the Afrikaners and gave rise to unadulterated republicanism among the "Young Turks" of Dr. Malan's purified Nationalist Party. General Hertzog's star waned before the torchlight of anti-British republicanism.

The republicans argue that they have maintained the ideals of independence throughout centuries. They have received the heritage of republicanism from their ancestors who came to South Africa from Holland and France, and that they have in their hearts the potent seeds of a republican government. They have a right to break away from Great Britain; and they can, if they wish, release themselves from the decision of the Imperial Conference of 1926, and from the Westminster Act of 1931.

The aim of the republicans is to sever South Africa completely from the British Empire and the Crown and make it a free republic. Senator Visser presents the republican viewpoint in the following words: "We want to cultivate the spirit of nationalism in the white population of South Africa and aim at a democratic republican system of Government. We are convinced that no social and political peace, nor industrial development and economic prosperity, is possible until South Africa is a democratic republic."

Presently General Smuts' majority in the Union Legislature for the declaration of war against Germany, Italy and Japan adversely reacted on Afrikanerdom, which is crying for vengeance on Great

Britain and General Smuts. New leaders have arisen among the Nationalists and have revived the inglorious past of the British imperialism in South Africa. They complain, in the words of Mr. C. R. Swart, the new Herenigde leader of the Orange Free State: "They were living in the most serious days since the cruel deprivation of their liberty in 1902. The Boer nation, which had sacrificed everything for country, people and liberty, was again reviled, trampled down, insulted, treated like dirt, and even their livelihood taken away."

They warn the British "robbers of Afrikaner freedom" in the words of the authoress, Olive Schreiner: "If the day comes, as it will, that an enemy attacks the streets of London, let Britons remember South Africa."

General Kemp, a leader of the Herenigde Party, has gone one step further and demanded "an eye for an eye." Speaking in Pretoria, he said: "In the past the weak point of the Afrikaners has been 'too much forgiving and forgetting.' He would have nothing to do with a Government which did not stand for 'an eye for an eye and a tooth for a tooth.' The day of reckoning would come. He wanted a democracy similar to that of the old Transvaal Republic in which the established section of the people would rule. Democracy had failed to solve the Asiatic, native and coloured problems. The democratic system which relied on compromise was inherited from Britain. In its place he wanted the republican order of Paul Kruger with the established section of the people in control. If he had drafted the programme of principles he would have had one clause only—namely, that the Herenigde Party stood for a republic outside the British Commonwealth. They should proclaim a republic with a bare majority in Parliament."

The war has embittered the feelings of the Afrikaners to such an extent that they have sworn never to associate with Englishmen whose only love is England, whose only aim is the enrichment of England and exploitation of South Africa, whose responsibility is very heavy for keeping the races apart by their refusal to identify themselves with South Africa, its soil, its language and its people, and whose race superiority has wounded the soul of the Afrikaner nation.

Therefore when, during the present war, the trumpet of tolerance and brotherhood is sounded by Britishers, when the demand is made not to embarrass the British Government at this critical juncture, the Afrikaner ventures to ask the Englishmen, whether they have followed the policy they preach aloud, any time in the history of their empire. Some of the Afrikaners resent the very idea and tell the Englishmen to postpone this gospel until they are placed in the same humiliating position as theirs. The Rev. C. R. Kotze contends that before talking of brotherhood and tolerance, the Englishmen must wait until the Germans have ruled Britain for one hundred and thirty years, just as the English ruled the Afrikaners

for one hundred and thirty years, until the German flag has been forced down the throats of Britons, and until the 'Sons of Germany' have been established everywhere in the country.

India is denied freedom because of the communal split; but in South Africa, a country enjoying dominion status, the Anglo-Dutch conflict is none the less acute. Occasionally we have seen some signs of *rapprochement*, co-operation or conciliation, but a smouldering fire of discontent has eventually swept away any hope of a permanent solution except on the basis of complete assimilation of English-speaking South Africans with the Boer nation.

Nevertheless, there is no doubt that "the Afrikaner kraal" is narrow and its leadership thinks in terms of Afrikanerdom only. One million two hundred thousand Afrikaners would decide the destiny of the country. They condemn liberalism as evil with capitalism and imperialism which should be got rid of. To them democracy is taboo, a democracy which has failed to solve the Native, Coloured, and Asiatic problems. Their vision is of a republic based on undemocratic principles.

Dr. Malan's ideal is a free and independent republic with one flag, one national anthem, one citizenship and one nation. Mr. Pirow aims at a republic on the lines of the Irish Free State within ten years after the acquisition of power by the South African nationalists. Lastly, General Kemp conceives a South Africa separated from the British Crown, with a programme of action which includes six months' forced labour for all male natives between fifteen and sixty years and a strict quota of a trading licence for Asiatics.

Imagine for a moment what all this means. South Africa shall be a purified republic of Afrikaners only, wherein a million Europeans, seven millions of natives, seven hundred and fifty thousand coloured people and two hundred and twenty-five thousand Asiatics, constituting approximately seven times as large a population, shall have to sing the Afrikaans national anthem, salute the Afrikaner flag and identify with one Afrikanerdom.

There should be no British connection. However ideal the Westminster Statute might be, regarding the unfettered freedom of the dominions, the Afrikanerdom will have none of it as it signifies capitalism and imperialism. As it is a practical impossibility to achieve power without further reducing the rights of the Jews and the non-Europeans, there must be an active propaganda for disfranchising the Jews in South Africa and the coloured people and the Asiatics in the Cape. General Smuts' Government should be split on the Asiatic and coloured problems by raising the preservation of the white civilization bogey. Eventually nine hundred thousand Europeans should submit always to the whims and fancies of over a million Afrikaners; loyal Afrikaners to be victimized; and the followers of General Smuts to be scandalised as traitors

and degraded as untouchable Afrikaners.

As for the natives, what right have they, **even** in this twentieth century of our Lord, to climb the ladder of progress? They are barbarians, only fit to serve the white men. Slavery is best suited for them. So General Kemp would condemn all criticism, ignore all work done by the League of Nations and the International Labour Conference in recent years, overlook all efforts and sacrifices of Abraham Lincoln, Wilberforce and a host of others in the past, and put the clock back a hundred years. He would institute forced labour and compel all male natives to serve as slaves, as South Africa should not be first only but South Africa should be alone. It should be the torch-bearer of slavery in South Africa. Again, why should they have any kindness or broadmindedness for the natives, as did not the late Reverend Doctor van der Merwe say that liberalism was an evil!

Mr. Pirow would like to deal with all non-Europeans as one problem, but General Kemp would settle the issue separately. He would enforce a strict quota of trading licences for Asiatics. He would order his census department and the local authorities to collect population figures for Asiatics and fix the number of licences in every town and district. He would not worry about Natal, as that English province is against the South African republic, and if the population figures gave more licences to the Asiatics he would not mind. But in the Transvaal and the Cape he would like to see the Indian and Chinese trader go to the wall, as they were aliens. He would not even hear that the Asiatic trader is a boon to his own Afrikaner race, that he has settled in the country and served their needs for over half a century, and that they form a law-abiding race and a part and parcel of the South African population!

Verily, the future republic of South Africa will be a paradise regained for Afrikaners. The glory of it will lie in the restriction of privileges for other Europeans, elimination or segregation for Jews and Asiatics and Coloureds, and shackles of slavery for Natives. It will also mean the adoption of the rigid South African caste system wherein the Afrikaners will play the blessed role of God's beloved ones, the controllers of destiny, and the other races to be divided and sub-divided later according to their qualifications.

III

THE NATIVES OF SOUTH AFRICA

THE history of South African natives is a saga of countless inhumanities and indescribable injustices perpetrated by whites, a tragedy pregnant with calamities caused by colour bar, a narrative of nameless horrors practised by the strong over the weak.

There are about 6,596,689 natives in South Africa. This number is thrice, that of the whites, ten times that of the coloureds, and thirty times that of the Asiatics. The natives were once free, but now they are bound down by the shackles of slavery. There is much similarity between the condition of the natives and that of Indian Untouchables. Just as in India there are special areas for the Untouchables, in South Africa there are locations and reserves for the natives. But the whites do not bear the Indian stain of untouchability. Still, South Africa swarms with greater evils than those of untouchability in India.

The natives are like foreigners in their own land. Their life is held dirt cheap. The colour-mad Europeans consider it to be lower than even that of their dogs. Their spokesmen have been heard to exclaim, in fits of anger, that one white life is more valuable than a thousand black lives. It is always possible for Indian Untouchables to get justice in law courts; but in South Africa, black-white criminal suits are decided on the assumption that a black life is less precious than a white life. The history of a century will hardly show the instance of a single white man awarded capital punishment for the murder of a native. But it will bring to light scores of cases in which the white murderer escaped scot-free or only with nominal punishment.

The natives have no human rights. They are not allowed to visit gardens, cinemas, museums, or libraries. They have separate carriages in trains. In many cities, they have no right to sit on trams. In others, they have separate trams or separate seats. They have no right to trade in urban areas. They can reside in such areas as domestic servants only. At night, or on holidays, they have to carry "special passes" given by their employers which allow them to visit certain areas, or to go from one locality to another. Besides, they have, like criminals, always to keep passes and tax receipts with them.

The Hon. Dr. F. E. T. Krause, former Judge-President of the Orange Free State in a recent speech at Pretoria (*The Star*, 18 February, 1944) described the lot of the Blackman in South Africa as a prisoner in the land of his own birth. "The economic disabilities of South African natives due to legislation entrenching the colour bar," he said, "are a standing reproach to an enlightened and economically sound policy. The blackman is a prisoner in the land

of his birth, even though he does not happen to be detained behind iron bars or locked up in unhygienic and overcrowded prison cells." He added:

"Repressive legislation was the order of the day. Racial discrimination was the white man's settled policy, and as the native had but limited representation in the legislature, dominated by the political party system, the economic and other interests of the white man were of paramount importance and were conclusive."

The whites are not prepared to think about their most elementary rights as human beings. They cannot even brook the spectacle of natives driving a car or riding a bicycle. Although equipped with most meagre means of livelihood, the natives are required to pay a number of taxes, including a very heavy hut-tax.

South African politicians would like it very much if they could drive away the natives from cities, farms and villages to far-off deserts. But this is practically impossible. The whites are accustomed to behave as bosses in South Africa. They are so brought up as to think that the work of cleaning vessels, sweeping houses and roads, digging, carrying burdens, tilling, cooking and washing is meet only for Kaffirs. Their business is only to supervise the natives and boss them. Thus the Native question has grown so complicated that it has driven the authorities to fruitless abuse of the natives, and to powerlessness in dispassionately arriving at a satisfactory solution.

1,361,105 natives are permanent inhabitants of towns or villages, 2,195,735 live in the farms of the whites, and the rest in the native "reserves." Innumerable regulations have been enacted to control the natives residing in urban areas. The administration is so constituted as to keep the natives on the farms of Europeans in eternal subordination and semi-slavery. The natives in the reserves are kept starving due to lack of means and lands, and famines prevail.

308,444 natives are employed in the Rand gold-mines. The Rand mines, which produce half of the total gold output of the world, largely depend on the native labour. All the mines would be closed if the native miners struck work. Similarly, if the native super-numeraries were to have a holiday, most of the white ladies would pull long faces, and would have to apply themselves to the art and mystery of cooking.

Native employees in industries and factories number 42 per cent, of the total number of labourers. The Government is making grave inroads into the industrial sphere through law. Scales of wages are fixed. The industries having been monopolized by whites, and the general principle being equal pay for equal labour, irrespective of colour, in this instance, it is but natural that the whites would prefer their own brothers in employment. On the other hand, the adoption of the "civilized labour policy" has resulted in the plans of replacing the natives by "poor whites." Thus political hypocrisy

has affected the interests of the already exploited natives. This activity is being conducted in the name of white supremacy, white civilization, and white religion.

The status of the South African natives is the worst of all. They are insulted every moment of their existence. Many whites refer to them by the opprobrious term "Kaffir." The prejudice prevailing against them in educational spheres, too, is harrowing.

Hardly any thought is spent on the native education. There are whites who claim that they are not bound to educate the natives. Officers, too, pay negligible attention to this subject. Hardly a few minutes are spent to discuss the native education by Provincial Councils. Such discussion does not interest the M. P. C's. It bores them.

No educational arrangements exist for about 1,000,000 children of the natives. Mission schools accommodate about 400,000. Education is compulsory for Europeans, not for non-Europeans. There exist no adequate facilities for the higher education of the natives. The Fort Hare College is the only institution for university education. Native teachers are doled out starvation salaries.

The current South African Government policy is to keep the natives under perpetual bondage and slavery. This slavery is not of the old but of the modern type. The League of Nations strives to eliminate slavery from such non-white countries as Abyssinia, but it should extend the sphere of its activity and gird up its loins to eliminate the civilized slavery that is rampant in white countries like South Africa.

The Government of South Africa worship the cult of colour. They care not a tinker's curse for the natives, and are not prepared to grant them any political rights. So intricate is the South African administrative machinery network that the true voice of natives is hardly heard. The mouths of natives who come into the open to speak for their race are gagged. They are dragged to the court and fined. That native grievances are heard through the mouths of white magistrates and clergymen is a peculiarity of the South African administration.

The slavery thrust by whites upon the natives in South Africa has played havoc. The encroachment of white civilization has broken the domestic life of the natives, shattered their traditions, and destroyed their religious enthusiasm. Their racial pride has been humbled, and they have become the victims of immorality and evil conduct. The moral degradation of the natives has been accompanied by their economic downfall.

The economic deterioration of the natives presents a gruesome spectacle. It is an open disgrace to whites. The economic expansion of whites means the bankruptcy of natives. The Boer trekkers usurped their hunting land, thus robbing them of their only means of living. The natives were flung out to shift for themselves. **The**

Government put the finishing touch to their ruin by taking away most of their land.

In the "reserves" the natives lead an existence mostly surrounded by difficulties. Their agricultural returns are not even sufficient for the normal requirement of life. They are absorbed by clothes, coverlets, and bread. Then there are the taxes on huts and cattle. So the indebtedness goes on increasing. The Government lend millions of pounds to the white farmers, give them tax-relief in times of famine pay subsidies, facilitate the export of their produce, and write off their debt; but the natives are strangers to such commiseration. Famines would be rampant, crops would be ruined, food would be exhausted, thousands of natives and their cattle would be starved to death, but the Government would lie inert. During the last famine the hungry natives were reduced to eating corpses of animals. No effective steps were taken to remedy this shocking state of affairs. The natives are a downtrodden race. Who would care for them? Officers show lip-Sympathy; newspapers depict pictures of native misery; a few whites make representations to the Government; but the natives get hardly any practical assistance.

Natives working on the white farms have to live on the razor-blade of misery. They get nominal wages and heaps of insults. The white farmer could treat them like dogs, whip them, and make them slave for him. No attention is paid to their complaints. On the contrary, more and more laws are being framed to suppress these poor people.

It will not be out of place here to refer to another peculiarity of the South African administrative policy. The Government's laws for cities are fit for a civilized world; but those for farms are meant only to augment the power of the white master and increase the slavery of the native servant.

The native farmhands have to give to their white masters written agreements to labour gratis for a period of three months. Sometimes even their women, children and relatives have to slave for the white masters without any pay. The life of these natives is terrible in many other respects. The native is in for a horribly bad time if, while grazing, one of the asses or mules under his care trespasses over the precincts of another white farmer. There have been cases of murder for such insignificant neglect. While slavery is disappearing from the modern world, its havocs are still in evidence in their grimmest form in South Africa. This is a grave insult to civilization. South Africa has committed an unpardonable crime in hurling it. It owes it to the world to expiate this crime.

The South African Government can certainly help the native farmers. Nobody now accepts the fable that natives have no brains. They have proved their intelligence in other parts of Africa. They have advanced in agriculture in Kenya, and are happier than their South African brothers. The South African native is

kept ignorant and helpless, and sinks ever deeper into the swamp of poverty.

The chief curative for this rueful condition is the creation of proper opportunities for intellectual and individual development. The native "reserves" should be expanded, and their inmates should be allowed access to outlying lands. It should be possible to pay corn or money and not labour as rent for white fields. The natives should be authorized to work as partners in the white fields or to till in white regions. Greater facilities should exist for agricultural education, and native agriculture must be accorded ample encouragement. The economic position of the natives will improve only when effective steps are taken for their progress.

The last fifteen years have brought to the fore the question of the urban natives. The blacks and whites have come to the cross-roads; and the latter view the native question with grave suspicion.

The natives have been driven into cities by economic circumstances. So the problem before them is one of livelihood, while that before the white workers is one of competition and high living. The entire question is mainly economic.

When the natives entered the cities they found themselves in quite an unfamiliar atmosphere. They were overmastered by the undesirable elements of western civilization, and became oblivious of their unsullied and straightforward village life. Being hunger-starved, they began to accept any jobs that came handy. They did not care for the amount of payment. They had to satisfy their stomachs. They were engaged by whites, and learnt household work, crafts, motor mechanism, etc.

The whites decided to exploit the native imbroglio by turning the natives into their everlasting slaves. They held the reins of government in their own hands. What remained was to frame laws and take suitable steps to enforce them. This pernicious business began after the advent of the Union. Legally, it began with the South Africa Act of 1909, i.e., with the framing of the constitution of the South African dominion. Since then, not a year has passed without a couple of anti-native laws being thrust into the Statute Book. About forty-five anti-native legislations have been passed since 1910 to tackle what they term the native menace. Many more legislative horrors are hanging over the native heads like the Sword of Damocles.

The principle of equality had been accepted in the Cape Province before 1909. Everyone enjoyed equal status, irrespective of colour, creed or community. The natives esteemed this condition as a precious heritage, but the South Africa Act filched from them their right to sit in Parliament.

The natives were allowed to join the country's defence before 1912. They had also fought wars for the English Government in

the past, but now the whites were afraid of the armed natives. They thought it discreet to keep them without arms. So a prohibitory clause was included in the Defence Act of 1912 which prevented the natives from joining the army as soldiers.

The pass laws turned out at the time of the formation of the republic are a vivid example of the cruel treatment meted out to natives. These laws made it impossible for the natives to stray out at nights without written permits from their masters. Thus the personal freedom of the natives was attacked, and these poor people came to be sneered at as a criminal tribe. About 50,000 natives are arrested every year on the strength of these unjust laws. It is hardly possible to describe the shabby ways in which these laws are enforced. Pick-up vans carry away multitudes of natives without any cause. The Transvaal is notorious for such injustice. Its police department, it seems, exists purely for the prosecution of natives. The administration of pass laws is a blot on the country.

Dr. Krause is quite outspoken about it. He declares that the pass law system has become an iniquitous taxing machine to burden the native with an expenditure he is economically unable to bear. The pass does not protect the native. It is a convenient form of exploiting him. The European is not protected—only the revenue benefits at the expense of the underpaid and under-nourished native.

No government is anxious, or even willing, to relinquish its "bull-dog hold" on revenue so easily obtained. Hundreds of working hours are lost while natives stand in queues waiting to pay for their passes.

So poor are the natives of South Africa that they can hardly pay a tax. They have no income in proportion to their expenditure. The whole white race is united in exploiting them. Due to this, and to the fact that there is an over-supply of cheap native labour, the natives have very meagre income. They can hardly get enough to eat. Speaking at Nigel on December 18, 1941, Colonel Denys Reitz, Minister of Native Affairs, admitted the fact and said: "It is quite apparent that the African people are living below the bread line." Education and entertainment are out of the question. The average daily income of a native is about two shillings. The native head of a family of five required more than £6 a month to maintain a reasonable standard of living. The urban natives were paid a little more than £4. This resulted in their poverty and infantile mortality. Their condition was indeed pitiable. In an address to Rotarians at Durban on November 11, 1941, Mr. D. L. Smith, the Secretary for Native Affairs, said: "Every member of the Committee (appointed to consider ways and means of improving the social, economical and health conditions of urban natives) has been stirred with pity, if not shame, at the conditions of life which we have witnessed in the shadow of our largest and most beautiful cities, and at the poverty, the disease, and the dreadful infantile mortality

that exists at our very gates."

In 1926, a black year for non-Europeans in South Africa, the colour prejudice of the Union reached its height. Colour bar flamed up in all its fury, and two obnoxious colour legislations were placed on the Statute Book.

The first one was the notorious Colour Bar Act. Under this Act, the Europeans only were privileged to do machine work. Different regulations were framed to put this Act into force. A tremendous protest was made against it. Even General Smuts was furious. He declared in Parliament: "They would incur the wrath of the whole of Asia. Not only Africa but Yellow Asia would consider the legislation as an insult."

The Act was objected to by all races, as it affected not only the natives, but also all the non-Europeans. The Government hustled it through, but it could not be enforced. It is still looming over the heads of non-whites and employers of non-whites.

All Government, municipal and public departments in 1926 were instructed to chant the slogan: "Down with the natives, employ the whites." Coal and gold-field authorities, too, had been asked to employ whites in increasing proportion. The railway and such other fields of service have had to replace the natives and the Indians by whites. All this mud was stirred up in the name of "The civilized labour policy." It frankly exposed the Government's partiality to the whites.

Another enactment of 1926 was the Masters and Servants Law (the Transvaal and Natal) Amendment Act. This law rendered the state of field labourers or lessees semi-servile. It was made worse by an unholy amendment afterwards. It empowered the white farmers to flog their native workers with the consent of a magistrate. Such abominable steps are taken by the Government to tackle the native question.

The first Nationalist Government set up a record in the South African history by getting through fourteen prejudicial enactments within five years. A general election took place in 1929. The Hertzog party propped up the scarecrow of native danger. The election was fought out purely on the native question. The success of the elections rested in the hands of the Plattelanders. The Hertzog Party succeeded in magnifying the native menace, and in maintaining their government.

In order to defeat General Smuts at the elections, the Nationalists argued that their absorption by Kaffirland was cold-bloodedly proposed, and that they would never agree to the establishment of a "huge Kaffir state" in Africa. They refused incorporation with the British states in the Eastern and Central part of Africa on the ground that if the policy of General Smuts were adopted, South Africa would be submerged in a Kaffir ocean. They demanded that Hertzog should be returned to power to maintain the white civilization and

safeguard the white 'supremacy. They declared that if the native question was not settled then, the whites in South Africa would be ruled by the black men after forty years' time.

The year 1930 saw the introduction to the Statute Book of the Riotous Assemblies Act, which put an unjust restraint upon civil liberty. So narrow is its definition of the hostility between Europeans and natives that it could suppress any harmless activity. The Act was meant to control the activities of Communists, but its clauses proved dangerous for even public workers.

In 1933 the basic principle of the native policy was laid down by the coalition Government of General Hertzog and General Smuts. It acknowledged the sovereignty and guidance of Almighty God in the destiny of peoples and countries, and desired the development of the people of South Africa along Christian-national lines, without prejudice to the right of the individual citizen to freedom of thought, conscience and religion. Its native policy consisted of the following three clauses:—

- (a) An earnest endeavour will be made to arrive at a satisfactory solution of the native question along lines which, without depriving the native of his right of development, will recognise as paramount the essentials of European civilization.
- (b) It is recognised that a solution of the political aspect of this question on the basis of separate representation of Europeans and natives, or otherwise, being fundamental in character and not having hitherto been a matter of party division, should as far as possible be sought through agreement, and should, be left to the free exercise of the discretion of the individual members representing the party in Parliament.
- (c) The recognition of the natives as a permanent portion of the population of South Africa under the Christian trusteeship of the European race is accepted as a fundamental principle of native policy, together with the definite avoidance of race intermixture, and the promotion of a spirit of goodwill and mutual confidence between the two races as being in the best interests of South Africa.

Now there is an apparent contradiction between the above principle and the definite native policy. If the lead of God is accepted, then the equal rights of all races must be recognised. Trusteeship cannot be of whites ; it can only be of the Almighty. Supremacy can only be of meritorious conduct, not of colour. However, if the instrument is translated into earnest practice, the natives will surely be able to make headway.

The world of 1935, particularly the South African natives, clearly saw that the instrument was a mere make-believe. The Select Committee appointed in relation to Native Bills swallowed the

principle of Prime Minister's Bills of 1926, and manufactured two more Bills, namely, "The Natives Representation Bill" and "The Native Trust and Land Bill." The Union Government approved of them on the 31st of December, and made a New Year's present of them to the natives. The first Bill was meant to abolish the franchise of the Cape natives, and the second to drag the segregation policy a step forward.

The first Bill dealt a death-blow to the South Africa Act of 1909. It suggested the disfranchisement of the natives without the least fault of the latter. Its enactment was sure to strain Britain and South Africa with the blots of injustice and breach of promise. The National Convention had slipped into the South Africa Act of 1909 the clause of two-thirds majority as a safeguard to native interests. Moreover, Lord Crewe had, on behalf of the British Government, given in the House of Lords a definite promise that the native franchise would never be taken away in future.

General Hertzog, the progenitor of these Bills, moved the first reading, before the joint sitting of the Union Parliament and the Senate, of the Natives Representation Bill on February 14, 1936. By this time, the African National Congress had passed a resolution repudiating these Bills. A deputation of the Congress approached General Hertzog, and requested him to allow the natives to study the Bill. General Hertzog ridiculed them. Then some Government members pointed out to General Hertzog that his original Bills provided for three white parliamentary representatives of the natives, and that the same provision should also be made in the current Bill. General Hertzog agreed to meet the suggestion only on the condition that the natives accepted his changes. The native leaders summarily rejected the condition. Here was a tangled skein. At the time of the first reading, the Bill was dubbed a loot of the native franchise. Mr. C. W. A. Coulter, M.P., pronounced it to be the first example in world history of seizing the rights of citizenship only on the strength of colour bar. The first reading was over with the opposition of only eleven votes.

Meanwhile, a fire was smouldering against the Bill. Even General Smuts and the Minister of the Interior, Mr. Hofmeyr, along with the members of the Cape Province, were against the disfranchisement of the natives. The position now was that, if General Hertzog insisted on it, the Bill would not get the requisite two-thirds majority at the time of its second reading, and it would be dropped. The Government members found a new way out of this *impasse*. General Hertzog decided to replace the first Bill by another.

The new Bill refrained from depriving the native of his franchise, but not from undermining the native voice. It laid down that the Cape native franchise would not be abolished, but that the native votes would be segregated from the general constituency

and entered in a special roll, and that they would be given the right of sending up three elected European representatives to the Union Parliament, and two similar representatives to the Cape Provincial Council. It also made provision for the nomination of four Senators to the Union Senate for the protection of native rights. This Bill did not give anything valuable to the natives. On the contrary, it proposed two European representatives to the Cape Provincial Council, whereas the original Bill had mentioned two natives. Again, the natives could exercise political influence over the whole Cape Province through the general constituency, and the Policy of colour bar could not succeed. This influence was put to an end by a separate racial constituency. The three elected white representatives in the Parliament of a hundred and fifty were as good as dumb. Thus, for the first time in the history of South Africa, was being established, by reason of colour bar, a racial constituency on the political altar of the Anglo-Dutch unity. It was meant only for the maintenance of the European predominance, like that in India, Kenya, and other countries. General Hertzog got the two-thirds majority, and thus was passed a Bill which gave to 6,600,000 natives only two per cent, of the representatives of the 2,000,000 whites. This Bill is sure to affect the Cape coloured and Indian voters sooner or later. Dr. Malan had even prepared, in the joint sitting, a separate constituency for the coloured, but his proposal was disregarded by General Hertzog. But it is an indisputable fact that the crooked precedent of racial representation will some day drag in its trail the coloured and Indian voters.

The Native Trust and Land Act of 1936 strives to fulfil the Government's promise of 1913; but it greatly complicates the native question. It assigns 56,166 square miles of land to 6,600,000 natives, and 417,788 square miles of land to only 2,000,000 whites.

In 1939, war was declared by South Africa against Germany by a majority vote which included three European representatives of native peoples. The natives were not consulted either by the Government or by their own representatives. But when a native representative council consisting of the native aristocracy was held to organise support for the war effort, some members demanded the arming of natives so that they could render effective help to the country engaged in war. Instead of responding to the appropriate demand, the Government instituted the degradatory system of conferring "loyalty medals" on the native chiefs.

Some non-European and socialist leaders asked the Government to define the war aims and state clearly whether the war for democracy would bring about a better status of the Bantus, but the Government's attitude has been a cold indifference and arrest or internment of leaders working among the natives. Even accredited anti-Nazis have been hurled into the internment camps for their only fault of organizing the natives. The status of the native

recruits in the South African army is that of an outcast, worthy only to drive cars and do the mean manual labour for the white troops.

The result of this policy has been that the natives are fast losing their faith in the Government. Doubts have arisen as to the integrity of the Government; but the Union Government cares not a whit to plumb the native mentality. They are ready to grapple with the native question in an autocratic manner.

The Bantus chafe at the white predominance. The white exploitation has polluted their rural life, damped their joy, and flung them into the rut of poverty. In the circumstances, their woeful and afflicted hearts exclaim: "When we get our own religion, we shall worship a black God; when we paint the Devil, we shall paint him white, for all whites are devils."

It is also interesting to point out at this stage that the European missionaries, in spite of their laudable social and educational services, have done one serious harm to the progress and unity of the natives. While the Asiatic countries are blamed for a number of religions which block the path of nationhood, they themselves have set up innumerable separatist churches. The list of such churches contains no less than 323 names, a figure before which the number of creeds in India and other Asiatic countries pale into insignificance. This vivisection of the natives by European missionaries, probably actuated by the ignoble policy of "divide and rule," is an unpardonable sin against the Bantu people and an outrage on nationhood.

Presently the world is thinking in terms of the "New Order" after the war. But as far as the non-Europeans of South Africa are concerned the race dictatorship of the Europeans is to continue, and no better future for the natives and the other non-European races is even to be dreamt of.

Professor R. F. A. Hoernle also holds identical views on this issue. Speaking at a meeting of the Society of Jews and Christians during a symposium on "The New Order" recently, he said: "The Europeans seemed inescapably bound to a caste system and to a race dictatorship. If there were going to be a new order, he could not see its being applied, with the consent of the majority of the European population, at any time they could take account of, to the non-Europeans."

The history of the world shows that every race had, at some time or other, an opportunity to evolve. Evolution is the law of Nature. It has created empires from practically nothing and has reduced empires to nothing. This law holds good in the case of a human being as well as the whole of humanity.

The South African Bantus are, at present, assumed to be aboriginal, uneducated, and stupid. It is even asserted that the negroid people are unfit for any kind of education, and that it is impossible

to reform them. Some even go to the length of advocating the shelving up of all talk about their progress. All their views are cynical, remote from historical truth, and rendered turbid by colour bar.

The natives of Africa have made a noteworthy progress. In French territories, due to equality, they have advanced and are working in responsible positions. Economically, they are happy and prosperous. In spite of the colour prejudice, the natives in East Africa are, in comparison with their South African brothers, sturdier, wealthier, and happier. The excellent progress achieved by the African natives in America effectively proves the hollowness of white arguments.

The American negro population is larger by half than the total population of South Africa, and double the population of natives in that country. The conjoint capital of 12,000,000 negroes is 520,000,000 dollars. The negroes have 70,000 commercial firms and 50 banks; 2,200,000 negroes go to school. Their learned classes clearly reveal the proportion of their education. They have 4,000 doctors, 2,000 dentists, 50,000 teachers, and thousands of nurses and lawyers. Some negro artists, poets and intellectuals have even won international fame.

Scholars acknowledge, and America exemplifies the fact, that the negro brain is not by nature defective. Its apparent shortcomings are due to its environment and the peculiar negro social structure. Before their contact with the Europeans, the negroes had their own system of education. They influenced European art. Their music worked a transformation in European music. Smelting of iron-ore was known to them before it was dreamt of by Europeans. They were also adept in weaving, knitting mats, and pottery. Even now, if the deeply engraved anti-negro prejudices are removed, and steps are taken for native progress, the African natives will surely prove themselves to be equal to their American brothers.

Slavery was abolished in the eyes of the law when the Act of 1834 was enacted. But the whites created another form of slavery, the colour bar, and raised the native question. Anything done for the natives was called "The White Man's Burden"; and everything done by the natives was considered a thankless duty. The first South African school embodied an arrangement for Bantu children. But the "white man's burden" soon drew a line of colour distinction. The indifference towards the natives went on enlarging, and resulted in a bitter prejudice. The present anti-native mentality is a fruit of this prejudice, and therefore it views the native question through shaded glasses. All pro-natives appear to it as eye-sores. In spite of all this, there has arisen in South Africa a considerate European group which serves the natives without caring for blame or praise.

South Africa is famous for its gold-fields, but thinkers proclaim

that neither gold nor precious stones, but natives, are the true treasures of South Africa. They should be educated to fill up an important place in social existence. They should be made progressive and affluent. The educated native will be an investment of the country. The reformation of his life will give a fillip to trade, and add to the country's welfare. Native development will unravel many a tangled skein of this country, and remove the "native menace" *in toto*.

Obliteration of the colour bar, which tingles in every fibre of the country's life, is an essential prerequisite of the solution of the native question. In spite of its western civilization and Christianity of to-day the society is being slowly split up into castes and creeds. It has already seen the advent of four big castes, though these are not comparable to the main castes of India. The ideas of superiority and inferiority have already been engendered among these communities. The whites estimate all non-whites as inferior to themselves. The natives are the "untouchables" of their country. The Asiatics rank lower than whites, and claim to be higher than the coloured or the natives. The coloureds hold themselves above the natives. The caste-phobia is a derivation of the colour bar, and has produced many evils. It has impeded the country's advancement, multiplied communal recriminations, and made the statesmen waste their abilities and opportunities on communal disunion. Colour bar is dangerously retrograde, and must be wiped out.

The South African native is an illiterate and helpless individual, loaded by crushing taxes. It is no hyperbole to say that the State has spent not a thought over his education. Christian missionaries have been the only people to devote attention to native literacy. The whites have deprived the natives of their indigenous culture, but have given them no means to create a new one. The natives are kept in inordinate ignorance. Native health also demands the imperative notice of the Union Government. The natives have a high infantile mortality. There are 200 to 500 deaths in every 1,000 births in certain municipal locations. The natives possess no energy to resist disease. They can be made healthy only if their economic condition is improved and some arrangement is instituted for their sanitary instruction.

The natives constitute an indispensable element of the European life. They control almost the whole of manual labour. As there exist no facilities for technical education, they are backward in industry. They cannot trade for lack of capital, and cannot achieve economic progress for want of education. The whites, on the other hand, are well educated and prosperous. This is an unhealthy situation. A nation which embodies a generally progressive section on the one hand, and a disconcertingly retrogressive one on the other, can never hope to achieve true development. In comparison with other countries, South Africa lags behind in diagnosing the social

and economic necessity of the native education.

The whites of South Africa think the natives to be a burden upon their backs. The actual position is quite the reverse. The white man's burden is the black man's death. Level-headed learned men have begun to appreciate this truth. The domestic life of the natives has been disorganised, their land has been looted, their power has been extinguished, and they have been rendered weaponless and weak. This shows the unbearable white burden of the natives. The absence of any return for the stupendous loot exposes the inhumanity in its true shades.

It will not be possible always to shut the natives up in their "reserves" or to fling them out of the urban areas. The natives have become such an inseparable part of the white comfort that complete segregation of the two races is almost an impossibility. Students of the question state that the separation of the natives from whites is not practicable, since the entire white society depends in one way or another upon the native labour. The natives will remain with whites for ever. The question is only how to advance them.

The natives, who form the chief support of South Africa, should be made physically strong, so that the whole South African social organization may be healthy. They should be educated, so that they may cease to be dependent for education on the whites. Their political aspirations should be satisfied, so that they may become respectable citizens and lead contented lives. Their wages should be increased and their means multiplied. They should be looked upon as friends, and their question must be given a sympathetic consideration.

Oppression has always failed to keep a race under eternal slavery or bondage. In the end, the oppressed have always emerged victorious over the oppressors, and attained freedom. South Africa will never succeed in spite of its anti-native legislations, and its endeavours to keep the natives under endless servitude. Its laws will be suffocated in the Statute Book. Its sword will stick to its sheath. It will not be able to hold back the natives in this age of advancement. In this scientific times, far-away lands have been linked together in close proximity, the international currents affect all parts of the world, different states and peoples are coming together in mutual contact, and civilization penetrates everywhere. South Africa will not be able to prevent the natives from responding to all these impetuous modern currents. There is a world-wide movement against colour bar. Will South Africa be able to check it? There is a world-wide campaign for peace. How will South Africa contribute its quota to it if it wages a war against the natives calling them "untouchables"? South Africa must take the natives under its fold. The progress of South Africa demands an impartial solution of the Native question.

The natives of to day do not object to the white predominance.

They do not refuse the white lead, and yet they are slowly regaining their self-consciousness. They are rebelling against the injustices in the penetralia of their heart. It is certain that their smouldering mind will some day blaze out in a devastating conflagration. To-day, the natives do not consider the whites to be outlandish, and lay no claims to their own supreme possession of the land. But, if the present atmosphere continues to loom over them, they will surely demand self-government. They will join all non-whites and war against the white world. In that case, they may get the moral support of entire Asia and Africa. It may even be that all non-white races will look inimically at South Africa, and lend active help, to the native movement for self-government. How will a few South African whites manage to tide over such an *impasse*?

They will perhaps request Europe to help them. But European countries, holding diverse views on colour bar, may not run to their rescue. Then rivers of blood will flow, and millions will die. Let the whites be warned before this harrowing prophecy ever attains a concrete form.

South Africa will truly advance with the fulfilment of native aspirations. All the South African racial strifes will vanish as soon as an unprejudiced solution of the native question is arrived at. The award of justice to the natives will mean an ideal step to the solution of the world colour problem. It will lead the world peace campaign a step forward.

IV

THE MIXED RACES OF SOUTH AFRICA

THE problem of the mixed races of South Africa is also a part of the monstrous colour problem. The Eurafricans, more popularly known as the Cape Coloureds, owe their origin to the white man. "The coloured man," says Mrs. S. G. Millin, "is the fruit of the vice, the folly, the thoughtlessness of the white man."

The Eurafricans, who number 769,661, form a race of their own. Swaying politically, they wheel between the natives and the Asiatics, sometimes jumping higher than the Asiatics and nearly approaching the Europeans. They are proud of their white blood. They claim that the coloured blood flows in the veins of even the most respectable Afrikaner families of the Union. A time there was when the Cape coloureds would have been classed as Europeans and granted rights of citizenship. But the peculiarity of South African politics has suddenly disappointed them and they are to-day as much a football of the political parties as the other non-European races, the natives and the Asiatics.

Three-quarters of the Cape coloureds live in the Cape Province,

The remainder are divided between the Transvaal, Free State, and Natal. They are divided into two political parties. One of these demands that all the non-European races should form a united front, and that equal rights be obtained from the white Government; the other asks for an improvement in their lot through co-operation with the whites.

This difference in aims becomes conspicuous at the time of holding a meeting or leading a deputation to the Government.

The coloured entered the Transvaal with the Dutch trekkers in 1836. Like the Malays, they offered their lives to the Dutch service. Their great march with the Dutch is famous in history. Its pictures are still to be observed everywhere in South Africa. The Boers crossed the Vaal River in order to preserve their self-respect, and the coloureds accompanied them in their stupendous plodding. They made themselves indispensable to the Dutch by means of their service and protection.

In comparison with the Cape coloured, the Transvaal coloured are a people suppressed and oppressed by the intricacies of law. They have no sort of franchise, and only limited rights of land-ownership. In other respects, they are in the same boat with the Indians. They belong to the artisan class, but the tragedy is that 75 per cent. of them are, from the point of view of craftsmanship, semi-skilled. A small number of them are dragged by circumstances into the contraband trade of liquor, but they are, however, an industrious people.

The Cape Malays are officially classed as the Cape coloureds. They lead a Western life, wear the fez, and follow the Islamic religion.

The Malays are a distinctive race in the population of South Africa. They are Asiatics. They have absorbed the Asiatic quality of racial pride, and are proud of themselves. They reveal an interesting fusion of the Western civilization and Eastern religiosity.

The Malays have been able to preserve their individuality by reason of their characteristic civility, but they have made very little economic progress. Some are well off in the Cape, but they can hardly make the two ends meet in Johannesburg and other cities.

The coloureds are a particularly improvident race. They are mostly field and domestic workers. Some of them work in shops, factories and offices. Their contact with the whites has taught them carpentry, ironmongery and masonry. They do small house-building work, but colour legislation is a grave impediment to their economic progress and weighs them down. Authoritative inquiries have revealed the pitiable plight of the coloured people in Cape Town. Out of 6,420 coloured families, 4,000 were such as lived from hand to mouth. Families totalling 60,000 souls lived huddled together in single rooms. A magistrate received evidence that a

single bed in a stinking room contained five human beings,

A fact-finding commission corroborated the tragic facts of these "forgotten people" in a voluminous report, but the Union Government, whose policies change with the wavering of temper of the politicians at the helm of affairs, has flung it aside into one of the pigeon-holes of the official cupboard.

The political status of the Cape coloureds hangs in the balance. It can be safely predicted that their classification with the Europeans has been a thing of the past. The Nationalist Afrikaners of to-day do not view their assimilation with favour. On the other hand, they have expressed contemptuous disregard to their once favourite idea. Political intrigues have been responsible for this disgraceful betrayal of a solemn pledge.

The European dictatorship has reached, in spite of the war, such a degrading stage that the aspirations of the non-Europeans are ignored, their demand for a better living thrown into the gutter, their voice silenced, their freedom crushed and their racial pride humiliated.

This iniquitous attitude has set the discontented forces ablaze. The non-European intelligentsia have received the most serious shock of their life. They have been thinking in terms of social democracy to uplift the non-European races. They have seen to their amazement that the Union Government follows the "divide and rule" policy in the solution of the colour problem.

It has been forging all sorts of iniquitous and inhuman laws just to make the country hot for non-Europeans. Hence the pernicious plans of colonization and repatriation for the Asiatics; hence the various enactments to keep the natives under endless subjection; hence the confinement of natives in the reserves; hence the white-labour policy to deprive the non-Europeans of their means of livelihood; and hence the segregation moves to humiliate them. They realise that South African non-Europeans can flourish only if they fuse together in a political union, and combat the Government for equal treatment. If they become tools of the Government, turn a deaf ear to the common welfare of the non-European population, they will for ever have to be semi-slaves under the all-crushing white regime.

This has been the root cause of the formation of the non-European united fronts all over the country. The non-European united front movement is attracting thousands of Africans who are existing on starvation wages. They see in it the only hope of ameliorating their political status and improving their economic lot. The Africans and Euraficans favour the movement because it signifies a direct challenge to the autocracy of whiteism. The movement, being in its pioneering stage, is, no doubt, handicapped through lack of inter-provincial co-operation, co-ordination and funds. The native chiefs, the well-to-do Eurafican people and a vast majority

of Indians are fighting shy of it. Through **the fear either of incurring the** displeasure of authorities or of losing their position, the African and Eurafrican aristocracy keeps aloof from it. The Indians, on the other hand, dread the front because of the possibility of the withdrawal of support by the Government of India. The movement again has received a considerable set-back by Mahatma Gandhi's refusal to bless the movement, as he felt it was not in the interests of the Bantu people. The youths, however, of all the non-European races are rallying to the banner of the non-European united front which has succeeded remarkably in obstructing the war effort of the Union Government and compelling the authorities to draft stricter defence regulations. South Africa, being a land of oppression, humiliation and starvation for the non-Europeans, has naturally become a fertile field for the socialist activity of the non-European united front to demand better living, better housing, equality and justice. The more the repression, the greater the progress made by advanced socialist theories in this country.

V

THE PROBLEM OF THE JEWS

THE history of the Jews is unique. It is a tearful story of immeasurable misfortunes suffered for the sake of religion. These misfortunes have not yet ended.

The Jews are white "untouchables." They should not exist, or should exist only in places reserved for scavengers. This is the general belief. The Christian revolt against the Jews brought in its trail the most venomous anti-Semitic persecution. The 16,000,000 Jews existing to-day, through sheer will to live, in spite of the most heinous theological atrocities perpetrated upon them in the past, prove the impotency of oppression as a weapon of extermination. Jesus Christ had counselled against vengeance. He had asked His followers to love their neighbours. But these men did not esteem the Jews as worthy of Christ's principle. But the Jews have emerged through the pandemonium of infernal harassments by their adventurous spirit and firm will power. They have achieved amazing progress. This gives us a glimpse into the mystery of Nature, the impotency of man, and the imperfection of religious tenets.

The mighty have seldom been able to exterminate the meek. The redoubtable Parshuram could not render the globe void of the Kshatriyas; the armed whites have not been able to eliminate the black natives; two thousand years of oppression have not succeeded in rooting out the Jews; and even "untouchables" have remained alive in spite of traditionalism and tyranny. According to a famous

story, the strong carnivora are gradually being decimated, whereas the weak and innocuous creatures are being multiplied.

Of the 16,000,000 Jews in the world, 10,000,000 live in Europe, thus: 3,000,000 in Poland; 2,750,000 in Russia; 1,000,000 in Rumania; 600,000 in Germany; and 2,500,000 in Hungary, Great Britain, France, Ireland, Italy and other countries.

America comes next in respect of Jewish population. Half of its 5,000,000 Jews live in New York, Chicago and Philadelphia. There are five times as many Jews in New York alone as there are in Great Britain and Ireland. Of the remaining number 300,000 are in Palestine, and the rest are divided among various countries of the world. There are 90,645 Jews in South Africa. They are affluent and influential.

The advent of Christianity in Europe saw the Jews branded as mean and outlandish. They were forced to live a narrow and self-centered life. They were subjected to indescribable tyranny. They were crushed and pulverized. Sometimes they had to forfeit their properties and go into exile. Their calamity lasted several hundred years. Only in the nineteenth century did the citadel of anti-Semitic bitterness suffer some sort of disintegration. The French Revolution brought about an ideological transformation, and Israel was liberated. The French Revolution commenced the work of democratic freedom, and broke some of the bonds of the Jews. But the Jews attained complete emancipation only after the dethronement of the Tsar and the evolution of Communism. But this emancipation did not last long. Unexpected circumstances gave birth to Nazism in Germany, which spread the anti-Semitic venom throughout the world.

The Rev. John Haynes Holmes, in an excellent booklet entitled "Jews, Gentiles, and Nazis," depicts in a vigorous style the grievous predicament of the German Jews. This depiction is likely to be useful in comprehending the unenviable position of Indians in South Africa. These Indians are not confronted with danger or disaster, as are the German Jews. But, if translated into strict practice, the present policy is apt to result in a position similar to that of the German Jews described by the Rev. J. H. Holmes as follows: "A thousand years in Germany, they were now shut out from the society of their fatherland. They were living as outlaws and pariahs in their native country. They could not practise the professions, nor engage normally in business. They could not attend theatres or concerts or public meetings, or have place in the life of the universities. Their children were segregated, as though stricken by some loathsome disease, and altogether denied an opportunity to prepare themselves for self-supporting existence in the community. To-day the Jews are not allowed to ride on the street-cars, nor enter stores which bear the signs, 'Dogs and Jews may not enter here.' Only yesterday, by official action of the Reich, the Jews were denied

their citizenship; to-morrow, without warning, they may be robbed of their property. I expect at any time to hear that the government, in the stress of its economic difficulties, has confiscated the tangible wealth of its Jewish people. Be not deceived—there is no future for the German Jews. They must either leave Germany, as Abraham left Haran, 'not knowing whither he went,' or else they must eke out as best they can a miserable existence behind those ghetto walls which, now being built anew, are reviving the horrors of the Dark Ages. Not since the blackest days of Tsarist Russia has any community suffered what the German Jews are suffering at this hour."

The Jews have preserved their characteristic culture in South Africa, too. They have about sixty churches. Their synagogues are places for the spread of Hebrew culture. They serve as educational institutions in small villages. There are nineteen Hebrew schools in the big cities. The Jews protect their own poor, and have orphanages and nursing-homes throughout the country. There is a strong Zionist movement among the South African Jews for the spread of the Hebrew language, history, and civilization, and for the perpetuation of Jewish existence. The South African Jews are enamoured of their civilization. They send millions of pounds to their foreign brothers by way of help. They are always the first among their race to stand beside their comrades throughout the world in times of distress. They have become opulent. They hold a mighty share in the gold and diamond fields, conduct banks and building societies by means of their capital, and have almost monopolised trade in some cities and villages.

Johannesburg, the commercial capital of South Africa, has been termed a paradise for the Jews. According to Mr. Negley Farson, the author of "Behind God's Back": "The Jews (it is said) have never been so happy anywhere in the modern world as they were in Johannesburg. It was literally their Golden Age; and many an aristocratic British name to-day is being supported by the money earned by the early, adventurous British Jews on the Rand, or in the Kimberley diamond mines."

The bitterness against the Jews in the past was purely an outcome of religious differences. But, to-day, Europe is not dominated by religion, and judges everything by the criterion of material prosperity. So the present-day anti-Semitic prejudice is simply the outcome of jealousy against the Jewish prosperity. The anti-Semitic campaign conducted by the pretence of Aryan civilization in Germany, by the K. K. K. in the U. S. A., by the Grey Shirt movement in South Africa, and by various other movements in different lands, is undoubtedly the upshot of envy against the Jewish influence.

"For the first time since he became a colonist," says Professor J. L. Gray, of the Witwatersrand University, "the Afrikaner has become infected by an ideological influence from the great world. He has unhappily fallen a victim to Nazi doctrines/'

To my mind, this ideology is also responsible for the growing anti-Semitism in South Africa. The anti-Semitism in Germany and Nazi-subjugated countries of Europe has blazed the sparks into the wind, to set fire to the tinder of other lands. The medieval persecution of Israel is revived and "This scourge has been kindled like a conflagration."

South Africa, suffering from unmerited poverty at the hands of imperial capitalism, has been ensnared into the conflagration and anti-Semitism has become the order of the day among the Afrikaners.

The Nazis of the world complain that the Jews are a curse to humanity. They are responsible for wars and poverty of the people. They own the majority of the world's newspapers and conduct the mischievous propaganda. They control the British finance and starve the population. In short, they are, according to the Nazis, an intolerable menace to the world, and it is an unpardonable sin not to eradicate this evil.

The Nationalist Afrikaners bear a grudge towards the South African Jews and complain in the same strain that the Jews control the country's finance, industries, and trade to the disadvantage of the "real South Africans." They were largely responsible for the Anglo-Boer war, and the present participation in war by South Africa is also no less due to the unholy influence of the Jews in South Africa.

Hitherto only the non Europeans served as targets for the general fury; now the Jews have been forced into their ranks. They are rapidly becoming "the undesirable aliens" of South Africa whose immigration, like that of the Asiatics, should be completely stopped, whose franchise should be withdrawn, whose language, Yiddish, should not be accepted as one of the European languages, and whose membership should be banned by the political parties.

The Jews have been perturbed at the trend of events. The ebb and flow of the war have reflected upon their temperament. Victory for Great Britain has become their sole prayer and desire. They realise that they are doomed to everlasting serfdom if Germany wins and an Afrikaner republic is consequently set up in South Africa. Their last hope centres round General Smuts, who is the embodiment of justice and tolerance for them.

General Smuts' cabinet do not encourage the anti-Semitic movement. A Society of Jews and Gentiles, with branches at important centres in the Union, has been formed to nip it in the bud. But it is a foregone conclusion that the Jewish problem, in spite of General Smuts, will continue to agitate the minds of the Afrikaners, who will never rest until Jews are declared prohibited immigrants. It is almost a certainty, except in case of a political miracle, that the solution of the Jewish problem will follow close on the lines of the Indian question. It may begin with total restriction of immigration, crippling of trade, deprivation of the right

to ownership of land', then repatriation and ultimately the segregation of the Jews as a whole.

The Jews are outwardly sympathetic towards the Indians, but inwardly a little antipathetic. Their ideal being predominance in every sphere, they cannot stand any competition. They are not able to go against the English or Dutch for obvious political reasons, but it is possible for them to oppose the Indians, who are politically ineffective, voiceless, and weak.

The Jews attempt to oust the Indians out of the commercial fields. Yet they have among themselves some righteous and benevolent personalities who have sided with the Indians, fought for them, and even been incarcerated for them. The Jews in general, however, may be termed inimical to the Indians. A certain writer has pointed out that the Jews never fight openly; they make a gentile rush. This has been true in South Africa. The Jews have never openly come out against the Indians. They have been playing a back-alley game.

"Parliament had to take into consideration the temper and temperament of the white man in this country... They (Indians) must realise—sorry as he was to have to say it—that the Indian people would always be a tragic community because of this temper and temperament of the white people...."

COLONEL THE HON. DENEYS REITZ,
*Deputy-Premier of South Africa**

CHAPTER I

SOUTH AFRICA INVITES INDIANS

THE mythological history of India abounds in instances of the influence of Indian civilization over North and Central Africa. Africa was not a "dark continent" to ancient India. The lands lying on the northern coast of Africa were known as "Shankh-dwipa and Kusha-dwipa"—"Conch-isle and Blade-isle." India's ancient association with Egypt, Tanganyika, Abyssinia, and Somaliland is well* known and a number of European authors have enlightened the world on the subject.

Mrs. Sarojini Naidu considers East Africa to be a long-established natural colony of the surplus Indian population, because the latest historical association between Africa and India can be traced to the first century A.D. The Right Hon. Winston Churchill also admits that Indians had been living in East Africa long before the first British Officer put his foot there. Vasco da Gama himself had, on his way to India, found Indians in East Africa.

India's ancient connection with South Africa, however, is still to be revealed. The clue lies at Zimbabwe, the ruins of which have been diligently studied by various explorers and scholars. All agree that there shone a civilization of a very high order. Their conclusions, however, differ. The latest official investigation in 1929, by Professor Frobenius, attributes the origin of the ruins to the influence of prehistoric India.

The Indians entered South Africa in the middle of the nineteenth century. The first Indian to touch at South Africa was Raja Ram Mohan Rai, the Mogul Emperor Akbarshah's Ambassador to England on a mission to press for the fulfilment of the conditions of the agreement arrived at between the East India Company and Emperor Shahalam.

The year 1834 is a memorable one in the overseas history of modern Asia. In that year, the Asiatics bade farewell to their

mother continent to emigrate to distant foreign lands. India was the first nation to give the globe a glimpse of culture, and Indians were the first among the Asiatic peoples to sail to other countries. This emigration, however, was not for the dissemination of Indian culture; it was purely and solely an economic mission by Indian countrymen in search of the means of living.

The Indians migrated into the island of Mauritius in 1834. In 1838, some Indian labourers went to the British Guiana. Then the Indians emigrated to Trinidad, Jamaica, and South Africa. The Chinese and Japanese followed the Indians. The Chinese first landed in North America in 1848 and settled in California. They were followed by the Japanese in 1868.

By the time the Indians came into South Africa the British Government had been consolidated in India. The War of Independence in 1857 had been lost. There was no hope of the withdrawal of the British rule. Queen Victoria had attempted to pacify the people by means of her famous proclamation. The failure of the Rising had invigorated the English heart. The British Government had set afoot some changes in the Indian administration under the Governor-Generalship of Lord Canning.

Europe had established its power over most of the continents of the world, and its peoples had begun to scatter over all the countries of the globe. The abolition of slavery had resulted in scarcity of labour, and the white immigrants had commenced their efforts to grab cheap Asiatic and negro labour.

The South African Boers, tired of the humiliating English policy, had been trekking north in quest of freedom. No sooner had they settled in Natal, after conquering the Zulus, than the English had seized it in the name of the Queen. It was declared a British colony in 1843. The occasion saw the following announcement by Queen Victoria: "There shall not be, in the eye of the law any distinction or disqualification whatever, founded upon mere distinction of colour, origin, language, or creed, but the protection of the law, in letter and in substance, shall be extended impartially to all alike."

This proclamation was the solemn watchword of the colony's British administration. But the British rulers of Natal have violated it a hundred times. This fact exposes the hypocrisy of those Englishmen of Natal, who have been waxing panegyric over her benign rule, but violating her pledge in every single instance.

The fertility of Natal inspired the Englishmen to start the plantations. The Natal soil had the first sugar plantation in 1847. It was an eye-opener, and its growth promised a bright future.

In 1855, Natal addressed a petition to the Queen praying for the introduction of convict labour, but it did not achieve the desired aim.

In 1858, there started a movement to introduce Amatongas from

Portuguese East Africa. The colonists wanted them on long contracts of service, and the attempt eventually failed on account of the unwillingness of the tribesmen to engage themselves for long periods. The attempt to employ Zulu labour also failed, as they could not transform warriors into labourers.

The same year, some Chinese and Malay labourers were brought from Java, and they were welcomed with great enthusiasm as a "fine body of Chinese and Malays" capable "to afford relief and a guarantee of success to the operations of the planters." But this attempt also proved futile, on account of the refusal of the Colonial Secretary for Hong-Kong to supply Chinese labour on meagre wages of ten shillings to fifteen shillings a month. The efforts to import the Portuguese from Madeira, and Creoles from the Reunion Islands, also failed.

There was no possibility of assisted emigration of English agricultural labourers, as the settlers in Natal were not prepared to offer them reasonable wages. They were seeking ridiculously cheap labour. The Natal whites would not work, since they held that only Kaffirs were meant for physical work. They were unwilling to endure any physical exertion. On the other hand, labourers were not to be had. So the colony became unprosperous and hovered on the brink of ruin. Disappointment reigned supreme.

The settlers desired compulsory labour from the natives, but could not force the natives to work in the plantations, as the Government was against forced labour. Again, the native population was not found sufficient to cope with the situation. The colony required 300,000 "Kaffirs," but only 6,000 to 7,000 were available, and those, too, would serve only on conditions more suitable to themselves than to the settlers.

Now, the only way out of the insurmountable difficulties was to introduce some form of civilized labour from the East.

In an address to the Government of Natal the Durban Corporation said:—

"Independently of measures for developing the labour of our own natives, we believe your Excellency will find occasion to sanction the introduction of a limited number of coolies, or other labourers from the East, in aid of the new enterprises on the coast lands, to the success of which sufficient and reliable labour is absolutely essential; for the fact cannot be too strongly borne in mind, that on the success or failure of these rising enterprises depend the advancement of the Colony or its certain and rapid decline. Experimental cultivation has abundantly demonstrated that the issue depends solely on a constant supply of labour."

India was officially approached by the Natal Colonial Government for the importation of "coolies" from India. The Government of India replied that no useful purpose could be achieved by autho-

rising the importation of labourers from India, as an abundant demand for labour existed in India, especially in the Bombay Presidency, promising a higher rate of wages, compared with that obtaining in the colony, and that greater advantages were held out to emigrants by the Mauritius and West Indian Colonies.

The planters of Natal brought pressure on the Colonial Government to request the Government of India to reconsider the matter, and promised to give such security for the payment of expenses, the rate of wages, etc., as the Indian Government might require.

The prospects of building up prosperity and amassing wealth made the planters fall on their knees, and request earnestly through the Natal Government for the importation of "coolies." Their entreaties finally met with success and an unwilling Indian Government complied with their request as an experiment, to disperse the gloom for Natal's salvation.

Nothing could exceed the joy of the settlers when they learnt the most welcome news of the age. The children of civilized India were coming to serve them as manual underpaid labourers. The efficient brown labour was being imported for their sake and they were to act as respectable masters. India was going to South Africa as a serf. Three hundred millions of India were to be branded in future as a nation of "coolies," a factory for supplying slave labour, and a country fit to be ignored, insulted, and abused.

The Natal Legislative Council enthusiastically passed Law 14 of 1859, empowering the Government to import Indian labour.

The British Government, which had effaced slavery only twenty-seven years before, gave approval to the Natal Bill, which began the system of indentured labour—only another form of slavery. This step shocked the civilized world.

Says Lord Olivier: "The foundations of the slave civilizations of both the United States and South Africa were laid by European joint stock capitalist companies, who sent out the European settlers and provided slaves for their use."

This was also the case with Indians. The Englishmen started sugar plantations in Natal, and the Indian Government supplied them with indentured slaves. India, which had taught to the world the lessons of culture, thus indirectly became instrumental in re-creating the system of slavery.

A white official, Mr. W. Collins, was despatched to India for the purpose of bringing out Indian labourers. Due to his efforts the first batch of Indian workers started from Madras for Natal by *S.S. Truro* on October 13, 1860. The boat touched Port Natal—after a voyage of thirty-four days, amid general amusement and rejoicing. The labourers were allowed to land after an examination for small-pox. Thus the Indian race first set foot in South Africa.

The South African whites saw Indians for the first time. They **had** come as "coolies." The whites thought India to be full only

of coolies, and devoid of erudite, cultured and refined people. They accepted the word "coolie" as a cognomen of the Indian race. Even to-day, there are people in South Africa who cannot forget their errors of the past, and address Indians as "coolies."

The frequent insults meted out to Mahatma Gandhi were due to the same false belief. When the Hon. G. K. Gokhale dazzled the white populace of South Africa by his brilliant personality in 1912, he was called by the Dutch "Groot Coolie." Mrs. Sarojini Naidu clarified the meaning of the word "coolie" in some meetings in 1924. In one of the meetings, she proclaimed that the word "coolie" in its prevailing significance was applicable even to some of the Ministers of the then Labour Government. In their statement before the Parliamentary Select Committee, the Paddison deputation of 1925 had drawn a picture of the Indian civilization, in order to remove the existing misconceptions about Indians. Indian Agents like the Right Hon. Mr. Shrinivasa Sastri, Sir Kurma Reddi, and Kunwar Sir Maharaj Singh, and others, have spared no pains to enlighten the South African mind about the glories of Indian civilization. Besides, eminent Indian visitors to South Africa, and South African Indian leaders themselves, have been dinning into the white ears the fact that India is no land of "coolies," but a country with a resplendent history and one which is wonderfully progressive in the realms of literature, art, and science.

The system of indentured labour had a history of its own. It was unique in that it was an invention of the British brain to substitute it for forced labour and slavery. The indentured "coolies" were half-slaves, bound over body and soul by a hundred and one inhuman regulations.

There were six principal features of the system of indentured labour, according to the late Hon. G. K. Gokhale. Under this system, those who were recruited bound themselves to go, first, to a distant and unknown land. Secondly, they bound themselves to work for any employer, and in whose choice they had no voice. Thirdly, they bound themselves to live on the estate of the employer, must not go anywhere without a special permit, and must do whatever tasks were assigned to them, no matter how irksome those tasks might be. Fourthly, the binding was for a certain fixed period, usually five years, during which time they could not voluntarily withdraw from the contract and had no means of escaping from its hardships, however intolerable. Fifthly, they bound themselves to work during the period for a fixed wage, which invariably was lower than the wage paid to free labour around them. And, sixthly, they were placed under a special law which imposed on them a criminal liability for the most trivial offences of negligence or carelessness, liable to imprisonment with hard labour. "Such a system," said Mr. Gokhale, "by whatever name it may be called, must really border on the servile." This system was

responsible for increasing the rate of suicide from ten to twelve times what it was among those classes in India from whom the indentured were drawn.

Sir William Wilson Hunter and various other British and South African students agree on the evils of the indentured labour system and have also described it as semi-slavery.

When the Indians arrived in South Africa, the natives began to sneer at their skeleton bodies, and the whites proceeded to harness them to work. White supervisors were appointed, and each of them was entrusted with a group of Indian labourers. Payments were fixed up later. The indentured workers were applied to sugar, tea and coffee plantations, which attained an exceedingly fruitful condition within a few years. Indians proved their worth at the very first stroke, and won general admiration.

Once they reached the shores of South Africa, the interest of the British Government in India declined, and the humiliation of the indentured Indians grew with the passage of time. The question arises, why did the British Government not take an active interest in the welfare of the Indians. The reason is obvious. The Indians were not the proud Britons emigrating to Australia or Canada. The English settlers in Natal, too, claimed to be the respectable and favourite children of a European God, while the Indians belonged to a subject race, and as such they were the unwanted children of an inferior Asiatic God who had to kneel down before the former for his blessing and guidance, and had to sign a contract of five years' slave labour in the Holy Land of Natal—a name given to the country by Vasco da Gama on Christmas Day.

The prosperity of the European colonists saw the simultaneous growth of indescribable selfishness in them. They desired only slaves, only coolies. Their enrichment demanded more cheap labour. The natives were indolent and unsteady. The British Government refused to allow prisoners to work in plantations. The Colonial Secretary of Hong-Kong again refused to send the Chinese on starvation wages. Labourers from England were too costly. Once again, India was marked out as the only suitable quarry.

Between 1860 and 1866, about 5,000 indentured Indian labourers were admitted into Natal. These five years showed to Natal that "coolies" constituted a prerequisite of the colony's prosperity.

Indian labourers accelerated the pace of prosperity in Natal. Sugar worth £ 26,000 was exported in 1863. The export income reached the figure of £ 100,000 in the following year. Then it went on increasing by leaps and bounds. A dreary waste was soon transmuted into a fertile garden, and the eastern coast of Africa grew into an intensely captivating, blooming and flourishing region.

The *Natal Mercury* of 19th January, 1865, points out: "Had it not been for the coolie labour, we should not hear of coffee

plantations springing up on all hands and of the prosperity of older ones being sustained solely through the agency of East India men," Only two days later, the same paper advocated that "coolies" should be encouraged to cultivate for themselves, by offering patches of leased or bought land and to crush their cane....at their landlord's mill.

The Natal Government passed Law 2 of 1870 to meet the demand of offering land to indenture-expired "coolies." Section 51 stated: "When any Coolie Immigrant shall be desirous to commute his right to a free passage for the value in land to the amount of the cost of such passage, and the Lieutenant Governor shall see fit to grant such immigrant out of the Crown lands of the Colony a piece or parcel of land, equal in value at the upset price of the Crown land to the amount of the cost of such return passage, such immigrant shall have the same in lieu of his right to a full passage."

No more Indians were called during the period from 1866 to 1874. This was a severe blow to the white prosperity. Plantations were rotting, and there were no workers. Many a white settler suffered and left Natal,

The attempts were renewed to obtain native, convict or other labour. Lieutenant-Governor Pirie even exercised his supreme powers and called out natives to reap the crops. This led to a long series of protests, to a sort of upheaval which forced the Government to open the door to Indian immigration once again in 1874. The settlers succeeded in obtaining the cheap and reliable labour of industrious, frugal and law-abiding indentured Indians.

The news of South Africa's importation of indentured Indian labour had brought to Natal free Indians from Mauritius and India to supply the needs of the indentured, who were free to settle in the country after the lapse of the contract. Some of the Indians were re-indentured and some had purchased land for cultivation. This situation created the new problem of their status as free men.

The British Government solved the problem in 1875 through a statement by Lord Salisbury. He said: "Above all things we must confidently expect, as an indispensable condition on the proposed arrangement, that the colonial laws and their administration will be such that Indian settlers, who have completed the terms of service to which they agreed, as the return for the expense of bringing them to the colonies, will be free men in all respects, with privileges no whit inferior to those of any other class of Her Majesty's subjects resident in the colonies."

"With privileges no whit inferior to those of any other class of Her Majesty's subjects resident in the colonies." Indeed, a praise-worthy pledge! But who was to observe it? No British Government, either of Her Majesty Queen Victoria or of her son or of her grandson, has ever taken pains to see that the solemn pledge was kept. It has, instead, seen the violation of the letter and spirit of a num-

ber of its own past declarations by its colonial British administrators, and Britishers are always eloquent of the non-violation of the British pledge given in the name of their sovereign.

Indians have been lavishly praised for their wonderful transformation of desolate Natal into a veritable garden colony.

As recently as July, 1903, Sir Leige Hulett, ex-Prime Minister of Natal, bore the following testimony on this point: "The condition of the colony before the importation of Indian labour was one of gloom, it was one that then and there threatened to extinguish the vitality of the country, and it was only by the Government assisting the importation of labour that the country began at once to revive. The coast had been turned into one of the most prosperous parts of South Africa. They could not find in the whole of the Cape and the Transvaal what could be found on the coast of Natal—10,000 acres of land in one plot and in one crop—and that was entirely due to the importation of Indians....Durban was absolutely built up by the Indian population."

Considering the Indian settlement as a forerunner of South African affluence, Mr. J. R. Saunders declared: "If we look back to 1859, we shall find that the assured promise of Indian labour resulted in an immediate rise of revenue, which increased fourfold within a few years. Mechanics who could not get away, and were earning five shillings a day and less, found their wages more than doubled, and progress gave encouragement to every one from the Berg to the sea. But a few years later, alarm arose that it would be suspended. Simultaneously, down went the revenue and wages. Immigration was checked, and retrenchment and reduction of salaries were the main things thought of. And yet another change came some years later in 1873. A fresh promise of renewed Indian immigration created its effect, and up again went the revenue, wages and salaries, and retrenchment was soon spoken of as a thing of the past."

In any grateful country in the world, such services as those of Indians in Natal, would have been rewarded with an everlasting heritage of equal rights.

CHAPTER II

THE BEGINNINGS OF BITTERNESS

Now there were three classes of people in Natal:—

1. Those who were under indenture.
2. The ex-indentured Indians, i.e., the Indians who had completed their term of indenture and earned their livelihood as free Indians,

3. Traders and other Indians who had gone to Natal at their own expense.

The ex-indentured Indians were a most useful section of the community. A large proportion of them joined in the service of the colony as house-servants in the towns and villages. Some turned their attention to agriculture and became considerable producers. Some became market gardeners and fishermen, an occupation which then never attracted any immigrants from Europe.

The free Indians thrived in Natal. They prospered in nearly every occupation. Their agricultural pursuits converted waste and unproductive land into well-kept gardens planted with vegetables, tobacco, maize, and fruit trees.

The agricultural success of the ex-indentured Indians annoyed the Englishmen. They began to hate the free and the flourishing Indians. They saw in the situation the microbe of the "Asiatic menace." They were frightened of defeat in the field of competition and ultimate impoverishment.

The Dutch had preceded the Indians into Natal by only twenty* five years, and the English by only twenty years. So it was not as if the Indians had intruded upon anyone's sanctuary. They had as great a right to settle, trade, and enjoy rights in Natal as the whites* Moreover, they had come to Natal at the express invitation of the Government; they were trading and tilling by permission of the Government; and the Government had awarded them equal rights. And yet the English could not brook the rise of Indians.

The English feel no compunction in ruining any foreign rivals in the interest of their own trade. They would create a public opinion against their competitors to influence the Government, and force them to legislate against them. They would rest content only after the unfortunate party is completely humiliated and ruined.

The whites of modern Natal dislike Indians. They have lost sight of the invaluable part played by Indians in making Natal what it is. They have begun to concoct plans for hounding them out of the country, or ruining them by adverse legislation. They are biting the hand that once fed them. There is an immeasurable gulf between their present ungratefulness and their itch for indentured Indian Labourers in 1860.

The effrontery of power is blind to justice. It sees only selfishness. However, not power, but justice and morality are of eternal duration. Only the future will show the failure or otherwise of the present white policy. But, doubtless, the historian of the future will view with severely critical eyes the ungrateful treatment meted out by the South African Government to Indians, and will pen his account with a heavy heart.

The anti-Indian bitterness began about the year 1880. The English asked the Government to put restrictions upon the ex-

indentured Indians. The hatred of everything Indian ran amok. The anti-Indians fell into two categories. Both aimed at rendering **the** Indian settlement in Natal either impossible or intolerable. Some of them suggested sending the "coolies" back home after the conclusion of their term of indenture; the others advocated a poll-tax for them. On the other hand, the Government and the leaders were one and firm in their resolution to import more indentured labourers from India.

The anti-Indian agitation grew so vehement that a commission had to be appointed in 1886 to inquire into the truth or otherwise of the anti-Indian allegations. Very clear and interesting evidence was tendered before the commission by representative Englishmen. Sir Henry Binns described the services of the free Indian population to the colony and declared: "Were coolie immigration to be permanently stopped...in a very short time after such stoppage, there would cease to be as much employment for Europeans, as there is now. Tropical cultivation never has been and never will be carried on without Indian labourers." Sir J. L. Hulett said: "The free Indians, at present in the colony, are an immense benefit, being largely engaged in agricultural pursuits. I do not think the competition of the free Indians has interfered in the slightest degree with the development of the country by European settlers."

The commission, too, arrived at the identical conclusion. The anti-Indian allegations of unfair competition of free Indians and their menace were proved to be baseless. On the other hand, it made a flattering report for the Indians, who were lavishly praised for their "commendable industry" in agriculture. It said, in conclusion: "In fairness to the free Indian, we must observe that the competition is legitimate in its nature, and it certainly has been welcomed by the general community. There can be no doubt that Natal is admirably suited, whether as a temporary or a permanent home, to Indian immigrants. We are impressed with the necessity, at a time when the colony is labouring under a depression of the most serious nature, of so moving that its agricultural development shall not be restrained. We are anxious not to imperil the interests of those persons who have been induced, by an abundant and continuous supply of Indian labour, to invest their capital in large industries of undoubted benefit to the whole of the colony.

The commission's report was indisputably a set-back to the anti-Indian agitators, but it did not crush the agitation. The plight of the indentured Indians was becoming more and more pitiable **day** by day and the treatment of the free Indians was growing intolerable.

While Natal, a British colony, was fast developing into a hostile camp for Indians, events of vital importance were happening in the Transvaal, then known as the South African Republic. A few free Indians had entered this Boer republic to explore new

fields for trade. They had settled there as merchants, traders, hawkers, or as employees in various kinds of manual labour. The Indians were within their rights in doing so, as the Article 14 of the London Convention between Her Majesty and the South African Republic in 1884 provided as follows:—

"All persons other than natives conforming themselves to the laws of the South African Republic (a) will have full liberty with their families to enter, travel or reside in any part of the South African Republic; (b) they will be entitled to hire or possess houses, manufacturing warehouses, shops and premises; (c) they may carry on their commerce either in person or by any agents whom they think fit to employ; (d) they will not be subject in respect of their persons or property or in respect of their commerce or industry to any taxes whether general or local other than those which are or may be imposed upon Burghers of the said Republic."

The London Convention was consistent with Queen Victoria's famous proclamation of 1858 on the taking over by the Crown of the sovereignty of India. It said :—

"We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and these obligations by the blessing of Almighty God we shall faithfully and conscientiously fulfil,"

The Indian settlement in the South African Republic perturbed the Boers. They recognised no difference between the natives of India and those of South Africa. They refused to distinguish, for the purpose of administration, the civilized browns of India from the black aborigines of South Africa. They did not bother about the history of India or its geographical importance. They had been taught to estimate a person's value by the colour of the skin. After all, the "coolies" were not white-skinned. They did not resemble the Europeans, so they should be considered as inferiors and relegated to a position similar to that of their own natives.

"The Asiatic and the Kaffir," says Mrs. S. G. Millin; "the descendant of nations that cradled all the religions of the civilized world and the savage of the kraal—it is an ironical association."

The South African Dutch are suffering from an inferiority complex. Their creed of self-preservation enjoins them to worship colour. Didn't they leave the Cape and Natal for the sake of independence and whiteism ? Naturally they did not relish the sight of brown Indians, and the South African Republic earned the distinction of drafting the first legislative enactment known as Law 3 of 1885. The law as amended in 1887 reads as follows:—

"1. This law shall apply to the persons belonging to any of the native races of Asia, including the so-called Coolies, Arabs, Malays, and Mohammedan subjects of the Turkish Empire.

"2. With regard to the persons mentioned in Article One the

following provisions shall apply:—

- (a) They cannot obtain the burgher right of the South African Republic.
- (b) They cannot be owners of fixed property in the Republic except only in such streets, wards and locations as the Government for purposes of sanitation shall assign to them to live in.
- [This provision has no retrospective force.]
- (c) [This sub-section as amended by subsequent resolutions of the Volksraad has been repealed by Act 2 of 1907.]
- (d) The Government shall have the right for purposes of sanitation, to assign to them certain streets, wards and locations to live in. This provision does not apply to those who live with their employers."

This enactment was also the result of a European agitation against "the threatened invasion of Asiatics such as already has commenced at Pretoria." No legislative action was taken by the Government, as the Republic was not sure whether it would not be in conflict with the provisions of Article 14 of the London Convention signed only a year before.

This was the first occasion when Boers and Indians presented petitions to the Government in their own interests. The Boers pointed out the danger to the European community of allowing these Asiatics to settle in the centre of the township owing to their "neglect of sanitary measures and loathsome mode of living," and finally urged that they should be "isolated within their own locations quite separated from the white population."

A counter-petition of certain Indian merchants disputed the facts of the European petition, claimed themselves to be of a respectable class, pointed out the difference between themselves and the coolies, Chinese and others, and prayed that the European demands might not be acceded to.

Both the petitions were forwarded by the Republic to the Imperial Government to know whether Law 3 of 1885 contravened Article 14 of the London Convention. Considerable correspondence ensued and the Republican Government waived their right to insist upon the strict interpretation of the London Convention.

Consequently Law 3 of 1885 was passed. This, however, led to a further protest from the Indians to the British High Commissioner, Sir Hercules Robinson. Further correspondence ensued, and the High Commissioner announced that he would not advise Her Majesty's Government to offer further opposition to the law, as it appeared necessary for the protection of the public health. In 1886, the British Government officially announced its decision not to raise any objections to the anti-Asiatic legislation.

This was the first betrayal of Indians by Great Britain. While the Boer Republic earned a unique distinction of classing the

Asiatics as inferior to whites and of enacting the first anti-Indian law in South Africa, the British Government gained an exemplary reputation for violating its own pledges and foregoing its solemn obligations to grant "privileges no whit inferior to those of any other class" without any distinction of colour, origin, language or creed. This unjust and unpardonable step of the Imperial Government has been the root-cause of all the present grievances of Indians in South Africa, and of the discontent over the stigma of inferiority in India. Had Britain nipped Law 3 of 1885 in the bud, the Indian history in South Africa might have told a different tale.

Law 3 of 1885 was, however, never enforced in its entirety. It laid down a policy and provided no penalty. The enactment was solely for sanitary reasons. While it prohibited the acquisition of ownership of fixed property by Asiatics, except in certain separate localities, it recognised their right to settle in the Republic for the purposes of trade.

"At any rate," states the report of the Asiatic Inquiry Commission of 1921, "it appears that Indians were permitted not only to trade but to reside outside locations. They were allowed also to own property outside locations through a nominal European trustee." This also applied to all the other enactments of the South African Republic until its overthrow in 1902.

In June, 1888, the Republic rejected a petition of British Indians requesting not to be ranged with "Kaffirs" as regards the prohibition to be in the street after nine in the evening.

In August, 1888, in the case of Ismail Sulieman & Co., the Court decided that Asiatics could not carry on business except in a location. This decision created an uproar among the Indians, who protested to the British Government against it. Finally, the dispute was submitted to arbitration. The Chief Justice of the Orange Free State (Mr. Melius de Villiers), the arbitrator, gave the judgment that the South African Republic was entitled to give full force and effect to Law 3 of 1885, subject to sole and exclusive interpretation in the ordinary course by the tribunals of the country.

In September, 1893, the Volksraad passed a resolution to devise ways and means to enforce Law 3 of 1885 against the Indians. In August, 1895, a commission was appointed to investigate the question of the administration of the said law. The commission reported that the Government found it difficult to enforce the law "until the locations for Asiatics had been duly surveyed and beacons set off in all towns." It added that locations, where necessary, were ready for occupation; and concluded by urging that Law 3 of 1885 should be "immediately applied and rigorously maintained." The report was adopted by a Volksraad resolution in November, 1896.

Law 3 of 1897 prohibited the marriages of the whites with coloured persons.

In August, 1898, an Indian trader named **Tayob Hajee Mohamed Khan** sued the Government for "a declaration of rights" in course of an appeal before the High Court against the refusal of a business licence in Church Street, Pretoria. The Court, by a majority of two judges to one, gave a judgment in favour of the Government.

Law 15 of 1898 provided that no coloured person might be a licence holder, or in any way connected with the working of the diggings. This was amended by the Gold Law of 1908.

In April, 1899, a proclamation was issued in the name of the President of the South African Republic, setting apart the streets, wards and locations for the use of Asiatic trade and residence.

In 1899, again, the South African Republic prohibited the coloured persons from walking on the side-walks or stoeps serving as a side-walk of the streets of its towns.

While the Transvaal Boer Republic was imposing such hardships on the Asiatics, why should the Orange Free State, another Boer republic and a staunch advocate of salutary action in the solution of colour problems, lag behind? It took the first and strongest step in the history of South Africa to prevent effectively the influx of Asiatics. It enacted a law totally prohibiting an Arab, a Chinaman, a coolie or any other Asiatic coloured person from carrying on business or farming in the state. All Indian businesses were forced to be closed after a period of twelve months, ending on the 11th day of September, 1891, and the owners were deported from the State without compensation.

CHAPTER III

MAHATMA GANDHI IN SOUTH AFRICA

MAHATMA GANDHI, who has dazzled the whole world by the purity of his heart, his penance, his wisdom, and self-abnegation; who has denounced brute force and violence in favour of that unique talisman of soul force and non-violence; who has ennobled even his enemies by his love; who has renounced his life for the sake of India and mankind; and who has shaken the Empire by his moral courage, spent the precious years of his life, from 1893 to 1913, in South Africa. He experimented here, for the first time, the strength and efficacy of Passive Resistance.

It is now over twenty-six years since Mahatma Gandhi left this country and settled in India. His stay in South Africa was characterised by indefatigable service, statesmanship, self-sacrifice, sincerity and sanity. He was an unrivalled leader of the Indian race. He had to face heavy odds. The bitter and humiliating experiences he had to undergo, the stupefying difficulties he had to pass through, and the unspeakable embarrassments and injustices he had to war

against, in the course of his public career, served to acquaint him with the true nature of his life's great work. They revealed to him the path of India's future greatness and emancipation, and he resolved to serve Indians and India with an unflinching and selfless heart. He suffered insults at the hands of officials, received the batons of the police, bore assaults from his own misguided countrymen, and surmounted countless obstacles during his struggle against the colour bar. His sufferings can better be imagined than described. They require a volume by themselves. He had to pit himself against the forces that were bent upon sending the Indians to perdition, and to win the respectable status of human beings for Indians.

Mahatma Gandhi came to South Africa in 1893 only for an Indian suit on a year's agreement. His agreement ended simultaneously with the suit in 1894. He then prepared himself to return home. But the then South African situation prevented him from doing so.

A year's stay in the country had shown him that the South African Indians were indeed in a sorry plight on account of the colour bar. The Government of Natal had proved ungrateful, and were resolved to encroach upon the rights of Indians. His heart boiled when he read about the Bill for the disfranchisement of Indians. He expatiated upon the impending danger at a farewell meeting in his honour, and urged the Indians to fight tooth and nail against it.

The Transvaal, too, was at this period becoming a gymnasium for flinging the Indians into locations. The number of Indians in the Transvaal was negligible, but the Dutch were not in a mood to tolerate this peaceful race. They had actually started a petty war against them in the name of sanitation and civilization.

The Orange Free State had already joined in the anti-Asiatic activity and thrown out the Indians. It had laid a precedent which, if not actively opposed, might be unhesitatingly followed by the other parts of South Africa.

Natal was granted responsible government in 1893, and had immediately commenced to set at naught Her Majesty's famous proclamation of 1843. Its principal concern had been to get rid of the free Indians from the colony.

Natal colonists celebrated the responsible government by levying a tax of £25 on every "free" Indian, and sent representatives to India to bring pressure on Lord Elgin, the Viceroy, to agree to this inhuman poll-tax. Lord Elgin considered it exorbitant, and finally agreed to a tax of £3.

The Indian Government showed at this time an illustration of their intellectual insolvency. They did not have any idea of the disastrous effect the poll-tax would have upon the poor ex-indentured Indians. The Imperial Government had permitted them to

settle in Natal. They were promised equal opportunities. There was no conceivable reason why the Indian Government should agree to this pernicious poll-tax. But Lord Elgin could not resist the solicitations of his compatriots in Natal. He got the tax reduced, but could not oppose it. It should be pointed out that the "annual licence" of £3 was imposed on every ex-indentured Indian male above the age of sixteen and female above the age of thirteen, on the free Indians who had saved Natal from ruination and developed its industries. "This cruel impost," as the late Hon. G. K. Gokhale aptly described it, "caused enormous suffering, resulted in breaking up families, and driving men to crime and women to a life of shame."*

This terrible tax was abolished, as will be seen later, only after the Smuts-Gandhi settlement of 1914.

The English won the first battle against the Indians, and were elated. They now became ready to humiliate and ruin the Indians. The Government of Natal used their responsibilities of self-government in filling up the Statute Book with anti-Indian laws enacted year by year.

The responsible government of Natal also considered the selfish ends of whites to be supreme. They consigned Queen Victoria's proclamation to the dust-bin and Lord Salisbury's decision to limbo. They girded their loins to deny even elementary rights to the Indians, and took the first cruel step of depriving them of their parliamentary franchise.

Fortunately, the Indians were not leaderless at this time. Mahatma Gandhi had cancelled his trip home, had accepted the leadership of Indians, and had set himself against the Bill. He immediately despatched an application to the legislature of Natal. He sent another application, signed by ten thousand Indians, to Lord Ripon, the Viceroy of India. He also established the Indian Congress in Natal. The legislature of Natal turned a deaf ear to all these activities, and passed the Bill. However, the efforts of Mahatma Gandhi bore some fruit. They indirectly influenced the Imperial Government, who refused to give their assent to the Bill.

Conveying the Imperial Government's decision to the Prime Minister of Natal, in 1894, Mr. J. Chamberlain said: "Electors of important constituencies in great Britain have considered Indian gentlemen worthy not merely to exercise the franchise, but to represent them in the House of Commons. I desire, however, to guard myself from the supposition that I regard this question merely from the point of view afforded by the experience of this country, and that I have not paid due regard to local considerations. It is manifestly the desire and intention of your Government that the destinies of the colony of Natal shall continue to be shaped by the Anglo-Saxon race; and that the possibility of any preponderant influx of the Asiatic voters should be averted... But the Bill under consideration involves in a common disability all natives of India

without exception, and provides no machinery by which an Indian can free himself from this disability, whatever his intelligence, his education, or his state in the country; and to assent to this measure would be to put an affront on the people of India such as no British Parliament could be a party to,"

The complex difference of opinion between the Imperial Government and the Government of Natal lasted at least one and a half years. The negotiations were carried out in good faith, as is generally the case, when Her Majesty's Government dealt with the Indian question with their self-governing colonies. The Home Government undoubtedly did their best to meet the political difficulties of Natal and saved the electorate "from being swamped by men who had no experience in connection with the exercise of the privileges of freedom or franchise." All the big talk of "an affront on the people of India such as no British Parliament could be a party to" by Mr. J Chamberlain was conveniently forgotten, and Sir John Robinson, introducing the new Franchise Bill of 1896, explained the effect of the Bill in the following simple words: "This Bill will disqualify all persons who are precluded by virtue of their inexperience from the exercise of the high privileges of citizenship." In other words, the Bill disqualified all races who did not possess the right to vote in their motherland at the time.

1896 A. D. will be remembered by the Indians of Natal as the darkest year in their history, as they lost their Parliamentary Franchise, and with it vanished all hopes of asserting their voice in the affairs of the country. It also banished for ever the likelihood of equality for Indians in South Africa.

Mahatma Gandhi went to India at the end of the year 1896 on a short visit. There he published a pamphlet on the South African Indians, met prominent national leaders, lectured at various centres, and acquainted India with the grievances of Natal Indians. Incorrect reports about these activities reached Natal and England, and Reuter cabled to Natal that Gandhi had made European Natal appear in India "as black as his own face." This greatly enraged the colonists of Natal. They became frightened of the probable cessation of the indentured labour and its consequences.

Mahatma Gandhi received a cable at Calcutta urging his return to Natal. He immediately sailed for Durban with his family. Early in 1897 two ships, the *Courland* and the *Naderi*, steamed into the Durban harbour with 400 Indians on board. Mahatma Gandhi was on the *Courland*, but he had nothing to do with the immigration of these Indians to Durban.

The colonists received the tidings of his arrival. They held a meeting, made thundering speeches against Indians, denounced the arrival of Indians as an invasion upon Natal, and appointed a committee to prevent Mahatma Gandhi and landing.

No sooner had the ships touched the port of Durban than **they** received the peremptory command of the white committee forbidding the landing of the Indians. "Sink the ships!!" was the cry raised by the crowd. They also received a notice of similar import from the Government of Natal, who feared some grave trouble. However, the Indians remained firm. The steamers did not lift anchor, and the Government withdrew their notice on the twenty-third day. It was the 13th of January, 1897. Mahatma Gandhi was advised not to leave the ship by day, lest he became a victim of the surging English fury. The other passengers had left the ship, along with his family. He was alone. A lawyer friend of his turned up from somewhere and gave him dispassionate counsel to accompany him on foot to Mr. Rustomjee's house, instead of staying on in the ship till night.

On the way to his destination, his turban betrayed him to an angry white mob bent upon killing him. Shouts of "Gandhi!! Gandhi!! Catch him!! Kill him!!" echoed in the air. The lawyer friend was pushed aside. Mahatma Gandhi could not even get into a ricksha. The mob increased and waxed stormy. Mahatma Gandhi was pelted with fish and afterwards assaulted. He became unconscious and was flung on the ground. He would have been beaten to death but for a providential intervention.

In the nick of time, Mrs. Alexander, the wife of the police superintendent, happened to pass that way. She recognised Mahatma Gandhi and got him under her umbrella and led him, with difficulty, to the police station. Mahatma Gandhi went by himself from there to Mr. Rustomjee's house. The hooligans came to know of it and surrounded the house, demanding the person of Mahatma Gandhi. Cries of "Fire the old barn!" were raised. With a presence of mind that calls forth nothing but wonder and admiration, the police superintendent averted what might have been a horrible catastrophe, by sending Mahatma Gandhi to the police station in the uniform of an Indian policeman. The mob dispersed after making sure that Mahatma Gandhi was not in the house. The superintendent and his wife were presented with suitably engraved gold watches from the Indian community.

The news of this outrage aroused the Imperial Government. They pressed the Government of Natal to arrest and punish the assailants of Mahatma Gandhi. But love, not force, has always been the only weapon of Mahatma Gandhi against enemies. He issued a statement instead, on the misunderstanding in Natal, and, to the utter amazement of the European population, positively refused to institute any legal proceedings against the assailants who would have made mince-meat of him. South Africa thus became aware, for the first time, of the nobility, the culture, and the humanity of Mahatma Gandhi.

Mahatma Gandhi now started acquainting England with **the**

South African Indian question. He corresponded with such eminent men as Mr. Dadabhai Naoroji, M. P., Sir William Wedderburn, Sir William Wilson Hunter, and Sir Mancherjee Bhavnagri, and the various departments of the British Government.

By this time, some Indians had settled in the Cape Colony. The administration there was not so acrimonious and unjust as in Natal or the Transvaal. They had even obtained the franchise and their existence was comparatively happy.

But the new Government party of Natal was not disposed to let Indians alone. Their disfranchisement was followed up by Act No. 1 of 1897, which prohibited free immigration except on certain conditions to Natal. This was done under the pretext of preserving the whole social policy against the introduction of immigrants from India.

This restriction, which was no longer necessary in view of the fact that Indians had lost their voice in the administration of the country through the Disfranchisement Act, No. 8 of 1896, received the consent of all the cabinet ministers of the Imperial Government, including the worthy Secretary of State for India. This English gentleman, blessed the prohibition of immigration in a striking despatch dated 21st July, 1897. He said:—

"We regret the necessity for restrictions which exclude the British Indian subjects from South Africa, but accept the prohibition of further immigration in order to secure the fair treatment of those who are lawfully settled there. We are therefore entitled to demand fair and equitable treatment involving complete equality before the law for those Indians who have already been allowed to settle in Natal, or who might hereafter under the new immigration law be permitted to do so."

Thus was sacrificed the right of India to emigrate to South Africa for the prospect of "fair and equitable treatment involving complete equality" for Indians domiciled in the country, which still remained an undreamt of thing after a lapse of nearly half-a-century.

The Government of Natal took another advantage of the weakness of the Imperial and the Indian Governments, in the same year, by passing Act No. 18 of 1897, which amended the law relating to licences to wholesale and retail dealers, and placed unfettered discretion as to the issue or refusal of licences in the hands of the local authorities. The Act was general in its application, but aimed at restricting the Asiatic trade.

By this time, Anglo-Dutch hostility had reached the breaking-point. Imperialistic pride was wounded by President Kruger of the South African Republic and the Anglo-Boer war had commenced. As is usual in war, influential statesmen of England began to represent the Boers as incompetent, uncivilized, dishonourable, and untrustworthy. Hatred of the Boers became the order of the day in

imperial politics. Misdeeds of the Boers were recounted from all sides.

A few weeks after the outbreak of the South African war, Lord Lansdowne, in his dual capacity of Secretary of State for War and ex-Viceroy of India, assured a Sheffield audience that of all the misdeeds of the Boers, none filled him with so much anger as their treatment of British Indians; and that he went so far as to paint a lurid picture of the political evils which might have been expected to follow in India itself if England had failed to put an end to such insolent injustice. It was on these grounds that the war was justified to the British public.

In the words of Mr. Surendranath Banerjee, the disabilities of the Indian nationals in South Africa were "melancholy record, galling to their self-respect, and unworthy of those who permit them." In the Transvaal, they were treated as outcasts, as representatives of an inferior race. They could not walk on the footpaths or travel first or second class on the railways. "As if the measure of his degradation," says Mr. Banerjee, "was not full, he must carry a pass, and, finally, in the spirit of the curfew regulations of William the Conqueror, he must not be out after nine o'clock in the evening." In Natal, too, irritating distinctions were ruthlessly enforced.

The South African war put Mahatma Gandhi's capacity on trial. It embarrassed him as to the part his community and he could play in the war, Mrs. Sarah Gertrude Millin, in her splendid book "General Smuts," refers to Mahatma's thoughts on the occasion as under:—

"Gandhi thought that justice was on the side of the Boers. But every single subject of a state must not hope to enforce his private opinion. The Indians demanded the rights of British subjects. Was not the Boers' ill-treatment of the Indians one of the reasons given for the making of the war. And what would be the position of Indians after the war if they did nothing to help ? He offered the Natal Government the services of the Indians."

His offer was at first refused on the grounds of the incapacity of the Indians. Correspondence ensued and the offer was finally accepted. He formed an Indian ambulance corps consisting of about 400 men and entered the Transvaal with the British forces. They displayed marvellous courage and did not flinch from nursing the wounded even under volleys of bullets. Their bravery was mentioned in the despatches.

Much criticism, favourable, unfavourable and adverse, has been made on Mahatma Gandhi's co-operation with the English in the Boer war. But it must be recognised that this co-operation was inspired only by the spirit of social service. British statesmanship had made a deep impression then on Mahatma Gandhi. The most important fact to bear in mind, in this connection, was that his creed of non-violence had not reached the highest stage of its present

evolution. Again, the discontent towards British imperialism was not so deep and widespread then as it is to-day.

India and Indians played a valuable part in the Boer war. The arrival of the Indian contingent in the nick of time contributed considerably to the British success in the war.

A petition dated 27th February, 1902, by Indians was presented to the High Commissioner, calling attention to various grievances, then specially pressing, and praying for relief; but without success.

The Boer war ended in 1902 and the Transvaal became a British Colony. By this time Mahatma Gandhi had gone to India with the view to serving the motherland. While he was there for a short time, the Indian question in South Africa raised its head again. He was pressed to return. He responded to the call and returned to South Africa. He awaited the day of the fulfilment of the British pledges and the end of Indian disabilities on the South African soil.

He looked forward to the very best results from Mr. Joseph Chamberlain's visit to South Africa. Mr. Chamberlain, according to Mr. John Morley, was qualified by genius and temperament to reconcile conflicting interests, to heal the animosities engendered by racial strife, and to lay broad and deep the foundations of a new political structure in South Africa, where equal rights and equal privileges shall be the heritage of all British subjects.

Instead he realised that the Englishmen's outlook had changed in the peace time. They were not burning under "the insolent injustice" meted out to British Indians in the Transvaal. The Transvaal was full of prewar prejudices, and the new British rulers had decided to retain them.

War or no war, the Indians in South Africa have never found the peace to which a race is entitled after a period of laudable sacrifices. Mahatma Gandhi rushed to see Mr. J. Chamberlain, but he met with one of the hardest rebuffs of his life.

Mr. Chamberlain, who had previously advocated equality for intelligent, educated and respectable Indians, was carried away by the influence of the Transvaal Officials, refused to give the Mahatma any chance to see him. England had declared the war in the name of the disabilities of Indians. It rejected Indians after the end of the war. The Crown Colony did what the Republican Government was afraid to do. Britain actually began to practise what it itself had consistently opposed.

The Asiatic population in the Transvaal at the outbreak of the war was between 15,000, according to Mrs. Miliin, and 17,000, according to Dr. F. E. T. Krause. The fact is that even the Commission had found it impossible to ascertain the approximate Asiatic population. During the war, a large number of Indians had left the Transvaal, either for Natal or for the Cape Colony and India.

In 1903, after the close of the war, the Peace Preservation Pro-

clamation and the Ordinance No. 5 of 1903 regulated the re-entry of such Indians by the issue of Individual Government permits. Lord Milner, the Governor of the Transvaal, replied to Mahatma Gandhi's query by suggesting that pre-war Indians should re-register to establish their right to live in the Transvaal under the old conditions.

In the same year, the Lieutenant-Governor, in Executive Council, issued a Government notice to enforce, with due regard to vested interests, the provisions of Law 3 of 1885, to segregate the Asiatics into locations for residence and trade, to refuse licences except in the Asiatic bazaars, and to make the licences of the pre-war Asiatic traders non-transferable.

Indians in the Transvaal resented the attitude of the Government, which was tantamount to an infringement of their trade rights. A deputation of the Transvaal British Indian Association, an organisation newly formed by Mahatma Gandhi, waited upon the Governor. In a memorandum sent later, Mr. Abdul Ganie, the chairman, complained that the Asiatic office, as at present worked, constituted a heavy burden on the Indian community, and an unnecessary tax on the revenues of the colony, in that it introduced a system of passes which had been proved to be utterly useless, and it had unnecessarily interfered with the licensing office. It added that the notice implied compulsory segregation and restriction on trade merely in bazaars, which was contrary to the principles of liberty and justice. It did not even respect all the existing Indian licences—a matter of life and death to the Indian licence-holders.

The reply of the Government was the drafting of a new legislation to embody the policy foreshadowed in the objectionable Government notice. Its main provisions were to the following effect:—

1. That those Asiatics who satisfy the Colonial Secretary of the colony that their mode of living is in accordance with European ideas should be allowed to live, with their servants, outside locations, but not to trade outside locations, unless they fall under (2).
2. Those Asiatics who had established businesses outside locations before the war should not be disturbed.
3. That with the two exceptions mentioned above, all Asiatics should be required to live and trade in locations, and should be prohibited from holding land outside. This provision not to apply to land now set aside and used for religious purposes.

In advocating the necessity for the proposed legislation, Sir Arthur Lawley, the Lieutenant-Governor, referred to the sentiments of the people as under: "Under the old Grondwet, the line was distinctly drawn between coloured and white. It is there stated, there shall be no equality between coloured and white; and though

in the eye of the law they are equal, there is not in this country one man in a hundred who would agree to recognise the coloured man as capable of admission to the same social standard as the white."

Lord Milner, the Governor, endorsed his deputy's statements. In a covering letter to the Secretary of State, he said: "I hold that when a coloured man possesses a high grade of civilization he ought to obtain what I might call white privileges, irrespective of his colour. For the present, however, there is no prospect whatever of their prevailing—certainly as far as Asiatics are concerned. . . . The Asiatics are strangers forcing themselves upon a community reluctant to receive them."

According to Mrs. Millin, Lord Milner understated the position. "The Transvaalers," she says, "were not reluctant—they were wild—against receiving Indians. They asked how the English in England would like the idea of being swamped by the overflow of a polygamous people, hundreds of millions strong, coming, not in the shape of princes and philosophers, but as coolies, waiters, hawkers and small tradesmen—to under-charge, under-sell and under-live Europeans."

It would not be out of place to refer to the Indian viewpoint here. The Government of India despatch of 14th May, 1903, had clearly realised the position that the overflow of immigration would not be welcomed in Natal. It said: "We are constrained to recognise the fact that if emigration is to continue, and if reasonable treatment is to be secured for Indian settlers in Natal, measures must be taken to prevent the rapid increase in the number of settlers which had been so marked in recent years." This was followed up next year by Lord Curzon's despatch concerning Transvaal. It did not reflect the wisdom and political bravado of the proud Viceroy. It was a candid confession of the Government of India's powerlessness against the rising tide of anti-Indianism in South Africa. He said: "We are not in the least anxious for Indians to go to the Transvaal at all. The relief thereby given to our Indian problem is infinitesimal and we only lay up for ourselves a crop of trouble in the future. Outside the Government of India itself, where the Imperial sentiment is strong, I know of no class, community or individual in India, who wants the Indian to have anything to do with the Transvaal. The bitter example of Natal is before them."

The people of India considered Lord Milner's attitude as not only hopeless but humiliating to the Imperial Government, in that "inoperative Boer enactments had been brought into force and rendered more stringent by ordinances or executive orders, and British Indians had been offensively classed in legislation with Hottentots."

Criticising the British rulers of the Transvaal, Sir Henry Cotton, president of Indian National Congress (1904), declared: "... The

British rulers of the Transvaal have applied themselves with British vigour and precision to the task of enforcing Boer law. In dealing with Indian colonists, their little finger has been thicker than Mr. Kruger's loins, and where he had whips, they have chastised with scorpions."

A new development, however, temporarily upset Milner's plans in the Transvaal. A test action was brought in the Supreme Court by Mr. Habib Motan, an Indian merchant, against the Government, in which the long-standing dispute was settled. The Court reversed the judgment in Ismail Suliman's case (1888) given by the High Court of the South African Republic and decided as follows: "Section 2 (d) of Law 3 of 1885, as amended by Volksraad resolution of the 12th August, 1886, does not apply to the business places but only to the residences of Asiatics. The Government therefore has not the power, under either of those measures, to refuse to grant to Asiatics licences to trade in places outside the boundaries of the locations allotted to them for occupation."

The Indians gained a lot by this judgment, and the efforts of Lord Milner, the Governor of the Transvaal, and Sir Arthur Lawley to incite the British Government against Indians, and to push Indians into locations, turned out to be a wild goose chase. The British Government approved of the proposed restriction on fresh immigration, but made a lucid statement about the trade, residence, and land-ownership of the already settled Asiatics.

The Supreme Court judgment reacted on the Boers and the other Europeans settled in the colony. At a "national convention" held at Pretoria, to discuss the "Asiatic invasion," resolutions were passed thanking the Government of the Transvaal colony for its sympathetic attitude, demanding legislation to restrict Asiatic immigration, and urging the removal into bazaars of all Asiatic traders.

Being pressed by the anti-Asiatic agitation and relieved by the weak policy of the Government of India, the British rulers of the Transvaal colony passed an ordinance providing for the compulsory registration of all Asiatics and their identification by means of finger-prints. Mahatma Gandhi advised the Indian community to oppose it strongly. Protest meetings were held, and a deputation sailed for England to interview Lord Elgin, the Secretary of State for the Colonies. Mr. John Morley, the Secretary of State for India, sympathised with the Indians by declaring that Indians had a right in every part of the British Empire. Mahatma Gandhi's representations succeeded for the time being and the ordinance was disallowed.

In the year 1906 there also passed correspondence between the Colonial Secretary and the Secretary of State for India. Lord Elgin, on the suggestion of Lord Selborne (then Governor of the Transvaal), advised Mr. Morley to approve of legislation providing

to exclude Asiatics from entering the Transvaal in future. The Secretary of State for India regretfully agreed with the Colonial Secretary that the compromise proposed by Lord Selborne was likely to afford the only practical solution of the difficult question.

The cry for the restriction of the Asiatic immigration was universal in South Africa, and the Cape Colony, indifferent to anti-Indian agitation in neighbouring sister colonies up to the present, unexpectedly scented the danger and passed the Immigration Act of 1906, which stopped the future immigration of Indians who could not "write out and sign in the characters of any European language (Yiddish was accepted as a European language by this Act) application to the satisfaction of the Minister."

Responsible government was granted to the Transvaal also this year. This government has always been a boon to whites, but a positive curse to non-whites. Since franchise is enjoyed by whites, and all officials are whites, the administrative authorities are concerned with the interests of whites only. The interests of the disfranchised and dumb non-whites have always been sacrificed on the altar of white-selfishness.

The Transvaal followed in the footsteps of Natal in inaugurating its new regime by the persecution of Indians. In 1907, the first session of the Transvaal Parliament passed an Act (No. 2 of 1907) which was an exact copy of the 1906 ordinance. Act No. 15 of the same year put checks on immigration, instituted educational tests, and established the Immigration Department.

Meanwhile, the Zulus rose in revolt in Natal. Mahatma Gandhi again offered his services to the Government. He raised a volunteer corps which rendered splendid help and service to wounded. All these services of Mahatma Gandhi were calculated to satisfy the humanitarian cravings of his own selfless heart, and to enhance the reputation of India. He had missed not a single opportunity of doing selfless work in order that his compatriots might rise a little higher in status, and that they might be able to win the sympathy of the Government. But no benefit accrued.

The Act of 1907 greatly humiliated the Indians. The same unjust ordinance that was disallowed by the British Government a year ago, had now become law on account of the intrigues of the British bureaucracy in the Transvaal. Mahatma Gandhi naturally denounced it as a "murderous Act."

After the conclusion of the Zulu rebellion, Mahatma Gandhi turned his attention to the insulting "Asiatic Law Amendment Act" of 1907. It provided the registration of the so-called "coolies," Arabs, and Turkish Moslems lawfully resident in the country within fixed time prescribed by the Colonial Secretary, and parents were encumbered with the responsibility for their children's registration. Penalties for failing to make application were a maximum fine of £ 100 or three months' imprisonment. It also provided that every

Asiatic should, on demand by a Police Officer or other authorized person, produce the registration certificate and supply the officer with all the necessary particulars, including the impressions of his thumbs or of his thumbs and his fingers. Non-holders of the registration certificate were not to be granted trading licences. By this law, access to the Transvaal, the right which had been enjoyed by Asiatics unfettered by any condition under the regime of the late Republic, was closely regulated and controlled by that Act.

There is no doubt about the fact that this Act refused to recognise Indians as human beings, consigned them to the category of criminals, and estimated them as thieves and robbers. Mahatma Gandhi guided public opinion. A mammoth public meeting resolved to disobey the law at all hazards. But the only thing gained was the immunity of women from the obligations imposed by the Act.

The Indians redoubled their activities against the "murderous Act." Meetings were held at every centre in the Transvaal. The co-operation of some distinguished Europeans was also obtained. Newspaper propaganda was begun, and for the first time in the history of South Africa, Passive Resistance was chosen as a weapon to War against the Act. Mahatma Gandhi was the leader of the movement; General Smuts, the opponent.

The Government notified all Indians to take away their registration certificates. The Indians decided that nobody should have these. No Indian so much as thought of getting a certificate popularly known as "permit." The Government adopted the trick of keeping the offices open at night, and delivering the permits of those who fought shy of going to the offices at their own houses. Five hundred out of 10,000 Indians got permits for themselves in a clandestine manner through sheer pusillanimity. The others faced the consequences of the Act—loss of the right to trade, imprisonment and deportation. No Indians came forward to avail themselves of the extended opportunity to register. They preferred imprisonment.

Mahatma Gandhi was arrested and sentenced to two months' imprisonment. The Indians began civil disobedience. Hawkers courted imprisonment by refusing to show their licences to the police. More than a hundred passive resisters were consigned to prison within a week. In all, about a hundred and fifty men were locked behind the iron bars. According to Mrs. S. G. Millin, "The Indians had to go to the native quarters of the gaols. The cells were verminous. In one small yard in a Johannesburg gaol a hundred and fifty Indians occupied the space meant for forty-five." Several complaints were laid about the grievances of the imprisoned passive resisters. Protests were made against prison officials. There were protests in England. General Smuts held constant cabinet meetings.

Mahatma Gandhi asked for an interview to remove some misunderstandings, but General Smuts replied that no useful purpose

would be served at that stage by the proposed interview. But then he changed his mind and started negotiations with Mahatma Gandhi in prison, through a Johannesburg editor. Eventually the Mahatma came to see the General. An understanding was arrived at. If all the Indians registered voluntarily, General Smuts would lay the whole matter before the Parliament and the "murderous Act" would be repealed. The idea underlying the compromise was to remove the humiliation of Indians without sacrificing the Boer policy. The stigma of statutory inferiority should be eliminated. The compromise was hailed with general satisfaction in England, India, and South Africa.

Mahatma Gandhi was released at the very moment the agreement was reached. His followers were also immediately liberated. He explained the conditions of the compromise to them, and announced his decision to give the impressions of all his ten fingers. The Indians as a whole, willingly or unwillingly, accepted the compromise. But a bellicose section spread misunderstandings. Some Pathans threatened to shoot those who received the permits.

A few Pathans assaulted Mahatma Gandhi when he reached the Asiatic office for registration along with some leaders on the 10th February, 1908. Two leaders also suffered slight injuries. Mahatma Gandhi lost his consciousness. Some European pedestrians caught the mischievous Pathans and handed them over to the police. Mahatma Gandhi was taken to a neighbouring office. His first request on regaining consciousness was that of the release of the Pathan miscreants. The Rev. Mr. Doke, the biographer of Mahatma Gandhi, was present at the time. He conducted him to his own house, where he was treated so carefully that he was restored to himself within ten days.

The Pathans were released at the especial request of Mahatma Gandhi; but the whites insisted upon their punishment, because they had made their attack on a public road. They were captured again and awarded six months' rigorous imprisonment. Mahatma Gandhi fulfilled his promise by giving his finger-prints at the Rev. Mr. Doke's residence, and had a permit.

He then left Johannesburg for Natal to see his family. A public meeting of Indians was called in Durban. There, too, was an imminent danger from some Pathans, but it was obviated by the presence of mind of those who had convened the meeting. From Durban Mahatma Gandhi went to Phoenix. There he began to write articles in *The Indian Opinion* with the object of removing the misunderstandings that had already done some serious mischief.

The year 1907 also saw some other Acts on the Transvaal statute book which assigned to Asiatics an unrespectable and inferior status. The Transvaal Arms and Ammunitions Act prohibited the issue of licences to Asiatics without the sanction of the Minister. The Education Act (No. 25 of 1907) provided no

admission of coloured children into European schools, and authorized the Minister to establish separate schools for the instruction of coloured children or persons. Free and compulsory primary education was provided for European children, but not for the coloured. Act 27 of 1907 amended the Vrededorp Stands Ordinance and the freehold title of certain stands was transferred to the municipal council of Johannesburg, with the condition that such title could not be transferred to any Asiatic, native or coloured person.

The Workmen's Compensation Act (No. 36 of 1907) refused the benefits to Asiatic and coloured people and defined "workman" as "any white person engaged by an employer to perform work under agreement of service or of apprenticeship or otherwise."

The year 1908 saw the smouldering fire of anti-Indianism in the Transvaal, where General Smuts was devising ways and means "not to be altogether defeated by Gandhi's soul force, nor to yield on the anti-Asiatic principle."

The Transvaal Indians had already carried out the requirements of the compromise; they had no idea that they had to deal with General Smuts. He not only did not fulfil his promise, but passed an Act that revived the "murderous Act" and validated the voluntary permits. Thus were levelled at Indians two Acts with a single aim. This was "the most unkindest cut of all" for Mahatma Gandhi, who appealed to General Smuts not to dishonour them, not to cast a stigma upon them in the laws of the country. Various European sympathisers also tried to dissuade him from his unrighteous policy. But all this was to no purpose. "The iron Smuts of 1908 refused." Mahatma Gandhi explained the situation to the Indians and counselled a resumption of civil disobedience. The Indians enthusiastically welcomed the counsel. Mahatma Gandhi informed the Government of the resolution of the Indian race to burn all the permits if the Asiatic law was not promptly abrogated.

The warrior, General Smuts, decided on a fight and tried to exhibit the might of the Government. An amending Act (No. 36 of 1908) was passed, and the Indians had no recourse but to make a bonfire of their registration certificates. More than 2,000 certificates were reduced to ashes at a meeting held on the very day the Act was passed. One of them was from a Pathan who had attacked Mahatma Gandhi and had afterwards become his follower.

That General Smuts' fondest hope was to eliminate the Indians became clear now. Another act of his was the Immigration Restriction Act. This Act seriously hampered fresh Asiatic immigration. It was enacted with a view to prohibiting Indians from entering the Transvaal. Thus it hurled additional humiliation at the Indians, who included this Act also in the field of civil disobedience. General Smuts worked upon the white minds by making a rude attack upon Mahatma Gandhi in the legislature, but no amount of abuse could

attenuate the ranks of a few European sympathisers of the Indian cause.

General Smuts now schemed to extirpate the Indians by a series of enactments. He had a twofold aim in view. He desired to crush the passive resistance on the one hand, and to cripple the Indians politically on the other. So in 1908 were passed two Acts which impeded Indian trade, thus exposing, in all its horrid nakedness, the true aim of a responsibly governed Transvaal. The responsible government of the Transvaal surpassed in its anti-Indianism both the Republican and the Colonial Governments.

The Transvaal legislature passed and enforced two more Acts, namely, the Townships Amendment Act and the Precious and Base Metals Act (Nos. 34 and 35 of 1908). The latter enactment is known as the Gold Law, and certain provisions apply to "Proclaimed Land"—that is, to land proclaimed as a public digging. Sections 130-131 of the Gold Law restrict the occupation of proclaimed land by coloured persons and hold those who would lease, transfer or give them permission to settle in it liable to punishment. The Townships Amendment Act provided for the coloured persons to live in townships only as domestic servants, not as independent merchants or free citizens. They cannot hire houses or get shops transferred to their names.

Act No. 16 of 1908 prohibited the native (the expression here meaning a person manifestly belonging to any of the native or coloured races of Africa, Asia, America or St. Helena) from having immoral connection with a white woman—an offence liable on conviction to imprisonment with hard labour for a period not exceeding six years, and in addition to such imprisonment, to whipping not exceeding twenty-four strokes.

All these Acts deeply wounded the self-respecting hearts of Indians. They added insult to injury. Mahatma Gandhi offered a stout resistance to them with the support of his compatriots, and made strong representation to the Imperial Government. Some of the members of the British House of Commons had already made themselves familiar with the Acts even before they were passed. The Under Secretary of the Colonial Department had also been asked whether the Gold Law affected in any way the rights of British Indians to trade and settle in mining districts. The Imperial Government asked of the Transvaal Government an explanation in relation to the Gold Law. Mr. Jacob de Villiers, the Attorney-General of the Transvaal Government, sent an elaborate report to the Imperial Government, in which he stated that all the old mineral laws of the Transvaal specially withheld the right to acquire mining title or privileges incidental thereto to non-white races and that the public sentiment in the colony would not tolerate a departure from the prevalent practice, and assured that no right or privilege which a coloured person then had would be taken away by

the new Gold Law.

Eventually the Secretary of State approved of the Gold Law, on condition that existing rights of Indians in mining areas were protected, and the Mining Commissioner had powers enabling him in the future to exempt coloured persons from being required to live in bazaars.

Yet the repressive policy of the Government did not cease. Attempts were made to deprive some Indian traders of their licences. These were foiled by Khota's case, even as the attempts at confining Indian trade rights to locations or bazaars had been checkmated by Motan's case.

The Chief Justice held that a white man could legally let his stand to a coloured person, who had also the right to occupy it. In 1911, in the case of *Rex vs. Tamblin*, the Transvaal Provincial Division of the Supreme Court endorsed the judgment in Khota's case and held that no restriction was imposed by Act No. 35 of 1908 on the letting to Asiatics of any stand granted under the mining laws prior to 1908 which was situated on proclaimed land outside a township.

It is generally accepted that no steps were taken by the Government to enforce the provisions of the Gold Law of 1908, in consequence of the great dissatisfaction amongst the Indian community and the litigation to which it led.

Natal was none too quiet all these years. It has been noticed how it inaugurated its responsible government. Its English residents were not to be beaten by the Dutch in anti-Indianism. They were out to demolish Indian trade and continue the indenture system.

The Dealers' Licensing Act of 1897 had fully empowered licensing officers to issue or refuse licences. These officers brought colour bar into prominence by misuse of their authority. They rarely refused licences to whites, and never issued licences to Indians without previous refusals. This put Indian trade in a very bad way.

The Government of Natal were not disposed to be swayed by the Indian Government or Indians in the matter of the licence question. On the other hand, they were only too eager to import indentured labourers from India. They wanted to derive a double gain without parting with anything. A commission was appointed in 1907 to examine the Indian question.

It reported once again in favour of the utility of the Indian labour to the Province. It said: "Absolute and conclusive evidence has been put before the Commission that several industries owe their existence and present condition entirely to indentured Indian labour. The expansion of industries made possible by the presence of Indians, has provided the native with further openings. . . . The employment of Indian labour has provided opportunities for whites which would not otherwise have existed. The Indians are Industrious, law-abiding, and, on the whole, sober in their habits, and it

has been proved that their presence has had no injurious effect on the morals of the whites or natives."

This report failed to allay the anti-Indianism of Natal. Many of the fair-minded reports of commissions have generally had little or no effect on the white craving for colour bar. Herculean efforts were made in 1908 to get the Dealers' Licensing Act amended. Even the Indian Government made a representation against its excessive stringency. It said: "So long as Natal maintains her present attitude they consider that they would not be justified in the continuance of a system which must have the effect of increasing the number of Indians who may be ultimately affected by the measures adopted by a colony."

But the colonists of Natal were not to be impressed. India, as usual, agreed to permit the emigration of indentured Indians for one more year on condition that a law was enacted allowing the right of appeal to the Supreme Court against refusal to renew a dealer's licence. The Indians, however, were far from being satisfied with this trivial promise, and the Indian public opinion decided to root out the indenture system.

The Indian National Congress was greatly perturbed and alarmed at the harsh, humiliating and cruel treatment meted out to British Indians in South Africa. The 1909 session of the Congress at Lahore firmly demanded the prohibition of the recruitment of indentured Indian labour to South Africa so long as they adhered to the selfish and one-sided policy of denying to His Majesty's Indian subjects their just rights as citizens of the Empire. In 1910, the Hon. G. K. Gokhale moved a resolution in the Imperial Legislative Council of India—which was accepted—to empower the Governor-General in Council to prohibit the recruitment of indentured labour in British India for the colony of Natal.

The Indian Government declared the advisability of stopping the flow of indentured labourers to Natal as it would only tend to multiply troubles in Natal, which had grown aggressively anti-Indian. This immediately brought Natal to its senses. It redoubled its efforts to import indentured labourers, but met with signal discomfiture. The indenture system came to an end on the 1st July, 1911.

Mahatma Gandhi saw that the whole Indian race would be eliminated from South Africa if Indians swallowed without demur the anti-Indian legislation. So he determined to show the white Government that Indians were not strangers to self-respect, that they were not an obtuse race which would put up with all sorts of injustice, and that they could even sacrifice their lives for the sake of their rights.

Mahatma Gandhi now put new life into the passive resistance movement which won admiration on all sides for heroic resistance and selfless struggle for elementary civil rights. It brought funds

from India of thousands of rupees.

The Immigration Registration Act of 1908 was disobeyed. The Indians of Natal crossed the border of the Transvaal, and were arrested. The Indians of Natal and of the Transvaal had predetermined to offer a united front. The Transvaalers courted arrest by hawking without a licence. The Transvaal Government resorted to oppression, and inflicted untold hardships on the locked-up Indians; but the Indians remained steadfast. The Government tried to quell them by deportation. This only served to fan the fire that was crackling in their hearts. The deportees at once returned to the Transvaal and had to be caught again. Finally, the Government went to the extremity of deporting the passive resisters to India. A big batch of Indians was thus forcibly conducted to India. Indians could not have been prepared for such a contingency. Some of them abandoned passive resistance; others continued it undaunted.

The arrival of the deported batch of Indians into India created a great outcry. The absolutely unjust and illegal proceeding of the Transvaal Government was thoroughly condemned. Meanwhile the Indians filed an appeal, and the court decided against the deportation to India. The decision greatly enheartened the passive resisters. The Indian movement was not without the grim element of death. Two brave non-violent Indian resisters lost their lives during the struggle.

Meanwhile, the union of the two old Boer Republics and the two British colonies into one South African state had been decided upon. Whiteism had run amok and responsible statesmen in England and South Africa had made declarations "in favour of allowing the self-governing colonies in the British Empire to monopolise vast undeveloped territories for exclusive white settlement." India had protested against the unwise and unrighteous declarations which were "fraught with grave mischief to the Empire."

The Indians in South Africa viewed the unification of four provinces with alarm, as they apprehended danger to their future status and existence in South Africa. Separate Dutch and English deputations went to London to see to the preservation of their individual rights. The Indians, too, sent up a deputation to represent their case, with Mahatma Gandhi as spokesman. The deputation asked for the repeal of anti-Asiatic laws, but Lord Ampthill, who had got into personal touch with Generals Botha and Smuts, informed the deputation that General Botha was prepared to accept his terms generally, but that he was totally opposed to the abolition of the colour bar and repeal of the anti-Asiatic laws. So the deputation returned to South Africa empty-handed.

The British Government could have saved the Indians from a gruesome struggle with a little firmness, a little thought about the **self-respect** of India and the future of the South African **Indians**,

and a little insistence upon South Africa's abstention from any more anti-Indian legislation. But they hardly tried to do so. Generals Botha and Smuts had their way.

To the Governor-General-in-Council was entrusted the charge of Asiatic affairs by section 147 of the South Africa Act of 1909. It runs thus: "The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General-in-Council."

The section 147 outwardly meant to protect the interests of the voteless Indians, but it was a dead-letter to the non-Europeans, inasmuch as it did not override the legislative powers of parliament to make laws "for the good government of the country." The South African Indians were deeply disappointed. While pre-Union laws of the republics and the colonies had been scrapped for the sake of uniformity of justice to Europeans, the anti-Asiatic laws were left intact to provide diversity of treatment to non-Europeans. Their civic rights were disregarded, and there was no sign of any future relief. So it was decided to restart passive resistance with redoubled energy.

Mahatma Gandhi himself adapted his body to the rigours of the South African struggle, and took steps to make the voiceless Indian race strong and self-respecting. He foresaw the necessity for passive resistance in India, and so he began to cultivate and practise it. The body must needs be trained before one becomes an able passive resister. The Tolstoy Farm was established, with a view to training an army of non-violent volunteers who would embrace death for the sake of their national honour. The soil of South Africa became, to Mahatma Gandhi, the experimental school of Satyagraha. "His chief teacher," says Mrs. S. G. Millin, "was his chief opponent, another believer in soul-force, Smuts."

The Hon. Gopal Krishna Gokhale came to the Union in 1912 to study the Indian question while the passive resistance was going on. He showed for the first time to South Africa that there were men in India who could stand side by side with the best of Europeans in point of excellence. He met the South African cabinet, and extracted a promise from General Botha, the Premier, to the effect that the 1908 Registration Act would be repealed, discrimination in the Immigration Act would be removed and that the three-pound tax would be abolished. This promise also met the same fate as that of General Smuts. Generals Botha and Smuts turned their backs on it owing to the white insistence on the three-pound tax. Deshabhakta Gokhale was grieved to hear this news in India. He made himself ready to help the South African Indian struggle from India.

Mahatma Gandhi had a prevision of this violation of the promise, and so he was not in the least disheartened by it. He resolved to fight all the more vigorously. He also decided to offer

passive resistance to the three-pound tax, and to strengthen the movement by making the indentured labourers join it.

The question of the immigration of Indian women was also being warmly discussed at this time. An Act empowering the Government to appoint Maulvies (i. e., priests) for Moslem marriage ceremonies was passed in 1886. But it was never put into operation. Meanwhile, the Indians were demanding their own priests for their marriage rites. The Union laws did not consider marriages contracted in the Indian way as legal, and the Supreme Court had decided against their legality at the time when passive resistance began. This had greatly enraged the Indians, and the passive resistance gained a religious backing too. Indian women also joined the struggle. The centre of passive resistance changed from the Transvaal to Natal.

Women were allowed to take the initiative in the non-violent war. They broke the law and were incarcerated. Their self-sacrifice filled Indian hearts with the spirit of enthusiasm and self-abnegation. Sir Phirozshah Mehta proclaimed in India that India could not sit still over the imprisonment of her daughters.

The women endured with wonderful equanimity the harassments meted out to them in jails. But a delicate girl of eighteen caught a deadly fever, and died. While passive resistance was thus blazing, a new and effective element was added to it.

The Government of Natal had imposed in 1895 a tax of three pounds upon the indentured labourer who did not return to India and wished to settle in Natal. There was a two fold reason why it was decided to offer passive resistance against this tax. Firstly, the Indians were reluctant to return to India; and secondly, they were incapable of paying the tax. The Government found it very difficult to realize the tax, because it was incumbent upon them to prove that an Indian had come to South Africa after 1895, and that he was not a "free" Indian. In 1905 the Government passed a new Act prohibiting all masters from engaging Indian servants without previously ascertaining that they had paid the tax. Thus 11,000 indenture-expired Indians were to be the victims of this tax. The situation exasperated the Indian workers of the coal mines of Newcastle—4,000 of them protested against the tax and struck work. Mahatma Gandhi tried to end the strike by making a compromise with the mine-owners, but he failed to do so. Finally, the strikers were also admitted into the passive resistance movement.

Two thousand two hundred Indians plunged into the movement with peace and patience. They welcomed all sorts of difficulties and sufferings, and commenced a march that was as spectacular as memorable in the history of South Africa. They had already announced their intention of crossing the border of Natal, and had requested the Government to arrest them. They had also promised withdrawal of the strike if the three-pound tax was abolished. The

non-violent army marched from Newcastle to Charlestown. General Smuts was requested by telephone to arrive at a compromise. He ridiculed the request. The provincial boundary lay only a mile off. The village situated on it was Volksrust. The army reached it, and greatly excited the whites. The Indians declared that they were not out for an armed revolt, but for a challenge against injustice and for the endurance of all difficulties that might result from civil disobedience. Their goal was to reach the Tolstoy Farm near Johannesburg in case they were not put into prison.

Mahatma Gandhi was arrested first. He was released and continued the march. He was re-arrested at Standerton. Five of his colleagues were arrested while he was yet in court. The army marched on and was joined three miles away by Mahatma Gandhi. The Indians pushed on their journey with perfect peace. There were no bickerings, no brawls, no stampede. Mahatma Gandhi was re-arrested before he could reach Heidelberg, and two trains were kept in readiness to conduct his followers out of Heidelberg when they reached there. The trio of Mahatma Gandhi, Mr. Polak and Mr. Kallenbach was not consigned to jail. The Indians continued the struggle courageously and were arrested. The Government had planned to arrest all the 2,200 Indians and compel them to work in the mines as prisoners, but the plan met with a formidable opposition. Moreover, many more Indian labourers refused to work in the mines, and became victims of unspeakable brutalities. India was shocked to hear about the South African reign of terror. 60,000 Indian miners prepared themselves for general strike. The Government even went to the length of opening fire. A couple of Indians were shot dead, but passive resistance went on uninterrupted.

Messrs. E. Gitsham and J. F. Trembath have given an excellent picture of the enlivening influence passive resistance had on Indians in their book, "A First Account of Labour Organization in South Africa." These writers describe the struggle as "The Indian General Strike," and say:—

"One of the most remarkable industrial upheavals this country has witnessed took place in Natal in November, 1913—generally referred to as the Indian Strike. There were at that time some 22,000 labourers working under indenture in the tea plantations and sugar farms, the collieries, railways, and other important Natal industries.

"Among other disabilities which aroused their discontent was a provision in Act 17 of 1895 of Natal, that Indian workers who declined to renew their contract of employment were compelled to pay a government tax of three-pounds per annum in order to continue to reside in the colony. Mr. Gokhale, the great Indian leader, had some time previously secured a sort of half promise from the Botha Government that the tax would be repealed*

"Mr. Gandhi, a name to conjure with among Natal Indians,

was apparently not satisfied with the slow progress the Government was making, and he determined to hasten matters. He accordingly inaugurated a policy of 'passive resistance' among the Indian workers, the first condition of which was a suspension from toil until the Government made a definite promise to repeal the tax during the ensuing session of Parliament.

"The 'coolies' on the mines, on sugar farms and tea plantations promptly 'downed tools'. There was in their case no need apparently for all the elaborate system of organisation which the white trade unionists regard as essential preliminaries to industrial action. The Indian workers probably only had hazy ideas on the theory of the much debated General Strike. They merely stopped work, and not all the persuasions of the distracted coal and sugar magnates could persuade them to resume.

"Gandhi's programme included a grand march of the strikers to the Transvaal, where they were apparently to be arrested for contravening the immigration law. Some two thousand men, women and children actively straggled into Volksrust, but the arrest of Gandhi, as well as Polak and Kellanbach, his lieutenants, put an end to the expedition, and the labour army was railed back to Natal. On some of the estates, attempts to arrest strikers led to bloodshed, some policemen being injured, and a few of the strikers killed and wounded.

"In towns the Indian workers also gave a little demonstration in order to show their sympathy with the movement. For a few days the Indian cooks and waiters in the Durban hotels took a holiday and left the guests to carry on as best **they** could.

"Municipal cart drivers ceased to drive; workers on the road left their jobs unfinished; and Indian tailors, saddlers, and printers' assistants were missing from their workshops. The dhobies did not bother about the washing, the vegetable 'Sammies' neglected to market their produce, and even the Indian nurse girls ceased to look after their youthful charges.

"Of course, the business did not last long; but it was a pretty effective demonstration while it lasted. Gandhi and his fellow-conspirators were sentenced to imprisonment for nine months; but they were soon after released to give evidence before a special commission of enquiry set up by the Government—to which, by the way, they declined to attend. The Three-pound tax on the ex-indentured Indians was speedily abolished as a result of the publicity given to the question by this unorthodox method of propaganda."

The struggle displayed before the world the heroism of South African Indians. It brought to light the long lost truth that Indians can sacrifice their all for the sake of their self-respect. It showed **that** victory was the fruit of firmness, patience, peace, self-abnegation,

and selfless service. It evoked heartfelt sympathy in India and deepest indignation against the South African oppressors. Lord Hardinge, the Viceroy, espoused the Indian cause in South Africa and made a momentous speech openly supporting the passive resistance against invidious and unjust laws, which undoubtedly created an Empire-wide sensation.

He said: "Your compatriots in South Africa have taken matters into their own hands by organising what is called passive resistance to laws which they consider invidious and unjust. They have the sympathy of India—deep and burning—and not only of India, but of all those who like myself, without being Indians themselves, have feelings of sympathy for the people of this country."

The Government of India pressed the Secretary of State for an independent enquiry into the allegations of brutal treatment accorded to the passively-resisting strikers. India demanded the appointment of a royal commission composed of British statesmen, of colonials and of Indians, as they, according to Hon. Nawab Syed Mohammed, president of the 1913 Indian National Congress session at Karachi, were against "a domestic court of inquiry composed purely of South African settlers.... who are bred up in traditions which lead them to think that we have no rights and consequently can have no grievances."

The Union Government did not agree to the appointment of a royal commission. It appointed an inquiry commission under the chairmanship of Sir William Solomon, and the mighty British Government duly consented to it.

General Smuts was forced to appoint the commission as "he was," says Mahatma Gandhi, "in the predicament of a snake that has made a mouthful of a rat which it can neither gulp nor cast out." The tide had turned and General Smuts was ready to confer.

Indians of South Africa decided to boycott the Commission, as some of its members did not satisfy the community. The Government of India, however, had sent Sir Benjamin Robertson to watch the proceedings and lay the Indian Government's viewpoint before it.

Meanwhile negotiations commenced between General Smuts and Mahatma Gandhi. It was in the form of correspondence which dealt with the status and rights of the Indians in South Africa. The Solomon Commission accepted Mahatma's demands, and thus terminated one of the most striking struggles in the history of the world. Mahatma Gandhi, the Satyagrahi, secured victory over General Smuts, the statesman. "The spiritual awe" of Mahatma Gandhi for doing what he thought right in the teeth of a nation's opposition prevailed upon the unbending, invincible spirit of the soldier, Smuts. The world's two great men of the modern age fought against each other for their peoples and terminated the struggle as life-long friends.

The Smuts-Gandhi negotiation concluded with what is now

famous as the Smuts-Gandhi Agreement of 1914. Mahatma Gandhi left South Africa after the agreement was arrived at, and took over the work of India's emancipation.

Mahatma Gandhi's uninterrupted stay of twenty-one years in South Africa signifies a revolution in the history of India. It reveals the awakening of the soul of India. It is a truthful and memorable picture of the way in which a small and unarmed race can surmount all obstacles in a foreign land and gain success through sheer soul-force. It will appear in letters of gold in the future history of South Africa. That Mahatma Gandhi filled South Africa with the echoes of Indian civilization, that he proved himself a credit to his motherland, that he harmonised the disunited forces of Indians, that he made himself responsible for the making of great men, that he instilled into the heart of India a unique spirit, and that he dispelled an atmosphere of intense gloom by a flood of sunlight, is a truth acknowledged by one and all.

Some people are yet sceptical about Mahatma Gandhi's South African services and success. But every unbiased student of South Africa can boldly proclaim the truth that Indians owe their present settlement in South Africa to Mahatma Gandhi. Indians would have been completely wiped out of South Africa had Mahatma Gandhi not given twenty-one years of his life to that land, had he not faced the Union Government with his new weapon of passive resistance, had he not impelled the Indian Government and masses to support his struggle, had he not transformed the South African Indian question into a burning problem for India and an Empire problem, and had he not rendered himself a willing victim to a thousand indignities in the cause of self-respect and equal rights.

Mahatma Gandhi has been the saviour of South African Indians. Many a striking memorial to his services and inspiration exists to-day. The impression he made on South Africa by his purity, learning and self-sacrifice has not yet been effaced. Thousands of white men and women experience an ecstatic pleasure when they hear the word 'Gandhi,' and are eager to have some news about him. Some take pride in talking about their old acquaintance with him. Some enthusiastically recollect the occasions on which they shook the thin, soft hand of this brown, emaciated figure. There are clergymen who refer to his gospel in their churches. And the first question that the people in general put to an Indian is always: "How is Mahatma Gandhi?" "India is Mahatma Gandhi, and Mahatma Gandhi is India"—this is the belief that South Africa cherishes. South Africa again has a perennial interest in the personality and actions of this great man.

Indians celebrate his birthday every year. They try to perpetuate his memory by connecting his name with lasting objects. Hundreds of them remember his words uttered in his own home or in public functions. His advice and aid are indispensable in the realm of

politics. He personifies a unique gift of South Africa to India. He has been acclaimed as the greatest man in the world. South Africa, especially its Indian community, may well glory over the fact.

It would be fitting to conclude this chapter by the remarkable tribute paid by General Smuts to Mahatma Gandhi on his seventieth birthday. Referring to the clash in the early days of the Union, General Smuts says:—

"It was my fate to be the antagonist of a man for whom even then I had the highest respect . . . His activities at that time were very trying to me. . . His method was deliberately to break the law, and to organize his followers into a mass movement of passive resistance in disobedience to the law objected to. In both provinces a wild and disconcerting commotion was created, large numbers of Indians had to be imprisoned for lawless behaviour, and Gandhi himself received—what no doubt he desired—a short period of rest and quiet in gaol. For him everything went according to plan. For me—the defender of law and order—there was the usual trying situation, the odium of carrying out a law which had not strong public support, and finally the discomfiture when the law had to be repealed. For him it was a successful coup.

"Nor was the personal touch wanting. . . . In gaol he had prepared for me a very useful pair of sandals which he presented to me when he was set free. I have worn these sandals for many a summer since then, even though I may feel that I am not worthy to stand in the shoes of so great a man."

CHAPTER IV

THE SMUTS-GANDHI SETTLEMENT

THE Union Government took the first deliberate and effective step to restrict Asiatic immigration in 1913, when the passive resistance campaign was in full swing. The Immigrants Regulation Act (No. 22 of 1913) consolidated and amended the laws in force in the various Provinces of the Union relating to prohibited immigrants and provided for the removal therefrom of undesirable persons. It disqualified Indians and other Asiatics from settling in the country on economic grounds. The definition of the "prohibited immigrants" was striking. It read:—

"Any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof."

Considered from the international point of view, this Act is a huge national insult to Indians. South Africa and India are members

of **the** same Empire. And yet this Act has been propped up **to** serve as an iron barrier to would-be Indian immigrants, and as a torpedo to the Indians who have already settled in South Africa. It is the origin of all the immigration Acts of the Union. This Act closed the doors of the country not only to all Indians, but also to all Asiatics. It made no specific reference to Indians, but there is no doubt about the fact that its especial aim was to check Indian immigration effectively.

The absence of any specific reference to Indians or Asiatics in the Act should not be deemed proof of any benevolent or charitable feeling on the part of the South African Government. It was the only "concession" given to the Asiatics, before the Smuts-Gandhi settlement, not to dishonour a race by its name. Now it is the general practice of South African legislators not to mention directly, as far as possible, any race for whom they legislate. They enumerate the names of some other races and then state that the legislation shall not apply to these, thus carefully leaving the race to be affected by the law. All this labour of language is, however, foolishly wasteful, because even a most pronounced dunderhead immediately becomes aware of the race or races intended to be included in the **law**.

The Act referred to above came into force in the third year of the Union, and became a signpost to all autonomous dominions. It was contradictory to the general administrative policy of Great Britain. It was a terrible affront to India, which forms a vast and invaluable unit of the British Empire. But Great Britain provided the unedifying and disappointing example of powerlessness before the tiny might of the newly-created Union.

The British are never tired of applauding the merits of English **rule**, but history says that British imperialism has always delighted in ignoring the rights of the non-European people. In his "Imperialism in Theory and Practice," Mr. K. M. Panoikar truly remarks: "Great Britain, whatever may be its policy with regard to its daughter communities, certainly does not stand for freedom and national life for the great majority of non-European people. What it stands for is a white oligarchy exploiting coloured nations. It is, in fact, a 'British Empire Company, Limited,' which, like all other trade interests, is concerned only in giving a maximum profit to its shareholders.

"Take the case of South Africa. The grant of self-government to South Africa is supposed to constitute the proof positive of England's championship of liberty and freedom. But what is the fact? It is often forgotten that self-government in South Africa means merely the right to oppress and exploit and, if necessary, shoot down the six million coloured people—Indians and natives.*

Strange and inexplicable indeed is the idea that the people of a **country that unfurled the flag of civilization in the world should**

contaminate the land of South Africa by their immigration. The Indian Government played second fiddle to the British masters and swallowed the humble pie. The assurance that no injury was to be inflicted on white interests satisfied the hearts of the authorities. They looked upon the Immigrants Regulation Act as a decisive conclusion of a long struggle.

This Act demonstrated to the world that the status of India and the Indians in the Empire was that of an undesirable outcast. It made the Indians realise for the first time that they were classed as inferiors and humiliated in the international sphere by South Africa, and that Britain had willingly or unwillingly aided and abetted in the heaping of this indignity.

To-day, British statesmen use the word "Commonwealth" instead of "Empire." The dominions are to-day absolutely autonomous states. And yet the status of India, though it contains two-thirds of the total population of the British Empire, has been made inferior to that of the dominions. The dominions, too, are unwilling to see India free, because they would not be able to intimidate the Indians, to oppress them, and to insult them by anti-Indian legislation. India's independence would tell upon their selfish rule. It is certain that the white policy of Great Britain and the dominions will, in time to come, be potently instrumental in disintegrating the Empire. The imperialists have no idea that the anti-Indianism of dominions is one of the potent factors that have contributed in making India a sworn enemy of British rule.

The humiliation of the undesirability of Indian immigration in South Africa was partly overshadowed by events which happened later. As related in the preceeding chapter, Mahatma Gandhi won over General Smuts by the pure intelligence that lay behind the passive resistance movement, by his unflagging willingness to render assistance to the Government in their hour of need, and by his desire of obtaining justice by self-suffering only. His sympathetic contact with the Government resulted in some important negotiations with General Smuts in January, 1914. He facilitated the way for a compromise.

He put the whole Indian case before General Smuts, who heard it with patience. Mahatma Gandhi expressed his thanks for this. In a letter to the Secretary for the Interior on the 21st January, 1914, he stated that since the Minister had accepted his general principles, he had suspended the passive resistance with a view to smoothing matters for the Government and the Solomon Indian Inquiry Commission, and that therefore he requested the release of all passive resistance prisoners. He laid down the following demands at the end of the letter:—

" 1. Repeal of £3 tax in such a manner that the Indians relieved will occupy virtually the same status as the indentured

Indians discharged under the Natal law 25 of 1891.

"2. The Marriage Question.

(These are the two points, as I have verbally submitted, which require fresh legislation.)

"3. The Cape Entry Question. (This requires only administrative relief, subject to the clear safeguards explained to the Minister.)

"4. The Orange Free State Question. (This requires merely a verbal alteration in the assurance already given.)

"5. An assurance that the existing laws, especially affecting Indians, will be administered justly, with due regard to vested rights."

The Secretary for the Interior, Mr. E. M. Gorges, replied to the letter the same day that "the steps were already taken for the release of the small balance of these prisoners kept in the gaols" In regard to the grievances summarised at the end of Mahatma Gandhi's letter, the Secretary added: "the Government will await the recommendations of the commission before taking any action."

The Solomon Commission issued a report to the Government after a thorough examination *pi* the Indian question, and made some remarkable suggestions.

The Government accepted all these suggestions and embodied them in the Indians Relief Act of 1914. This Act conceded half the points of Mahatma Gandhi mentioned in his letter to General Smuts. It abolished the three-pound tax and settled the marriage question in a satisfactory way. It did not accede to Mahatma Gandhi's demand for the admission of South African-born Indians into the Cape Province without the dictation test, and remained firm in respect of the Free State question. However, it cannot be denied that this Act was revelatory of a certain change of heart on the part of the Government. The Indians were satisfied with it to some extent, and Mahatma Gandhi was inspired to carry on more negotiations with General Smuts.

The Indians Relief Act was the direct result of the recommendations of the Indian Inquiry Commission. It was also a response to Mahatma Gandhi's request to satisfy the Indian aspirations. It removed certain disabilities of the Indian Nationals in the Union. It embodies the following main points:—

The Minister of the Interior will appoint marriage officers to solemnize marriages according to the rites of Indian religions.

Monogamous marriages will be validated upon a joint application to any Magistrate or Marriage Officer.

The legal wife of an exempted person is not entitled to admission if such person has in any province off spring by any other woman who is still living.

The Government may grant free passages to India to any Indian who abandons his, his wife's and his minor children's

right to domicile in South Africa.

The thumb-impressions on a certificate of domicile in Natal shall be conclusive evidence of the Indian's former residence or domicile.

The £3 tax was abolished. No proceedings shall be taken to recover any moneys which may have become due prior to the commencement of the Act.

There was a prolonged discussion over the Bill in the Union Parliament. It would not be out of place here to quote the views of a few honourable members of the Union Parliament for a study of the feeling in the country on the Indian question:—

"The Indian community, upon the advice and guidance of Mr. Gandhi, engineered a strike, and to secure the support of the Indian Government and the sympathy of the British public false statements of cruelty, coercion and semi-slavery were cabled to every part of the civilized world."—*Sir A. Wools-Sampson*.

"It was the duty of the House to save the country. This was only the thin end of the wedge, and was not going to be the final settlement of the question. He hoped the House would not be kicked about by Messrs. Gandhi and Co., to accept what they put forward."—*W. M. Myburgh*.

"This was a burning question, and he was afraid that the present Bill would add more fuel to the flames.... He did not think the House would be justified in dealing with legislation of that description until a referendum had been taken of the voters of Natal."—*C. Henwood*.

"It was not a question whether Indians should be allowed to remain in Natal or pay a £3 tax. It was far deeper than that, but his view was that so long as the £3 tax was having the effect of sending Indians back it should remain."—*A. Fawcus*.

"The effect of the measure would be that the Indians might enter the country in large numbers.... By allowing these people to come in they would be doing a disservice to the whole of the Empire. Indians were a general curse to the country."—**G. L. Steytler**.

"He knew the Government had to cope with great difficulties, especially when such agitators as Mr. Gandhi, Mr. Polak and Mr. Kallenbach were about. These people should have been deported."—*C. A. van Niekerk*.

"We did not wish to treat the Asiatics harshly or unjustly, but an attempt should be made to get rid of the Indian.... In twenty years' time the country would swarm with coolies, and the effects on the white population could only be disastrous."—*C. T. M. Wilcocks*.

"The Asiatic problem was such a serious one in South Africa that they could not and dare not trifle with it.... When Europeans

and Asiatics came together the Europeans went invariably to the wall. . . . Instead of sitting there and considering the question of removing disabilities on Asiatics in South Africa, they ought to be considering legislation which would repatriate all these Asiatics that we had in this country."—C. G. *Fichardt*.

Those who spoke in favour of the Bill included General Botha, the Prime Minister, General Smuts, the Minister of the Interior, Mr. J. X. Merriman, Mr. M. Alexander, Mr. H. M. Meyler and a few others. Most of them also stood for doing their utmost to keep the Indians out of the country, but had found it practically impossible to say in an offhand manner: "Put all these people out of the country, we do not want them here." They felt that they should be just to and fair towards the Indians. Members like Mr. Merriman viewed the problem from the imperial stand-point and contended that the King's solemn promise to India for the redress of grievances should not be broken and that nothing should be done to stir up dangerous disaffection in India. Mr. H. M. Meyler seized the opportunity of replying to the attack on Mahatma Gandhi and said that the Indian leader had proved himself to be a man who could be thoroughly trusted.

The Indians Relief Bill was passed with sixty against twenty-four votes. It was the first South African legislation calculated to redress certain grievances of the Indians. Mahatma Gandhi accepted it as a definite settlement of the disputed points. He had two more discussions with General Smuts in Cape Town bearing upon final settlement of the Indian problem. General Smuts wrote to him a letter on the 30th June, 1914, and he replied to it the same day. Both these letters are now historic as embodying the famous Smuts-Gandhi agreement, an understanding between the Union Government and the Indian community in regard to those administrative matters which do not come under the Indians Relief Bill. They are as follows:—

"Department of the Interior,
Cape Town, Cape of Good Hope.
30th June, 1914.

"Dear Mr. Gandhi,—Adverting to the discussions you have lately had with General Smuts on the subject of the position of the Indian community in the Union, at the first of which you expressed yourself as satisfied with the provisions of the Indians Relief Bill and accepted it as a definite settlement of the points which required legislative action, at issue between that community and the Government; and at the second of which you submitted for the consideration of the Government a list of other matters requiring administrative action, over and above those specifically dealt with in that Bill; I am desired by General Smuts to state with reference to those matters that:—

(1) He sees no difficulty in arranging that the Protector of

Indian Immigrants in Natal will in future issue to every Indian, who is subjected to the provisions of Natal Act 17 of 1895, on completion of his period of indenture or reindenture, a certificate of discharge, free of charge, similar in form to that issued under the provisions of Section 106 of Natal Law No. 25 of 1891.

- (2) On the question of allowing existing plural wives and the children of such wives to join their husbands (or fathers) in South Africa, no difficulty will be raised by the Government if, on inquiry, it is found, as you stated, that the number is a very limited one.
- (3) In administering the provisions of Section (4) (1) (a) of the Union Immigrants Regulation Act, No. 22 of 1913, the practice hitherto existing at the Cape will be continued in respect of South African-born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in the past; the Government, however, reserve the right, as soon as the number of such entrants sensibly increase, to apply the provisions of the Immigration Act.
- (4) In the case of the 'specially exempted educated entrants into the Union* (i.e., the limited number who will be allowed by the Government to enter the Union each year for some purpose connected with the general welfare of the Indian community), the declaration to be made by such persons will not be required at Provincial borders, as the general declarations which are made in terms of Section 19 of the Immigrants Regulation Act at the port of entry are sufficient.
- (5) Those Indians who have been admitted within the last three years, either to the Cape Province or Natal, after passing the education tests imposed by the immigration laws which were in force therein prior to the coming into effect of Act 22 of 1913, but who, by reason of the wording of Section 30 thereof, are not yet regarded as being 'domiciled' in the sense in which that term is defined in the section in question, shall, in the event of their absenting themselves temporarily from the Province in which they are lawfully resident, be treated, on their return, as if the term 'domicile' as so defined did apply to them.
- (6) He will submit to the Minister of Justice the cases of those persons who have been in the past convicted of 'bona fide passive resistance offences' (a term which is mutually understood), and that he anticipates no objection on Mr. de Wet's part to the suggestion that convictions

for such offences will not be used by the Government against such persons in the future.

- (7) A document will be issued to every 'specially exempted educated entrant' who is passed by the Immigration Officers under the instructions of the Minister issued under Section 25 of Act No. 22 of 1913.

(8) All the recommendations of the Indian Grievances Commission enumerated at the conclusion of their Report, which remain over and above the points dealt with in the Indians Relief Bill, will be adopted by the Government; and subject to the stipulation contained in the last paragraph of this letter the necessary further action in regard to those matters will be issued without delay.

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

"In conclusion, General Smuts desires me to say that it is, of course, understood, and he wishes no doubts on the subject to remain, that the placing of the Indians Relief Bill on the Statute-Book of the Union, coupled with the fulfilment of the assurances he is giving in this letter in regard to other matters referred to herein, touched upon at the recent interviews, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long, and will be unreservedly accepted as such by the Indian community.

"I am, etc.,
(Sgd.) E. M. GORGES."

"7, Buitencingel,
Cape Town.
30th June, 1914.

"Dear Mr. Gorges,—I beg to acknowledge receipt of your letter of even date herewith setting forth the substance of the interview that General Smuts was pleased, notwithstanding many other pressing calls upon his time, to grant me on Saturday last. I feel deeply grateful for the patience and courtesy which the Minister showed during the discussion of the several points submitted by me.

"The passing of the Indians Relief Bill and this correspondence finally closed the Passive Resistance struggle which commenced in the September of 1906 and which cost the Indian community much physical suffering and pecuniary loss and to the Government much anxious thought and consideration.

As the Minister is aware, some of my countrymen have wished me to go further. They are dissatisfied that the trade licences laws of the different Provinces, the Transvaal Gold Law, the

Transvaal Townships Act, the Transvaal Law 3 of 1885, have not been altered so as to give them full rights of residence, trade and ownership of land. Some of them are dissatisfied that full inter-provincial migration is not permitted, and some are dissatisfied that on the marriage question the Relief Bill goes no further than it does. They have asked me that all the above matters might be included in the Passive Resistance struggle; I have been unable to comply with their wishes.

"Whilst, therefore, they have not been included in the programme of Passive Resistance, it will not be denied that some day or other these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights have been conceded to the resident Indian population.

"I have told my countrymen that they will have to exercise patience and by all honourable means at their disposal educate public opinion so as to enable the Government of the day to go further than the present correspondence does. I shall hope that when the Europeans of South Africa fully appreciate the fact that now, as the importation of indentured labour from India is prohibited and as the Immigrants Regulation Act of last year has in practice all but stopped further free Indian immigration and that my countrymen do not aspire to any political ambition, they, the Europeans, will see the justice and indeed the necessity of my countrymen being granted the rights I have just referred to.

"Meanwhile, if the generous spirit that the Government have applied to the treatment of the problem during the past few months continues to be applied, as promised in your letter, in the administration of the existing laws, I am quite certain that the Indian community throughout the Union will be able to enjoy some measure of peace and never be a source of trouble to the Government.

"I am, Yours faithfully,
(Sgd.) M. K. GANDHI."

The Smuts-Gandhi agreement holds a distinguished place in the history of South Africa. It marks the conclusion of the passive struggle of the Indians, and is an incarnation of the self-achieved victory of Indians in a foreign land. Mahatma Gandhi was led to accept it by its controlling spirit, not by its letter. It brought the Government and the Indian people together in an intimate contact. The Government agreed to consult the Indians before the introduction of any Bill relating to them in the Parliament. The Indian and Imperial Governments, too, began to take an active interest in the South African Indian question. The Indians of India made this question their own.

Opinions, however, vary on the significance of Mahatma

Gandhi's victory in South Africa. "General Smuts," says **Mrs. Millin**, "gave Gandhi his victory. What was Gandhi's victory? For what had he striven through five years? For a few things, such as voluntary registration, the remission of the three-pound tax in Natal, the remission of polygamous wives, which were now granted in the Indians Relief Act, but chiefly for deletion from the laws of the word Asiatic. Not the spirit. Not the fact. Merely the word."

The Hon. Jan. H. Hofmeyr agrees: "Gandhi was unable to prevent Smuts from gaining his main objective, which was to terminate Indian immigration into South Africa. But Gandhi secured that Indians were spared the dishonour of being named specifically in the immigration law, and he also obtained the redress of several minor grievances of Indians already resident in South Africa. If he hoped, as he doubtless did, when he left South Africa, that the settlement arrived at between Smuts and himself would lead to the disappearance of anti-Asiatic prejudice, he was destined to be disappointed. That prejudice is still a powerful force in South Africa to-day, and some of its manifestations are not to South Africa's credit."

"Yet," adds Mr. Hofmeyr, "Gandhi's leadership has left an abiding mark on the Indian community of South Africa. . . . He gave it a consciousness of pride of race which has never been effaced. The Indian community is prepared to resist the stigma of segregation as firmly to-day as ever fought under Gandhi's banner against dishonouring legislation."

The Smuts-Gandhi agreement, of course, cannot be considered an ideal achievement, but it can certainly be deemed an astonishing triumph on the part of Indians. The Indian passive resistance put a shiver through the frame of the Government. The Indian sacrifices made an indelible impression on the public mind. The leadership of Mahatma Gandhi revealed to the world a spotlessly innocent sort of war. Such a war always results in goodwill, friendship, and harmony. Hundreds of Indian workers of the Natal coal-mines had plunged into the struggle as a protest against the three-pound tax. The Smuts-Gandhi agreement was in the nature of a perfect victory for them, though it was not equally so for their Transvaal comrades.

The Indians had not co-operated with the Solomon Commission. But the Commission was so deeply impressed by the elements of the passive resistance that it conceded to many of the points put forth by Mahatma Gandhi before General Smuts in January. The marriages according to Indian rites were accepted. The indentured as well as the indenture-expired Indians were given identical rights. The right of the South African-born Indians to enter the Cape in a limited manner was sanctioned. The policy of absorbing a few educated and cultured Indians for the good of the South African Indians was adopted, and a sympathetic and humane operation of

existing laws was promised. Mahatma Gandhi expressed the Indian ideal to equality of status and made the authorities recognise the right of Indians to demand it in future. The Government translated this agreement into a practical form by passing the Indians Relief Act in spite of a venomous opposition. General Smuts displayed extraordinary wisdom and statesmanship to atone for his previous lapses.

Still, India and the Indians had to accept much that was unacceptable in the agreement. The restrictions of Indian immigration had to be accepted for the sake of the peace and happiness of the South African Indians. The Asia-wide humiliation of the Immigration Act had to be quietly digested. The possibility of a misuse on the part of the Government of the laws against which passive resistance was first aimed, of the subsequent Transvaal laws, and of many other laws carefully packed into the Statute-Book, had to be put up with.

On the other hand, we should give justice to the agreement by considering the circumstances in which it was arrived at. Indians had to grapple with a powerful Government time and time again. They had to strive hard and fast to cultivate sympathy in the white heart. India was too dependent to lend any active help. The South African Indians had to pierce the iron walls of the colour bar, and the South African Government were only too anxious to hound them out of the country. But the historic non-violent march and the Indian sacrifices succeeded in diverting the attention of the Government to the path of a peaceful settlement. Mahatma Gandhi was able to bring about an honourable agreement which was worthy of acceptance because it reflected a pleasing union of sympathy, kindness and justice on the part of the Government. It would have been an impossibility but for the personality of Mahatma Gandhi, with his unimpeachable character and his indefatigable self-sacrifices. All credit for the success of the passive resistance and the Smuts-Gandhi agreement goes to Mahatma Gandhi. The wisdom shown by the Union Government and the intervention of the Indian Government at the right juncture also deserve note.

Mahatma Gandhi called the agreement the Magna Charta of Indian liberty. In a farewell message, he said:—

"A word about the settlement, and what it means. In my humble opinion it is the Magna Charta of our liberty in this land. I give it the historic name, not because it gives us rights which we have never enjoyed, and which are in themselves new or striking, but because it has come to us after eight years' strenuous suffering that has involved the loss of material possessions and of precious lives. I call it our Magna Charta because it makes a change in the policy of the Government towards us and establishes our right not only to be consulted in matters affecting us, but to have our reasonable wishes

respected. It moreover confirms the theory of the British Constitution that there should be no legal racial inequality between different subjects of the Crown, no matter how much practice may vary according to local circumstance. Above all, the settlement may well be called our Magna Charta, because it vindicated passive resistance as a lawful, clean weapon, and has given in passive resistance a new strength to the community; and I consider it an infinitely superior force to that of the vote, which history shows has often been turned against the voters themselves.

"The settlement finally disposes of all the points that were the subject matter of passive resistance, and in doing so it breathes the spirit of justice and fairplay. If the same spirit guides the administration of the existing laws, my countrymen will have comparative peace, and South Africa shall hear little of the Indian problem in an acute form."

A week after the agreement, Mahatma Gandhi despatched a letter to Mr. Gorges from Natal, on the eve of his departure from South Africa, in connection with the Gold Law and Townships Amendment Act. The definition of the term "Vested rights" as used in this letter is as follows:—

"By vested rights I understand the right of an Indian and his successors to live and trade in the townships in which he was living and trading, no matter how often he shifts his residence or business from place to place in the same township."

The public were ignorant of this letter and the definition of "vested rights" therein until a Select Committee on the disabilities of British Indians in the Transvaal, under the chairmanship of Mr. Edmund Rooth, was appointed in 1919.

The definition of the term "vested rights" has been the subject of much dispute. Some have made it actually a part of the Smuts-Gandhi agreement and a means to restrict the licences of Indians. Some have interpreted it as conferring of complete protection of their trade and residence. Dr. F. E. T. Krause, who appeared before the Select Committee of the House of Assembly, on behalf of the Indian community, contended that it was not confined to rights actually acquired at that date, but included the inherent right appertaining at that time to all Asiatics, including newcomers, to lease and occupy, as well as to trade upon, stands and premises on proclaimed land; which right they were not precluded from exercising by any law then in existence.

Sir Benjamin Robertson, on behalf of the Government of India, interpreted it two years later before the Lange Commission as below:—

"The Government of India understand this to mean that any such trader who might be occupying land in contravention of the Gold Law or the Townships Amendment Act would not be evicted,"

As regards the letter being a part of the Smuts-Gandhi agreement, direct and indirect evidence conclusively confirms the opinion of Mahatma Gandhi that it had nothing to do with the agreement and that it was "purely a personal letter setting forth only my individual views about 'vested rights' in connection with the Gold Law and Townships Amendment Act."

Mr. Polak emphasized the fact that Gandhi's letter of July 7th was private, unofficial, and written after the agreement was arrived at, and not binding on anybody. After going into all the circumstances of the letter of the 7th July, the Lange Commission ruled out this letter as in any way being an actual part of the Smuts-Gandhi agreement.

Mahatma Gandhi's departure from South Africa was extremely painful to the Indian community. He was off to the vast field of India's service, but the Indians were put into a pitiful plight. They were bereft of their matchless leadership, and had to shoulder the tremendous responsibility of their South African work.

Prior to his leaving South Africa, Mahatma Gandhi was accorded unique valedictory honours by the country. Distinguished Europeans, friends and opponents, paid handsome tributes to his powerful personality, selfless career, ideal leadership and sublime character.

India received this amazing son of hers with a grandeur to be envied by kings and emperors. She saw in him a resurrection of her ancient civilization, a sacred light of hope to dispel the gloom of disappointment, a saviour of her honour; and bathed him in peerless love. The South African Indians witnessed the fame of their brave leader, and experienced extreme joy and satisfaction. They were soothed by their conviction that they would be sure to obtain the counsel of that great man and the active help of India in their hour of need.

In 1914, the year of Mahatma Gandhi's departure, the Economic Commission published a report which set forth further proofs showing that the presence of Indians was advantageous to the country, that the harsh treatment accorded to them was unjustifiable, and that they were in no way an economic menace to the country. While the Solomon Commission had solved the Indian question satisfactorily both from the political and the social standpoint, the Economic Commission viewed the problem in its economic aspect. The following points of its report are important as giving an idea of the economic situation of the South African population in 1914:—

"The Indian population of the Union, located for the most part in Natal, may be divided into those brought there under indenture and those who followed them on their own initiative and at their own expense. Of the latter, in the main a trading class, many opened stores at first for the supply of Indian **and**

native requirements; few have been drawn into industrial pursuits. It is chiefly the ex-indentured Indians who are noticeable in manufacture. The indentured Indian of the early days, when his term of service expired, often took up land and grew vegetables, mealies and tobacco. To a certain extent he re-indentured or took service with Europeans, but of late years he has increasingly entered the semi-skilled and skilled trades. To-day he is engaged in the building trades, printing, boot repairing, tailoring, painting, mattress-making and other miscellaneous callings of the semi-skilled trades. Many so engaged are Natal-born Indians, and numbers who speak English are employed as cooks, waiters, drivers, vanmen, and in lawyers' offices as junior clerks and touts. The Natal-born Indian is a problem in himself; he is often fairly educated and in many cases owes his education to the self-sacrifice of the lowly indentured parents. His education does not, however, link on to manual labour as a rule and he looks to less strenuous and more highly paid callings. Here he finds the way largely blocked, and naturally becomes dissatisfied. The majority who follow field work, either as re-indentured or free Indians, or who work in the coal mines, brickfields, and so forth, do not receive much more than able-bodied natives. In other callings, their earnings are much below those of whites.

"In the skilled trades, the efficiency of Indians is distinctly beneath that of white men, and there is no doubt as to the extent to which they undertake work for white people. So far as they labour for their own people, objection to their advancement is not even plausible. That they perform tasks of a not very expert kind in painting, carpentering, bricklaying, and so forth, to the direct order of white consumers is beyond dispute; but it would be impossible to determine the extent of the work in question, and how far the skilled white man is affected by it. Much of the work is evidently that of the handy man rather than of the expert artizan. Again, there was conflict of testimony as to the amount of skilled work performed by Indians indirectly for white consumers. Skilled Indians work for shops kept by Indians; but the degree of recourse to these shops by whites, it is hopeless to attempt to measure. It was alleged further that work, such as the making of clothes, was put out by white shopkeepers to Indian skilled workers; but certain Indian witnesses examined by your Commissioners declared that the bulk, at any rate, of the work was done for Indian shops to the best of their knowledge.

"Again the extent of the trade done among other than Indian manufacturers employing Indians only, is unknown; but it seems likely that in cheap tinware, especially for natives, it is relatively considerable. It may be avowed that skilled Indians either bring their knowledge from India or pick it up through being employed

for rough work where skilled whites pursue their avocations. Your Commissioners failed to discover evidence proving that skilled labour has suffered seriously from the competition of Indians.

"Your Commissioners desire to call attention to certain municipal actions with reference to Indians, including those born in Natal, the aim of which is to protect white employment. Some years ago Indians began to show enterprise in small shop-keeping and simple manufacturing on an insignificant scale; and recently, in consequence, new licences to trade or manufacture for sale have been generally, if not invariably, refused to Asiatics in Natal, though old licences have been renewed. In the Cape also, similar action, though possibly not stringent action, has been taken. Your commissioners are convinced that the drastic course adopted in Natal was harsh and imprudent. Indians have been left under the impression that they are to be definitely debarred in the future from sharing in the licensed trades merely on the ground of their nationality. How much unrest and anxiety has been occasioned by the unnatural system of importing Asiatics on contract is too obvious to need more than a bare statement.

"Reviewing the whole situation as regards the competition of white and non-white in the skilled and semi-skilled callings, your Commissioners conclude as follows:—

"The competition is greatest with the Cape coloured, and next in magnitude with the Indians. None of the evidence proved that the sphere of white labour was being absolutely restricted in the Union, and the wages of the whites had fallen. It is a plausible view that some of the so-called encroachments of the non-whites should properly be regarded as a filling of the gaps left by the attraction of the whites to superior situations, which could not have existed in the absence of competent people to fill the lower positions. Several witnesses affirmed that there was a dearth of capable white labour, and that a good man soon found a better opening for his talents. The complaints of grinding competition can be understood, since anybody who experiences competition feels it, even if his rivals are losing ground. But here and there white labour may have been displaced, and a constant fear of displacement is prevalent, which is comprehensible, particularly as the non-white workman usually gets a lower wage. The low wage of the non-white, combined with the fact that he readily drops his supply price when demand slackens, is apt to cause a substitution of non-white labour when business is depressed. Finally, your Commissioners conclude, that in initiative, resource, and powers of control, the white races unquestionably stand pre-eminent. It is important that the rising generation of the

whites should fit themselves to fill supervisory and highly skilled positions, so that such competition as may be felt in the future may force them upwards rather than downwards. The state and local authorities can assist movement in the right direction by providing educational facilities with reference to industrial needs. Success cannot be achieved by the white man in South Africa by keeping the Coloured man down, but by raising himself up."

The recommendations of this report are clear and impartial. Their adoption to-day would bring about the solution of many an economic question that has its origin in the colour bar. But South Africa possesses a strange mind. It is always ready to appoint commissions, but reluctant to accept their recommendations. Still, the present report was welcome to Indians, and became an attractive feature of the Gandhian age in South Africa.

CHAPTER V

INDIA'S VOICE

THERE were several factors responsible for the Smuts-Gandhi agreement. The most important and potent of these was the splendid, powerful and ceaseless activity of the Indian National Congress, which roused the Indian Government and masses to a consciousness of the South African Indian question. In the absence of such an activity, the South African passive resistance would not have received the fearless support it did from the Government of Lord Hardinge.

The Indian National Congress has stood beside the South African Indians from the very first. Hardly a year of that national organisation passes without its doing some work for Indians abroad. The Indians migrated to South Africa in 1860, but their question came to light only after Mahatma Gandhi's arrival in that country.

The first anti-Indian Act was framed in the Transvaal in 1885. The Indian National Congress came into existence, incidentally, in the same year. The tenth session of the Congress, held at Madras in 1894 under the presidentship of Mr. Alfred Webb, M.P., took up the South African Indian question for the first time, and the Congress has been acting on behalf of the South African Indians ever since.

1897 was a memorable year for the Indians abroad. The presidential address of the Indian National Congress in that year made the first reference to their question. After strongly criticising the distinctions in several services in India, relegating "Indians to the position of an inferior race and silently ensuring the emasculation of our manhood," Sir C. Sankaran Nair, the president, declared;—

"The disastrous consequences of this race question are already apparent. Englishmen and other European colonists in South Africa and Australia refuse to treat us on terms of equality and justify their refusal on account of our degraded position in our own country. . . . On this race question no concession is possible. No compromise can be accepted as far as it lies in us. We must insist on perfect equality."

The complaint was repeated in 1900 by Mr. N. G. Chandavarkar, the Congress president, who advocated the open-door policy for the whole Empire and "let not Indian subjects going to Natal or the Cape Colony be treated as if India had no part or lot in the Empire." In 1902, Mr. Surendranath Banerjee made some pungent remarks on the irritating catalogue of Indian disabilities in South Africa. He said:—

"It is melancholy to have to reflect that the South African legislators should have so little knowledge of India and the circumstances of Indian life as to confound the coolie with the cultured Indian, the aboriginal inhabitant with the representative of a civilization, older than any the memory of man can recall, and in comparison to which the civilization and culture of Europe are but of yesterday."

The resolutions of the Indian National Congress, on the other hand, were no less informative and emphatic. One passed at Madras in 1903 is typical. It runs:—

"That this Congress views with grave concern and regret the hard lot of His Majesty's Indian subjects living in British colonies in South Africa, Australia and elsewhere. The great hardships and disabilities to which they are subjected by the Colonial Governments, and the consequent degradation of their status and rights as subjects of the King and protests against the treatment of Indians by the Colonies as backward and uncivilised races; and it prays that, in view of the great part the Indian settlers have played in the development of the Colonies and the economic advantage which have resulted both to India and to the Colonies from their emigration to and stay in the latter, the Government of India will be pleased to ensure to them all rights and privileges of British citizenship in common with the European subjects of His Majesty, by enforcing, if necessary, such measures as will render it impossible for the Colonies to secure Indian Immigrants except on fair, equitable terms; and that in view of the great importance of the principle of the equal treatment of all His Majesty's subjects, His Majesty's Government should devise adequate measures to ensure that position to Indian emigrants in all the British Colonies."

The Congress resolution of that year also re-echoed the sentiments of the presidential address, and prayed that the British

Parliament would insist on just and equal treatment of Indian emigrants.

Lord Milner's tirade against the Indians—who were feared, as Mr. Lionel Curtis put it, not for their vices but for their virtues by the Europeans—and General Smuts's anti-Asiatic legislative activity in the Transvaal, resulting in the commencement of the first passive resistance movement in the modern history of mankind, automatically reacted on the awakening of India, which was just bathing in the refreshing rays of hope spread by the glorious victory of Japan, an Asiatic country, over Russia.

The Indian National Congress not only adopted a firm attitude, but actually supported the passive resistance in South Africa. Pandit Madan Mohan Malaviya and Mr. G. K. Gokhale gave a lead to the country and started an India-wide agitation for the redress of Indian grievances in South Africa. The subscription lists were opened to finance the South African Satyagraha, and even the ladies spontaneously responded to the call.

While the responsibility of the passive struggle in the Transvaal was shouldered by Mahatma Gandhi, Deshbhakta Gokhale was the leader in India for the South African cause. His services in this direction will ever be remembered by the Indians overseas in general and the Indians of South Africa in particular. He decided to end the indenture system. Besides the Indian National Congress, his field of activity became the Imperial Legislative Council. In 1910, he moved that the recruitment of indentured labour be prohibited and succeeded in the stoppage of recruitment to Natal. In 1912, he demanded the abolition of the system of indentured labour. His speech on the occasion was a masterly exposition of the case, from the Indian standpoint, illustrated by statistics, shrewd reasoning, and statesmanship.

This was India's first self-respecting answer to South Africa, which was reeking with hostility towards its Indian settlers. In 1912, Mr. Gokhale visited South Africa to study the question on the spot. He impressed the politicians and the people alike. His speeches created a sensation throughout the country. Two years later Mr. H. M. Meyler, M.L.A., reminded the Union Parliament, during the discussion on the Indians Relief Act, of Mr. Gokhale's visit, and said: "He could make speeches which would be an ornament to this House."

The situation became very tense in 1913, when General Botha's pledge to Mr. Gokhale was not kept. The Indian strike was countered by oppression, and some Indian blood flowed on the very soil fertilized by indentured labour. This cruel treatment created unparalleled resentment in India, and the Hon. Nawab Syed Mohammed advocated retaliatory measures, such as the placing of an embargo on the importation of coal from Natal and the closing of doors to competition for the civil service against the South African whites.

He placed the blame at the doors of the British Government in the following words:—

"The British Government are responsible for the present difficulties, which they could have easily foreseen and avoided by imposing conditions regarding the rights of Indian settlers at the time of granting self-government to South Africa."

The year 1914 saw the Smuts-Gandhi agreement. The Indian National Congress expressed grateful appreciation for relief in respect of some of the most pressing Indian grievances, but placed on record that no settlement could be wholly satisfactory which did not secure equality of treatment for the South African Indians.

The Great War broke out on the eve of the Mahatma Gandhi's departure from South Africa. All the countries of the world were involved in it to varying extents. India stood beside the Allies as a British dependency, and South Africa followed suit as a British dominion. The Indians of South Africa also joined up for the sake of democracy. They dreamt of the impending age of progress, prosperity and respect in South Africa, but their loyalty translated into actions availed them nothing.

The Hon. Babu Ambica Charan Mazumdar, the Congress president in 1916, expressed India's sense of pain, shame and humiliation on the question of Indians overseas, and said:—

"India, the granary of the world, is unable to maintain her surplus population, and thousands of her children, like her raw materials, are sent away to other countries for employment for the bare necessities of life.

"The immigrants, so absolutely necessary for the development of the resources of South Africa, Australia and Canada, are treated there as helots. India is regarded to-day throughout the civilized world as the recruiting ground for 'coolies' necessary for manual labour. I do not hesitate to denounce this degrading system as the last relic of slavery within the British Empire."

After quoting Lord Gladstone's speech at the opening of the South African Parliament, which pointed out the fact that "India has developed perhaps far above the line attained by some parts of the British Empire in its civilization and efforts to rise to a higher life," Mr. Mazumdar concluded: "But what avails such testimony. Slaves at home can never be treated as free men abroad. . . . Complete reciprocity and retaliation are the only remedies for this degrading humiliation inflicted upon our people, and Home Rule alone can furnish the necessary prescripton."

India has never shut its doors against foreigners. It has never put checks on foreign immigration, as Europe and America have done. Immigration was strictly prohibited in Japan seventy-five years ago, but India never distrusted foreigners, never trammelled their entrance, and never hated them for their colour. India always

accorded equal opportunities, equal justice, and equal freedom to all the races that came to inhabit it.

When the Greeks came to India with the ambition of building an empire, India showed them its loving hospitality as well as its indomitable fighting spirit. After the Greeks came, one after another, the Romans, the Parsis, the Muslims, and the Christians. India received them all with love, respect, and generosity. It succeeded in absorbing into its society all the races except the British.

And so India has every reason to lament the ill-treatment of Indians in foreign countries. The Indian National Congress is perfectly justified in its demands for justice, freedom and equality. It is one of the sad paradoxes of Providence that such modern prodigies as Gandhi, Tagore, Nehru, Iqbal and Sastri could be deemed by the colour laws of the Dominions as prohibited immigrants, whereas the whites of the same lands should be allowed to have an unrestricted immigration into India, and to settle, to trade and to join the civil services there.

In 1917 was accorded to India what may be called the first formal equality of status with the Dominions. It was doubtless due to the deeds of valour of the Indian troops and enormous monetary sacrifices of a poor but charitable India. Regarding the Indians who had served under him, General Smuts said: "I wish here publicly to repeat that I have had no more loyal, devoted and brave troops under me than those troops from the Indian Empire, and I think the young South Africans who went with me, who fought side by side with those heroes from Asia, to-day have more kindly feelings than they had before towards the Indian population of South Africa."

The first Imperial War Cabinet met in London with representatives of the Dominions and India sitting round the same table on an equal footing, to discuss the problems of war and the solidarity of the Empire. General Smuts and Sir (afterwards Lord) S.P. Sinha, a European and an Indian, both the gems of their respective countries, faced each other, irrespective of colour or creed, to discuss the Indian problem of South Africa, which was likely to prove an obstacle to the solidarity of the Empire.

Replying to the speeches by the British and Indian delegates to settle the burning question honourably, General Smuts declared:—

"In South Africa, there has been this fundamental trouble, that the white community have been afraid to open the door too wide to Indian immigration. We are not a homogeneous population. We are a white population on a black continent; and the settlers in South Africa have for many years been actuated by the fear that to open the door to another non-white race would make the position of the few whites in South Africa very dangerous indeed. It is because of that fear, and not because of any other attitude towards the

question of Asia, that they have adopted an attitude which sometimes, I am bound to admit, has assumed the outward form, although not the reality, of intolerance. Luckily we have got over those difficulties. The visit of the late Mr. Gokhale to South Africa did an enormous amount of good. His visit was followed later by that of Sir Benjamin Robertson, a distinguished public servant of India, who also assisted the Government to overcome great difficulties on this point some years ago. The result has been the legislation to which both the whites and the Indian community in South Africa agreed. There is still a difference of opinion on administrative matters of detail, some of which are referred to in the Memorandum before us, but I feel sure, and I have always felt sure, that 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 become easily and perfectly soluble. That is the position in which we are now. The fear which formerly obsessed the settlers there has been removed; the great principle of restricting immigration, for which they have contended, 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 the door is open now for a peaceful and statesmanlike solution of all the minor administrative troubles which have occurred and will occur from time to time. Of course the main improvement has been the calling of India to the council chamber of the Empire. Here, if any question proves difficult of treatment, we can discuss it in a friendly way and try to find in consultation a solution, and I am sure we shall ever find it. I, for one, do not consider that amongst the multitudinous problems which confront us in our country the question of India will trouble us much in the future."

General Smuts was clear in his utterance. He emphatically declared that since India was given the right of participating in Empire discussions, it would be possible to find out ways and means to a solution of the South African Indian question. His pledge that "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 become easily and perfectly soluble," should be noted for future reference.

General Smuts is a highly talented statesman. His brain can fathom any complexity. His counsel is sought on all important internal and external problems of the Empire, and commands great respect. Some men assert that the world is sorely deprived of his matchless intelligence because this is confined in a small centre like South Africa, while others complain that his intelligence

transcends the bounds of **South Africa**, and concerns **itself with the world**. And yet General Smuts has failed to bring about a simple and satisfactory solution of the Indian question. Not only that. He has made it more complicated and difficult by his incapacity to convert the South African public to his own viewpoint or his inconsistency between thought and action.

The Indian National Congress met under the presidency of Mrs. Annie Besant in 1917. Once again it discussed the South African Indian question. Mahatma Gandhi's support to the question was as strong as ever. So the question again came up for discussion before the Imperial Conference of 1918. Sir Satyendra Prasanna Sinha and the Maharajah of Bikanir again represented India at the conference. South Africa was represented by General Smuts and Mr. H. Burton. The Indian representatives put forth the Indian question in a mild yet perspicuous manner, and made a written statement of Indian grievances. Sir Sinha's memorandum desired the repeal of Law 3 of 1885, as the Indians in the Transvaal possessed no right to ownership of land. They should not hold a lower status, in that respect, than those of their countrymen in Natal. Full right of appeal to the Supreme Court should be granted to Indians against the refusal of a licence by a municipality.

Mr. Burton, in reply, made a statesmanlike speech and said:—

"My own attitude has been—and I am sure it is the attitude of my colleagues—sympathetic towards the Indian position **generally**. There are, of course, difficulties . . . of substantial importance which have to be faced in dealing with this matter. But I do not despair of a satisfactory solution."

After paying eloquent tribute to "the reasonable and moderate attitude" of the Indian representatives, Mr. Burton uttered the following memorable words about Indian character: "It is only fair to say—and it is the truth—that we have found that the Indians in our midst in South Africa, who form in some parts a very substantial portion of the population, are good, law-abiding, 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."

As to the details embodied in Sir Sinha's memorandum, Mr. Burton gave a pledge that his Government would "give it the most sympathetic consideration."

The Imperial Conference passed a resolution, which was accepted by the representatives of the South African Government, and embodied a number of points besides those set forth in the Sinha memorandum. This resolution is popularly known as the Reciprocity Resolution of 1918. Its text reads as follows:—

"(1) It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction on

immigration from any of the other communities.

"(2) British citizens domiciled in any British country, including India, should be admitted into any other country for visits, or the purpose of pleasure and commerce, including temporary residence for the purpose of education. The condition of such visit should be regulated on the principle of reciprocity as follows:—

- (a) The right of the Government of India is recognised to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such countries.
- (b) Such right of visit or temporary residence shall in each individual case be embodied in a passport or written permit issued by the country of domicile and subject to visa there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires.
- (c) Such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.

"(3) Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition (a) that not more than one wife and her children shall be admitted for each Indian; (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.

"(4) The Conference recommends the other questions covered by the Memorandum presented this year and last year to the Conference by the representatives of India, in so far as not dealt with in the foregoing paragraphs of this resolution, to the various Governments concerned with a view to early consideration."

This resolution was to a certain extent a victory for the Indian National Congress, for it embodied points emphasized by that body in its resolutions of the past two years, and put India on a footing of equality with the Dominions, as far as restrictions on immigration were concerned.

The chief merit of the resolution lay in its principle which preserved the self-respect of India while at the same time it refrained from causing any fear to the Dominions. South Africa and other Dominions accepted it because through it the whole Empire supported their policy of restricting Indian immigration, and because India itself accepted that policy without demur. Again, the Dominions had no reason to be afraid of India's restrictions, if at all they came against their subjects, because very few of them had settled in India, and because they were sure that the British Government in India would hardly enforce the resolution against their nationals.

The decisions and declarations of the Imperial Conference of 1917⁴1918 proved, so far as they related to the Indians in South Africa, to be not only futile but a fraud on India. The war ended in 1918. And then the unexpected age of economic oppression of Indians set in in South Africa. It was soon realised that the war-time talks were unadulterated selfishness, and that the apparent Government sympathy for Indians was a figment of imagination.

CHAPTER VI

POST-WAR PERSECUTION

THE termination of the war meant an age of relief, freedom and re-building for the Europeans in South Africa, but to Indians it meant nothing but a revival of pre-war persecution.

The year 1919 dawned with ominous signs to their future existence. During the war the spirit of the Smuts Gandhi settlement was fairly well kept. New licences were granted and private companies, with limited liability, were allowed to be formed under the Transvaal Companies Act of 1909, to acquire land and fixed property. This ownership of land, duly endorsed by the law of the Province, became an eyesore to anti-Indian agitators and a case, *Reynolds v. Oosthuizen*, came before the Supreme Court in 1916. Mr. Justice Ward legalised such acquisition of land and declared that there was nothing in the law to prevent such private companies, consisting entirely of Asiatic shareholders, from owning land in the Transvaal.

There was no need for the Europeans to get excited over the affair. The immigration was stopped. There lay not the least fear of over-swamping the Europeans. Hopes of progress had naturally arisen as a result of the 1914 agreement, which pledged them the sympathetic administration of the existing laws. The Companies Act was existent and the Indians were undoubtedly entitled to the advantages accruing from its provisions. The Europeans would have acted in the same manner; they would probably have penetrated much farther into the field, under identical circumstances.

Many of the Indian companies owed their existence only to the Supreme Court decision. Before 1916, property worth only £104,924 was registered in the name of Indian companies under the Transvaal Companies Act. By March, 1919, the figure went up to £479,327. The average property per Indian head was thus worth £35. This was quite negligible in comparison with the average property of a white, but it appeared to be formidable and shocking to the anti-Asiatics. These became jealous, and in the blindness of their jealousy they could not see the naturalness or the legality of Indian progress.

Early in 1919, the Krugersdorp Municipal Council set the

anti-Asiatic agitation in motion by obtaining an interdict from the Supreme Court at Pretoria, restraining a European firm from permitting the residence of certain Indians on a stand leased to an Indian in Krugersdorp.

This action created a stir amongst the Indian community and a dark cloud of despair gathered over their heads. They held a conference and a deputation waited upon Sir Thomas Watt, the Minister of the Interior, to lay various grievances in connection with the restrictions on the free movement of Asiatics throughout the Union, the licence difficulties, the harsh administration of the Immigrants Regulation Act, the status of exempted Indians and the ownership of fixed property.

They also sent a petition for relief against the action of the Krugersdorp Municipality to Parliament. They hoped that General Smuts, the Premier, would remember his pledge and redress the Indian grievances. The petition was referred to the Select Committee by the House of Assembly, with instructions to take evidence and report on the alleged evasions by Asiatics of Law 3 of 1885 of the Transvaal by means of forming themselves into limited liability companies.

The procedure and decision of a parliamentary select committee always depend upon the mentality of its members. These members are appointed by the Government with an eye to the prevailing situation. Again, the majority of these members are protagonists of the Government in accordance with constitutional requirements. The recommendations of the committee are accepted on the strength of a majority of votes. Now, the South African Parliament maintain impartiality with respect to disputes between whites themselves, but the questions between whites and non-whites are generally decided in favour of the former. Exactly the same thing was done by the Select Committee.

The Select Committee in their report recommended that the vested rights of Indians who were carrying on business on proclaimed mining areas on 1st May, 1919, should be respected; and that Indians should have the right to transfer their existing businesses to other Indians legally residing in the Transvaal; but it added that steps should be taken to render it impossible for any Indian or Asiatic in future to obtain a trading licence for a new business, and that a register should at once be framed by Government of all licences and businesses held and owned by Indians and Asiatics on 1st May, 1919.

A draft bill, embodying these recommendations, was attached to the report by the Committee. It was, with some additions and alterations, finally passed by the Legislature as Act No. 37 of 1919, which contained only two sections.

Section 1 of the Act was drafted for the purpose of protecting vested rights of Indian traders up to 1st May, 1919; and Section 2

prohibited Asiatics from owning fixed property in the Transvaal.

The provisions of Section 2 were to apply as from 1st May, 1919, provided that, in respect of any fixed property acquired by any such company before that date, the provisions of Law 3 of 1885 should be construed as if this Act had not been passed.

The Indians were flabbergasted by this move. The Companies Act had been passed before the Smuts-Gandhi agreement of 1914. It had acknowledged the right of Indians to purchase land by forming companies. So the above Act of 1919 obviously broke the assurance of General Smuts that the vested rights of Indians would be protected. The Indians were greatly grieved by the unjust action of the Government. They were encumbered with an Act encroaching upon their rights, whereas they had hoped for some relief.

Trade is the only means of livelihood of the Transvaal Indians. The Act of 1919 protected the trading rights of only a few Indians, and left the majority of them to shift for themselves. It was natural for these castaways to be alarmed and angry, and to make a strong appeal to India and the Union Government. They prepared themselves to obtain justice at all costs.

A deputation of the Transvaal British Indian Association interviewed Lord Buxton, the Governor-General, and requested him to withhold his assent to the Bill; but His Excellency, while sympathising with their grievances, expressed his inability to comply with their request under the constitutional system of being directed by the Minister's advice.

New the South African Indians united together, and founded the South African Indian Congress. All the provincial bodies joined this organization. The first conference was held in Johannesburg to raise a loud protest against the Act of 1919.

In reply to the address presented to him at Durban by Indians on 26th August, 1919, General Smuts referred to the "great irritation among the Indians here" and "a great deal of feeling in India" aroused by Act No. 37 of 1919, and alluded to the appointment of yet another commission, the Lange Commission, "to go into the whole matter." In conclusion General Smuts affirmed that "Now that the Indians are here, I hold they should have fair treatment in all parts of the Union. We have to live side by side in conciliation, and we must endeavour to understand each other's view-point so that we may live together and grow together. We are members of one family and belong to the same Commonwealth."

The Indian agitation was echoed in England and India. The Indian Government was startled by the new attack on Indian rights and residence. Sir George Barnes, a member of the Viceroy's Council, appreciated the Indian viewpoint, and wrote a letter to Mahatma Gandhi in which he pointed out the inconsistency between Mr. Burton's advocacy and the new Act. The Indian leaders in England also protested against it. An Indian deputation,

accompanied by some Liberals, saw the Right Hon. E. S. Montague, the Secretary of State for India. It bitterly complained that the then condition of the South African Indians was worse than that under the Republican Government.

The Secretary of State for India, in reply, made the following remarks:—

"You included in your memorandum the very part of General Smuts' speech at the Conference of 1917 which I had down in my own, to read to you. I think, after a statement of that kind, it is not surprising that we are disappointed."

Then, adverting to the portion of Mr. Burton's speech at the Conference of 1918, he said:—

"Is it surprising, in view of these hopeful words. . . . that we, the representatives of India at that Conference, expressed our gratitude for the way in which the Dominion colleagues were approaching the problem and felt confident that the future was going to be brighter than the past? And is it surprising that the first legislative action (Act 37 of 1919) taken after this Conference has aroused a depth of feeling and emotions, not only throughout India, but among all those who have an opportunity of serving India? I would beg you to remember. . . . that the forces arrayed against you are not the Colonial Office, or the High Commissioner, the Governor-General, Lord Buxton, to whose assistance and services I desire to pay a warm tribute on behalf of India, or even the Government itself, but certain powerful people who live in that country."

This year witnessed intense agitation on the part of the whites, who held the Act to be mild and ineffective, and created an organization called the South Africans' League to combat the "Asiatic evil." This organization filled the Transvaal with its branches and obtained the co-operation of some persons of importance. Its first congress was held in Pretoria under the chairmanship of Mr. L. J. Phillips. In a long lecture tinged with colour-prejudice, the chairman strongly reviled the Indian view-point, and treated Mr. Burton to a shower of ebullient criticism. He declared that the latter's undertaking did not commit the country.

After referring to the Indian activity against Act No. 37 of 1919, he warned the country of the effects of the "Indian invasion" as follows: "This watchful interest of the Indian Government is of extreme importance, and unless the people of South Africa wake up to the effect of the Indian invasion upon this country.... we shall be forced to accept the position that this sub-continent will become an expansion ground for the Indian Empire."

Senator Munnik followed the chairman and referred to the reciprocity resolution of the 1918 Imperial Conference. He declared that he saw nobody who wanted to go and trade in India, and

that they were perfectly safe in accepting the dictum and stated that they had a perfect right to exclude the Indians, who were a danger to the country. If they were allowed a free hand, they would eventually oust the white trader.

Whilst a representative of the Reduction Workers' Trade Union declared that the workers of the Reef were with the commercial community to get rid of Asiatics from South Africa Captain Leslie Blackwell, M. L. A., was convinced that the Asiatic was as great a danger to the coloured and native community as he was to the white, and that he was a curse and a menace to the country because they have not kept faith with the Government or the European community of South Africa.

Councillor Hoatson reviewed the growth of the "menace" and said that he was not impressed with the cry that it was an Imperial question. To his mind, it was entirely a South African domestic question, a view-point accepted by the Imperial Government.

Mr. Piet Grobler insisted that the Government should appoint a special court of arbitration with power to expropriate all Asiatic interests with compensation, and repatriate all Asiatic licence holders. Mr. J. H. de Beer said that the question did not affect trade alone, but also the church, because most of the Asiatic dealers consisted of Mohammedans, and by supporting them one also furthered Mohammedanism.

The congress passed resolutions expressing greatest alarm at the continued encroachment of Asiatics, urging stringent application of anti-Asiatic laws and demanding legislation as soon as practicable in accordance with the objects of "The South Africans' League."

A deputation of the South Africans' League saw General Smuts and in a statement asked for the adoption of effective measures to eliminate the Asiatic evil. The Prime Minister, in reply, remarked that early in his career he realised the "menace" and, to some extent, it was "carrying coal to Newcastle." General Smuts, however, regarded certain questions such as the question of immigration and the question of the ownership of land as closed, "because the Legislature had definitely and finally closed the door to Asiatic immigration, and no Asiatic could legally own land, in spite of all their ingenuity."

The South Africans' League held a conference again in 1920, and in spite of what General Smuts said about the definite closing of the door, Mr. Phillips had the audacity to say: "India must learn that South Africa is not prepared to sacrifice her own future in order to provide homes for her surplus population. They must both learn that South Africa is not prepared to take the first steps in national suicide by admitting Indians to free and indiscriminate residence amongst white people."

The League drafted a petition to the Union Parliament declaring that the Asiatics constituted a serious menace to Europeans, that

"disregard of our laws by Asiatics cast a serious reflection upon the administration,** and that the policy of other Dominions of the British Empire is one of rigorous exclusion.

Those who consider Indians to be an evil or a curse forget that the very accursed people turned Natal into a "garden colony," developed semi-skilled industries, such as painting, carpentry, and cheap tailoring, which, as Lord Olivier aptly said, no white Afrikaner desired to soil his finger with, and brought unparalleled prosperity to the Englishman in Natal. They should also realise that Indian trade in the Transvaal has been beneficial to the poor whites, the coloureds and the natives.

The Union Government, however, was alarmed at the volcano of hatred bursting against the Asiatics in the name of European civilization. The agitation confused the reality of the Indian case, and the most convenient escape of modern governments was witnessed in the form of the appointment of the Asiatics Inquiry Commission, under the chairmanship of Justice Lang, the other members being Colonel J. S. Wylie, Mr. H. J. Hofmeyr and Mr. W. D. Baxter. The terms of reference included an inquiry and report on the laws affecting the Asiatic right of acquisition of land and trade in the Union. Sir Benjamin Robertson attended the sittings of the Commission as an observer on behalf of the Government of India.

The year 1921 was eventful for another reason. A census, which plays an especially important part in this country, was taken, and South Africa passed through a wave of apprehension at the growth of native population. The Director of Census predicted that the Europeans and their civilization would be effaced by the natives in fifty years' time.

The Asiatic population stood at 11,321, 11,072 and 15,991 respectively in 1904, 1911 and 1921. The 1921 figure is by no means striking. Indeed, the increase showed by it appears to be negligible when considered in the light of the fact that it was distributed over a decade and also included the natural growth of the population. But the whites made a mountain of a mole-hill, and went on vigorously with their anti-Indian activities. The Nationalist Party turned the census figures to its own advantages, and announced "its intention of ousting the Indians from the country when it came into power.

The Lange Commission investigated this question of population thoroughly, and said: "The general conclusion of the Immigration Department, with which we concur, is that the 1921 census shows that there has been no material increase in the number of male Indians in the Transvaal since 1911.**

The Indian population of Natal had increased from 133,030 in 1911 to 141,336 in 1921. The figure of the whites had passed from 98,114 in 1911 to 136,838 in 1921. The anti-Indians did not bother to think that in a few years the whites would outnumber the

Indians. They began to excite the public by talking exaggeratedly about the numerical increase of the Indians. They clamoured for the municipal disfranchisement of Indians and restrictions on their land purchase.

The attention of the Lange Commission was drawn to the Indian question in Natal. Out of the Asiatic population of 141,336 in Natal, 115,515 were either indentured Indians, the benefactors of Natal, or their children. The Natal Indians enjoyed the same municipal franchise and rights to land ownership. Their chief complaint, however, was against the colour-prejudice entertained by municipalities in the matter of licences. They pleaded strongly before the Commission for the preservation of their rights and the removal of colour prejudice.

The Natal Agricultural Union, at the time under review, played a prominent part against the Indians. Its annual conference at Maritzburg emulated the South Africans' League in its magnification of the "Asiatic evil." It demanded that no Asiatic should be allowed to buy land, and that no new licence or the transfer of licences should be permitted. All sorts of Englishmen supported this attitude. The sugar planters took up an exceptionally tragic and treacherous line of behaviour. They refused to sympathise with their friends in need, the Indians, and deliberately refrained from tendering any evidence before the Commission.

The strangeness of the Union administration has already been noted. One point deserves mention here. To the north of Natal are the districts of Vryheid, Utrecht and Paulpietersburg. Formerly they belonged to the Transvaal; but now they have been annexed to Natal. An Indian cannot own land according to the laws of the Transvaal, but he can do so according to the laws of Natal. Now, though the above three districts are incorporated with Natal, their Indian population are held subject to the laws of the Transvaal.

Zululand and the Transkei are also possessions of the Union. But their doors are bolted against the Indians. Indians are not legally prevented from buying land in Zululand, but they have no right to settle or trade in that country. The issuing or otherwise of a licence to trade there rests in the discretion of the Administrator of Natal. According to Notice 164 of 1904, no Arab, Indian or other Asiatic has a right to enter the native regions of the Transkei without special permission of the resident magistrate.

The Cape is the only province in South Africa where Indians have been comparatively immune from legal oppression. The Cape Indians enjoy both the parliamentary and the municipal franchise. Still, Indians have a special ground for discontent. The grant of licences is based generally upon colour-prejudice. The Indians strongly protested before the Lange Commission against the attempts of certain municipalities to restrict Asiatic trade, and proved that in some cases licences were refused simply because

the applicants were Indians.

In 1921, while the Indians of Natal and the Cape were anxious about the preservation of their rights and the avoidance of any possible future danger to them, the Indians of the Transvaal were threatened with the loss of their means of livelihood. A bewilderingly conflicting evidence was laid before the Commission. The Indians were firm about the protection of their rights, and the anti-Indians were bent upon driving them out of the country.

The Lange Commission investigated all the aspects of the alleged "Asiatic menace" and arrived at the following general conclusions:-
Indian licences: No material increase.

Indian influence: No serious grounds for the fear of miscegenation in the future.

Asiatic bazaars: Insanitary and neglected by the municipalities.

Standard of living: Indian merchants' standard of living quite equal to that of the ordinary well-to-do classes amongst Europeans.

Population: Cannot increase in any province, except by the normal excess of births over deaths.

Asiatic menace: Exaggerated, ill-founded.

The Commission also declared that there should be no compulsory segregation or compulsory repatriation. "We find ourselves," said the Commission, "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 helotry. Such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European."

In spite of the above convincing and exonerating conclusions, the political recommendations of the Commission were startling. They were, in fine:—

Law 3 of 1885, the Gold Law of 1908 and Act 37 of 1919 should not be repealed.

Law 3 of 1885 to be applied to the districts of Vryheid, Utrecht and Paulpietersburg.

Anti-Asiatic laws of Zululand and Transkei to be retained. No laxity in the enforcement of immigration laws.

Asiatic right to purchase land for cultivation should be limited to twenty or thirty miles only towards the hinterland from the coast.

A uniform licence legislation if possible, incorporating all the licence laws of the Cape, Transvaal and Natal authorizing local bodies to restrict the issuing of licences.

Introduction of a system of voluntary segregation under which municipalities should have the right to lay out separate residential and commercial areas to which Indians should gradually be attracted.

An analysis of the above recommendations leaves no doubt about the mentality of the Commission. The Indians were denied the rights they were fighting for. Not only that. Voluntary segregation and repatriation, and immigration and trade restrictions were audaciously suggested.

The Commission's report was unfair to the Indians, and augured a future danger. The anti-Indians were disappointed at its conclusion that the "Asiatic menace" was absolutely ill-founded and exaggerated, but all the same they welcomed its recommendations. It was impossible to fling the Indians out of the country owing to international difficulties; but the instruments of voluntary repatriation and segregation, and stringent immigration and trade restrictions, were enough to render the country difficult for them.

The Indian Government's representation to the Commission through Sir Benjamin Robertson was extremely feeble and disgraceful to India. They laid no emphasis on the repeal of Law 3 of 1885, the Gold Law of 1908, and Act 37 of 1919, the enactments which were, and still are, grave impediments to Indian progress. Thus Lord Sinha's arduous exertions at the Imperial Conferences proved of no avail, and the Union Government got what they wanted. The strongest charge against the Indian Government is that they have never taken any bold and effective steps to remove the root-causes of the Indian misery in South Africa; they have always followed the policy of patching up things without troubling to achieve a permanent result. They have only contributed to make the Indian question one of intricate complexity, and to render its settlement more remote than ever it was.

The South African Indians did not profit the least by the Lange Commission. On the contrary, the Commission sowed the seed of laws that later carried them to their wits' end.

The Union Government were playing a double game. They were acting contrary to the South African views represented at the Imperial Conferences. The protagonist of this policy was General Smuts.

Indian delegates raised the question of the rights of citizenship of Indians overseas at the Imperial Conference of 1921. India is the country largely responsible for the creation of the British Empire and is the treasure-house of British prosperity. It is indispensable to the existence of the Empire, yet its people are insulted and treated as helots in every part of the Empire. Only India, a highly cultured, philosophical and spiritual land could put up with the indignities hurled against its nationals. Any materially inclined European country would, under similar circumstances, plunge herself into a bloody war.

The Indians, however, were by no means poor politicians. They re-discussed the South African Indian question and exposed the humiliations inflicted upon them by the Dominions in spite

of their being subjects of the same Empire. They pointed out that the solidarity of the Empire demanded the award of citizen rights to Indians everywhere.

The reward they reaped was poor as far as Indian nationals in South Africa were concerned. The Imperial Conference resolution, 1921, recognised the incongruity between India, an equal member of the British Empire, and the existence of Indian disabilities, and expressed the opinion that, in the interests of the solidarity of the British Commonwealth, the Indian right to citizenship should be recognised.

The representatives of South Africa regretted their inability to accept the resolution, and General Smuts, in spite of his "more kindly feelings towards the Indian population of South Africa," declared: "The whole basis of our particular system in South Africa rests on inequality... it is the bedrock of our constitution... You cannot deal with the Indians apart from the whole position in South Africa; you cannot give political rights to the Indians which you deny to the rest of the coloured citizens in South Africa."

General Smuts's refusal to abide by the decision of the Imperial Conference naturally grieved the Indians. The Indians had nothing but to wait and watch for the lot the threatening future was to bring. The Lange Commission had clearly exposed the fallacy of the "Asiatic menace." General Smuts had promised to the South African Indians a just treatment. Both these facts were forgotten in 1922. A dark age began for the Indians.

Natal set about to deprive the Indians of their trade, municipal franchise, and rights of landownership. The Provincial Government issued three ordinances simultaneously. These were the Rural Dealers' Licensing Ordinance, Townships Franchise Ordinance and Durban Land Alienation Ordinance. These ordinances were drafted with an end to cripple the Indian trade in rural areas, to deprive the Indians of the whole of Natal of municipal franchise, and to bring about a racial segregation by preventing Indians from possessing land in European areas.

These ordinances were obviously an outcome of a pronounced colour-hatred, since there was no foundation whatsoever for the belief that Indians were a menace to the country. After a constant toil of sixty-one years, the Indian farmers had obtained only 57,914 acres of Natal's land, and had enhanced the value of the barren coastal belt allowed to them by cultivating it. The persons who most benefited by their labour were the Europeans.

The Rural Licensing Amendment Ordinance did not safeguard the existing right of appeal in all cases from the decision of a licensing board to an appeal board, but limited, instead, the right of appeal only on the grounds of the fitness of the person. The Indians considered it a gross and unjust deprivation of the rights hitherto enjoyed by them. The Townships Franchise Ordinance deprived

the Natal Indians of the municipal franchise they had been enjoying since 1872. The Indians were promised, at the time of their loss of parliamentary franchise in 1896, that no encroachment would ever be made on their municipal franchise. The ordinance was passed in spite of the assurance.

The Durban Land Alienation Ordinance granted additional powers to the Town Council of the Borough of Durban in respect of the 'alienation of or other dealings with immovable property belonging to the said Borough—in other words, it authorized the Town Council "to separate the population of European descent, so far as possible, from Asiatics and natives in residential areas," Subsequently an ordinance was enacted extending the same principle to all townships and municipalities in Natal.

The Union Government reserved the first two ordinances for further consideration, but immediately approved of the Durban Land Alienation Ordinance after a preliminary correspondence with the Durban Municipal Corporation. The Natal Provincial Government did not like this step, but they were helpless owing to the South Africa Act. The Smuts Government did not place the ordinances on the Statute-Book; but they were succeeded in 1924 by the Hertzog Government, who soon assented to them.

Another incident took place in September, 1922, which dragged the ambiguous South African policy into the forefront of the international world. The League of Nations was faced by the question of the protection and fair treatment of minorities. It was specially concerned about the minority rights in countries that had joined the Great War, but as an international organization for peace, it was also its duty to see that the minorities throughout the world were accorded just treatment.

General Smuts was Prime Minister of South Africa when the League assembled in 1922. His representative put the following resolution before the League:—

"The Assembly expresses the hope that the states which are not bound by any legal obligation 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."

The resolution was far from ambiguous. It made an appeal for justice and tolerance towards communal, religious and linguistic minorities. It was proposed by South Africa, and passed by the League. Now the South African Indians are one of the minorities mentioned in the resolution. They came and settled in South Africa at the express invitation of the South African Government. They contributed a great deal to the development of the country. It was up to South Africa to treat them with fairness and tolerance and **thus** translate its resolution into practice. But it was soon

discovered that this was hypocrisy.

The Right Hon. Mr. Srinivasa Sastri, a man of amazing statesmanship and culture, on behalf of the Indian Government, set out to study the conditions of Indians in the Dominions and to attain for them the citizen rights desired by the Imperial Conference. He visited Canada, Australia, and New Zealand, and demanded equal rights for Indians. His travels bore fine fruit. Different governments understood and appreciated the Indian point of view, and the Dominions opened a way for a satisfactory and honourable settlement of the Indian question.

But South Africa was the only Dominion which did not invite a visit from Mr. Sastri. No doubt it had rejected the decision of the Imperial Conference of 1921, but if it had the common civility of issuing an invitation to the Indian representative, the South African public would have had an opportunity to understand the Indian view-point and to see one of India's great men. Perhaps the bitterness rife between India and South Africa would have been quenched. But this was not to be. Many a battle was still to be fought between India and the Union.

India was angry at South Africa. The agreement of 1914 had been discarded—Act 37 of 1919 had come into force. Natal had attempted to ruin the Indians by issuing ordinances. The Union Government did nothing whatsoever to alleviate anti-Indianism. The two countries were at daggers-drawn.

The Imperial Conference of 1923 supplied the opportunity to both India and South Africa to give vent to their feelings. General Smuts, an inveterate apostle of white superiority in South Africa, had decided to challenge the resolution of the previous Conference: while Sir Tej Bahadur Sapru had prepared himself for any event to stand for the rights of his countrymen in the Union.

The Conference witnessed a unique word-war. General Smuts and Sir Tej Bahadur Sapru, the representatives of South Africa and India, made an historic display of brilliant debate. General Smuts failed to get the 1921 resolution withdrawn. Sir Tej succeeded in showing that India can put up a brave fight in matters concerning the questions of her self-respect. Sir Tej brusquely pointed out that the assurances given by General Smuts in the Imperial Conference were not carried out, that the agreement of 1914 was definitely broken and that new disabilities were imposed upon Indians. He demanded the rights of citizenship for Indians.

General Smuts repudiated the claims of Indians as British citizens and said:—

"There is one British citizenship over the whole Empire, and there should be. That is something solid and enduring, but we must not place a wrong interpretation upon it. We must not derive from the one British citizenship the rights of franchise, because that would be a profound mistake. The attitude has

been that franchise does not depend upon British citizenship. It is only in India this position is not understood. Indians go to the length of deriving from their British citizenship the further notion of equal franchise rights also, and they claim they may go from India to any other part and enjoy the same franchise rights as other portions of the Empire. I think that is wrong, not only as regards India, but as regards every part of the Empire. I do not think that an Australian, for instance, should come to South Africa and claim franchise there as a matter of course. He is a British subject and on that footing we are equal in the eye of the law; but when it comes to the exercise of political franchise rights, I think there is a great difference and distinction and we should recognise that. And where a distinction is carried into actual practice, as it is in South Africa, it should not be looked upon as an indignity—as a reflection on the citizens of any Dominion, including India, who come to us and who do not get those rights. That is really all I wish to say about this matter.

"I noticed in Dr. Sapru's statement a remark, which almost looked like a threat—that if India, fails in forcing on us the view which she holds so strongly, then she may be compelled to make of it a question of foreign policy. Well, I would say this, you cannot have it both ways. As long as it is a matter of what are the rights of a British subject it is not a matter of foreign policy. It is a matter entirely domestic to the British Empire. If it becomes a question of foreign policy, then Indians cannot claim on the ground of their British citizenship any more the recognition of any particular right. Once they appeal to a tribunal, whether it be the League of Nations, or whether it be outside the British Empire, they can no longer use as an argument the common British citizenship.

"I want it to be recognised that you must not derive from that citizenship claims you cannot uphold."

Replying to the Maharajah of Alwar, General Smuts declared:—

"Nobody would be more welcome in South Africa than you; and I would welcome nothing more than that you should come, as a great representative of India, to look into the conditions in South Africa yourself, convince yourself of the situation there, and convince yourself also that apart from the far-reaching political difficulties we have, our fundamental attitude towards our Indian fellow-citizens is one of justice and fair play. I do not think our Indian fellow-subjects in South Africa can complain of injustice. It is just the opposite. They have prospered exceedingly in South Africa. People who have come there as coolies, people who have come there as members of the depressed classes in India, have prospered. Their children have been to school. They have been educated,

and their children and grandchildren to-day are many of them men of great wealth... They have all the rights, barring the rights of voting for parliament and the provincial councils, that any white citizen in South Africa has. Our law draws no distinction whatever. It is only political rights that are in question. There, as I explained to you, we are up against a stone wall and we cannot get over it."

Sir Tej Sapru replied to General Smuts's arguments with equal outspokenness and eloquence, thus:—

"There is an essential confusion in the position which General Smuts takes. Really the fact of the matter is this: you cannot, according to the modern law of citizenship, and according to the latest development of thought on this subject, have two kinds of citizenship in the same empire, a higher and a lower. When I go to your country and satisfy the requirements of the law of franchise, you have no right to tell me that because I am an Indian subject of His Majesty, I shall not be entitled to exercise my parliamentary rights. Therein lies the whole position General Smuts has taken.

"And with regard to the disability of the Indians in the purchase of town lands in respect of trade licences and other things, General Smuts, as I said before, had not a word to say in his speech this morning. Therefore the position remains this: that while I receive support, substantial and general, from His Majesty's Government and all the Dominion Prime Ministers, I have received no support from General Smuts. On the contrary, he has expressed the desire that the resolution of 1921 should be repealed. I hope for the reputation of this Conference, for the reputation of the Dominion Prime Ministers, and for the reputation of His Majesty's Government, nothing of the kind will be done; and though you may tell my countrymen that the problem is undoubtedly a difficult one, I request you also to say you are trying to discover means of solving it. If you do that, you will change our attitude with regard to the great Imperial questions.....

"General Smuts said that as a British subject I could not claim that this problem would pass from the stage of a domestic problem to that of a foreign problem. He misunderstood me. It is not difficult to foresee the stage being reached when even the Government of India—whom he has attacked over its attitude in regard to Kenya, but I must admire for the very same attitude—may find it necessary to appeal to His Majesty's Government and say that one part of the Empire is standing against the other, and it is for you and His Majesty's Government now to treat this problem, inside your own Commonwealth, as you would deal with a problem of foreign policy. That is what I meant, and I anticipate a stage like that being reached

at no distant date in so far as the relations of India with South Africa are concerned."

Sir Tej's frankness caused annoyance in some responsible quarters. Some coteries put his attitude down as unstatesmanlike. And yet he did nothing but preserve India's self-respect. While General Smuts was conspiring to nullify the resolution of the Imperial Conference, and to deceive the Dominions and force India to side with him, and while India's claim for equality was gravely jeopardised, it was the inevitable moral duty of the Indian representative to expose the conspiracy, to express the Indian mind without being entangled in the mazes of verbal jugglery, and to firmly establish the reputation of his motherland. Sir Tej fulfilled this duty in an unimpeachable way. He rendered a magnificent service to India. His bearing was bold and noble, and worthy of a profound statesman. The forecast he made in the peroration of his speech soon came true.

General Smuts's stand at the Imperial Conference echoed what was sizzling in his heart. He was incensed by his failure to throw out the resolution of the Imperial Conference of 1921. He took up the Indian question soon after his return to South Africa. The whole country throbbed with diabolic anti-Indianism. It was announced that the Indian question was a domestic affair of South Africa, and that nobody had any right to poke his nose into it. Mr. Patrick Duncan, the Minister of the Interior, shocked the Indian community by drafting his Class Areas Bill. It seemed Doomsday was near for the Indians.

The Bill attempted to ruin the Indians in every way. The Lange Commission had deprecated compulsory segregation only two years before. But this Bill adopted a definite policy of segregating the Indians. Its passage meant that the Indians would be deprived of their trade, residence and land rights in Natal, and would meet with an economic disaster in the Transvaal. Another policy of the Bill was that of imposing strict restrictions upon Indian immigration. All this stringency was calculated to reduce the Indian population. The entire Bill was marked by a desire to paralyse the existence of the Indians.

The Indians received a copy of this Bill, and were sorely bewildered. They were a voteless race, harassed, kicked and persecuted by the whites. But they were still virile, self-respecting and active. They had not forgotten the valiancy and the spirit of sacrifice manifested during the passive resistance struggle led by Mahatma Gandhi. They resolved to resist the Bill.

During this time, Mrs. Sarojini Naidu visited Kenya to preside over a conference of East African Indians. The Indians of South Africa seized the opportunity to invite her to come to their country. They also requested the Indian National Congress to persuade Mrs. Naidu to visit South Africa. Mrs. Naidu accepted their

invitation in order to console them in their **unfortunate hour**. *She* reached South Africa in the beginning of 1924.

The South African public were aware of Mrs. Naidu's fame as a poetess; but it was only after she visited South Africa that they knew her as one of the foremost orators in the world and as a mistress of English literature and language that put many English scholars and statesmen to shame. Mrs. Naidu travelled through every town, and charmed the whole country with the sweetness and light of her personality. She instilled new life into the oppressed natives, the coloureds, and the Indians.

And yet her path was not all bestrewn with roses. Some furious anti-Indians often denounced her in newspapers as a "coolie woman." A prominent Nationalist even went to the length of suggesting that she should be deported from the country.

In the course of her tour, Mrs. Naidu suggested for the first time a round-table conference to bring about a reconciliation between South Africa and India. The South African Indian Congress, under her presidency, passed a resolution bearing upon this matter. Her splendid South African services won for Mrs. Naidu the presidency of the Indian National Congress and the presidency of the South African Indian Congress.

CHAPTER VII

THE VOLCANO OF COLOUR HATRED

THE general election of 1924 was fought out between the English and the Dutch, the capitalists and the workers, with amazing bitterness and animosity. General Smuts, General Hertzog and Colonel Creswell were leaders respectively of the South African Party, the Nationalist Party, and the Labour Party. Hertzog and Creswell denounced the policy of Smuts as militaristic, and united to defeat him.

Not one of the above three parties was pro-Indian. Each tried to turn the Indian question to its own advantage by telling its voters about what it would do to drive out the Indians. The Nationalists waxed loudest in their protestations, and declared from every platform that they could catch the Indians by their throats, and hurl them out of the country. Everywhere the word "Indian" attracted a shower of accusations, adverse criticism, and abuse. The Indians could only watch what was happening.

The general election of the Union Parliament took place on the 17th June. General Smuts lost his seat in his own constituency. The Nationalists and the Labourites made a pact and formed a ministry, with General Hertzog as Prime Minister. The administration of South Africa passed into the hands of the Nationalists

for the first time. There were two Labourites in the Hertzog cabinet, but they were also anti-Indian. The Indians were at their wits' end, and waited for the Nationalist sword to fall upon their heads.

The Hertzog ministry now engaged itself in the task of fulfilling all the possible and impossible promises it gave at the time of the election. Meanwhile, Mr. J. H. Thomas, the Dominions Secretary, visited South Africa along with the Empire Parliamentary Deputation, which contained no Indian delegate. The Indian question was at this time the problem of the hour, and Mr. Thomas recommended a round-table conference for the settlement of the Indian question, a suggestion previously made by Mrs. Sarojini Naidu. But the Nationalist Government was not in a mood to accept it. They disregarded the practical suggestion on the grounds of foreign interference. They saw only two ways to solve the Indian question. One was that of driving the Indians out of the country, and the other of giving them the elementary rights of humanity. They were inclined to take the former course. But the Indians could be expelled only if their residential and commercial rights were seized, if severe immigration disabilities were imposed upon them, and if they were crippled from the political, social and economic points of view.

After a gruesome rumination of a year, Dr. D. F. Malan, the Minister of the Interior drafted a Bill calculated to achieve the above objective. It was a murderous, diabolic and venomous Bill. It was cruel, malignant and intended to take the breath out of Indians. It was the notorious Areas Reservation and Immigration and Registration (Further Provision) Bill. It was, so to say, a re-incarnation of the Duncan Class Areas Bill of 1924, dropped by General Smuts for political reasons before the election. Its first chapter provided for reservation of special areas for Indians, or the segregation of Indians. The municipalities, which consisted of anti-Indian members, were to be given the right to suggest any area within their jurisdiction. The area suggested by them was to be investigated and reported upon by a commission. The Governor-General was to proclaim it as an area for Indian trade or residence or both within six months after the receipt of the report. The Indians belonging to this area then could not buy land or trade elsewhere.

"The effect of operation of..two clauses alone" (of the first chapter), commented the Natal Indian Congress, "will be to cripple the whole life and trade of the Indian community and, absolutely without the shadow of a doubt, crush out all Indian agricultural work, progress and prospects. In plain language, without considering any other phase of the Bill, the fate of the Indian is sealed and he is doomed."

The second chapter of the Bill dealt with immigration. It left

all Indians **born** and settled in South Africa to the mercy of a minister and an immigration officer. It made drastic changes in the old laws. According to it, any Indian could be arrested, and declared a prohibited immigrant; an Indian committed to any sentence except fine could be deported; an Indian who did not return to Africa within three years lost his right to enter the country; marriage and divorce conducted in accordance with the Indian religious ceremony in South Africa were invalid; a divorced Indian could not bring his legitimate wife from India; a large number of Indians would be compelled to give up a dual domicile in the Union, etc.

The cumulative effect of this chapter would be the deprivation of Indians' rights of freedom and restriction on personal movement.

Chapter 3 of the Bill was entitled "Registration of Asiatics." It aimed at reducing the Indian population of the Transvaal. An Indian would abandon the right to entry, residence or domicile in the Transvaal if he voluntarily surrendered his registration certificate. An Indian who failed to apply for a registration certificate in due time would jeopardise his rights.

In an interview, Dr. Malan, the Minister of the Interior, explained the intentions of the Bill as under:—

"The Bill is generally intended to stop effectively the further encroachment of Indians, and he hoped it would go further than that; that is, as a result of the exercise of pressure on the Indian, he will take advantage of the inducements which are held out to him to leave the country, so that the Bill is meant not only to stop further encroachment but actually to reduce the Indian population of the country."

The Bill went further than that. It not only aimed at despatching the Indians to damnation, but it openly aimed at wounding Indian honour and India's reputation in the world. It exasperated them. Dr. Malan's speech at the time of its first reading even took their knees from beneath them. They were lost in clouds of disappointment. The Nationalists were not disposed to give them the least concession.

Dr. Malan surpassed his predecessor. Mr. Patrick Duncan had declared the Asiatics as economically undesirable; but he considered them to be aliens.

"I must say," said he in the Union Parliament, "that the Bill frankly starts from the general supposition that the Indian, as a race in this country, is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country."

Indians were aliens. No doubt they had come to South Africa in response to an invitation, and had made the country fertile. Still, they were aliens. Dr. Malan was not an alien. His ancestors came from Europe and usurped the country from the natives. **But**

they were not at all foreigners. Whites are never foreigners in a black man's land.

It is a matter of history that Sir George Napier, Governor of the Cape, annexed Natal to the British territory in the name of Queen Victoria in 1843. The English settled in the newly annexed province. In 1860 the Government of Natal persuaded the Indians to come to Natal, welcomed them and made them settle. The Indians transformed their new land into a beautiful garden. Thus, the English and the Indians entered Natal practically at the same time.

And the English were not aliens. They took the Cape at the point of the bayonet, they usurped Natal by way of force, they waged war against the republics of the Transvaal and the Free State for the sake of gold and diamonds. But they could not be called aliens. The British army and navy would wipe out anybody who dared call them aliens.

Indians were aliens, to be sure. They had no arms, no franchise. The meek are aliens, the mighty are not. Therefore the Indians were aliens, the whites were not.

A word about the Transvaal. The Indians entered it only about twenty-five years after the Dutch. But the Dutch could not be considered aliens : the Indians could.

People who call the Indians aliens had better keep their mouth sealed. They need to be reminded of the fact that they only murder history in their zeal to consider the Europeans as natives of South Africa.

Dr. Malan's murderous Bill served to fan the flames of the anti-Indian agitation in South Africa. Mr. Tielman Roos, the Deputy-Premier, popularly known as the "Lion of the North*", stood for the elimination of the Indian evil and for a white South Africa. He declared that it would be their own fault if they allowed the Indians to remain in the country.

Dr. Moll threatened that if England interfered in the Asiatic problem they would secede from the Empire. Mr. E. J. Sawyer, of the Cape Colony, condemned the Chinese as parasites and the Indians as exploiters of the poor before the Rotary Club of Port Elizabeth. Advocate van Hees said at Potgietersrust that all Indians should be sent back to India with compensation, bag and baggage.

The year 1925 will always be remembered for its horrible ill-treatment of non-Europeans in the name of Western civilization. In that year erupted the volcano of colour prejudice and efforts were made to yoke not only Indian but all natives to slavery. Countless injustices were perpetrated, and all except the Dutch were thrown into indignant amazement.

The Indians were the butt of the South African Government that year. A good many acts and ordinances were shot at them, as if the virus of the Areas Reservation Bill were not enough for their

extinction. Natal passed the Boroughs Ordinance and the Townships Amendment Act; and the Transvaal passed the General Dealers (Control) Ordinance and the Hawkers and Pedlars Draft Ordinance. The ordinances of Natal deprived the Indians of municipal franchise and restricted their land purchase, and those of the Transvaal affected the Indian means of livelihood.

The General Dealers (Control) Ordinance put Indian lives at the mercy of the Transvaal municipalities by investing these institutions with vast powers. Trade licences depended upon their own taste and fancy. There was no mention of Indians in the ordinance, but the Administrator of the Transvaal, Mr. J. H. Hofmeyr, definitely stated that the aim of the ordinance was to restrict Asiatic trade. Members of the Transvaal municipalities were mostly anti-Asiatic. It was, therefore, natural that Indian applications for new licences should be treated in a prejudiced and partial manner. The European licences were granted without fuss, and the Indian licences were refused as a matter of course. So the Indian trade suffered. The Indians were sorely agitated and embarrassed.

Another Bill which raised a tornado of protest amongst all non-Europeans and created resentment in European circles was the Mines and Works Bill, popularly known as the Colour Bar Bill. It was out and out class legislation which drew a distinct colour line as between the European and non-European population of the country, by debarring all Asiatics and natives from handling machinery.

"The proposed Colour Bar Bill," stated a South African Indian Congress petition to the joint session of the House of Assembly and the Senate, "is an attempt to violate the liberty of the subject, his freedom to contract, his right to hold, possess, control and sell his own labour which is his property, and in a word. . . is sufficient to throttle and stunt the growth of any community which comes under the operation of this law." The Bill was passed in the teeth of united non-European opposition and the South African Party led by General Smuts.

Another Act was passed in the same year to make the lot of non-whites worse. It was the Minimum Wages Act. It was based on the principle of equal wages for equal work. It cunningly did away with colour bar, as nobody would prefer a non-white to a white if the former received the same wages as the latter.

It is impossible to describe the harassments inflicted upon the Indians by the South African authorities. They were legally reduced to the lowest level, in spite of their civilization and their religious, scientific and aesthetic culture. Their rights of trade, property and franchise were brutally assaulted. They were generally condemned and persecuted.

Dr. Malan skilfully fused together all anti-Asiatic elements to strengthen his anti-Indian policy. He declared that the Indian question was inextricably complicated and his Areas Reservation

Bill was the only possible way to its solution. He refused to consider any representations against the Bill, and intimidated the Indian Government by grossly exaggerating the opposition in the country.

The time was one of life and death for the South African Indians. The murderous Bill was ready to exterminate them. They summoned up all their courage, and resolved to offer a bold stand against it. The South African Indian Congress met at Cape Town under the chairmanship of Dr. A. H. Gool, the Deputy President.

The Chairman entered a strong protest against the "hydra-headed Bill" in cautious yet forceful language, and rebutted the arguments of anti-Indians. Said he:—

"This Asiatic question is more than an Imperial problem. It is a world-wide issue, and if South Africa is not prepared to act honourably, then Indians must appeal for succour outside; and let me warn South Africans, that this policy of expediency and coercion may result in a disastrous war, in which Asia and Africa will stand pitted against Europe and America."

The Congress viewed with alarm the Areas Reservation Bill, condemned it as a violation of the Smuts-Gandhi agreement, and submitted to the Government that on the matter of principle the Indian community of South Africa opposed the Bill *in toto*. The Congress demanded a round-table conference to consider the whole position of Indians and arrive at an honourable and amicable settlement, and decided to send deputations to interview the Minister of the Interior in South Africa and to cultivate public opinion in India.

India rose to the occasion. The Indian National Congress embraced the South African Indian question by selecting Mrs. Sarojini Naidu as its president, and created a unique agitation in the country. The Imperial Indian Citizenship Association and other organizations vied with each other to help the South African Indians. The Indian Government shook off their sleep and began to take an active interest in the situation.

The South African Indian Congress lost no time in enforcing its resolution. During a busy fortnight it carried on telegraphic negotiations with the Government of India, discussed the Paddison Deputation, and arranged for the departure of a South African Indian deputation to India. A deputation waited upon Dr. Malan in Pretoria on the 16th November, 1925. The Congress view-point was duly communicated to the minister of the Interior. Advocate J. Godfrey, the leader of the Indian deputation, and Dr. Malan discussed the policy of the Asiatic Bill.

Dr. Malan's arguments ignored the Indian stand-point. He questioned the violation of the Smuts-Gandhi agreement and main-

tained that "no undertaking was given or could have been given by any Government that the laws would not be changed or that any laws with regard to any question would not in future be introduced." In connection with the vested rights, he maintained that "vested rights were protected in 1885 by the old Transvaal law, they were protected in 1908 by the Transvaal Gold Law. Vested rights...were protected in 1919, and throughout this Bill that I have introduced existing rights and vested interests of Indians are also protected."

Advocate Godfrey retorted that the present Bill did not protect the vested rights, as, if the Governor-General made a proclamation about the fifty-mile limit in Natal, no business would be able to continue for any length of time. He declared that on principle they could not agree to the Bill. They would never submit to voluntary or compulsory segregation, which placed upon them the brand of inferiority.

Dr. Malan refused to make any concession in regard to the principle of the Bill, and asked the South African Indian Congress to put their views before the Select Committee of Parliament. He added that he was not in a position to announce any decision in connection with the round-table conference, as the negotiations were not then concluded.

This resulted in a deadlock. The South African Indian Congress was committed to the rejection of the Asiatic Bill *in toto*, while the Union Government had decided not to budge an inch on the point. Both went their own way and for a year or so there continued non-co-operation between the two parties.

The Indians sent an able and a representative deputation, consisting of Dr. Abdur Rehman, leader, Advocate J. Godfrey, Swami Bhawani Dayal, and Messrs. Amod Bhayat, Sorabjee Rustomjee, V. S. C. Pather and A. A. Mirza. The South African Indian Congress deputation passed the Government of India Paddison deputation on the way.

The Paddison deputation had behind it the tragic history of the Union's rejection of India's request for a round-table conference. The Indian and Imperial Governments were convinced that a round-table conference of both Indian and South African representatives was desirable for a solution of the Indian question. An influential deputation, headed by Sir Dinshaw Petit and Sir Purushottamdas Thakurdas had also pressed the Viceroy of India to arrange for such a conference. That was in the February of 1925. The Indian Government lost two months without doing anything. They commenced frantic telegraphic negotiations with South Africa on the 8th April, 1925. They asked the Governor-General of South Africa for a round-table conference, advancing such a conference as the only possible way of approach to a satisfactory solution of the Indian question.

The Union authorities kept silent for two solid months; and

then on the 16th June, 1925, they let India know that they were positively opposed to the proposed sort of conference, because it would mean India's meddling into the affairs of South Africa. They added: "Practically all parties in South Africa agree on broad principles that by strict prohibition of Indian immigration and by means of active repatriation the Indian population in South Africa shall be reduced as nearly as possible to an irreducible minimum. For years this has actually been the recognised and unchallenged policy of successive Governments, whatever measure of success may have been which has attended their efforts.... Any helpful suggestion which the Government of India might, at any time, put forward in this respect will be cordially welcomed by Ministers."

This message laid bare the goal of the South African Nationalist Government. They wanted to eliminate the Indians. They practically asked India to co-operate with them in their grim task.

The Indian Government failed to behave in a manner befitting their position. They repeated their request for a round-table conference. Instead of replying to it, the South African Government posted ten copies of the Areas Reservation and Immigration and Registration (Further Provision) Bill to the Indian Government. The Government of India despatched a wire to them in which they acknowledged receipt of the copies, expressed their deep concern at the provisions of the Bill, and remarked at the absence of a reply to their proposal for a round-table conference.

The Union Government regretted that they could not depart from their decision, and declared that holding a conference without limiting its scope to some definite and concrete question was likely to be resented by the people as an interference from outside. If the scope of conference, however, was restricted to discussions about repatriation, no objection would be raised.

The Government of India wired that a conference of which the main object was to expedite Indian repatriation was not contemplated by them, but accepted the offer on condition that preliminary investigation regarding their economic position and general condition by a deputation be allowed. They stated their views on the Bill by another wire on the 12th October. They questioned whether the Indian population, of which more than sixty per cent. was South African by birth, could justly be regarded as an alien element, and said: "Terms of the Bill are regarded here as deliberately harsh and oppressive towards Indians. ... The Bill will destroy hope of ever arriving at a solution acceptable to all communities in South Africa." Investigation by a deputation was again pressed.

The Union Government accepted the proposal of the investigation, but informed the Indian Government that "under certain circumstances and without exercise of all due discretion" an inquiry of this nature might lead to Union Government's difficulties and

irritation amongst the Europeans. It was decided to submit the Bill to the Select Committee of Parliament and to allow the Paddison deputation to lay their case before it.

The Paddison deputation consisted of Mr. G. F. Paddison, the leader, the Hon. Syed Raza Ali, Sir Devprasad Sarvadhikari, and Mr. G. S. Bajpai, the Secretary. It reached South Africa in December. The Rev. C. F. Andrews was already in South Africa at that time, to help the Indians independently. The deputation made an exhaustive study of the conditions of the Indians in Natal, the Transvaal and the Cape, and prepared itself for appearing before the Select Committee. The South African Indian Congress gave it an informative account of the whole Indian question by way of a laborious and detailed statement.

The Paddison deputation had come under adverse circumstances. It was incumbent upon it to see that no words were uttered that might create misunderstanding in the country. It kept marvellous control over its tongue, and it was not until it appeared before the Select Committee that its true strength became apparent to South Africa.

The South African Indian deputation also conducted itself admirably in India. Mrs. Sarojini Naidu, in consultation with Mahatma Gandhi, arranged an extensive programme for the success of its tour. It laid the Indian case before Lord Reading, the Viceroy, through an excellent statement, as a result of which the Viceroy touched the Indian question in his speech on the occasion of the opening of the Central Legislature. It attended the Cawnpore Session of the Indian National Congress, where Mahatma Gandhi proposed a resolution which declared the murderous Bill a breach of the Smuts-Gandhi agreement, and promised a whole-hearted support in any struggle against forces threatening Indian residence in South Africa. The session was also remarkable for its demand for a round-table conference or an arbitration board for the handling of the Indian question. It appealed to the Imperial Government to withhold their consent to the Bill, should this demand fail to evoke a proper response.

The Indian deputation visited the principal cities of India and received whole-hearted sympathy with their cause. The following orations of India's front-rank leaders echo India's voice:—

"Smuts-Gandhi agreement was being violated by the South African Government. When South Africa was not in the hands of the British, Indians were made to fight for its acquisition; but now, when it was in their hands, Britain considered herself helpless."—*Moulana Mohamed Ali*.

"Every Indian had full sympathy with Indians in South Africa and was ready to help them in whatever way they wished them to do. If the Union Government passed the Bills, the Government of India should use all their efforts in nullifying

their decision.—*Pandit Madan Mohan Malaviya.*

"Indians were considered unfit for Swaraj, because they had a system of untouchability among them. The Europeans in South Africa were doing the same thing. The Empire was a farce so far as Indians were concerned,—*Lala Lajpat Rai.*

"General Hertzog, who was the right-hand man of President Kruger, was the Premier of South Africa. It was General Hertzog, again, who raised the standard of revolt against the British Empire during the late German war, when he was declared an outlaw. And it was General Hertzog, again, who was at the head of the Republican Party now running the same policy that he stood for in 1899. What has England got to say to that? If General Hertzog and Dr. Malan carry out their threat by passing this legislation, of driving Indians out of South Africa ... I can foresee the day when China and Japan and India perhaps, would say, 'Go out, you Uidanders, out of Asia'."—*Mr. J. M. Sen Gupta.*

"The whole question of race relationship was bound up with this question... If it was not solved within the British Commonwealth, then the Commonwealth, comprising various races, was absolutely doomed and there would be left only the commonwealth of white peoples. There was no self-respecting European who had the welfare of Indians at heart, who did not see eye-to-eye with Indians on this question of South Africa."—*Mr. F. E. James.*

England had also an echo of the agitation in India. Lord Olivier moved a resolution in the House of Lords for a discussion of the South African Indian question.

The following views of two prominent lords will be worth while recording to realise England's feeling:—

"The whole case of the Indian Government against the oppressive and repressive legislation ... is that it is entirely repugnant not only in its foundation principles to the idea of the British Empire, but also to statutory rights and common law rights under which Indians have settled in South Africa . . . Not only have you the Government of India expressing apprehension, but you also have General Smuts expressing the gravest possible apprehensions as to the results of this Bill.

"Dr. Malan says the method which the Bill will propose will be the application of pressure... that is to say, that as the present inducements of offered passages and bonuses are not sufficient to uproot the population of Indians settled in Natal, as they would not possibly be expected to uproot them, pressure has been exercised. Their existing rights and amenities, which they have acquired under the ordinary laws of the land and under the guarantee of His Majesty's Government, are to be very much diminished in South Africa, and life there will

become intolerable to a very large number of Indians.

"That is more than pressure, it is oppression. It is not to be wondered at, when Indians in India see their relations exposed to this oppression, that they become restive and ask: what is the use of our belonging to an Empire which guarantees to protect us if, again and again, the promises that have been made in the name of that Empire to our kinsmen are not to be maintained, and those kinsmen are to be subjected to oppression to induce them to relinquish the privileges that they have acquired V⁹

". . . we have laid down the principles of equality, not as a mere formality, but as definite statements of truth and of force."—*Lord Olivier*.

"This Bill, following as it did other legislation affecting the rights of Indians, caused, as might have been expected, very deep resentment in India. The Government of India has been authorised by me to deal direct upon this matter with the Union Government. . . I am confident that the renewed examination of a problem which is now proceeding and the presentation of the Indian case by those directly affected will lead to a satisfactory and an enduring settlement."—*The Earl of Birkenhead*.

The permission to the Indian Government to conduct negotiations directly with South Africa undoubtedly enhanced the international prestige of India, but it also put down the Imperial Government as weak, if not altogether cowardly. For Empire unity and justice to Indians, Great Britain was morally bound to talk straight with South Africa, but, being afraid of the Nationalist wrath, it made over its own obligations to the feeble Government of India. It cautiously refrained from protesting against the murderous Bill, and quietly gave its assent to the Colour Bar Act. The British Government, and particularly the Earl of Birkenhead, betrayed India, and allowed the Indian question to assume terrible proportions.

South Africa had rebuffed the demand for a round-table conference by forwarding to the Indian Government ten copies of the murderous Bill. Its object seemed to have been that of frightening India into accepting its policy. It met India's powerful representation by mantling itself with the view that the South African whites could only be pacified by a reduction of the Indian population. It had agreed to appoint a Select Committee before the second reading of the Bill, after much haggling, but it kept on harping upon its determination to submit the Bill to a second reading.

The Paddison deputation, after enquiry in Natal, drafted an interim report of provisional conclusions and recommendations which stated that there was a *prima facie* case for some fresh enquiry before the proposed legislation is proceeded with. The suggestion of the fresh enquiry was turned down by the Union Government,

which, after further correspondence with the Indian Government, however, agreed to refer the Bill before its second reading to the Parliamentary Select Committee.

The Select Committee consisted of fifteen members, which included six Nationalists, five South African Party members, three Labourites and one Constitutional Democrat—all of them, with two exceptions, holding definitely anti-Indian views. The 23rd February was observed by the Indians in South Africa as a day of humiliation and prayer. All businesses were closed on that day, and mass meetings were held in the most important centres and resolutions of praying to God for mercy and instilling justice and sense of fair play in the minds of the Government were passed. At several places bishops conducted the prayers and expressed sympathy with the cause of the Indians. In Johannesburg, Dean Palmer declared that they would get justice as they would see the increase of European sympathisers for their cause. He eulogised Mahatma Gandhi and declared that no Christian had ever spoken more beautiful words about Jesus Christ than those of Mahatma Gandhi.

The anti-Indian elements were equally active at the time. They were trying their level best to make life unendurable for Indians. At a meeting held in Durban to discuss the Asiatic evil, Mr. H. H. Kemp, a municipal councillor and an advocate of compulsory repatriation with compensation for the Indians, created a stir in the country when he said: "The only cure for the Asiatic problem was the surgeon's knife and a silver bullet. . . . The only remedy he knew was to repatriate their Asiatic friends to Bombay. The Hertzog Government would be advised to spend five million pounds to get the Asiatics out of the country.

There was no change in the mentality of the Union Government either. Various ministers were busy making declarations which would wound India's heart. Mr. Boydell, the Minister of Labour, declared that they did not want the dictation of Delhi, Calcutta or London in the solution of the Asiatic problem. Mr. Tielman Roos, the Minister of Justice, in a speech at Pictersburg, was more vindictive. He said:—

"Even the Asiatic Bill, if passed, would not settle the Asiatic problem completely. We would still have to take steps to prevent our towns from being eaten up by the coolie trader as at present."

Referring to the Insolvency Bill and its bearing on the Asiatics, he declared:—

"In the case of a coolie committing a breach of the law they would give him the chance to use the deportation powers he possessed under that law . . . If they detected any breach of the insolvency law by a coolie, however slight, they would at once set the machinery of the criminal law in motion."

The Local Government (Provincial Powers) Act exhibited once

more the resolute determination of the South African Government not to retain any citizen rights to Indians. The Natal Health Ordinance had deprived the Indians of the right of representation on the public health committees. The Indians disputed the right of the provincial administration to levy taxes in the name of public health, and went to law. The Appellate Court decided that the Public Health Ordinance was *ultra vires*. But the Government could not tolerate the re-acquisition of citizen rights by the Indians. So they lost no time in passing the Local Government (Provincial Powers) Act, which invested the provinces with some additional powers. The executive committee of the South African Indian Congress expressed telegraphically its wish to send a deputation to the Government; but the Government replied that the Bill had already been signed by the Governor-General and that no useful purpose could be served by meeting the deputation. Thus the Indians of Natal lost their right of representation on the health committees, and in the matter of public voice their position was rendered akin to that of their Transvaal brethren. The last remnant of civic rights was lost for ever.

Another Bill which perturbed the Indian community was the Liquor Bill, whose sections 107 and 144 dealt a serious blow to hundreds of Indians employed in the brewery trade. They provided that no holder of a licence was allowed to employ any native or Asiatic, and that no non-Europeans were to be employed as drivers of liquor vans and that access to licensed premises was prohibited to them.

The Liquor Bill passed its second reading in spite of the strong protests of the non-Europeans, which made no effect on the Government, and a stigma of incompetency and undesirability was again placed on the heads of the Indians and the Bantu. General Smuts uttered a word of warning to the Government on the Bill, thus:—

"I find this Bill full of colour bars; there is an essential colour bar in the Bill which must remain, but do not let us go beyond that. The native is in a state of tutelage and we have to protect them; but there are other colour bars regarding Asiatics, coloured people, and so on ... Well, I hope these clauses will be closely scrutinised and that we shall not go further than absolute essentials."

This new calamity threw the poorer Indian classes into a maelstrom of grief and anxiety. Representation against the Bill was made by the Abdur Rehman deputation to the Viceroy of India, and by the South African Congress to the Select Committee. In 1927, the Right Hon. Srinivasa Sastri used all his ability, intelligence and wisdom against Mr. Tielman Roos, the progenitor of the Bill, to get the Bill somewhat modified.

Some rays of hope, however, illumined the Indian heart. There

was the backing of the whole of India. Mahatma Gandhi expressed his wish to visit South Africa in the event of a deadlock in the Government negotiations. The Rev. C. F. Andrews, through a studious propaganda, converted the Indian question into a vital issue for India, South Africa and Great Britain. So strong a propaganda against the administrative policy of South Africa did he make in the newspapers of England, that one editor of a well-known daily paper demanded, through a leading article, his deportation from the country. Furthermore, he did laudable service to the Indians by acting as a sincere friend and a guide. Another hope-inspiring element was the Paddison deputation. It impressed the Parliamentary Select Committee with its minute study and up-to-date information.

Mr. (afterwards Sir) G. S. Bajpai, the secretary of the Paddison deputation outshone his colleagues in facing the members of the Select Committee. He took up the cudgels on behalf of India and crossed swords on the alleged "Asiatic menace" in reply to a question put by Mr. van Hees, a member of the Select Committee. He said:—

"We take up the challenge that the presence of the Indian affects the European definitely from the point of view of trade, employment and industries.... The conclusion we arrived at is that the Indian trader is making no headway—in some places he has had a setback and the same, in the main, is true of the industrial competition in Natal. In the Transvaal things are much the same. So our enquiries tend to show that the legislation attempted now is not justified on the basis of the allegation that the Indian continues to oust the European from trade and industry."

The Paddison deputation added that any measure tending to depress the social and economic standards of Asiatics would intensify rather than mitigate their competition. They expressed the opinion that the Bill would hardly afford economic relief to the European, but for the Indians it would have most serious consequences; that residential segregation would be a huge social and economic set-back to the Indians, and would drive the Indian market gardeners to the coast, where they would be an economic drag on the whites, due to scarcity of land; that the white landlords would have to suffer when their Indian tenants vacated their houses to go to the coast; that the poor Asiatic quarters would be overcrowded and be a menace to public health; that the Durban Corporation were aware of the danger; and that the only satisfactory way out of the tangle was a round-table conference, not the Asiatic Bill.

The Durban Corporation fell in with the views of the Indian Government. Out of the two ways open to them for a settlement of the Indian question, the way of segregation was not fit and **fruitful** enough to tackle the Indian problem in Natal. There

remained the way of compulsory repatriation of Indians. But the Government deemed it impracticable. Now the only practicable way left was that of voluntary repatriation. The Government was optimistic about it, as it had given some good results in the past.

During 1895 to 1901, 2,907 indentured Indians had left South Africa. They left the country in increasing numbers due to the imposition of the three-pound tax in 1902. During 1902 to 1909, 23,568 Indians left the country due to Government oppression. In 1913 the Indian Relief Act brought into being the policy of voluntary repatriation. 31,041 Indians bade adieu to South Africa for ever during the years 1910 to 1926.

The anti-Indians awaited such a state of affairs. They demanded the oppression of Indians so that they would be compelled to quit the country, and the Asiatic evil would be automatically removed. The Union Government embraced their point of view, and drafted the murderous Bill. But they wondered whether India would accept the double-edged policy of the Bill and voluntary repatriation. They hoped to awe India into accepting it. But the Paddison deputation damped this hope by assuming a bold stand and refusing to co-operate in the matter. The following questions and answers in the Select Committee are significant:—

"If this Bill becomes law, will the position of voluntary repatriation be baffled?" asked a member of the Select Committee.

Mr. Bajpai: "Undoubtedly."

"You think it will be so as to make it entirely cease?"

Mr. Bajpai: "I should not be at all surprised. I threw out the hint yesterday, in reply to a similar question from Mr. Duncan, that we may find ourselves faced by almost irresistible pressure in India to prevent the entry into India of Indians returning from South Africa."

This attitude of the Paddison deputation was worthy of praise. It established the reputation of India in South Africa, and proved that India, though not independent, was fully capable of facing the anti-Indian elements of South Africa. Such a bold attitude on the South African Indian question should have been adopted in all their previous dealings. But it is mostly futile to expect such qualities in the Indian Government and their nominated deputations. The fearless beginning, however, was not followed up by a dignified end. Dr. Malan's political circle vanquished the Indian Government. The precious opportunity for an honourable solution of the Indian question was lost.

Nevertheless, the Paddison deputation made a good impression on South African statesmen. These people had never before come into contact with India's representatives. They had conceived India as a primitive land resembling the rude tracts of South Africa, as a land devoid of large cities and learned people and bristling

only with cheap coolies. But Mrs. Sarojini Naidu **and the Paddison** deputation wrought a revolutionary change in this conception, and they began to wonder whether there were not any more Naidus and Bajpáis in India. They were surprised when they were told that India was not lacking in men and women who could compare with Mr. Bajpai and Mrs. Naidu. Sir Devprasad Sarvadhikari, a member of the Paddison deputation, publicly emphasized the need for a mutual exchange of political visits between the two countries, and pressed the South African Government to send a deputation to **India.**

The South African Government soon became conscious of the futility of the Asiatic Bill. So they concentrated their attention on the voluntary repatriation of Indians.

Voluntary repatriation! What an attractive phrase, and yet how cold-blooded! It exposed the ruthless mentality of the Government, which held the Indians to be "alien" and "undesirable" on "economic grounds" to the progress of South Africa. This mentality wondered why Indians should defile the sacrosanct land of South Africa by their presence. Indians could go to British Guiana or fall into the Indian Ocean! But they had no business in the celestial domain of South Africa.

The whites of South Africa, especially those of Natal, were obsessed with the idea of Indian repatriation. While discussing the Indian Relief Act (1914) in Parliament, Mr. Boydell had suggested the gift of a free passage to Indians to enable them to leave the country. The Lange Commission recommended the repatriation of Indians to the Government in 1921. The Smuts Government requested the Indians to send a deputation to British Guiana to examine the possibilities of an Indian settlement there. And Dr. Malan stated in unequivocal terms that it was the aim of the Nationalist Government to exterminate the Indian population..

The Indian Government, intimidated by South Africa, dominated by whiteism and deserted by foresight, supported the repatriation policy. Sir Benjamin Robertson was the first man to welcome it, and to suggest to the Indians a dash home. In an evil moment, the Rev. C. F. Andrews blessed the pernicious policy. But his co-operation was short-lived. He was soon disillusioned and lost no time in expiating his unconscious blunder. Finally, Lord Reading voiced his agreement with the policy and suggested the inclusion of voluntary repatriation in the subjects to be discussed by a round-table conference. The political impotence exhibited by the Indian Government throughout has proved disastrous, and was unpardonable.

During 1902 to 1925, 42,000 Indians left the country. The Union Government saw that if the Indian Government refused to welcome the repatriated Indians, it would be impossible for them to diminish the Indian population, since no other country would

be prepared to receive a people rejected by them. So they decided to win gradually the co-operation of the Indian Government. This idea was communicated to the House of Assembly by Dr. Malan on the 17th February, 1926. He was of the opinion that the Indian question should be solved with a view solely to the interests of South Africa. Said he:—

"The attitude which was adopted by us from the beginning in regard to this proposal—and to this attitude we have consistently stuck—was this, that this particular problem was a South African one, that it had to be solved by South Africa alone, and that it had to be solved with a view solely to the interests of South Africa. . . . For this reason, and in these circumstances, we intimated to the Government of India that we were not, in principle, opposed to the holding of a round-table conference; but that if we did hold one, then in the proposed discussions must be included this particular point, that the Government of India should be asked to be willing to co-operate with the Government of the Union to assist the Government in making the scheme of voluntary repatriation more effective than this."

He added that the round-table conference was going to be held on the basis of finding out the best means to maintain the white civilisation of South Africa. The trap was well laid and the Government of India accepted even the conditions imposed on them.

Dr. Malan did what he had wished to do. He made the Indian Government swallow his bitter pill. It was decided to hold the first round-table conference between India and South Africa at the end of the year. The South African Government also decided to send a deputation to India before the round-table conference was held.

CHAPTER VIII

THE ROUND-TABLE DISCUSSIONS

THE year 1926 was a year of the arrival and departure of deputations. The South African Indian deputation departed for India; the deputation of the Indian Government arrived in South Africa; and the deputation of the Union Government went to India. All these deputations brought about the round-table conference.

The round-table conference, as demanded by the South African Indians, was to be participated in by the Imperial Government, the Indian nation, and the Indian community of South Africa, with the object of reaching a final solution of the Indian question. But the authorities were not influenced by this demand.

The Union Government wanted no external interference with the Indian question. Their intention was to establish a precedent

showing that they had full authority to tackle international problems, and that Britain had no right whatsoever to intervene. Says Dr. Taraknath Das:—

"It is generally regarded by Indian statesmen that the attitude of the South African Government to have an agreement on the Indian immigration question, through direct negotiation with India, is a very laudable one and actuated by the motive of settling the dispute and to promote imperial interests. But we are inclined to think that the real motive behind this piece of diplomacy is to set a new precedent on the method of settling disputes between South Africa and any part of the British Empire. It is to establish a precedent that South Africa will not be bound by the decisions of 'Downing Street' and in future all relations between South Africa and any other country will be settled through direct negotiations carried on by the Department of Foreign Affairs of the Government of the Union of South Africa."

This policy of direct communication with India was only a political move. The South African Indian question was a fruit of the legislations of the Boer republics, the British colonies, and the Union. Hence the representation of the British Government as head of the Colonial governments in the round-table conference was legally requisite. But the Union Government treated the sovereign power with sublime disregard, and this sovereign power digested the dig with marvellous complacency and threw all its responsibilities on the devoted head of the Indian Government.

While travelling in South Africa in his capacity as the Colonial Secretary of the Labour Government, Mr. J. H. Thomas had suggested a round-table conference between the governments of India, South Africa and Great Britain. But now the Conservatives had come into power. In his reply to Mr. Thomas's question whether the Baldwin Government were prepared to accept his previously offered suggestion, Mr. Amery declared that both the parties had come into direct contact with each other without the interference of the Imperial Government, and it was not desirable to interfere in any way. It was possible for the Earl of Birkenhead, Secretary of State for India, to make the British Government take an active interest in Indian affairs. But, at the very outset, he had asked India to fight out its issues with South Africa in an independent way. So the British Government remained frigidly aloof.

In the year under survey, the Imperial Conference sat in London. It was a thing of lasting memory for the Dominions, but an incarnation of glaring injustice for India. It granted complete external and internal autonomy to the Dominions. But it left the Government of India Act of 1919 untouched, and divested India of its right to discuss questions with the Dominions and move resolutions in the Imperial Conference. Great Britain became a sycophant of the

Dominions and a tyrant of India. The Post-1926 Imperial Conferences have all been humiliating to India, and deplorable farces to boot.

It is a noteworthy fact that while the Imperial Conference was being held in London, a deputation of the Union Government visited India. This was the first visit of South African politicians to that country. The deputation was headed by Mr. F. W. Beyers, the Minister of Mines, and consisted of Messrs. J. S. Marwick, G. Reyburn, A. C. Fordham, W. H. Rood, and M. L. Malan. Its secretary was Mr. J. R. Hartshorne, the Commissioner for Asiatics and Immigration affairs.

Every member of the deputation was a protagonist of Indian segregation and repatriation. Mr. Beyers himself was the originator of the Colour Bar Act, which hideously humiliated the whole of Asia and Africa.

The Indian tour made no very wholesome effect on the deputation. The deputation declared that its outlook was broadened, and that it had discovered in India a new market for the commodities of South Africa. But it had made no genuine study of India, and had not cared to understand the attitude of that sub-continent.

The Beyers deputation came back to South Africa without any change of heart on the subject of the anti-Indian Policy. India, with all its cultural brilliance, its activities for social reform, its non-violent prowess against the greatest empire in the world, its inexhaustible resources and its contributions to the world, failed to make any impression upon it. This is a matter of amazement as well as of regret.

It is often argued by South African politicians that the rights demanded by Indians in South Africa are denied to them in India. We are prepared to face them and prove that they are entirely wrong. The Indians do not enjoy in South Africa even a tithe of the rights they enjoy in India. They can trade freely in India; in South Africa they are subject to scores of restrictions. In India, the whites live in distant camps to preserve their superiority; but Indian shops are not shut up in segregated areas. The case is otherwise in South Africa. In India, Indians can reach the highest positions in Government service; in South Africa, they are not considered fit even for clerkship. In India, Indians sit in the legislature and enjoy franchise; in South Africa, excepting a handful of them in the Cape, they have been put down as unfit for franchise. There are no provincial restrictions against Indians in India; in South Africa, such restrictions play havoc. These and many such differentiations would fill whole chapters.

The South African politicians try to substantiate their argument by advancing the example of India's untouchables. But it is also easy to prove that the doors of progress have not been perpetually barred against the Indian untouchables as they have been against the

South African Indians. Whereas South Africa wishes to disfranchise its untouchables—the natives—to confine them in "reserves" and to benefit the whites at their expense, the people and Government of India make herculean efforts to eradicate untouchability. The depressed classes are also enfranchised and their representatives not only sit in the legislatures of the country, but have acted as ministers in some provinces. Efforts are made to provide for their education and sanitation, to improve their standard of living, and to put them on the road of progress. The Indian National Congress, the paramount political organization of India, and Mahatma Gandhi, the greatest leader in India, attach the same importance to their task of emancipating the untouchables as they do to their struggle for freedom.

Some European politicians attempt to conceal the oppression meted out by their country to Indians under the ostentatious pretext that the South African Indians are prosperous and happy. But this pretext is obviously shallow. Only an infinitesimal fraction of the South African Indian population is well-to-do. The majority are struggling in the maw of poverty. The figures of repatriates and unemployed Indians provide a convincing proof of the fact.

Let us provisionally assume that the rich section of the Indians would not have been rich in India owing to the absence in that land of the opportunities for progress such as those afforded by South Africa. But justice demands that our assumption must also be accompanied by a consideration of the position of the whites. The forefathers of the South African whites who are rolling in luxury to-day had come to the country like Indians from the famished quarters of England, Holland, France and Germany. Would their progeny have been so prosperous if they had continued to live in their starving environments? The peoples of South Africa owe their financial well-being to their enterprising development of the resources of the new country. And Indians have not been niggardly in their contribution to this development.

In December, 1926, the deputation of the Indian Government was to arrive for round-table discussions. The Indians had no direct representation in the conference, but the question to be discussed was theirs, and it was necessary for them to proceed in a cautious manner. It was incumbent upon them to prepare a studied statement embodying their demands. On the other hand, Dr. Malan had appealed to the country to create a quiet atmosphere, so that the round-table talks could be carried on without embarrassment. The South African Indian Congress held a conference at Durban under the presidency of Advocate J. W. Godfrey to proclaim its attitude. The Rev. C. F. Andrews opened the conference. Advocate J. W. Godfrey, the deputy-president, in his address reviewed the political situation and said: "our life and honour are at stake....For

years we have been buffeted from pillar to post. We have no voice whatsoever in the government of this country. We are the scapegoat of every party which comes into power. We are accused of many wrongs; many allegations are freely made and are so served out to the public as to appear to have the colour of truth. Our presence has been alleged to be a menace, yet the Commission enquiring into this matter discovered that the menace was merely an 'exaggeration', a 'misconception' and an 'ill-founded alarm.'

"We have not the slightest hesitation in saying that nowhere in the wide world will you find so many legislative enactments designedly passed to operate against a class of people admittedly law-abiding and uniformly useful and totally misrepresented. No matter what we may say or do, the cry simply is 'We don't want you and we intend to kill you out'."

He concluded by saying: "We shall proceed to do our duty without fear. We shall ask for that which we are entitled to, so that the generation following us will not curse our memories but will press in our footsteps until they secure what is right, just and fair. Our cause is just, our fight is right; and relying, as we do, upon the assistance and guidance of the Almighty, we must in this round-table conference succeed. Heaven's light be our guide."

Preparation for the round-table conference was the sole business before this emergency conference, which decided to help the deputation of the Indian Government and appointed a committee to draft a statement.

The committee drafted an elaborate and well-thought-out statement and put forward the requirements of the Indian community by demanding legislative and administrative relief as under:—

- (1) The restoration to us of all rights taken away since the Smuts-Gandhi settlement of 1914.
- (2) The repeal of the provisions of the law relating to unalienated land in municipal and township areas in Natal.
- (3) The restoration of municipal franchise to Indians in Natal and the extension of the said franchise based on property and rental qualifications to Indians in the Transvaal.
- (4) The repeal of Law No. 3 of 1885, removing all disabilities it imposes upon the Indian community in the Transvaal, and the repeal of sections 130 and 131 of Act No. 35 of 1908 (Gold Law).
- (5) The repeal of Act No. 37 of 1919, making the ownership of land by an Indian limited liability legal.
- (6) The right of appeal, whether on merits or on question of facts, in all licensing cases to superior courts.
- (7) A thorough revision of the system of education given to Indians to meet the wishes of the Indian Community.
- (8) The law relating to the payment of witnesses' fees in law

courts of the Union be so amended as to allow fees paid to Indians to be placed on the same footing as Europeans and that no differentiation be made on racial grounds, but on the status of witnesses.

- (9) That in view of the stoppage of the system of Indian indenture to Natal, there exists no necessity for a continuation of the Indian immigration laws, which regulate and control such system. It is therefore asked that all such laws be repealed, so that Indians as British subjects may come under the ordinary laws of the country.
 - (b) The immediate repeal of the provision of Indian immigration laws which impose a tax of one shilling and sixpence per month per employee on employers of Indian labour as medical fees. There exists no necessity for a continuation of this imposition, as Indians who are entitled to take advantage under it are becoming more and more colonial-born in character and therefore do not seek medical aid provided under the law. Moreover, it is a stigma on Indians and puts their employers to considerable inconvenience and expense in complying with the law.
 - (c) That the office of the Immigration Trust Board be abolished, as it is no longer necessary to maintain such a department, in view of the complete stoppage of the indentured labour to Natal, and that all moneys accumulated and paid into the trust funds under the provisions of the Indian immigration laws be utilized to promote and further Indian education, as the purpose for which the trust was created to administer the funds no longer exists.
- (10) The repeal of Act 36 of 1908 (Transvaal) in so far as it relates to the issue of registration certificates to Indian residents in the Transvaal, as it is degrading to Indians to carry registration certificates with them.
- (11) The amendment to Act 35 of 1908 (Transvaal) known as the Gold Law, which debars Indian goldsmiths from conducting their legitimate calling in the Transvaal.
- (12) Necessary amendments to both the Immigrants Regulation Act, No. 12 of 1913, and the Relief Act, No. 22 of 1914.
- (13) The extension of political franchise wherever it is denied to Indians.

Those that require administrative and sympathetic treatment may be grouped as follows :—

- (1) The administration in a just manner of the provisions of the Immigrants Regulation Act, No. 22 of 1913, and the regulations framed thereunder, with a view to the removal of hardships and complaints.
- (2) The withdrawal of all differential treatment based on colour and race under the railway laws of the country meted out

to Indians in trains, platforms, waiting-rooms, etc.

- (3) The removal of the colour bar placed on Indians in post offices, Law Courts and other public institutions.
- (4) In view of the fact that Indian interpreters are expected to qualify themselves in several languages to assist in the administration of justice, the scale of salary fixed by the Government for them is inadequate and beggarly, and is in direct disregard of the recommendations made by the Public Service Commission. Fair and reasonable remuneration should be paid to interpreters to live in decency and comfort consistent with their position.

The statement was the result of the genuine desire to facilitate the understanding of the Indian question by the deputation from India on the part of the Congress. But the deputation did not, or rather could not, make any use of it in the round-table proceedings. The Union Government at the outset had narrowed down the scope of discussion at the round-table conference. The Indians were keen on a final solution by the conference of the Indian question. But the Union representatives were bent upon discussing the reduction of the Indian population. So the conference failed to bring about a permanent settlement of the Indian problem.

The original formula for the round-table discussions, as agreed upon between the Governments of the Union and India, was distinctly restricted to explore all possible avenues to safeguard Western standards of life. It read:—

"The Government of the Union have impressed on the Government of India that public opinion in South Africa will not view with favour any settlement which does not hold out a reasonable prospect of safeguarding the maintenance of Western standards of life by just and legitimate means. The Government of India are prepared to assist in exploring all possible methods of settling the Asiatic question, and have offered to enter into a conference with the Union Government for that purpose."

The personnel of the Indian deputation, though not including any Nationalist or Congress member, was distinguished. It consisted of Sir Mahomed Habibullah, leader, the Right Hon. Srinivasa Sastri, Sir Phiroz Sethna, Sir D'Arcy Lindsay, Sir George Paddison, and Sir C. Corbet, with Mr. Girjashankar Bajpai as secretary.

On the 27th December, 1926, the representatives of the South African Indian Congress presented their statement to the Indian delegation in Cape Town. Sir Habibullah suggested the formation of different committees of the members of the delegation and of the Congress to discuss the questions of immigration, industrial laws, education, land and trade licences, housing, sanitation, etc., and met with ready consent.

The round-table discussions began on the 17th December and

concluded on the 11th January. The intervening period was well availed of by the various committees in threshing out the Indian question. The South African Indian delegates stayed in Cape Town all the while and made the Indian deputation fully conversant with the Indian aspirations.

The round-table conference was held *in camera*. The South African delegation represented all parties of the country. It was led by that indomitable Afrikaner, Dr. Malan. Preliminary proceedings of the conference were reported by newspapers; but the discussions were kept strictly secret. The Habibullah delegation consulted the Indian representatives and knew their ideas, but maintained impenetrable silence over the round-table parleys.

The Indians and their leaders had built great hopes on the illustrious personnel of the Indian deputation. But the deputation was tied down by Dr. Malan's limited scope of discussions and had come to South Africa simply to stabilize white civilization and to discover the methods of decreasing the Indian population. This grim fact had been lost sight of in clouds of hope.

Two men played a prominent part in the conference. These were Dr. Malan and the Right Hon. Mr. Sastri. The former was a staunch South African Nationalist, the latter a devout Indian imperialist. The talks between these two will lie buried in the sacrosanct pile of official records. We can only guess at their nature from their fruit—the Cape Town agreement.

Before its return home, the Indian deputation had been well received everywhere in South Africa. Even administrators of provinces and mayors of cities had co-operated with Indians in welcoming it. The country had been greatly impressed by the culture and erudition of its members. The doors of town-halls and hotels had been left open for it, and enough precautions had been taken to see that it was not insulted anywhere. The round-table conference had resolved to publish the Cape Town agreement simultaneously in India and South Africa. And so the speeches of the Indian delegates, especially those of Sir Mahomed Habibullah and the Right Hon. V. S. Sastri, though ornamented with the riches of language, were so guarded as not to be the least suggestive of the nature of the agreement.

The Habibullah deputation left South Africa on the 19th January, 1927, with interesting experiences. In India, Mr. Sastri acquainted Mahatma Gandhi and other leaders with the agreement before its publication, and thus paved the way for the Indian public opinion.

The agreement was published simultaneously in India and South Africa in the middle of February. The joint statement of both Governments puts forth the following points for a settlement of the Indian question:—

- (1) Both Governments reaffirm the recognition of the right

of the Union of South Africa to use all just and legitimate means for the maintenance of Western standards of life;

(2) The Union Government recognises that Indians domiciled in the Union who are prepared to conform to Western standards of life should be enabled to do so.

(3) The Union Government has agreed to organise a scheme of assisted immigration to India or other countries where Western standards are not required, that Union domicile will be lost after three years' continuous absence, this provision to apply generally and not only to Indians. Further, that Indians desiring to return to the Union within three years must refund the cost of the assistance granted them under the emigration scheme;

(4) The Government of India recognises the obligation to look after the Indians on their arrival in India;

(5) The admission to the Union of the wives and children who are minors of Indians will be regulated by paragraph 5 of resolution 21 of the Imperial Conference of 1918;

(6) The Union Government agreed not to proceed further with the Areas Reservation Bill;

(7) Both Governments agreed to watch the working of the agreement, exchanging views from time to time.

The following is a summary of the conclusions reached by the round-table conference on the Indian question in South Africa:—

SCHEME OF ASSISTED EMIGRATION

(1) Any Indian of sixteen years or over may avail himself of the scheme. In the case of a family the decision of the father will bind the wife and minor children under sixteen years.

(2) Each person of sixteen years or over will receive a bonus of £20, and each child under that age a sum of £10. No maximum shall be fixed for a family. A decrepit adult who is unable to earn his living by reason of physical disability may, at the discretion of the Union authorities, receive a pension in lieu of or in addition to the bonus. The pension will be paid through some convenient official agency of India out of a fund provided by the Union Government to such an amount as they may determine. It is expected that the amount will not exceed £500 a year in all. In every case the bonus will be payable in India on arrival at the destination or afterwards through some banking institution of repute.

(3) Free passage, including Railway fares to the port of embarkation in South Africa and from the port of landing to destination inland, will also be provided.

(4) Emigrants will travel to India via Bombay as well as via Madras. Emigrants landing at Bombay will be sent direct from the ship to their destination at the expense of the Union Government.

The survey and certification of the ships shall be strictly supervised and the conditions on the voyage, especially in respect of sanitary arrangements, feeding and medical attendance, improved.

(5) Before a batch of emigrants leaves the Union, information will be sent to some designated authority in India at least one month in advance, giving—

- (a) a list of intending emigrants and their families;
- (b) occupations in South Africa; and
- (c) the amount of cash and other resources which each possesses.

On arrival in India emigrants will be—

- (i) Advised and, so far as possible, protected against squandering their cash or losing it to adventurers; and
- (ii) Helped as far as possible to settle in the occupation for which they are best suited by their aptitude or their resources. Any emigrant wishing to participate in emigration schemes authorised by the Government of India will be given the same facilities in India as Indian nationals.

(6) An assisted emigrant wishing to return to the Union will be allowed to "do so within three years from the date of departure from South Africa. As a condition precedent to re-entry an emigrant shall refund in full to some recognised authority in India the bonus and cost of passage (including railway fares) received on his own behalf and, if he has a family, on behalf of his family. A *pro rata* reduction will, however, be made—

- (i) in respect of a member of the family who dies in the interim or of a daughter who marries in India and does not return; and
- (ii) in other cases of unforeseen hardship at the discretion of the Minister.

After the expiry of three years Union domicile will be lost. The period of three years will run from the date of departure from a port in the Union and expires on the last day of the third year; but to prevent the abuse of the bonus and free passage by persons who wish to pay temporary visits to India or elsewhere, no person availing himself of the benefits of the scheme will be allowed to come back to the Union within less than one year from the date of his departure for purposes of re-entry within the time limit of three years.

The unity of the family group shall be recognised, though in cases of unforeseen hardship the Minister of the Interior may allow one or more members of the family to stay behind.

A son who goes with the family as a minor, attains his majority outside the Union, marries there and has issue, will be allowed to return to South Africa, but only if he comes with the rest of his father's family. In such cases he will be allowed to bring his wife and child or children with him; but a daughter who marries outside the Union will acquire the domicile of her husband and will not be

admitted into the Union unless her husband is himself domiciled in the Union.

ENTRY OF WIVES AND CHILDREN

To give effect to paragraph 3 of the reciprocity resolution of the Imperial Conference of 1918, which intended an Indian should be enabled to live a happy family life in the country in which he is domiciled, the entry of wives and children shall be governed by the following principles:—

(a) The Government of India should certify that each individual for whom a right of entry is claimed is the lawful wife or child, as the case may be, of the person who makes the claim.

(b) Minor children should not be permitted to enter the Union unless accompanied by their mother, if alive; provided that—

(1) the mother is not already resident in the Union; and

(2) the Minister may in special cases permit the entry of such children unaccompanied by their mother.

(c) In the event of divorce, no other wife should be permitted to enter the Union unless proof of such divorce to the satisfaction of the Minister has been submitted.

(d) The definition of wife and child as given in the Indians Relief Act (No. 22 of 1914) shall remain in force.

UPLIFT OF INDIAN COMMUNITY

(1) The Union Government firmly believe in and adhere to the principle that it is the duty of every civilized government to devise ways and means to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity 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 any other sections of the people.

(2) It is difficult for the Union Government to take action which is considerably in advance of public opinion or to ignore difficulties arising out of the constitutional system of the Union, under which the functions of government are distributed between the central executive and the provincial and minor local authorities, but the Union Government are willing—

(a) In view of the admittedly grave situation in respect of Indian education in Natal, to advise the Provincial administration to appoint a Provincial commission of inquiry and to obtain the assistance of an educational expert from the Government of India for the purpose of such inquiry.

(b) To consider sympathetically the question of improving facilities of higher education by providing suitable hostel

accommodation at the South African Native College at Fort Hare and otherwise improving the attractiveness of the institution for Indians*

- (c) To take special steps under the Public Health Act for an investigation into sanitary and housing conditions in and around Durban, which will include the question of
 - (i) the appointment of an advisory committee of representative Indians, and
 - (ii) the limitation of the sale of municipal land to restrictive conditions.

(3) The principle underlying the Industrial Conciliation Act (No. 11 of 1924) and the Wages Act (No. 27 of 1925), which enables all employees, including Indians, to take their places on the basis of equal pay for equal work, will be adhered to.

(4) When the time for the revision of the existing trade licensing laws arrives, the Union Government will give all due consideration to the suggestions made by the Government of India delegation that the discretionary powers of local authorities might reasonably be limited in the following ways:—

- (i) The grounds on which a licence may be refused should be laid down by statute;
- (ii) The reasons for which a licence is refused should be recorded;
- (iii) 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.

This agreement was the first of its kind in the history of South Africa. The agreement of 1914 was entered into by General Smuts on behalf of the Union Government and Mahatma Gandhi on behalf of the Indian community. The Indian Government had acted only as disinterested observers. But the present agreement was actively participated in by them. The responsibility for the 1914 agreement rested upon Mahatma Gandhi, whereas that of the Cape Town agreement devolved upon the Indian Government.

A dispassionate study of the Cape Town agreement would convince anyone of the fact that the Indian deputation was let down; that all the labours undertaken by the South African Indian Congress to smooth its path had proved to be wasteful; that scores of cruel and crushing anti-Indian laws were left in *status quo*; and that through the joint statement the South African Government had made the Indian Government acknowledge their right to legislate for the preservation of the Western standard of living.

It was impossible for South Africa to decrease the Indian population single-handed. Oppressive measures were out of the question, since they were sure to provoke opposition on the part of the Indian people and the Indian Government. Moreover, in his

evidence before the Select Committee over the **Areas Reservation** Bill, Mr. Bajpai had declared that the people of India would press their Government to prevent the repatriation of South African Indians. This had led the Union Government to be terribly afraid of a crumbling down of the policy of voluntary repatriation. But, even in this matter, South Africa had the upper hand.

The Areas Reservation Bill, having proved a failure for all practical purposes, was withdrawn. The credit for its abandonment goes as much to the Durban Corporation as to the Paddison deputation, because the former body had declared that the Bill was positively in no way helpful to a settlement of the Indian question. The Indian deputation could very well have turned the prevailing benevolent atmosphere to the advantage of Indians. But it did nothing of the kind. On the contrary, it accepted conditions calculated to lower India's prestige in the international sphere and to consign poor Indians to starvation and homelessness. It not only accepted the policy of voluntary repatriation, but made the Indian Government a party to it. It agreed with the Union Government to induce the Indians born and brought up in South Africa to go and settle in India. Only people absolutely devoid of patriotism could thus lend a hand to a foreign power in eliminating their own kith and kin.

The Areas Reservation Bill was put aside by the Union Government, and in return the Habibullah deputation accepted the plan of effective repatriation and gave assurances of its sympathetic cooperation in the matter. It had to accept the damaging principle of industrial legislation for the sake of "whiteism" and white civilization, and had to relinquish and abandon rights by putting up with the unjust immigration clauses. The Union Government admitted the responsibility for uplifting the Indians at the cost of these rights, but deferred the work of uplift to some favourable and remote period.

Only one dominant motive lurked behind all the principal points of the Cape Town agreement. It was to see that the Indians left the shores of South Africa for ever for the bonus of £20 from the Government; that the minor children brought to the country were to be accompanied by their mother or they lost their right to enter the country; that a South African Indian lost his right to enter South Africa if he did not return within three years; that the Indians were to be deprived of their livelihood by the white labour policy of "equal pay for equal wages" laid down by the Industrial Conciliation and Wages Acts and thus lured into leaving the country; and that thus the Indian population was to be decreased for the maintenance and safety of white civilization.

The agreement was welcomed enthusiastically only by imperialistic newspapers, but it was generally deemed an experimental measure for the solution of the Indian question. It was not

cherished by some extreme Nationalists and irreconcilable Natalians. But it was, looked at from the South African point of view, the best form of agreement South Africa could have reached under the prevailing international complications. South Africa had enhanced its prestige by having its viewpoint accepted by the Indian deputation, and by adhering tenaciously to all its rights.

Only Indians were the losers. But the incidents of the past five years had so terrified them that they had not been able to oppose the agreement. Moreover, the Rev. C. F. Andrews had lent hearty support to the agreement and pressed them to accept it. Again, they had believed it to be satisfactory, since neither Mahatma Gandhi nor Mrs. Naidu in India had treated it with any censure. This was the position when the seventh session of the South African Indian Congress was held at Johannesburg in the middle of March, 1927.

The president, Advocate J. W. Godfrey, drew attention to the shortcomings of the agreement, but stated:—

"We are not at present so much concerned with the actual wording of the Bill as we are with the intention of the agreement. Having for years been accustomed to unjust and repressive legislation, we render thanks to the Almighty that He has heard the cry of us, the downtrodden, and has changed the hearts of our legislators so that they are now prepared to give us fair play and simple justice. This agreement is an earnest of their changed feelings. We welcome it. . . we accept the agreement in the spirit in which it is made and offered."

Indian opinion, however, was not unanimous in South Africa. While the South African Indian Congress welcomed the agreement as an honest attempt towards a solution of a dispute over two generations old, a powerful but unorganised section of the community condemned it as a betrayal of the Indians' interests and a blunder of high magnitude. The South African Indian newspapers also echoed the mutually opposite feelings.

Nationalist India, too, viewed it with suspicion. "The settlement," declared the *Bengalee*, "can hardly be called satisfactory... it does not encourage the belief that South Africa is at last disposed to deal fairly with domiciled Indians." "Thus boiled down," said the *Mahratta*, "the South African agreement yields nothing which India can hail with open arms, consistent with her self-respect."

During its discussion in Parliament some Natal and Transvaal members of the South African Party accused Dr. MaJan of having yielded to the Indian deputation, and Colonel Pretorius condemned it strongly and said:—

"There was the danger that Asiatics would open shops in or near locations—in fact, they were actually doing so. As soon as the licensing courts stepped in and refused to grant licences they would provoke a conflict with the Indian Government,

Yet he would rather provoke a conflict than allow the present situation to continue. The crisis would come very soon, because the Asiatic was not satisfied and was demanding a say in municipal and other public affairs. Colonel Collins had correctly represented the Transvaal feeling that the rights of the people of South Africa had been sacrificed by a solution arrived at by Dr. Malan."

Mr. A. G. Barlow denounced the anti-British activities of Natal members and prophesied a day when the cruisers of India would protect beautiful Durban from enemy bombardment.

Dr. Malan, the Minister of the Interior, silenced the opposition by contending that the policy of compulsory repatriation being impossible and impracticable, the agreement, adopting the scheme of effective voluntary repatriation with India's consent and co-operation, was the best under the circumstances. Finally he announced that a Bill embodying the principles of the agreement would be put before Parliament.

The political current hitherto was not hopeless for the Indians, who would have pirouetted with sheer joy had the Union Government reflected the change of heart outlined by the president of the South African Indian Congress. But such an auspicious thing was not to be. In his love epistle to Ophelia, Hamlet importuned his sweetheart to doubt that "the stars were fire, that the sun did move, that truth be a liar, but never to doubt that he loved." The world may doubt such eternal truths as the colour of water, the heat of fire, and the rotation of the earth; but it should never doubt the love of the colour bar courted by South Africa.

CHAPTER IX

THE CAPETOWN AGREEMENT : AN EXPERIMENT

THE Cape Town agreement afforded a fine opportunity for discussion to the politicians of the country. The Nationalist Government, had, at the time of election, promised the policy of completely ridding the country of Indians, and so some Nationalist extremists declared their aversion to the agreement. On the other hand, the South African Party obtained an effective weapon to criticise the Government. These kill-joys started frightening the country by making mountains out of mole-hills.

They could not hold their ground in the Union Parliament, but they succeeded not a little in other spheres. The chamber of commerce at Potchefstroom sent its protest to Dr. Malan. Dr. Malan sent a reply clearly revelatory of the true motive of the agreement and suggestive of a rejoinder to the Transvaal diatribes. The following main points of the agreement embodied in Dr. Malan's

letter were published in the issue of *The Star*, the Johannesburg evening paper, dated the 12th April, 1927:—

"The whole object of the agreement," Dr. Malan wrote, "is to get as many Indians repatriated as possible, and' the energies of the conference were bent in that direction—namely, to draw up a satisfactory scheme with the help of the Government of India.

"All other points were subordinate to this. The agreement in not an agreement in the usual sense of the term. The Union Government did not bind itself in any way with regard to future legislation, and can impose any legislation it likes in the event of the repatriation proposals not working satisfactorily. What has been reached is a friendly basis to give the new repatriation scheme a fair chance.

"The representations made in *Ons Vaderland*—namely, that doors were now open for immigration from India; that Indians would now get the franchise; that they would be allowed to go from one province to another; that they will be put on a social equality with the Europeans, etc.—are all stories without foundation.

"On the contrary, the repatriation scheme, with the help of the Government of India, is altogether in accord with the decisions of the Transvaal National Congress—that is, that in repatriation lies the only real solution of the question.

"It is true that the repatriation about which the agreement speaks is not compulsory, but voluntary; but compulsory repatriation is impracticable. Its result would be that the Government of India would refuse to receive the deportees from this country—as it would have every right to do—and that South Africa would be saddled with these Indians and their offspring."

The fact that the Habibullah deputation described the agreement as a respectable one in India, that the Right Hon. Srinivasa Sastri interpreted it as a corner-stone of future hope, that Sir Joseph Bore considered it to be a strong proof of South Africa's good-will, and that the Indian Government felt victorious about it, cannot alter the fact that it was a suicidal barter. The Indian delegates became mechanical tools of the Union policy of eliminating the Indian population. They established a precedent extremely prejudicial to Indian interests. South Africa achieved in a genteel way its most cherished aim of reducing the numbers of Indians. It succeeded in obtaining the co-operation of India in a policy calculated to reduce the Indians to homelessness, starvation, and untimely death.

The Cape Town agreement embodied the points of Indian repatriation, regulation of the immigration of wives and children of the domiciled Indians, upliftment of the Indians, acceptance of the industrial legislation, change in the licensing policy, etc. It formed

the basis of Dr. Malan's Act No. 37 of 1927.

The Act showed Dr. Malan in his true colours. It included a good many items never discussed in the round-table conference, avoided many important points, and included many harsh sections aiming at complete ruination of Indians. The Areas Reservation Bill had called Indians "aliens"; the Cape Town agreement acknowledged them as South African Nationals, but the present Immigration and Indian Relief (Further Provision) Act again treated them as dirt. It discarded the Segregation policy of the Areas Reservation Bill, but substituted for it the pernicious policy of repatriation and deportation.

The draft Bill consisted of three chapters: one amending the Act No. 22 of 1913, the other amending the Act No. 22 of 1914, and the third amending Act No. 36 of 1908 of the Transvaal. There had been included a fourth chapter, but it dealt only with the regulations and the repeal of certain laws which affected the present Bill. The important points can be summarised as follows:—

1. The supreme power entrusted to the Immigration Officer, which was held up to the present time by the Minister himself.

2. Children born outside the Union must enter the Union within three years of their birth, with their mothers.

3. Forfeiture of the rights of domicile if a person absents himself from the Union for a period of more than three years and if he does not keep on the continuance of residence in South Africa for the period of at least three years.

4. Wholesale deportation of those Indians who entered the Union illegally, and who were lately pardoned and considered as residents of South Africa by the Act of Parliament and the Public Commission.

5. Tempting offers to repatriate the Indians from South Africa. It should be pointed out that there was no mention of any desire on the part of the Union Government to ameliorate the conditions of the Indians as regards trade, education, etc., in the present Bill, whose aim was quite obviously to weed out the Indian nationals from the country.

The handing of the powers to the Immigration Officer meant a death-blow to the poorer section of the Indian community, who would be unable to undertake the terrible responsibility of a gigantic deposit.

The clause of fixing the time limit for the children born in India to three years for entering the Union showed in its nakedness the oppressive attitude of the South African Government to reduce the Indian population to the "irreducible minimum." This clause also proved beyond doubt the absence of sincerity on the part of South Africa.

The clause providing for the forfeiture of the rights of the person who either absented himself for more than three years, or

left South Africa before the time limit of three years expired, was the height of injustice so far as the case of the Transvaal Indians was concerned.

But the worst part of the Bill came in the obstinacy of the Hertzog Government to persist in adopting some action to deport, by hook or by crook, all the Indians who could be caught into the clutches of the scandalous Bill. It is true that some of the Indians did enter the Union illegally, but that is the old, old story and they had been already condoned by the Act of 1908 and by the Public Commission which sat in the year 1915. Nobody thought that the Government would adopt such a measure for the people whose country of adoption was none but South Africa.

The Government of the Union of South Africa was not satisfied with this much. It went further. It drafted an elaborate scheme of repatriation to tempt the Indians to leave the shores of South Africa.

A cursory glance at the Bill was enough to prove that Dr. Malan kept his word of considering the Indian as an alien, and to satisfy the country that he had at last found a way to reduce the population of Indians in the country. This Bill was nothing but the new edition of the old Areas Reservation and Immigration and Registration Bill, which India considered to be most humiliating and inhuman. This old Bill appeared with compound interest again leaving out the chapter of segregation of Indians, which was looked upon as a stigma on the heads of Indians.

The Bill came up for second reading before the Union Parliament on the 9th May, 1927. Dr. Malan, the Minister of the Interior, made an elaborate statement surveying the legislation pertaining to Indians. The whole of his speech amounted only to a clarification of the ways and means to be adopted to reduce the Indian population. It also contained significant references to the amendments proposed to enforce the old laws strictly, to the ways proposed to stem the tide of Indian immigration, and to the help accorded by the Indian deputation to the Union Government in all these matters.

Declaring that the Bill included the policy of allowing only those children to enter South Africa who were accompanied by their mothers, Dr. Malan said that if this policy came into force, the number of minor children to be brought into the country would be reduced to the lowest limit. He added that that was the opinion of the Government of India delegation to South Africa and of his own department as well.

The above statement exposed the treason perpetrated by the Indian delegation. The delegation had entered into a stupid transaction by which it gained a little for the Indians and lost a lot. To its shame, it itself pointed out to the Union Government the means of reducing the Indian population. It gulped down a good many

obnoxious clauses in return for an abstract assurance for the upliftment of Indians. Dr. Malan parted with nothing that was legally obligatory. He preserved South Africa's right to legislate against the Indians, and utilized the Cape Town agreement as a potent weapon to eliminate the Indian population.

Mr. Boydell, the Labour Minister, associated himself with Dr. Malan's view-point, and remarked that "under the agreement it was easier for the Indians to go out, but harder to come back." The poor Indians would be financially incapable of returning to South Africa after a stay of two years in India, and they would not be able to repay money to the Government. Dr. Malan had foreseen this eventuality, consequently the Union Government experienced divine satisfaction when they saw that not even a fraction of the repatriated Indians could come back.

A further illustration of the anti-Indian policy of the Union Government was provided by another member of the cabinet, Mr. Piet Grobler, the Minister of Lands. He had, on various occasions, declared himself in favour of refusing civic rights to Indians and repatriating all Asiatics, with compensation, out of the land. He remarked that Dr. Malan was doing the very same thing under this Bill. He added that the Government were free to adopt any new measures in the event of the policy laid down by the agreement proving futile or unsatisfactory.

The Immigration and Indian Relief (Further Provision) Bill passed through its second reading on the 23rd June, 1927. The occasion was marked by the absence of any opposition. The Asiatics in the Northern Districts of Natal Bill was passed the same day. It provided for the application of the Transvaal laws to the Asiatic inhabitants of the districts of Utrecht, Vryheid and Paulpietersburg. Thus restrictions were put on the trade, residence and land purchase rights of about 1,000 Indians living in these districts.

Dr. Malan had advised the Indian Government of the Bill, but it considered it to be purely a domestic affair of South Africa and specifically refrained from commenting upon it. Dr. Malan was naturally delighted at this favourable turn, and pointed out in Parliament that the Bill did not constitute a part of the Cape Town agreement and that it was accepted by the Indians to be the sole concern of South Africa at the conference.

The Indian Government and the Habibullah deputation had expected to score favourable points by a show of their comprehension and study of the South African view-point and difficulties. But they failed, and their attitude betrayed India.

Meanwhile, the Right Hon. Srinivasa Sastri, the celebrated Indian leader, came to South Africa as the first Agent of the Indian Government. The country welcomed his appointment with joy, and the whites envied his genius. Mr. Sastri constituted in himself the harmonious trinity of culture, erudition and ability. He was

head and shoulders above his fellow-men. His knowledge, eloquence and personality eclipsed the accomplishments of everybody in South Africa except one or two great men of the country.

But the South African politicians wanted to use him to further their own selfish ends. They were ready to receive his eloquent wisdom, but were adamant in their denial of justice to the people of a country of which he was a distinguished representative. They expected him to help them to reduce the Indian population and to refrain from carrying on secret negotiations with the Government and from demanding the upliftment and enfranchisement of Indians. Dr. Malan enlightened the Union Parliament about the hopes he entertained about Mr. Sastri. He announced that the Indian Government were taking all possible steps to co-operate with South Africa in its assisted emigration scheme, and that there was nothing to complain against their good intentions and sympathy.

Immediately after his arrival in South Africa, Mr. Sastri saw that the Immigration and Indian Relief Act had shocked the Indians, and that the Union Government had thrust into it a clause legalising the deportation of unlawful immigrants, who constituted a fair percentage of Indian population and who had settled in the country as much through the fault of the Immigration Department as through their own. He also noticed that the Liquor Bill was calculated to take away the bread from the mouths of hundreds of poor Indian waiters serving in hotels. The Cape Town agreement considered the Indians to be South African citizens; not so the Nationality and the Flag Act. The whites and the Cape coloured were granted old-age pensions; the Indians were not. The Cape Town agreement was only in favour of an encouragement to voluntary repatriation; and all politicians, from Dr. Malan downwards, proceeded to bring about a wholesale reduction of the Indians.

Mr. Sastri grasped the whole situation, but took a striking path to disperse the gloomy clouds of hatred and injustice. He appreciated the European point of view, and declared before a Ladysmith audience that the agreement was based on the highest principles of humanity. Summarising the points of the agreement, he said:—

"The main points of the Cape Town agreement were, by careful measures, to reduce the population of Indians in South Africa and that the remainder be assimilated to the Western Standards of life; points based on the highest principles of humanity."

At Port Elizabeth he admitted to the full the right of the Union Government to maintain the modes of living and the standards of comfort they valued and recognised "a natural corollary that there must be certain limitations and restrictions upon the political and municipal freedom of Indians here, so that this essential requirement may be satisfied."

He did not stop there. In his zeal to please Natal, the little England of South Africa, he used all the elegance of the English language, supported by his matchless eloquence, to shower panegyrics over "the might and the majesty of the British Empire."

He proclaimed to South Africa that the British Empire stood for peace and security in the world, and it was a great, immeasurable asset. At one meeting he desired that all nations should come under the British flag.

It can be unhesitatingly affirmed that all this eulogy failed to bring about any change in the outlook of the country except a personal reputation for Mr. Sastri. The South African politicians did not respond to Mr. Sastri's aspirations, but adopted an unreasonable attitude instead.

Mr. Leslie Blackwell, in the very presence of Mr. Sastri, urged the Indians not to attempt to push the agreement between the Governments of India and South Africa too far, and "not to build on the compromise hopes which could not be realised in this generation."

Dr. Malan observed at Vereeniging: "The Indian agreement was not an ordinary treaty—it was merely an understanding between the Union and the Indian Governments to co-operate in the solution of the Indian question in South Africa. We in South Africa are not bound for one moment by any treaty—we are perfectly free to enact any legislation in regard to the Indian in South Africa at any time."

General Hertzog, the Premier, declared at Lydenburg that the Indians complicated the colour question and South Africa would have been happier if the Indians were not present in the country. The Minister of Lands, Mr. Piet Grobler, observed that "if the understanding between South Africa and India proved unsatisfactory it could be laid aside at any time."

General Smuts said at Rustenburg that he had a different policy and that he intended placing the Indians in bazaars.

Mr. Sastri's glorification of British imperialism thus did neither succeed in converting the Nationalist Government to appreciate the Indian view-point, nor gain the support of the Smuts party, which, though imperialistic in outlook, proceeded to condemn the agreement as "a deception of the people."

Mr. Sastri's imperialistic policy, on the other hand, offended the Afrikaners, and *Die Afrikaner*, the Dutch organ of the Nationalist Party in Natal, took Mr. Sastri to task with the following comment:—

"By lauding everything British before an English-speaking audience in Natal, it is an easy matter to be impressive; but what we want from Mr. Sastri is not flattery, not impressiveness, nor the extolment of British justice or virtue. We want him to assist us in solving the Asiatic problem for the benefit of all

parties concerned. And by extolling empires he will not do it, for these English-speaking listeners who applauded his flattering words will be the first to forget Mr. Sastri's theme when, to-morrow or the day after, they come in conflict with the realities of economic competition with the Asiatic."

Mr. Sastri had to come to grips with several questions during his tenure in South Africa, the chief of which were the questions of Indian education in Natal, the Liquor Bill and the condonation scheme.

The lamentable state of Indian education in Natal had engaged the attention of the "round-table" delegates. The Union Government was compelled to acknowledge its seriousness. The Cape Town agreement suggested a provincial education committee to investigate into the situation, and it was incumbent upon Mr. Sastri to see that it was appointed soon. As the South Africa Act generally entrusts the management of education to provincial administrations, it was up to the Natal Provincial Council to appoint the committee. Now the party to enter into the agreement was the Union Government, and those who powerfully opposed it were the representatives of Natal themselves.

Natal, being an impregnable fortress of anti-Indianism, was at first not at all willing to appoint the recommended committee, and was reluctant even to respect the decision of the Union Government. The Union Government, too, refused to take a single active step and threw their responsibilities on the shoulders of Mr. Sastri. After a strenuous six months of interminable persuasions, flatteries and praise, Mr. Sastri succeeded in getting the Indian Education Committee appointed by the administration of Natal. The members of the committee were Messrs. J. Dyson (chairman), C. F. Clarkson, J. A. Lidgett, F. H. Acutt, A. P. Pretorius, and F. Fell. The Committee was asked to inquire into:—

The existing facilities as a whole in the town and the country areas.

The conditions of service of Indian teachers in Government and Government-aided schools, including salary, promotion, discipline, and pension. The present system of Provincial grants-in-aid and any changes which may be considered necessary.

The financial basis of Indian education, having regard to the resources of the province, various demands upon them, and adequacy or otherwise of the existing Union Government subsidies in so far as they affect Indian education.

The last clause supplied the Natal view-point, which was not inclined to add to the financial burden of the Indian education and which tried to throw off the financial responsibility over the Union Government.

The Indian case was a strong one. Mr. Sastri and the Natal

Indian Congress wasted no time in properly setting it forth. But, unfortunately, the whites had recourse to what practically amounted to a boycott of the commission. The plight of Indian education was easily understandable. Primary instruction was free and compulsory for the entire white population of South Africa, while it was not so for the Indians. Of the 32,000 Indian children of school-going age in Natal, only 10,000 were being educated. The burden of Indian education rested chiefly on missionary schools. The Government remained content with maintaining only nine schools and giving grants to forty-four more schools. Indian teachers received starvation salaries, hardly more, in some cases, than those doled out to the native kitchen boys in urban areas.

The Natal Education Committee commenced its work to fulfil the promise tendered to the Agent-General, but unfortunately met with the apathy of the white community of Natal. Very few white organisations or individuals appeared before it. The opposition of the whites was manifested in the leaders of the Natal Press, excepting a Maritzburg paper, *The Natal Witness*. They wanted to evade the issue.

The attitude of the average European could be summed up by the following comments of *Die Afrikaner*, the Maritzburg Nationalist organ:

"It is not the time to talk about what the different sides won or lost in connection with the agreement. Efforts must be made to ensure that the results of that agreement are not used in the wrong direction in regard to the 'uplifting' of the Indians. In all fairness it can be put to the Indians in the following words: 'Look, you have the money for your own uplifting. We, on our part, will do what we can to help you. Every year we will set aside so many thousands of pounds for the better housing of Indians, on condition that you undertake to guarantee a minimum annual sum for the purpose of providing better education for your children.' On this basis alone we feel that the country has the right to spend money on the improvement of the Indian community, while there are thousands of Europeans who are desperately in need of State aid."

They got perturbed when the Natal Indian Congress said:—

"We irresistibly feel that equal facilities to those enjoyed by the European community of this province should be granted to us to improve our conditions of life, and in this regard we firmly but respectfully urge that free and compulsory primary education be extended to Indian children at the earliest opportunity."

They were furious when Mr. Sastri demanded that "no distinction should be made between the elements of the population and that all sections should be dealt with impartially."

In the course of a vehement speech at Maritzburg, Mr.

Pepworth declared that the majority of the European population of the Union looked upon the Indian as "an intruder rather than as a welcome British subject." He added: "It is not in our interests to so educate the Indians as to bring them into direct competition with our white lads." In conclusion he warned that if free education was to be given to the Indian, "the people of the country would be heavily taxed to create such a situation as to compel the European to leave the country."

One Englishman, Mr. Ollerman, who only appeared before the Education Commission among the Europeans, except of course Mr. Bryan, the superintendent of education in Natal, gave vent to his anti-Indian feelings thus:—

"Mr. Sastri's claim for equality for Europeans and Indians was nothing but political bluff and arrogance....For one of the leading statesmen of India to ask us to take the Indians in as equal is unheard of....It is typical arrogance. Indians have always been regarded as an 'alien element' in the population. They are a serious menace to the general body and the commercial communities of Natal and Transvaal....To fit the Indians for our professions is unjust to our own professional classes. If we give them higher education we furnish them with a stick with which to strike us. If they wanted better education facilities and buildings they should earn the money to pay for themselves."

Although Mr. Ollerman described Mr. Sastri's claim to equal educational opportunities for Indians as a political deception and arrogance, and declared fair treatment to Indians as an unheard of thing, it is possible, to justify the Indian claim to an equitable treatment in more ways than one.

India and South Africa are parts of the same Empire. They have equal status in the League of Nations. India had participated in the war cabinet on a footing of equality with South Africa. Its position in the Imperial Conference is similar to that of South Africa. True, South Africa is a self-governing country; but India has not yet admitted its inferiority. It is on the eve of freedom.

India's culture demands an honourable treatment. In point of science, art and literature, India stands on the same pedestal as England, Germany, the United States of America, and Italy, and leaves South Africa far behind. India saved the honour of the British Empire in the Great War, and rescued the Allies from a grave catastrophe. If these are not the achievements to establish the justification of the Indian claim for equality, what are? Mis-guided individuals like Mr. Ollerman may well look at the claim with a jaundiced eye, but the fact remains that this claim has the support of history and that there is no political deception or arrogance attached to it.

Indians have a right to educational facilities identical to those

enjoyed by the whites. This point was convincingly represented by Mr. Sastri before the Educational Committee. Mr. Kailas Prasad Kichlu, the Indian Government adviser to the committee and an educational expert, supported it with staggering facts and figures.

Mr. Kichlu's statement gave a graphic picture of the contempt* ible attitude taken up by the Natal Provincial Council against Indian education. It showed that Natal had not expended the whole of the Union subsidy granted for the education of Indians, but had placed about £18,000 into the general revenues during the last two years. It advanced figures to show that the deduction made during 1925-1928 amounted to £27,215. It also pointed out the danger of a loss of £9,000 in the absence of fresh changes in the budget of 1928-1929. The *Natal Advertiser* supported this statement by ridiculing the Government policy as one of "robbing Peter to pay Paul."

Mr. Sastri and Mr. Kichlu let the cat out of the bag with such precision and cleverness that the Provincial Administration of Natal became an object of general disdain. The Education committee had to abandon its policy of indifference, and the province had to swallow the bitter pill of spending the Union subsidy exclusively on Indian education.

Mr. Sastri's success was worthy of admiration. Mr. Sastri made strenuous efforts to provide for the higher education of Indians, thus showing that Indians were themselves eager for the spread of education and were even prepared to make sacrifices in the cause. His efforts resulted in the establishment of the Sastri College in Natal. This college was handed over to the Provincial administration.

Mr. Kichlu utilized his South African visit in examining the state of Indian education in other provinces also. At that time, some of the Government Indian schools in the Transvaal were teaching the Gujarati language. Mr. Kichlu did not like that idea, and recommended the abolition of the language to the Education department of the Transvaal. The recommendation bore immediate fruit; the teaching of Gujarati was done away with. It was the opinion of principals and educational inspectors that the language did not interfere with the general curriculum. But Mr. Kichlu was possessed with the obsession that instruction in Indian languages was out of place in South Africa, and so he was not in the least influenced by the opinion. He obtained some new rights for Natal, but deprived the Transvaal Indians of their old educational privileges.

Another question that threw Mr. Sastri into extreme anxiety and exertion was that of amnesty to unlawful immigrants. Unlawful immigration had arisen in South Africa after the Anglo-Boer war. At the time of the war some Indians had left the Transvaal for Natal, the Cape, or India. As soon as the war ended, these people were permitted to return to the Transvaal. Along with them also

went certain Indians who had not settled in the Transvaal before the war. This was due to the general laxity of immigration restrictions, corruption of government officers, and non-requirement of any strong proofs for entrance. Any person who proved that he had been in the country could enter it and obtain a permit on payment of a prescribed fee.

Mahatma Gandhi was well aware of this small illegal immigration during his stay in the country. We have his authority to declare that the Government officials were privy to fraud. "In many cases, at least up to 1914," wrote Mahatma Gandhi in *Young India*, "the Asiatic office was a corrupt department and it made it practically impossible for *bona fide* entrants to enter unless they resorted to some crooked means so as to satisfy the greed of the Asiatic officers."

Human nature, more than anything else, was responsible for the unlawful immigration of the Indians in South Africa, as it had been in some other countries. America, Europe and some of the countries of Asia have also witnessed unlawful immigration, in spite of strict prohibitive legislation.

India has perceived the ever-growing piles of anti-Indian restrictions in foreign countries. But it has never stooped so low as to emulate those countries. It afforded a haven of protection to the forefathers of the South African Dutch and English at a time when they were dying of hunger, and when South Africa was haunted by the Hottentot and the Bushman and was a nonentity on the geographical map. Had the Dutch been prevented from absorbing the Indian riches, the beginning of the history of South Africa would perhaps have been put off for a century. Thanks to India, South Africa became gradually a half-way house. The Indians emigrated to it, and contributed a historic share to its development. Viewed in the light of these facts of history, South Africa's restrictions against Indian immigration appear to have been both unfair and pitiless.

Indians have not been the only community to commit the sin of unlawful immigration. The Jews have been equally guilty. Hundreds of Jews have entered the sacred land of South Africa without permits or with permits obtained from their kith and kin by post. But the Government are specially interested in the abuse and harassment of Indians. The reason is the political subordination of Indians.

The Government themselves are primarily responsible for the unlawful immigration of the Indians. So great was the greed of the Asiatic Department in 1916, that any individual with a well-filled purse could obtain his permit at home through his relatives or friends. The situation was naturally exploited by some Indians. The Union Government at last became aware of the corruption of their department. They took immediate steps to set things right. But as all Indians were equipped with permits,

it was difficult to detect the wrong permits. Moreover, the law forbade the deportation of any Indian possessed of a permit. The Government therefore appointed a commission to investigate into the affair and settle it without kicking up much mud. Eventually the holders of illicit permits were condoned and the corrupt officer was dismissed.

Some years passed. There were several cases before the courts, which for the most part held that "A certificate once granted, cannot be cancelled." This decision was taxing the patience of the Union Government, whose policy was definitely to reduce the Indian population. Mr. Patrick Duncan, the Minister of the Interior in the Smuts cabinet in 1924, introduced a clause in his Class Areas Bill to cancel such certificates and deport the Indians concerned. Dr. Maian, his successor to the portfolio, kept the clause intact in his new Bill. The round-table conference followed, but the delegation from India neglected the issue and the situation grew worse on the passage of the Immigration and Indian Relief Act (1927).

By this time the unlawful entrants had grown two or three decades older in South Africa. The families of some of them had already entered the country. Some had established a trade for themselves, and generally all of them had adopted South Africa as their country. It was extremely unfair to punish them for an offence made years back and for which the Government Officers were partly responsible.

The new Government policy disturbed the equanimity of Indians throughout the country. The Indians had no objection to the principle of the Bill. They were prepared to promise not to encourage unlawful immigration. They were chiefly opposed to the retrospective application of the Bill. The Rev. C.F. Andrews, who was then in South Africa, made a representation against it to the Government, and obtained from the Minister the promise for the general condonation of the people concerned, provided the Indians accepted the agreement and guaranteed the Government not to encourage illicit entry.

The Parliamentary discussion over the Bill showed that though the Government were not inclined to deport unlawful entrants, they had every intention to defame and scandalize them. Mr. Patrick Duncan pleaded for some sort of amnesty for actions of the past, and Mr. M. Alexander urged for general amnesty. But Dr. Malan went no further than declaring that the Government would consider the question sympathetically. However, everybody was under the impression that the Government had decided upon amnesty. Mr. Girjashanker Bajpai replied to a query in the Indian legislature by stating that the Union Government had granted an amnesty to all illicit entrants.

There were two honourable ways of dealing with the illegal

entrants. The first was to throw a veil over the past and modify the retrospective character of Section 5 of the Bill; the second was to give a general amnesty to all illegal entrants by the use of the powers vested in the Governor-General under the South Africa Act.

The Government chose neither of the two ways. Had they adopted one of these, Mr. Sastri would have been spared the terrible mental agony he had to undergo in order to bring round the Indians; the prestige of India and the Indians would have remained unstained; and the proof of the Union's change of heart would have been supplied to the world. But they turned a deaf ear to even Mr. Sastri's humble requests. They stuck to their own idea, and hatched out a highly humiliating and iniquitous scheme of individual condonation. Under this scheme, the illegal yet long-established Indian settlers lost their right to call their families to themselves. Their future was left to the ministerial fads. The persons receiving condonation were required to accept the following objectionable conditions on pain of deportation:—

1. This condonation is valid until it is cancelled by the Minister.
2. The Condonee shall not be permitted to introduce his wife and children hereafter.
3. If the permit for the condonation is cancelled, he shall be dealt with by clause 5 of Act 57 of 1927, which empowers the Minister to deport the illegal entrants.

So degrading and destructive were these conditions that Mr. Sastri was hard put to it to get them accepted by the Indian community. His popularity suffered a tremendous blow. The Indians were split into two rival bodies throughout South Africa. However, Mr. Sastri steered his ship through the Scylla of Indian excitement and the Charybdis of Government changefulness, and reached his goal. One thousand five hundred Indians received condonation certificates. They were clearly given to understand that no distinction would be made between their own rights and those of the lawfully domiciled Indians. But once more the Government were false to their assurance. The Immigration Office perpetuated the unfair distinction in passports and other documents, and the condonees at once saw that their status had been definitely lowered.

Mr. Sastri's special mission, besides one of representations to the Government, was to tour the country and arouse sympathy for the cause of his nationals in South Africa.

He so deeply impressed the country by his learning that all public organizations felt themselves honoured to receive him. Some colour-mad individuals disliked this intellectual triumph of "the leader of the coolies." That the whites should admire and adore a brown-skinned Indian struck them as a bitter humiliation and a galling degradation. Their disdainful feelings were shamelessly exhibited at a Klerksdorp civic reception on the 15th September, 1928. The deputy-mayor of the town, Mr. Morgan Evans, a Welsh-

man, could not tolerate the honour extended to the ambassador of "coolies." So he and some of his roughs occupied seats in the reception-hall a little before the appointed time, with the avowed object of breaking up the meeting and insulting the guest of honour. Mr. Sastri spoke for ten minutes, and protested against the use of the word "coolie" with reference to his countrymen. Just then was audible Mr. Evans' voice declaring: "We have not come here to listen to an Indian," and the mischief began. There were shouts and interruptions. A nasty row was kicked up. Lights were switched off. Under cover of the bewildering darkness, a stink-bomb and rotten eggs were thrown at Mr. Sastri, who fortunately had a miraculous escape.

The news of the dastardly attack spread all over South Africa. The English Press condemned the Klerksdorp hooliganism, and apologies followed. Dr. Malan, the Minister of the Interior, was the first to tender an unqualified apology on behalf of himself and the other members of the cabinet. General Hertzog expressed deep regret immediately a day after, he being away on tour... The Governor-General sent an apology to the Government of India for the injury done to its Agent-General at Klerksdorp.

Ons Vaderland, the Transvaal Nationalist organ, criticised Dr. Malan for tendering apology, which found no precedent. It asserted that no apology was tendered to Mahatma Gandhi, "a more important person than Sastri," Hon. Gokhale and Mrs. Sarojini Naidu.

Advocate Pirow deeply regretted that it was a Nationalist Government which gave the "coolie" of South Africa the leader, also the fact that the Nationalist leaders acted as chairmen at dinners in honour of that leader.

The Klerksdorp Chamber of Commerce regretted the incident, but expressed in unequivocal terms that "it is not, and has never been, in favour of Indian and Asiatic immigration, and is of opinion that Indian and Asiatic Competition in commerce is gravely detrimental to the welfare of the European population."

Mr. Morgan Evans, the deputy-mayor of Klerksdorp, called a meeting at Potchefstroom, where he read the Premier's letter, which showed the inner desire of South Africa, as follows:—

"The agreement entered into by the Government has had most beneficial results. After all is said and done, we want to get rid of the Indians as far as possible. Repatriation should, therefore, be our first*endeavour, and with regard to this, the results have been very satisfactory."

During this time Mr. Tielman Roos, the Deputy-Premier and Minister of Justice, was on a lecture tour in the Eastern Transvaal. He addressed several meetings in prominent towns, where he referred to the Indian agreement, and at one place, in effect, as follows;—

"The agreement is working satisfactorily. Many more Indians are now leaving the country. But if it was shown that it was not working satisfactorily, we shall not retreat in taking other steps to deal with the Indian problem."

The Liquor Act of Mr. Tielman Roos, too, told upon Mr. Sastri's peace of mind. It was passed in the eighth month of Mr. Sastri's arrival in the country. One of its clauses prohibited Indians from serving liquor. Its enforcement spelt the unemployment and ruin of a large number of Indian waiters serving in the hotels of South Africa. Mr. Sastri made stupendous efforts to bring Mr. Tielman Roos round. But that staunch anti-Indian swerved not an inch from his attitude. In response to a valedictory reception in the city hall at Johannesburg, Mr. Sastri requested the Indians to remember that among the members of the cabinet, Mr. Roos had particularly "shown great generosity and brotherliness which could not be sufficiently acknowledged" in regard to the restrictions against Indian waiters. Coincidentally, however, at the same time on the same day, Mr. Roos declared in Mayfair, a suburb of Johannesburg, just a mile away from the city hall, that the Government had no wish to do anything in favour of Indian waiters. Ultimately Mr. Roos had to stop the enforcement of the disputed clause due to Indian agitation. The function of the clause was transferred to the Minimum Wages Act. But care was taken to see that it affected only new Indian waiters.

The notorious Cape Town agreement—diplomatically called "an understanding" by the South African Government—resulted in favour of the Union Government, who succeeded in repatriating 3,250 Indian souls in course of the year.

Dr. Malan's joy knew no bounds. Discussing the experiment of the agreement on a repatriation vote of £500,000, Dr. Malan explained to Parliament:—

"The agreement was working extremely well from the South African point of view. It had come into operation only in August last, and they found that in the last calendar year the number of Indians repatriated was 3,250 as against 2,900, the highest total ever reached in any one year in the past."

About 700 Indians left the country in the first month of 1928. Most of these had been born and bred in the country. They left the land for good. The Union Government sent a commission to India to see what arrangements were made by the Indian Government for the repatriated Indians, in order to speed up the reduction of the Indian population.

This sudden decrease in the population of Indians in South Africa made the European circles jubilant and affected Indian trade in the districts of Natal seriously, with the threatening danger of inevitable collapse of trade altogether in course of the next few years if the Indians repatriated in alarming numbers as the Government

hoped—8,000 to 10,000 per year.

What was a blessing for the Europeans of South Africa was a curse to the Indian community, which was not satisfied with the trend of events. Rival bodies were formed in different provinces to the ones which accepted the Cape Town agreement and co-operated with Mr. Sastri, who wanted to reduce the Indian population "within manageable compass." The South African Indian Congress was opposed to the South African Indian Federation, and the Transvaal British Indian Association by the Transvaal Indian Congress—a split for which Mr. Sastri could hardly escape the blame.

The two important events during Mr. Sastri's stay in South Africa were the conferences of the South African Indian Federation and the South African Indian Congress.

The South African Indian Congress was eventful. The presidential speech of Advocate Godfrey clearly supported the Indian cause and refuted, of course mildly, Mr. Sastri's unadvisable utterance at Port Elizabeth. The chairman unequivocally advocated their right to franchise. Furthermore, even in course of the discussion of general condonation of Indians affected by clause 5 of the Immigration and Indian Relief Act and the study of the vernaculars, the Congress delegates took up a stand against Mr. Sastri's overtures, and eventually the Right Hon. "Ambassador" had no other alternative but "to express regret at unwittingly being the cause of misunderstanding."

The conference of the South African Indian Federation, on the other hand, poured torrents of abuse on the heads of the Agent-General and the South African Indian Congress for accepting the condonation scheme which they considered as a further proof of the Government's insincerity and its determination to reduce the Indian population by any conceivable means. The provincial conference in the Cape passed a vote of non-confidence in Mr. Sastri.

The parting message of Mr. Sastri to the Indians in South Africa was an advice not to speak or do anything that would tell upon the Government sympathy, to refrain from sending messages to India encouraging the Indian struggle for freedom, and to adopt a guarded attitude for their own interests. His counsel was, in other words, to persuade the South African Indian Congress to sever its connection with the Indian National Congress and please the Government of India. It was doubtlessly an advice, absurd, unpatriotic and reactionary, because the Indian National Congress had indefatigably fought on behalf of the South African Indians and had never betrayed them.

Mr. Sastri was the honoured recipient of many a gorgeous farewell address before he left the shores of South Africa in February, 1929. The speeches delivered at farewell gatherings throughout the country were enough to show his amazing popularity.

One may have to differ from Mr. Sastri on a good many points,

but it must be admitted that India has produced few men like Mr. Sastri, and fewer workers like him. The service he rendered to the Indians of South Africa was in a way unique. He effaced from the South African mind the delusion that Indians were "coolies" and that India was a "factory of coolies." With the exceptions of Mahatma Gandhi, Sir S. Radhakrishnan and Mrs. Sarojini Naidu, there is not a single Indian who ensnared the hearts of all South African races, dazzled them by his character and charmed them by his marvellous oratory, and filled the whole of South Africa with the brilliance of his reputation as Mr. Sastri did. His genius was recognised in all political and parliamentary circles. Mr. Sastri enhanced India's fame and exemplified India's learning.

The following tribute by the *Rand Daily Mail*, Johannesburg, interprets the general impression created by Mr. Sastri in the Union:—

"Mr. Sastri's stay amongst us has been a great intellectual and moral stimulus to the South African community, and for that, as well as for his great personal charm and distinguished statesmanship, he will always be remembered with affection not only by those who enjoyed the privilege of his friendship, but also by all who had the happy experience of hearing or reading those remarkable speeches of his which afforded so many vivid glimpses of a mind which is a veritable treasure-house of learning."

CHAPTER X

THE CURRENTS OF THE GOVERNMENT POLICY

FROM the day Mr. Sastri became the Agent-General of the Indian

Government, the Indians of South Africa began to be more and more subordinate to that Government. Mr. Sastri made the Congress acknowledge its loyalty to the Indian Government, and got Mrs. Naidu removed from its presidency. His successor, Sir Kurma Reddi, gave every promise of following in his footsteps.

The control of the Indian Government over the South African Indians meant the farthest limit of subjection, whereas the leadership of the Indian National Congress signified the maintenance of self-respect and a struggle for equality. The supremacy of the Indian Government deprived the Indians of their strength and consciousness, and made them stoop and stagger under the heavy load of subjection. They made an attempt or two at opposition; but this was in the nature of the last ineffectual quivering of a departing soul. They had committed a gigantic blunder, and had to submit themselves to the consequences.

The path of the South African Government now ran smooth. Formerly they had to deal with Indians who brooked no intimidation, who could easily brandish the weapon of passive resistance,

and who agitated India, Britain and South Africa for their rights. Now things were different. All they had to do was to manage the imperialistic or bureaucratic Agents-General, who were tied down to the Cape Town agreement, who were used to the political mockery of representations and petitions, and who were highly paid by the Indian Government to carry on their useless policy.

By this time the anti-Indian movement had assumed an active form. The anti-Indian elements of Johannesburg had gone to the court to test the Gold Law of 1908 and the validity of title deeds with anti-Asiatic clauses in certain townships, with the object of getting rid of Indians. The Norwood decision had compelled every Chinese and Indian to evacuate the suburb. The Vigilance Association of Braamfontein had obtained a decision from the Supreme Court that endangered the trade and residence of all Asiatics and coloured people inhabiting that locality. The Johannesburg municipality had taken advantage of these decisions by refusing licences to Indians in gold areas. Krugersdorp, too, had flowed with the stream. A case had been got up, and two Indians had been asked to leave the town. Meanwhile, by fixing up the wages of industrial employees and following the policy of "equal work for equal wages," the Minimum Wages Act had snatched away bread from the mouths of scores of Indians and put it into the mouths of whites. A movement against the Cape Town agreement had begun in Natal. The English of Natal held that the agreement had worsened the situation instead of improving it, that the policy of repatriation had no effect upon those Indians who competed against whites, and that it was advisable for the Minister to revert to the Areas Reservation Bill. Dr. Maláñ was badgered with queries on the Indian problem in Parliament. The atmosphere had become tense. It undoubtedly reflected future trouble. There was no sign anywhere of the "wonderful change of heart" referred to by Mr. Sastri. Anti-Indianism was rampant.

This was the situation which Sir Kurma Reddi had to handle. He subjected every question to careful legal examination in the manner of a fearless lawyer, and emboldened himself so far as to uphold the justice of the Indian cause. He could not compare with his illustrious predecessor in point of eloquence, but the sincerity of his heart was in no way inferior. Mr. Sastri had to create a background; Sir Kurma had to come to grips with practical problems. It is indeed admirable that he was able to conduct himself in a dignified way in spite of the very limited powers of his office, the crooked mentality of the Union Government, the lack of unity among the Indians, and his own continual physical indisposition.

Sir Kurma went from Natal to the Cape after Mr. Sastri's departure from South Africa. In Cape Town he celebrated the second anniversary of the Cape Town agreement by giving a sumptuous

banquet to the Prime Minister, the members of the Cabinet and the House of Assembly. He referred to the agreement as his "Koran and Bible," and declared that he had every confidence that it would be beneficial to both Indians and Europeans. Thus everybody realised that Sir Kurma would restrict his activities and would never be able to step beyond the four corners of the Cape Town agreement.

Meanwhile, numerous questions affecting the rights of Indians in the Union were brought to the notice of respective Ministers by the South African Indian Congress deputation, headed by Mr. A. Christopher, the president. The demands included the request for the introduction of free and compulsory primary education, revision of the existing licensing laws of several provinces, particularly that of the Transvaal, and for the relief of several Indians affected by the operation of the Liquor Act. It also complained about the disabilities arising from immigration and the reported neglect of the welfare of repatriates. The points raised by the deputation were in each instance sympathetically received by the Ministers, but the Government were not disposed to satisfy the Indian aspirations. They cared not for the spirit of the Cape town agreement. They just haggled about words, and made fun of the Indian demands. In his letter of the 16th March, 1929, to the South African Indian Congress, Mr. C. S. Schmidt, Secretary for the Interior, stated:—

"All that the Government understood was 'to give all due consideration to the suggestion,' which is a very different thing from an undertaking given to revise the existing laws.' The undertaking 'to give all due consideration to the suggestion' was to be honoured 'when the time for the revision of the existing trade licensing laws arrives,' and as no suggestions have come from the various provincial authorities for the revision of such laws, the time for 'giving due consideration' has manifestly not arrived."

Regarding the land question in the Transvaal and immigration laws, the Secretary reminded the South African Indian Congress that "the Europeans in the country hold such pronounced views that no government would attempt, at any rate for some considerable time to come, to make any change in the legislation in the direction indicated in the resolution. It was in recognition of this fact that, by common consent, these matters were excluded from discussion at the conference which led up to the Cape Town agreement."

Mr. Schmidt, in conclusion, uttered a note of warning not to persist in reopening the questions, as there was a grave risk of the whole Indian question to "be swept into the arena of party politics, which would, there is little doubt, lead to the termination of the Cape Town agreement and the reintroduction of legislation on the lines of the aforementioned Bill."

The Indians were thrown into awful anxiety by the attitude of the Union Government. They came to know authoritatively for the

first time that there lurked a whole history of secret understandings behind the Cape Town agreement. Mr. Schmidt's statement that the whites held pronounced views on the land question of the Transvaal, that no government would dare award land rights to Indians for some time to come, and that those matters had been exempted from the round-table discussions" by common consent, made them feel that there was a fly in the soup!

What did the Cape Town agreement actually mean? Its perusal showed that the Union Government would give all due consideration to the suggestions made by the Indian delegation that the discretionary powers of local authorities might reasonably be limited when the revision of the existing trade licensing laws arrived. The Indians had understood the agreement to mean that the Union Government would fix the time for the revision of the laws, and take the initiative in the question at issue. But the Secretary for the Interior clearly announced that the responsibility for the whole job rested on the provincial Governments, and that nothing could be done by the Central Government until they received suggestions from them. This apparent contradiction greatly embarrassed the Indians. The Congress saw that the time for the revision of the laws would never arrive if the Union Government awaited suggestions from the provincial authorities, and that the upliftment clause of the agreement would prove absolutely meaningless.

Whatever may have been the motive of the Right Hon. Srinivasa Sastri in stating that there was the "miraculous change of heart" in South Africa, it should be definitely pointed out that no good purpose would be served by hiding the real truth under the gibe of diplomatic version. The following speech by the prominent representative of Natal, Mr. Anderson, M.L.A., during the debate on the budget, illustrates the mentality of Natal and the superfluity of the agreement. He said:—

"I would like to say a few words. I had a telegram a short time back, when the native bills were being discussed here, from the local chamber of commerce, stating that the Chamber of commerce had passed a resolution: 'That it is the considered opinion of members that, as far as Natal is concerned, the Asiatic problem is far more serious than the native problem, if white civilisation is to be safeguarded.' After two years of this agreement there are complaints that it is not solving the question in any form or shape, but that, on the contrary, it has aggravated the position, which to-day is more acute than ever. It is complained that this agreement is no solution. I want to ask the Minister of the Interior whether under this voluntary repatriation scheme, any of the Indian trading classes, or the classes which performed skilled work, have taken advantage of that scheme. If this agreement is not going to touch these classes, it is no solution of the Asiatic problem."

The question once more proved that the round-table conference had not been conducted in a sincere and impartial spirit and that it had no intention of taking the people into its confidence. The South African Indian Congress corresponded with the Indian Government to know their attitude towards the interpretation placed upon the Cape Town agreement by the Union Government. The Indian Government preferred not to reply. They stuck to their determination not to give any publicity to their mysterious parleys. The Indians were tremendously disappointed with the hollowness of the agreement. But they had to put up with what the Union Government said. The policy of the Government was now, as Dr. Malan once stated in the Union Parliament, that of refraining from giving any more concessions to Indians. The South African electorate polled on the 12th June, and decided once again in favour of General Hertzog's Nationalist Party with an increased majority.

The election was fought on some international issues and the native question of world interest.

The Indian question, too, was not kept out of the arena of election politics, as desired by Mr. Sastri, the ex-Agent-General. It was put in the forefront of their programme by the South African Party. General Smuts had advocated speedy repatriation and total prevention of further immigration or condonation, and his party colleagues had raised the mischievous cry of Asiatic danger.

The Nationalists stood by the Cape Town Agreement and defended it at several places by stating that that was the only way to solve the Indian question, as they had gained even the co-operation of India for repatriating not only the Indians born in India, but born even in South Africa. They stated that they had no right to repatriate those who were born in South Africa according to international law, hence the point they gained from India was their victory in the agreement.

General Smuts had not protested against the Cape Town agreement when it was discussed in and passed by Parliament. On the contrary, he had silently blessed it. General Smuts' cry at the elections, then, to send Indians to the bazaars was hardly creditable to his statesmanship. But the Indians learnt a lesson that not even eminent statesmen hesitate to sacrifice their principles on the altar of party interests.

At this time, certain cases and decisions of the Supreme Court greatly perturbed the Indians. Among the cases was one taken by the Springs Town Council to the Appellate Court. It related to the ejection of two Indians from the proclaimed area.

Springs is situated on proclaimed land comprised in class A. It was proclaimed a township in 1904 in accordance with the Crown Lands Disposal Ordinance. In 1911, it was proclaimed a gold area under the Gold Law of 1908. Clause 131 of the Gold Law prohibits the residence of Asiatics or the coloured people on such land.

The Supreme Court, however, had dismissed the action with costs. Its judgment stated that the proclamation of the gold area did not affect the trade and residential rights of those Asiatics who had already settled in the area before the proclamation. The Springs Town Council appealed against this decision. The Appellate Court upheld the decision of the lower court.

The decision of the Appellate Court revived some hope in the hearts of Indians. But the Indian community was in grave doubt whether the Government would allow the situation to last long. The decision enraged the Transvaal, particularly the "Reef." Municipalities resorted to the Transvaal General Dealers Ordinance and started harassing the Indians by refusing licences.

An application by an Indian for a traders licence in Benoni created great perturbation among the whites, who left no stone unturned to oppose the said application made under the Transvaal General Dealers Ordinance. Mr. G. Hills, M.E.C, protested at a meeting of the Benoni Chamber of Commerce: "We are simply tinkering with the Asiatic question in South Africa. Every year it grows worse, and finally we shall be overwhelmed with it."

The Benoni Town Council decided to request the Kleinfontein Estates and Township Company to enforce the conditions in the title deeds of the stands in the township relative to coloured people, in order that the Indians might be debarred from residence and trade, they being considered a disturbing factor to the whites.

Residents of Norwood and neighbouring suburbs launched another determined mass action against the "Asiatic invasion" of their strongholds in the north-eastern districts of Johannesburg. This step was taken by the Europeans as a few Indians had asked for the trading licences to carry on their business in their area.

The white farmers' congress held at Pretoria passed a resolution stigmatising the Indian traders as a danger to civilised South Africa, and asked for protection against unfair competition.

The Transvaal Municipal Association suggested the Union Government to allot segregated areas for the Indians and enforce the clauses of the Areas Reservation Bill—which had provoked the feeling of India and was dropped on the signing of the Cape Town agreement—in order to ruin the Indians through loss of trade and place a stigma of inferiority for ever on their foreheads. They contended that the present unsatisfactory state of the law with regard to Indians residing and trading in European localities in urban areas should not be allowed to continue.

The Nationalist Party congress of the Transvaal, which was attended by Ministers, including the Premier, General Hertzog, passed a resolution protesting against the employment of white girls by Asiatics.

The Southern Suburbs Ratepayers' Association of Johannesburg protested against the Asiatic invasion in their area, and their chair-

man declared that they were going to set their teeth against the Indians and fight to the bitter end to stop that unpleasant attack.

A law passed by the Transvaal Republic in 1871 was brought into action to curtail Indian trading and residence at Springs, where a furious agitation resulted in the refusal of a trading licence to an Indian firm which had to incur expenses estimated to be hundreds of pounds in court trials, rents and other items.

This furious anti-Indian wave surging and deepening in the province of Transvaal shook the faith of even those who were so vehement in their admiration for the Cape Town agreement and General Hertzog's attitude towards the nationals of India in this country. They realized that round-table conferences and agreements were worthless in view of the continuous anti-Indian agitation carried on in the country. They saw at last that the upliftment clause was only a make-believe, and that those who thought it would be put into operation were living in a fool's paradise.

The Transvaal Chinese, too, were caught in a similar whirlpool of difficulties and troubles. All anti-Indian laws are anti-Asiatic laws, and therefore applied to them also. Consequently the trade licences of some Chinese merchants were refused and their self-respect was also wounded.

There are about 3,500 Chinese in South Africa; 75 per cent, of these live in the Transvaal. The Chinese Republic maintains a consul at Johannesburg to protect the rights of the Chinese and to keep up diplomatic relations with the Union Government.

The small Chinese community in South Africa fought vigorously against the iniquitous laws that affected their livelihood and, what was more, their self-respect as the greatest self-governing republic on the surface of the earth. They denounced the status allotted to them under Union legislation which put them into the same category as the coloured races in South Africa. This, they were not slow in discovering, was degrading to their civilization and dignity. Unlike the Indians, they there not satisfied with the humiliating status. Unlike the Indian Government the Chinese Government was not afraid to press matters. Unlike the Indian Agent-General, always eager to please the Union authorities with sweet-tongued speeches and remain "within the four corners of the Cape Town agreement," the Chinese Consul, with all the necessary backing of the Government of China, demanded all the rights that a self-respecting country might ask for its countrymen.

The Consul-General of China, Mr. Liu Ngai, in an assertive letter drew the attention of the Minister of the Interior to the disabilities under which his countrymen suffered in South Africa and asked for justice and equality. The Chinese Consul-General also addressed the following letter to the Premier on the same subject:—

"I have the honour to approach you on the status and dis-

abilities of the Chinese under the laws of the Union of South Africa, concerning which I wrote on February 1, 1921, to the Minister of the Interior. I have been informed that the matter has been transferred to your department. In view of the difficulties and grievances suffered by the subjects of my Government under the laws of your constitution, I beg to request your kind consideration in the matter, with the hope that all aggressive measures affecting the Chinese will be revised and that the Chinese will be placed on a basis of equality and mutual respect. With reference to the withholding of Chinese trading licences by the Johannesburg City Council, which arose from the colour question, and is causing considerable anxiety among my people, I strongly protest against the adoption of such an attitude against the people of such a friendly nation. I trust that these matters will be duly and justly considered, and that a favourable reply, as well as better treatment, will be received in the future."

Commenting on the above, the *African Chronicle*, and Indian weekly in Durban, declared: "It will take a prodigious lot of Indian Agents to address a letter of the kind addressed by the Chinese Consul-General, the reason being that India being a slavish country to the British Empire, and that her Agents here have no more power to address the Union Government in the strain in which the Chinese Consul-General has done than a native Indian in Natal has to address the Prime Minister of the Union."

However, it is but a truism to say that no stronger representations have ever been made by the Indian Government or its Agents-General in the Union on behalf of the Indian nationals of South Africa. Dr. Taraknath Das, M. A., PH. D., rightly emphasized the point in course of a thoughtful article to Indian newspapers, that the stand taken by China in South Africa was an object-lesson for India and her statesmen to follow. The Consul-General of China declared, in course of an interview with the local newspaper, that they would never be satisfied as long as their right to equal status with the Europeans was not accepted and the Chinese were not given the same honourable treatment as was given to the nationals of France and America in the Union of South Africa.

The Chinese had entered South Africa at different times in circumstances similar to those of the Indians. They had been called to work as labourers in gold mines. In course of time, their immigration was put a stop to on account of the white opposition against Chinese labour. The Chinese people are agriculturists, Laundrymen and shop-keepers in South Africa. To-day they do an appreciable service to the whites by producing the necessary vegetables. Many of them are merchants. They have been living in the Union for years, and yet their patriotism to China is as fresh and fiery as ever.

The Union Government have no right to harass the Chinese or

the Indians. Both these races have made a splendid contribution to the two principal industries of South Africa—gold and sugar. But the country desires to forget their vital services to-day, and aims only at their ruination and elimination.

The sad news of the sorrowful plight of the repatriates in India began to pour into South Africa, and the South African Indian Congress at once decided on a thorough investigation and requested the Right Hon. V. S. Sastri to undertake the task.

The Union Government were preoccupied with the business of despatching hundreds of Indians to India by giving them a bonus of £20 each. They did not bother about what happened to these people in India. But the South African Indians were deeply grieved when they heard about the rueful condition of their compatriots. The repatriated Indians had gone to India in the hope of improving their lot. The Cape Town agreement had made it difficult for the South African Indians to prevent their repatriation, but their happiness in India would certainly have afforded a mental relief to their South African brothers.

The Indians of South Africa generally believed that the duty of the Indian Government did not end with sending the repatriated Indians to their destinations, but that it extended to some definite arrangements for their daily bread. The South African Indian Congress tried to obtain information on the subject from the Indian Government through different channels. On behalf of the Indian Government, Sir Mohammed Habibullah sent a detailed account of the arrangements made to land the repatriated Indians in Madras, Bombay, Calcutta, etc., to see to the safety of their money, and to learn as to how many of them wanted to work. The account also included Mr. Sastris statement that the Indian Government were promptly fulfilling the responsibilities imposed upon them by the Cape Town agreement, and that he had received only one complaint in Port Elizabeth, which had proved on investigation to be unfounded.

The point relating to the pitiful plight of the repatriated Indians was conspicuous by its absence in the explanatory account of Sir Mohammed. The true picture of the heart-rending plight of those unfortunate persons was obtained by South Africa only through the independent enquiry of Swami Bhawani Dayal, a prominent Natal leader, journalist and author, who visited every emigrant centre and studied the conditions of the South African repatriates. The Swami proved with facts and figures that repatriation had cost the Indians dear, flung them into untold sufferings, and that the Government of India had neglected to look after the interests of the starving repatriates of South Africa.

The Hon. Rama Prasad Mukerji drew the attention of the Government of India to this affair, and asked in the Council of State if the Government had made any effort to alleviate the grievances of

the returned emigrants, and Sir Fazli-Hussein (Sir M. Habibullah's successor) replied, "The Government is considering whether anything can be done to help the repatriates."

The Indian Government generally requires ages to think over a problem and to translate their thoughts into action. Again, the problem that faced them was whether they should concern themselves with devising ways to provide bread for 400,000,000 famished Indians, or that they should concern themselves with the lot of the South African emigrants. The news of the situation in India stopped the stream of South African Indians that had been flowing towards India during the years 1926-1928. The agitation of 1929 also helped to a certain extent. So the number of those who left the country in 1929 was less than half that of those who left in the previous year. The Union Government pricked up their ears at the state of affairs. The following passage from Sir Kurma Reddi's report for the year 1929 shows the unpleasant effect the situation had on both the Union and the Indian Government:—

"The decrease in the number of persons availing themselves of the assisted emigration scheme has caused the greatest anxiety both to the Agent and to the Union Government. For there can be no doubt that Europeans in South Africa judge the success or failure of the Cape Town agreement by the working of this scheme."

A topic of first-class importance to the Indian community of South Africa was being discussed this year throughout the Union. It was in connection with the admission of Indians into the South African Typographical Union as members on equal terms with those of the European race. The Union's annual conference met at Durban and decided in favour of the acceptance of Indians as members of that body. This decision was taken after great consideration, as the European workers were in fear of the competition of Indian printers, who numbered nearly 300 in Natal. It was apparent from the start that this move of the Typographical Union was to safeguard the interests of the white workers by placing the Indians under the same Union and working under common wages and common terms.

The Durban Indian Printers' Union gave a banquet in honour of Mr. H. W. Sampson, the Minister of Posts and Telegraphs, and the hon. life president of the Union. On this occasion Mr. Sampson delivered a thoughtful speech and referred to the momentous decision regarding the admission of Indians into the Union, and pointed out that this was not done as a special concession, but as a matter of principle. He proceeded further and said that the decision was in accordance with the Cape Town agreement, and he was glad to say that the terms of the agreement were being implemented by the signatories in a spirit of mutual good-will towards each other.

These views were applauded at the meeting, but they created

practically a sensation in the country. The South African Party leaders made political capital of the affair in view of several by-elections that week, and demanded an explanation from the Government of its policy towards the Indians and its views on the Indian agreement. Leader after leader showed the inconsistency of the Cabinet views—one section applauding the colour bar and the other preaching equality of European and non-European races. They mentioned the fact that the Government was drafting regulations to enforce the Colour Bar Act, while the views of the Minister represented the reverse outlook.

The extreme section of the Nationalists competed with each other in condemning the action of the Minister. It drew the analogy with the circumstance under which the preceding Minister of Posts, Mr. Madeley, was relieved of his office by the Premier because he dared to negotiate with the Native Union in connection with the wages of the natives serving under the postal department. It expressed the opinion that Mr. Sampson, the present Minister, put his predecessor into the background by actually applauding the decision of the Typographical Union as "epoch-making" and thus displaying the attitude which clashed with the general policy of the Government.

While the extreme Nationalists demanded the resignation of Mr. Sampson, the responsible leaders of the country expressed, in no uncertain terms, their disapproval of the Minister's attitude.

The Rev. Dr. H. D. Van Broekhuizen, the chairman of the Nationalist Party in the Transvaal, said: "Mr. Sampson ought to withdraw his words favouring the admission of Indians into the Typographical Union. The decision is not supported by the Indian agreement, which had for its main object the repatriation of Indians not born in this country."

Mr. P. G. W. Grobler, Minister of Lands, declared at a meeting that the opinion whether the decision was in accordance with the spirit of the agreement concerned Mr. Sampson alone. Whether he was right or wrong would depend upon what he meant by the spirit of the agreement. If Mr. Sampson thereby wished to convey that the agreement favoured free access and free intercourse between Europeans and Asiatics in the various walks of national life, he was completely mistaken.

Mr. A. S. van Hees, M.L.A., ex-chairman of the Transvaal National Party, expressed strongly against the attitude of Mr. Sampson and thought the matter might lead to a political crisis.

Another prominent Nationalist member said that Mr. Sampson ought to resign his seat from the Cabinet as, from the Nationalist standpoint, his offence was worse than Mr. Madeley's.

But the most mischievous attack came from *Ons Vaderland*. It condemned the action of the Minister and contradicted his views about the agreement. It said that an explanation of the Minister's

jubilation at Durban was absolutely necessary. The paper wanted to know with what authority Mr. Sampson spoke, as, it declared, not only the Nationalist Party, but the whole of the Union, with the exception of a few Communists, was in favour of removing Indians from South Africa. "The repatriation agreement," said *Ons Vaderland*, "was the purposeful result of a fixed party policy——out of the Union with the Asiatic ! Its aim is to clear out the coolies from the Union."

"What will be the effect of Indian admission to European trade unions on the colour bar generally?" was the question addressed to Mr. Jack Allen, the chairman of the South African Labour Party. His answer was striking. He said, "If the colour bar were to be abolished, it would mean that the time was not far distant when the wage-earner's daughter, employed as a typist, would have to sit beside the Bantu, male or female, in the close confines of an office."

Before the close of the year 1927, the Union Government took one more step, in another direction, to humiliate India and the Indians of South Africa. An invitation was extended to Moulana Mohamed Ali and Moulana Shaukat Ali to visit South Africa by the Cape British Indian Council, a body affiliated to the South African Indian Congress, on behalf of the Muslim community of the Cape. The Union Government granted permission, but imposed disgraceful conditions with it which no self-respecting person would ever be inclined to accept. Moulana Mohamed Ali cancelled his passage rather than submit to indignity and dishonour. Moulana Shaukat Ali came as far as Lourenco Marques, about a hundred miles distant from the South African border, but refused to enter the Union. All representations made through different channels failed. The dignified protest made to the Union Government by Moulana Shaukat Ali also carried little effect. The steel-like tenacity with which Dr. Malan viewed the matter created great disappointment among all sections of the community.

What inspired the Government to put restrictions on the Ali brothers, no one could safely say. But the following comment of *Ons Vaderland* is significant:——

"Are these conclusions correct that the Ali brothers are being subjected to these limitations because they are Nationalists and anti-Imperialists in India. We cannot assert this from the conditions contained in Mr. C. S. Schmidt's (Union Secretary for Internal Affairs) letter. On the contrary, these conditions seem to be directed against a repetition of the Sastri affair, which is surely desirable. This conclusion seems as justifiable as any other, through the circumstance that they may not visit Klerksdorp—like Sastri did—and they should not discuss political matters of any kind. .. Our public can be assured that the visit could only be allowed conditionally, in view of the disturbance that was caused by Sastri's speeches

last year, and we feel sure that all our readers will agree when we say that similar visits should not in future be allowed."

Under the circumstances, Moulana Shaukat Ali decided not to enter the Union, but to carry on his work at Lourenco Marques, where a Muslim conference was held to discuss the Muslim problems of the Union.

The Transvaal Indian question was in a state of ferment during the year, while the atmosphere of Natal was comparatively quiet, though, of course, efforts were being made to bring about the segregation of Indians. The South African Labour Conference had demanded complete segregation of Indians. The Durban Corporation had been thinking of creating a separate Indian village altogether. The Indian housing question was being discussed by the Hofmeyr Commission appointed by the Government of Natal to deliberate over the assignment of separate areas to communities within the jurisdiction of health boards. The Natal Indian Congress, in a statement before the commission, gave an outspoken outline of the difficulties under which the Indians of the province had to pass:—

"Indians receive little or no attention at the hands of the Corporation or the various health boards, and that the localities in which they reside are the last to receive attention by way of improvements.

"Out of a population of 75,000 Indians and Europeans, the Indians, totalling 55,000, were deprived of any voice in the constitution or in the management of these committees. It is our considered view that this unjust policy of excluding a community such as ours, which has created by its thrift and industry large vested interests in the form of landed properties and trade, from a voice in local affairs is a cause for much hardship. ..

"...The issue of licences within the borough has always given our community grave concern, because of the arbitrary manner in which the discretionary powers (vested in the licensing officer under the ordinance) are applied. In view of the considerable hardships that the Indian traders have been subjected to, we would strongly emphasize the system presently obtaining in regard to the issue of licences in the areas to be incorporated shall be maintained by the creation of licensing boards, or we urge that in all cases an appeal to the Supreme Court shall be allowed.

"In the course of evidence tendered by the Durban Corporation, reference has been made that one of the objects of incorporation is Indian housing. If by this it is meant the creation of an Indian village, we desire to emphasize our strong disapproval of any such scheme, as our community is totally against segregation. There is still considerable land within the borough that is suitable for Indian housing. The Cape Town agreement is a clear indication of our struggle to maintain our principle..."

CHAPTER XI

RESTRICTIONS ON OCCUPATION OF LAND

THE Transvaal holds a unique position among the provinces of South Africa. Its gold-fields have made the whole country prosperous. Its capital is Pretoria, but it is inextricably linked with the name of Johannesburg, which commands the same position in modern Africa as did Venice in Europe in the sixteenth century.

Johannesburg is the most prosperous, densely populated and busy modern city in South Africa. Fifty-five years ago, it was an obscure village; to-day it is famous as the Golden City of South Africa and is one of the few wealthy cities of the world.

It has about seventy-five divisions and suburbs; forty-two of these have been declared to be gold areas. Of its 550,000 inhabitants, only 10,000 are Asiatics.

Durban possesses the largest Indian population in South Africa and may well be called the capital of Indians. Pietermaritzburg and Johannesburg come next to Durban in point of Indian population. Thus, whatever happens in these cities is in the nature of an echo of the whole country.

The Transvaal Indians have very limited means of livelihood. Their chief occupation is trade; most of them are soft goods merchants, grocers, gardeners, tailors or waiters. The doors of nearly all other professions are locked against them. They have no franchise, land rights, or freedom of trade expansion. Trade restriction is just another name for the process of ruining them. Their wretched condition is the outcome of white jealousy and colour prejudice.

The beginning of the year 1930 was unpropitious for the Indians of the Transvaal. Indians have been living in Johannesburg from about the time of its very birth, and yet their development has been negligible in comparison with that of the city.

Over 4,000 Indians lived in the gold areas of Johannesburg. The Johannesburg municipality refused all their trade licences. Its legal advisers held that it had not only a right to refuse trade licences, but it was its definite duty to do so under the existing circumstances. The Johannesburg City Council even referred the question to the Government for their decision. Dr. Malan handed it over to the legal experts of the Government. The experts decided that the municipality had no right whatsoever to refuse trade licences to Indians. Meanwhile, a case relating to the refusal of a licence to an Asiatic living in a suburb of Johannesburg went to the Rand Supreme Court. The court declared that according to the Transvaal Licence Ordinance municipalities had absolutely no right to refuse trade licences to even unlawful residents in gold areas.

This irked the Government. They allowed the municipality to do what it liked. Dr. Malan paid no respect to the above decisions,

and said nothing to the municipality. He was convinced that the Indians evaded the laws and was determined to tighten up the laws mercilessly.

The fact is that the Gold Law of 1908, though it imposed restrictions on the coloured people as a whole, was really intended only for idlers and shirkers. It had created an agitation in England and India, and the governments of the two countries had approved of it only after the right of Indians to trade in gold areas had been recognized. Mr. Jacob de Villiers, attorney-general to the Transvaal Government, had acknowledged this right in his report of October, 1908. He had specifically stated that it was no object of the Gold Law of 1908 to hamper Indian trade with restrictions. The Union Government had obviously accepted the construction put upon the Gold Law by refraining from imposing any restrictions upon Indian trade.

In the case of *Khota vs. the Colonial Treasurer* (1909) the Transvaal Supreme Court held that the effect of the sections 92 and 133 was that the old Gold Law, while prohibiting ownership of stands by coloured persons, contained no prohibition debarring coloured persons from occupying for purposes either of trade or residence, stands or other land held under the terms of the law.

Besides this, the Indians carried on trade through the protection afforded to them by the rulings of the highest tribunals in the country and owned lands by forming companies under the Companies Act. If there were evasions of the law, it was open to the Government to institute legal proceedings against the defaulters, as this question did not concern them for the past year or two only, but had the history of over twenty years behind it. No legal action was taken by the Government, because it had no hope of succeeding in a court of law, as the formation of companies was made quite legally and trading carried on justly.

The Smuts-Gandhi agreement of 1914 had once more revealed the Union Government's pledge to protect the vested rights of Indians. These facts emphasized the absurdity and injustice of the step taken by the Johannesburg municipality.

But the Indians were under the control of an unsympathetic Government, and hence were never free from technical persecution. The Union Government had jeopardised the vested rights of Indians by the Act of 1919. In 1930 they set about completely destroying these rights.

Although the Indian trade rights were backed up by the assurance of the British Government to the Government of India, by the acceptance of the Transvaal Government, by the acknowledgment of the Union Government through the Cape Town agreement, **and** by the judgments of the courts of South Africa, Dr. Malan held fast the idea that the residence of Indians in the Rand gold areas was unlawful, and appointed a select committee to ascertain

to what extent the objects of the Acts of 1908 and 1919 had been adhered to and to recommend the necessary legislation. This committee consisted of eleven members, with Dr. Malan as chairman.

The appointment of the committee naturally gave the Indians an unpleasant surprise, because the select committees of the Union Government have always been zealous in attacking their rights. But they were voiceless and powerless, and had to resign themselves to their lot.

At this time there was apparent among them the split that had begun over the Cape Town agreement and the condonation scheme during the time of Mr. Sastri's agency. The Transvaal Indian Congress, which favoured the Cape Town agreement, and its old rival, the Transvaal British Indian Association, were traversing two different ways. The former organization was conducting its work in co-operation with the Indian Agent, whereas the latter was acting independently and had resolved to tender evidence before the committee under protest.

Evidence was tendered before this committee on behalf of the Transvaal Municipal Association, the Johannesburg City Council, and the Germiston, Vereeniging and Springs Town Councils on one hand, and by the Indo-European Council, the Transvaal British Indian Association and Mr. Tyson, the representative of the Indian Government, on the other.

The Indian representation had the support of historical agreements, understandings and assurances. It showed with evidence that 80 per cent, of the Indians were not aliens but had been born in the country, that there was no possibility of any dangerous increase in their population, that the prevailing fears in relation to them were exaggerated and baseless, that they were law-abiding citizens and honest tradesmen, and that they were not an immoral or criminal people but peaceful citizens deserving of uplift. It lodged a strong protest against the policy of segregation, and demanded that the Indian question be discussed with a broad mind and without colour prejudice and that the anti-Indian legislation be repealed.

The whites hankered after the segregation of Indians from themselves and natives. This meant that the Indians would lose their long established trade with Europeans and natives, and their daily bread, and that they should live the life of "untouchables" in filthy locations.

Mr. Stewart, Registrar of Mining Titles and Rand Townships, in course of his evidence before the select committee stated:—

"There are no townships in the proclaimed areas where Asiatics are free from impediments as to occupation and ownership because there is always a restriction in the title.... I know no case of a township on a public digging with no restriction in the title."

Half the Indian population of the Transvaal would be ruined if the new legislation embodied these restrictions.

The European stand-point was easily discernible from the evidence of the Transvaal Municipal Association. Its deputation to the select committee complained that the fact that Asiatics could reside and trade in the Transvaal had long been a grievance in the Transvaal. They indicated that the old republican law of 1871 clearly provided for the segregation of Asiatics from Europeans by the provision of Asiatic bazaars, where these people might reside and trade. This law had, however, been superseded by Law No. 3 of 1885, which nevertheless enacted that Asiatics must not own property in the republic, although the Government had the right to point out certain streets, wards or locations where they might live. After discussing various laws controlling the position, the members of the deputation submitted that the laws afforded no real protection to the European community, and that while it was their clear intention to have done so, yet they were of no help whatever against Asiatic encroachment. The only result had been the expenditure of vast sums in legal costs, and the entrenchment of the Asiatic more firmly than ever. Even the General Dealers Ordinance of the Transvaal passed in 1926 to enable local authorities to control the issue of trading licences within their areas, had been ruled *ultra vires*. The deputation also referred to the formation of "bogus" white-owned companies for the Asiatics, and urged the passing of water-tight provisions against Asiatic trading or hawking or residing within the area of local authorities, except in such areas as those authorities might prescribe. They further urged for rigid rulings against the acquirement of property by Asiatics, and recommended that it should be made a punishable offence for Europeans to act as "dummies" or to hold licences for Asiatics.

It was clear from the statement of the deputation that they wanted segregation for the Indians throughout the province, and that the municipalities be given dictatorial powers to prescribe separate areas for the Indians where they could certainly breathe fresh air, but must die without business or food.

While Dr. Malan was desirous to amend the laws to make Indian trading and ownership of land to a certain extent impossible, the support which he gained was in no way small. The European organizations came out to support his view-point and appear before the select committee, and others were incited to boycott the Indians, thereby intimating that the Indians were a menace to the country and that the Government was justified in any action it desired to take.

"War on Asiatic traders has been opened," wired the Bethal correspondent of the Johannesburg daily *The Star*, by the Dutch Reformed Church at Bethal, which passed the resolution:—

"That no member of the church council shall trade in any manner with any Asiatic; that each member shall amicably but determinedly direct his household in this regard ; that

church members and their households be urgently requested to give their hearty support to this resolution in the interests of our nation and of the European community; that members of the church council should go from house to house in their respective wards and carefully use their influence to ensure the desired co-operation in giving effect to this resolution."

On the very same day Mr. R. Moore, retiring president of the Springs and district Chamber of Commerce, said:

"This question has caused your executive much serious thought and we have followed the varying fortunes of our town council's efforts to restrict Indian encroachment.

"There are at present eighteen Indian traders in the municipal area of Springs employing assistants and juveniles, which means that there are a large number of jobs less to be divided among our unemployed sons and daughters; and yet I often get white people who deal with the Indians asking me to find jobs for their children with the white traders, and I feel that nothing but black-listing by the white traders will ever bring home to these people the wrong they are doing to the country, their white heritage and those who come after them."

The Union Government did not approach the Indian question from the point of view of public good. Nor did they think about it in a fair and liberal manner. They looked at it with an irrevocable colour prejudice. Not one of the eleven sages of the select committee stood by the weak and voiceless Indians. It seemed as if their decision had been predetermined.

The select committee's report was a shameful document of 400 pages, full of anti-Indian bias and racial ill-will. The perusal or even a cursory glance over the report conveyed the impression that South Africa was not in a mood to play the game with India, that she was determined to ruin the Indians to pacify a few interested white traders, and that her policy was guided by the dictum "Away with the Indians," either by hook or by crook, legislation or administration, segregation or repatriation. There was no practical split in the decision of the select committee about the legislative policy, which was firmly and strongly resented and successfully opposed by India and the Indian Government only three and a half years before.

Dr. Malan, in presenting the Report of the Select Committee on Asiatics in the Transvaal to the House of Assembly, attempted to show that the select committee had taken due cognisance of the existence of the Cape Town agreement of 1927, as well as the fact that, by mutual consent, a period of five years was considered necessary to give the agreement a fair trial, and that their conclusions as embodied in the Transvaal Land Tenure Amendment Bill were justified in view of the evasions of law by the Asiatics. But a perusal of the proceedings of the committee hardly supported his contention.

Throughout the proceedings the Indian case had been fairly represented by the Indian Government representative and Indian organizations, but it was a sad aspect of the recommendations that the select committee was prejudiced from the very start and was hardly eager to heed the Indian representations of fair-play, justice and good-will.

Dr. Malan's intention was clear when he requested the legislature to adopt his motion for the appointment of a parliamentary select committee to consider the tightening of the laws which were already a hardship to the Indian community, and he expressed this view-point plainly on the second session of the select committee, as follows:—

"A large number of Asiatics are occupying their land illegally and they are trading illegally. We have to consider what is the best thing to do under the circumstances and whether any legislative action is necessary. I think this describes correctly the whole problem with which the select committee has to deal."

This preconception and decision of the committee's work was in itself a serious reflection on the impartial character of the Minister's move. Although Indian representation was invited and accepted as a matter of courtesy to give colour to the evidence as of a representative character, the select committee's only work was to devise ways and means to jeopardise the Indian interests and pacify the anti-Asiatic element.

While the select committee was not appointed, the Indian community was given to understand that steps were to be taken to restore the trading rights of Indians whose certificates for licences were held over, and that the Union Government intended to improve the status of the Indians. Although it was a forlorn hope, the Indians were induced to trust the sincerity of the Government, which afterwards showed itself in the opposite form of a hideous policy to ruin the Indians who had long been the domiciled citizens of the country in view of their residence of more than a score of years, their civic integrity, their commercial morality and their law-abiding habits.

This policy of the Government was, of course, a breach of faith with the Government of India, with which she signed the Cape Town agreement. She did not consult her in the appointment of the select committee and in the drafting of the Asiatic Land Tenure Bill. It was obvious that the Union Government was morally bound to discuss the experiment of the Cape Town agreement with the Government of India and abide by their mutual understanding to give it a five-year trial, but this course was not taken by the Government. If the Government had paid due attention to the Cape Town agreement, which Dr. Malan fallaciously contended the select committee did, the present narrow-mindedness would not have appeared,

Another serious reflection on the political integrity of the Government could be traced in the frank refusal of Dr. Malan to accept Mr. Patrick Duncan's amendment to clause 5 of the draft **report of the Bill**. The clause read:—

"... in order to avoid undue hardship your committee further recommends that the municipalities concerned shall be empowered and prevailed upon by the Government to offer to the Asiatics affected, trade facilities in suitable areas set aside for them, in addition to land ownership on easy terms."

Mr. Duncan wanted to omit all the words after "that" and to substitute the following:—

"... abolition of the businesses concerned shall not be effected unless and until the municipalities concerned, with the approval of the Minister, set apart suitable areas for Asiatics providing trading facilities and the right to own and occupy **land.**"

Even this amendment was not accepted, as Dr. Malan had not the slightest desire to look to the economic welfare of the Indians, whom he decided to segregate, the latter resolution being also a contravention of the Cape Town agreement.

The select committee of 1930 emulated the select committee of 1919. It made recommendations economically disastrous to the interests of the Transvaal Indians, and embodied these in the Transvaal Asiatic Land Tenure Bill so as to give them effect. Dr. Malan had intended to do this from the very first. The select committee was only a trick to show to the Indian Government and the South African Indians that the Asiatic Land Tenure Bill had been drafted after a full consideration of Indian representations and that the country wanted it.

Dr. Malan wasted no time in introducing in the House of Assembly a bill "to amend, in certain respects, the law relating to occupation of certain land in the Transvaal by Asiatics and to provide for certain matters incidental thereto," during the last lap of the session. The chief points of the Bill were as follows:—

1. Indians should be prohibited from the acquisition of rights under the Gold Act and be barred from residence and occupation in the gold areas.

2. No Indians should have the right to reside or occupy any land proclaimed as a public digging or proclaimed areas or fields.

3. The municipal authorities to be authorised to set apart separate areas for the Asiatics residing within their jurisdiction.

4. Indians trading in the gold areas to be given five years' notice to quit the areas, provided they were not protected by the 1919 Act of the Union.

5. No Indian to have the right to own fixed property. No other person could hold any property on behalf of the Indian.

Such persons' shares, on conviction, could be forfeited by the State. Property acquired in contravention of this Act to be forfeited to the State.

6. Indians to be allowed to trade only in the specified areas.

It was only when the Bill was read for the first time in the middle of May that the Indians came to know it was inherently dangerous, and that cruel steps had been taken to ruin them. They realised at once that it was but the iniquitous Asiatic Bill in another form.

The English newspapers were no less perturbed. They protested against the needless haste and maintained that few members of the House could be expected to grasp all the details of the complicated measure. The *Star* said:—

"Its central feature is the proposal to segregate Transvaal Asiatics, within five years, both for trading and residential purposes. It is thus a virtual revival of the Class Areas Bill which South Africa is pledged not to proceed with, while the Cape Town agreement remains in force."

In another article, it criticised the framers of the Bill for "ignoring all inter-Imperial considerations, failing to consult the Indian Government and paying not the least heed to the heightened embarrassment bound to be caused by their action to the Viceroy, already beset with difficulties of a pressing and complex character."

The *Diamond Fields Advertiser* attacked Dr. Malan for the backward progress. "It is hardly conceivable," the paper pointed out, "that the same politician who, in a moment of vision, helped to fashion the agreement with the Government of India could have become, within a year or two the sponsor of the Asiatic Trading Rights Bill, a cynical misnomer for a measure which abrogates rights and contemplates confiscation."

The *Cape Times* asked for the subjecting of the Bill to the most careful scrutiny as it affected three-fourths of the Indian traders now established in the gold areas of the Transvaal. "Admittedly," it rightly argued, "they have no right to be where they are; but the Union Government has never provided the legal machinery to remove them. On the contrary, their presence has been condoned by the issue of licences to trade. If, in short, they have been guilty of sins of commission, the Government has been guilty of sins of omission. What one party has sown, the other has fertilized. But, in the uprooting which is now proposed, one party is alone to suffer."

Even the select committee had accepted that failure to enforce the law was "largely due to defects in the machinery of administration." Dealing with the results of illegal occupation, the report says:—

"The position which has arisen as a result of illegal occupation is indeed serious. The number of trading licences is indeed serious. The number of trading licences affected has been variously estimated to be between 60 per cent, and 75 per cent.

of the total number of licences issued to Asiatics in respect of the Witwatersrand alone. This means considerable hardship and dislocation of trade must inevitably follow if the law should now be strictly enforced The evidence shows that even since the passing of the Act of 1919, there has been no effective enforcement of the existing laws to restrict Asiatic occupation and trade, and that in spite of the definite recommendations of the Select Committee of 1919 no steps were taken to compile a register of the businesses specially protected."

Undoubtedly, the Transvaal Asiatic Land Tenure Bill topped all South African enactments in point of human hatred. It tried to extirpate the Indians by sacrificing their vested rights under the Smuts-Gandhi settlement and the Cape Town agreement on the altar of colour prejudice. It not only insulted India, but dealt treacherously with the Right Hon. Srinivasa Sastri, who had rendered invaluable services to South Africa through the Cape Town agreement.

Sir Kurma Reddi rose to the occasion and exerted himself so much that the adamant Dr. Malan had to postpone the second reading of the Bill until the next session of Parliament. The Minister of the Interior, however, made it clear that it would be reintroduced in an unmodified form, so that any amendments proposed would have to be moved in the ordinary way in committee of the whole House.

Sir Kurma Reddi saw through the situation. He decided to oppose the Bill to the last. He enlightened the Indian Government about the state of affairs, and even ventured to advise the South African public about the justness of the Indian case. He revealed his firmness by publicly criticising the Asiatic policy of the Union Government. The Nationalists could not endure that.

Dr. Karl Potgieter, Nationalist member for North-East Rand and a member of the recent select committee on Asiatics in the Transvaal, took the opportunity to hurl a vicious attack on the Indian community and the Agent-General, Sir Kurma Reddi. He said:—

- (1) That they always looked upon the Indians as guests of South Africa—guests in the sense that they would soon depart.
- (2) That the South African-born Indian community, which forms the majority of the Indian community, is no direct concern of the Government of India, which, in any case, does not seem to want them badly.
- (3) That the Indians have not carried out their obligations under the Cape Town round-table settlement of 1927.
- (4) That the Indians have violated the laws of the country and more stringent laws will be enacted; it is found that the proposed laws are not found severe enough.
- (5) And, lastly, that Sir Kurma Reddi, the present Agent-

General, is committing a gross breach of etiquette by commenting upon the Asiatic policy of the Union in public.

Dr. Potgieter considered Indians to be guests. It certainly does not sound common-sense to consider a race which has passed seventy years in a country to be a guest of that country. The Indians are inhabitants of South Africa in the same way that the Dutch, the English and the Jews are. The Indians were not responsible for any breach of the Cape Town agreement. The Indian Government and their Agents-General had done their best to abide by the agreement, even at the expense of their popularity, and had made necessary arrangements for the reception of repatriated Indians. It was the Union Government that had outraged the agreement.

Only a few months after the signing of the agreement, Dr. Malan plainly contravened the spirit of the agreement by declaring that the aim of the agreement was to reduce the Indian population to an "irreducible minimum."

Although it was understood that the Asiatic Act of 1927 would not have retrospective effect, Dr. Malan changed his mind and instituted the condonation scheme.

The Cape Town agreement accepted the Indian community as a section of the Union population whose gradual uplift was promised. The Union Government did not accept it as a national unit of the country in the Nationality and Flag Act; further, it did not then confer the rights of the Old Age Pensions Act on the Indians.

It was understood that the immigration difficulties would be reduced, but we experience to-day that these difficulties have increased and regulations have been tightened.

The agreement being in experimental operation, the Union Government were morally bound to consult the Indian Government before appointing the select committee or framing the Bill. But they did not do so, and drafted instead the Transvaal Asiatic Land Tenure Bill, which spelled immediate ruin to the Indian community in the Transvaal.

Although the segregation principle was dropped to mark the happy signing of the Cape Town settlement, it had been revived in this new measure under the veil of safeguarding the laws, thus replacing the stigma of inferiority on India and the Indian nation.

This proved conclusively that the South African Government was not inclined to observe the obligations of the Cape Town settlement in letter and spirit, but was determined to root out Asiatic existence from the Transvaal by hook or by crook, by administration or legislation, by regulation or persecution or oppression.

Still another proof of the changed outlook of the Union Government was supplied by the annual congress of the Natal Nationalist Party held at Vryheid in October. When two resolutions were put forward in regard to Asiatics, one to restrict the issue of

trading licences and the other to prevent the sale of land and to prohibit Indians from living in close proximity to Europeans in the towns, the commercial and social aspects of the Asiatic menace were fully discussed, and Dr. Malan said:

"The local authorities had powers to restrict licences. As to ground sale to Asiatics, an attempt had been made about four years ago to deal with this. The best course was to get the Indians out of the country. With this in view an agreement had been entered into with the Indian Government (Cape Town Indo-Union agreement of 1927), subject to review in five years. The time was near when the whole thing would be carefully considered."

After this an amendment to the resolution urging the Government to investigate means to protect Europeans adequately from the Asiatic menace was unanimously carried.

This view-point was reflective of the administrative policy of the Union Government. It had been oft repeated by different ministers. And yet the Indian Government had confidence in the sincerity of the Union Government. They had cotton in their ears and scales on their eyes. While the Indians were experiencing nameless difficulties, Sir Fazli Hussein, in charge of the Indian Government's emigration and education departments, was trying to coax them into quietude. The subjects of a government that itself behaved in a treacherous manner towards them could never achieve equality of status in a foreign land.

Sir Fazli Hussein's statement on the position of Indians in South Africa, made in reply to representations by the Imperial Indian Citizenship Association, on behalf of the Government of India, revealed that the Indian question was being discussed in the Imperial Conference by both the South African and Indian delegates. Sir Fazli Hussein even expressed a hope that the friendly negotiations would bring about an honourable and satisfactory settlement. Its vagueness aroused the wrath of the Indian Press.

The *Indian Opinion* remarked: "Sir Fazli Hussein has not disclosed what actual proposals have been suggested by the Government of India to solve this problem. . . . It is certain that the Indian community cannot be a party to the settlement that can be arrived at between the Indian and the Union Governments if that settlement robs the community of their existing rights and accepts the degrading principle of segregation. No one has a right to barter away the birthright of the future generation of the Indian community in this country."

The *Indian Views* offered outspoken criticism and declared: "We have had enough of such representations throughout the whole history of their relations with this country. . . and what have they achieved for us 1 The sacrifice of our cherished ideals as men, of our principles as human beings, of our self-respect, of our honour

as a nation! Since the year 1914, these 'representations' have achieved for us—

- (a) the eternal closing of South Africa's door to Indians;
- (b) the snatching away of vested rights;
- (c) laws designed to harass and hound us out of the land;
- (d) an enhancement of administrative oppression in the application of immigration laws;
- (e) the robbing us of our municipal franchise in Natal;
- (f) the despoiling us of the right to purchase land in the Transvaal;
- (g) the making it practically impossible for us to obtain trading licences;
- (h) the expatriation of thousands of our deluded countrymen;
- (i) the principle of 'voluntary' deportation of even those of us born in South Africa;
- (j) the infamous condonation plot, whereby some 1,400 Indians have been robbed of the right to bring their wives and children into the country;
- (k) the condition whereby those who stay over three years in India become automatically deported for life;
- (l) the placing of Indian seal and signature to statutes that stigmatise us as an inferior race;
- (m) a hundred other major and minor etceteras."

After referring to the Cape Town agreement, *Indian Views* continued:—

"Since the uplift agreement was signed in 1927, the Union Government has had time enough to pass—

- (a) the Nationality and Flag Bill,
- (b) the Old Age Pensions Bill,
- (c) the Women's Franchise Bill, and
- (d) the Riotous Assemblies Bill.

In just how far do these noble and uplifting measures indicate post-agreement Afrikaner's desire to uplift the Indian. Let us see:—

- (a) refuses to recognise Indians as South African nationals by denying them the right to become naturalized;
- (b) denies aged and infirm Indians the benefits of a pension available to other nationalities;
- (c) explicitly mentions that no Indian woman is to have the vote; and
- (d) ordains that any Indian whom the Minister of Justice may in his wisdom deem to be a dangerous agitator can be deported to India.

"When the first two of these 'upliftment' laws were framed, the Right Hon. Mr. Sastri was here. Did he then remind the Union Government of its obligations to uplift the Indians? And did Sir Kurma Reddi make any 'representations' to uplift them?

Dare any one charge us with uttering aught but the truth when we say that while we in this country are being gradually burnt to cinders, the Indian Government's 'representations' on our behalf so far have been worth neither more nor less than Nero's fiddling. For Heaven's sake, a truce to this eternal fiddling, or we Indians in South Africa shall soon be reduced to ashes!"

The South African Indian Congress met in conference at Cape Town to discuss further the Indian situation created in the Transvaal through the Asiatic Land Tenure Bill, on 29th to 31st December. Mr. A. Christopher presided. On the platform were Sir Kurma Reddi, the Agent-General, the Rev. J. S. Lewis, the Mayor of Cape Town, who opened the conference in the city hall, Rev. C. F. Andrews, members of the South African Indian Congress executive, and the full quota of delegates from the three provinces.

In delivering the presidential address, Mr. Christopher declared that the days for Indians in South Africa were days of stress and strain. They were ever being threatened with one law or another. Relief was temporary. "It is difficult for us," he said, "to know what we should do to win from the governing race recognition as permanent inhabitants of this country."

Referring to the Land Tenure Bill, Mr. Christopher pointed out the need for another round-table conference between the two governments and the South African Indian Congress representatives if the Transvaal question was to receive unprejudiced consideration. Speaking warmly, he said he felt that there was no need for an Indian Agent, if they did not know what was passing between two governments. They, as South African Indians, were being kept in the dark, and did not know what was done in their name until the deed was done.

Sir Kurma Reddi, the Indian Agent-General in the Union, dealt with the Asiatic Land Tenure Bill and said:—

"Dr. Malan has expressed to me his willingness to hear the views of the Government of India during January next. The Government of India have already cabled to me the outline of matters on which I am to make representations to the Union Government. Dr. Malan made it clear, I believe, to a deputation of the Congress, that because the Bill emanated from a select committee and was not a Government measure, it must be reintroduced next session, and no alteration could be made in it except by way of amendments moved in the Assembly when the House was in committee. They, as Indians, must therefore be prepared for the reintroduction of the Bill in its present form. However, before this was done, the Government of India hoped to be able successfully to represent for the alleviation of hardships apprehended by the Indian community.

"I have communicated all that I have been able to find out

about the Transvaal problem to the Government of India and members of the Government are now thoroughly informed as to your views on it."

Sir Kurma added that he had faith in the statesmanship, sense of justice and generosity of General Hertzog and Dr. Malan. It might be reasonably hoped that these statesmen, in their desire to meet as far as possible the wishes of the friendly government of a sister state, and to do justice to a voteless population, would find a way out which, while protecting Indians against the hardship envisaged, would yet be not inconsistent with the policy of their own government. On this question, Sir Kurma said, informal discussion had already been held between Indian representatives to the round-table conference and the Union Prime Minister in London.

The following resolution was passed enthusiastically after a series of fiery speeches and a scathing criticism of Sir Kurma Reddi, the Indian Agent-General, for failing to acquaint South African Indians with the results of the negotiations between the Indian and the Union Governments:—

"In the event of the Union Government declining to withdraw the Transvaal Asiatic Land Tenure Bill notwithstanding the protest of the Indian community, this conference earnestly requests the Government of India to press for a round-table conference to review the situation. If this fails, the Congress further requests the Government of India to intimate to the Union Government that diplomatic relations between the two governments should be considered to have ceased, and to withdraw its agency in South Africa as a protest."

This resolution of the Congress was an echo of Indian resentment against the Bill. No Indian could put up with the fact that the Union Government should draft such a dangerous Bill while the Cape Town agreement was still under trial, and that the Agent of the Indian Government should not utter a word against it and should himself directly or indirectly accept the opprobrious policy of segregation behind the shield of diplomatic super-intelligence. The Bill was designed to ruin the Transvaal Indians and was an insult to India and its Government. Some distinguished Indians despaired of any justice from the white Government of South Africa, and strongly advocated a representation of the Indian question before the League of Nations.

The Chinese community also realized the danger. The All-South African Chinese Conference, held under the presidency of the Chinese Consul-General in the Union, demanded special rights of the Chinese and protested against their inclusion among the Asiatics and the legislation that affected them as Asiatics.

The Asiatic Acts affect especially the Indians and the Chinese. The Japanese, though few, have been exempted from the effects of

the Acts because Japan is a powerful country. Were the Union Government to free either the Indians or the Chinese from the operation of the Asiatic Acts, these would apply to one race only, and consequently the term "Asiatic" would appear farcical if not ridiculous. Therefore, nothing short of magic could influence them to exempt either of the two races from the clutches of the Acts. Something, however, might happen if the two peoples were to unite together and speak politically with one voice.

CHAPTER XII

THE PROBLEM OF COLONIZATION

EVER since the Indians came into the country the Union Government have given them no peace. Their aim has always been to eliminate them by hook or by crook. The South African administrators and statesmen have been leaving no stone unturned to achieve this aim, like the industrious and optimistic spider in history.

The Union Government have tried every means of legal oppression. They have introduced the colour-bar into all spheres of human existence in order to restrict the Indian population and obstruct Indian progress. They have told the Indian with religious fanaticism: "You are foreigners in our country. We do not want your presence. You had better leave South Africa and emigrate elsewhere. We cannot tolerate the sight of you—show us your heels at once. You are polluting our sacred temple of whiteism by your unholy steps. Go away. If you do not go away, we shall institute measures to protect our temple from being contaminated by your presence: we shall bar your entrance, we shall restrict your residence, we shall destroy your trade, we shall confine you in isolated areas, and if we are not perfectly successful, we shall catch you by the throat and pitch you out."

The innumerable acts of the Union Government and the Provincial administrations are a vivid illustration of the white mind. The Sermon on the Mount does not deter the whites from resorting to oppression; they have consigned the love of humanity, that glorious principle of Christianity to the dust-bin, and treated Christ's native land as untouchable. To-day, even Christ would be deemed a prohibited entrant in South Africa. Were He to enter the country, He would be put in the dock by His own followers, be tried, and packed off to Asia.

The unfortunate condition of the South African Indians is the consequence of their brown skin. They are not a whit behind other communities of the Union in point of character; their citizenship is not a blot on the country, but an ornament; their existence in

the country is not harmful, but useful; but their skin has not been sanctified by white colour, so the whites consider them to be undesirable and sinful.

The terror of the Union legislation turned in a new direction in 1931. Dr. Malan introduced two revolutionary Bills relating to Indians in the Union Parliament. One of them was the much-discussed Asiatic Land Tenure Bill; the other was the newly-drafted Immigration Bill.

Sir Kurma Reddi took up a strong stand at this time. He obtained the support of the Indian Government by acquainting them with the evil nature of the Asiatic Bill, and gave Dr. Malan to understand that the Bill could not be passed by Parliament until the Governments of India and South Africa had discussed it between themselves. Dr. Malan expressed his determination to follow his own idea, but Sir Kurma forced the Union Government to defer the discussion of the Bill until the second round-table conference was held. The Union Government did not quite relish this temporary set-back.

At this time, non-official circles entertained the belief that the Cape Town agreement would be terminated, as majority of Indians were South African nationals by birth and their interests could not be allowed to be dealt with by the representative of India, a foreign country. The Union Government, however, suppressed the belief, for reasons best known to themselves. It might be that they did not think the time was ripe for such a reactionary step, pregnant with international complications and obstacles on the path of the peaceful elimination of the Indian population. The Government must have visualised a situation where India would cross swords with South Africa and ask for equality at the Imperial Conference, and protection of minority rights under the League Covenant at the assembly of the League of Nations. Besides this, South Africa could not refuse India's demand to appoint a Consul or High Commissioner, in case India's agency in the Union was withdrawn through Union Government's pressure. The Union Government, however, was not so tactless as to commit such a huge political blunder.

Dr. Malan, an astute politician, directed the attention of the public by a more practical move. He secured the first formal reading of the much-discussed Asiatic Land Tenure Bill and the new Asiatic Immigration Amendment Bill.

Indians throughout South Africa were profoundly perturbed at the introduction of the Asiatic Immigration (Amendment) Bill into the legislature, which drastically amended the Act 22 of 1913 and repealed certain vital sections of the Registration Act of 1908. It was a common practice up to the present that the Government of South Africa gave the opportunity of examining legislative proposals to the Indian community by supplying beforehand a copy of the proposed Bill. This procedure was abandoned by the Union

Government, and while the whole community was unaware of the hostile activity of the Union Government, they came to know of a Bill affecting them seriously from the report in the newspapers to the effect that the Asiatic Immigration (Amendment) Bill secured its first reading in the House of Assembly.

Even Sir Kurma Reddi, the Indian Agent-General in the Union, was not supplied with information about the proposed intention of the Union Government. This attitude on the part of the Union Government constituted a serious breach of etiquette and an unpardonable insult to the Agent-General and the Government of India, not to speak of the Indian community in South Africa.

The Asiatic Immigration (Amendment) Bill contained certain clauses which affected the very existence of the Indians. It repealed sections 2 and 11 of Act No. 36 of 1908 (Transvaal Registration Act) and turned all registration certificates into so many scraps of paper. The result was clearly to throw upon every Asiatic resident in the Union the burden of proving his domicile in the country. There could be no domicile unless the original entry and the continued residence were lawful. If, therefore, the Bill passed, every Asiatic in the Transvaal would have to prove, on pain of deportation as a prohibited immigrant, that either he or the person through whom he claimed domicile entered lawfully.

We shall rapidly survey the old Acts to have a clear view of the subject. Law 3 of 1885 obliged the Asiatics to have their names entered upon a special register. Act 2 of 1907 provided that "every certificate of registration shall be accepted as conclusive evidence in all places that the lawful holder thereof is entitled to enter and reside in the Transvaal." The later laws gradually undermined this security. Act 15 of 1907 restricted immigration, defined the prohibited immigrant as one who was unable to write out and sign in European characters and established the Immigration Department. The registered Indians were excluded from the prohibited class, and no barrier was erected against the entry of their wives and minor children. Act 36 of 1908 gave the right of obtaining the registration certificate to every Indian residing in the Transvaal, and recognised the right of its holder to enter and settle in the Transvaal at any time. Act 22 of 1913 almost entirely repealed Act 2 of 1907, but left the Act of 1908 untouched.

Act 36 of 1908 gave definite protection to Indians. The Act of 1927 deprived the holders of registration certificates of their right to come and go at any time, and imposed a limit of three years. It provided for the deportation of those who had obtained their certificates through fraudulent representations. It weakened the special protection given by the Act of 1908. The protection was completely repealed by the Immigration (Amendment) Bill of 1931.

Another clause of the Immigration Bill declared all Indians who

had at any time and in any country been convicted of criminal offences, including sedition, treason, public violence, robbery, theft, fraud, liquor and raw gold selling, bribery, rape, indecent exposure, forgery, house-breaking, etc., as undesirable inhabitants or visitors to the Union. This clause means that all those Indians who had been convicted of the above offences at any time or in any country were liable to be deported under the provisions of this Bill.

Under this section, all those self-sacrificing Europeans who worked in native interests and who might be convicted of sedition could be stigmatised as undesirable inhabitants and be deported if they were not born in the Union. This clause strengthened the effects of the Riotous Assemblies Act and might as well be used against the Bolsheviks. Furthermore, all those leaders of mankind who had had the experience, at one time or other in their lives, of being convicted of sedition or treason in their own country, or elsewhere, for the emancipation of their countrymen or humanity, could be condemned as undesirables and prohibited immigrants.

Thus Mahatma Gandhi, whose sublimity of character is beyond question, and who has resided in South Africa for over twenty years, could be restricted from entering the Union in view of his conviction in India and his imprisonment in South Africa during the local passive resistance struggle before the Great War. Signor Mussolini, de Valera, and a host of others, would be undesirable visitors to the Union under the provisions of this Bill.

If this Bill were enacted in other countries, the Prime Minister and several other Leaders of South Africa could be likewise considered undesirable visitors and prohibited immigrants to those countries.

The Bill was certainly of a revolutionary character. It not only attempted to deprive the Indians of the rights they had obtained by putting up a tough fight under the leadership of Mahatma Gandhi, but positively murdered the spirit of the Smuts-Gandhi and Cape Town agreements. It put the whole Indian community at the mercy of the Immigration Department, which was once described by a judge as "an awfully tyrannous department behaving in an extremely unjust manner."

While Sir Kurma Reddi and the Indians were yet hovering on the brink of a protest against the Bill, Dr. Malan hustled it through its second reading, and got it passed. Its committee stage strikingly coincided with the Gandhi-Irwin settlement in India. It came to be known as Act 15 of 1931, and afforded a new and indispensable weapon against Indians to the Union Government.

Strenuous efforts were made by the Rev. C.F. Andrews, Sir Kurma Reddi and some officials of the South African Indian Congress to induce the Minister of the Interior to postpone the Bill, but in vain.

The Union Government was determined to place the Bill on

the Statute-Book, and no entreaties could move their adamant heart. General Smuts seriously suggested to postpone the Bill until the conference between South Africa and India in September at Pretoria, and pointed out that nothing should be done by them, at the moment when the British Government had gone to great lengths to pacify India; but the request was ignored. Mr. Duncan moved an amendment to limit the sphere of the Bill that would affect only those Indians who did not return within three years of the passage of the Act of 1927, but this was also defeated. Messrs. Reitz and Kentridge tried to lessen such powers of the Minister as were granted by the deportation clause, but they too failed.

Another instance of the Union Government's narrow-mindedness in foreign affairs was furnished by its attitude regarding the conditional acceptance of the Optional Clause. The main reason for the stipulation was that South Africa had "the Asiatic difficulty." In course of a statement in the House of Assembly over a year ago, General Hertzog declared:—

"In regard to differences over the questions which, according to international law, fall exclusively within the scope of the Union of South Africa, we were again not subject to the Permanent Court. Here also the Irish Free State was at variance with South Africa and the other Dominions, but that was because Ireland had, perhaps luckily, nothing to do with the difficulties with which we had to cope. Ireland had no Asiatic difficulty. But it was necessary for us to make the stipulation that we could not be haled before the Court in respect of the admission to the Union of Asiatics or anyone else; we had to make this stipulation to ensure that we were completely protected from free immigration laws, really protected."

It was clear from the above that General Hertzog wanted to gain all the benefits of associating with the League of Nations, but hesitated to contribute his quota to the problem of world peace, the most outstanding point of which was the treatment of minorities. The question arises whether his conditional acceptance of the Optional Clause could prevent India from applying to the League of Nations for the amelioration of the status of the Indian minority in the Union.

Another evidence of General Hertzog's prejudice was found in his refusal to endorse the proposed general Act, which required that the Dominions subscribing to it should agree to submit all disputes to arbitration. The United Kingdom, Canada, Australia, New Zealand, the Irish Free State and India announced their willingness to commend that Act for approval subject to certain reservations, but South Africa did not do so, and that again owing to the "Asiatic difficulty." As reported in *The Star* on 24th April, 1931, General Hertzog expressed the reasons in terms identical with those used in connection with the Optional Clause. He said;—

"While England and the other Dominions had subscribed to the Act, South Africa did not. The general Act really took them no further than the Optional Clause did. He and his colleagues could not subscribe to the general Act in view of South Africa's Asiatic legislation."

It could be easily understood that the presence of Asiatics, most of whom were Indians and subjects of the common British Commonwealth, unsettled the mind of the Nationalist Government, which examined all loopholes of international laws so as not to be bound by any of their clauses that might compel them to hand over the question of the Indian minority for final settlement to international or imperial arbitration.

While the Union Government were thus terrorising the Indians and kicking other non-European nationals, they kow-towed to the people of Japan. South Africa growled at weak nations like India, but it wagged its tail before such mighty powers as Japan. They made a trade pact with Japan and provided for the immigration of merchants to South Africa. The English newspapers cried out against the pact, but the Hertzog Government remained deaf.

The *Rand Daily Mail* (Johannesburg) had an outspoken article on this question. It referred to the Gandhi-Irwin settlement, and pointed out:—

"To no other country in the world is the agreement of greater significance than it is to South Africa. Unfortunately South Africa has its full quota of reactionaries and purblind politicians where relations with India are concerned. They kow-tow to Mr. Yamasaki and the Japanese Government, but see no injustice or harshness in repressing Indians.

"Registration certificates held by Indians have, as a counsel told the Indians not long ago, been turned into scraps of paper. Nothing could be in stronger contrast to the result of the Irwin-Gandhi conversations than this Act of the Assembly. The statesman-like plea of General Smuts fell on deaf ears. Ministers cannot forget that they are party politicians. Their followers do not care if they wound the susceptibilities of a great country, unless it be Japan. They are so complacent and so amenable that they fold their hands while Ministers rob Parliament of its powers and the people of their rights."

The paper headed the article with the Caption "Union's gravest blunder," and concluded:—

"South Africa will be wise to read the writing on the wall. India is now taking over South Africa's own motto. Union in her case must mean strength. Unjust legislation against Indians will one day have to be scrapped. Meanwhile it may do infinite harm."

The five years' experimental period of the Cape Town agreement was to terminate this year. Both the Union and the Indian

Government had agreed to examine the results of the experiment. Then arose the Transvaal impasse, and the demand of the Indians for a round-table conference. Sir Kurma Reddi laid stress on the moral obligations of the Union Government and pressed them to hold a round-table conference. The Union Government gave way after a preliminary refusal. It then became certain that a second round-table conference of both the Indian and the South African Government representatives would be held.

In committee on the estimates of the Department of the Interior vote, Dr. Malan, the Minister of the Interior, replying to the points made an announcement about a conference between the Union Government and representatives of the Indian Government.

The Cape Town agreement embodied two special points. One related to the reduction of the Indian population by the assisted emigration scheme; the other to the uplift of Indians. The aim inherent in the first point was not altogether unsuccessful. During the five years from 1927 to 1931, 10,738 Indians left South Africa for ever. These people suffered untold misery in India, and expressed disapproval of the policy of repatriation in no uncertain terms. The Indians of Natal commenced a vigorous propaganda against the repatriation scheme, and the Union Government saw that the Indians would never leave the country unless forced to do so by economic stringency.

The second point was extremely important in the eyes of the Indians. But the Union Government did not bother themselves about it. On the contrary, when they saw that the voluntary emigration was gradually diminishing they promptly introduced the Immigration Amendment Bill and kept the Asiatic Land Tenure Bill in readiness. Again, they gave the Indians to understand through various enactments that they would never recognise them as citizens of South Africa.

The experience of the round-table conference of 1926-1927 had shown that the agenda of the conference was more important than the selection of representatives. That conference had been attended by distinguished Indian liberal statesmen. But the Indian Government had previously agreed to the limited scope of its discussion, which was centred round the ways and means to reduce the Indian population and protect the Western standards of life, and so the Habibullah delegation had been able to achieve little. Therefore a broad and extensive programme, and the inclusion in it of the discussion of the whole Asiatic question, was requisite for the success of the round-table conference of 1932.

The Union Government, however, had complicated the Indian question and assumed the right to enact laws for the protection of the white civilization. But it was extremely doubtful whether the politic heart of the Indian Government would be affected in any way by this attitude. The Indian Government fell into the

pit they had themselves dug. They had never cared to claim equality for the Indian minority in South Africa; they had not demanded the right of their own consultation in the matter of anti-Indian legislation: and they had not declared the Indians as equal in status to the Europeans. On the contrary, they had acknowledged South Africa's right to reduce the Indian population by all sorts of enactments. They had even pledged their co-operation in this task of national dishonour and contravention of moral international laws.

In reply to a question put to him by Mr. Neogy, M. L. A., Sir Fazli Hussein said that the agenda of the conference would be arranged, as on the last occasion, at the beginning of the conference, when representatives of both countries met together. But the Indian Government could neither get the scope of the conference's activities extended nor could they prevail upon the Union Government to change their policy. It did not take much time to grasp the fact that the conference was to meet only to examine the achievements of the Cape Town experiment, to discuss matters relating to that experiment, and to devise effective means of bringing about complete elimination of Indians.

On the eve of the January round-table talks, a grave Indian situation had arisen in the Transvaal and Natal, due to the colour prejudice in the Union.

The municipalities in South Africa are mostly the arch-enemies of Indians in South Africa. Instances can be cited *ad infinitum* where Indian rights of trading were pounced upon by the licensing committees of the local authorities. The recent cases of unfair treatment meted out to Indians by the municipalities were those of Durban and Springs. In both instances, injustice was done for the only reason that the applicants were Asiatics.

At present it is conclusively proved that the persons sitting on the committees to deal with the licences are rarely free from local influences and extraneous considerations. They are rarely unbiased and impartial.

Giving judgment recently in a case in which he upset a decision of licensing committee of Johannesburg city council to grant a butcher's licence in Yeoville, Mr. Justice F. E. T. Krause made some observations on the dangers of the system whereby business licences are adjudicated upon by bodies elected by popular vote.

"I have," he said, "unhesitatingly formed the conviction from this and several similar cases, which have come before the courts, that it was a mistake for the legislature to entrust the granting or refusal of business licences to local authorities composed as they are of persons who are returned to the council by popular vote. Human nature, being what it is and the local influences that they are, in my view, it is a positive danger to entrust such bodies with semi-judicial functions which call for an impartial, unbiased, honest and fair

consideration of the merits of the applications which might be brought before them. In theory, the principle may look feasible, but in practice it has failed most lamentably "

This piece of criticism by an eminent and experienced judge, Mr. Justice Krause came at the most opportune time. The Indo-Union conference was near at hand, and the inadvisability of entrusting autocratic powers to the municipalities was likely to be discussed in it.

While the Union Government did not take serious notice of the revelations by the Judge and left the people to be victimised at the hands of licensing committees, the Transvaal Municipal Congress, held at Witbank, passed a resolution, with only one dissentient, expressing resentment against the imputations contained in the judgment by Mr. Justice Krause of general incompetence and lack of disinterested public spirit on the part of town councillors when considering applications for general dealers' certificates. These strictures, the resolution urged, may have been warranted in a particular case, but were not generally applicable, and the Congress should direct the grave attention of the legislature to the vague and very unsatisfactory nature of the laws governing the issue of general dealers' certificates, which rendered the duties of councillors so difficult.

The Transvaal Agricultural Union, at its congress held in Pretoria, passed resolutions requesting the Government to keep the interests of the white civilization paramount at the ensuing round-table conference; and to provide that Asiatic traders should not be allowed to trade in European towns and that, as far as possible, those Indians who contravened the insolvency law be deported.

The South African Party and the Nationalist Party held their annual conferences in Natal, and the resolutions they passed were practically identical. The Natal Nationalist Congress passed the following resolution:—

"This congress strongly disapproves of the present conditions regarding the purchase of immovable property by Asiatics from Europeans, and is convinced that the segregation of Asiatics in Natal, both commercially and residentially, is urgently necessary and urges the Government to introduce legislation to render possible such segregation."

It might be pointed out that two members of the cabinet, in the persons of Messrs. Jansen and Pirow, were present. Nobody had the courage or cared to stop the attack at the conference on the Indians, for courtesy at least to the Indian Government and as a token of goodwill towards India.

The provincial laws of Natal have given the right to ownership of land to the Indians from the time of their first arrival. Now, when some Indians could afford to buy immovable properties, a hue and cry was raised against them, and their commercial and

residential segregation was demanded so that they might return to India at their own will and expense.

Because the Indians could buy property, the Britishers in Natal complained that the Indians enjoyed fundamental advantages and opportunities over the Europeans in several directions. At least, such was the opinion of the Anti-Asiatic, Encroachment League, a newly-formed organization. The chairman of the League, Mr. Oilerman, declared:—

"The Cape Town agreement is now recognised by all parties thereto as a failure. The Indians have not honoured the agreement, whereas the Government of South Africa and the Europeans in general have more than honoured it."

Another disturbing factor to the Indians of South Africa resulted from the white labour policy of the South African Government and brought about an alarming growth in Indian unemployment. The Government insisted that the "poor white" should be employed, even though they were unskilled labourers, in the places now occupied by the Indians and the natives.

Between 1930 and 1931, 32 Indians from the police service and 542 Indians from the railway service were replaced by Europeans.

Owing to the depression and the high cost of, working and transport, certain coal mines in Natal had to be closed down. This resulted in throwing out more than 700 Indian miners.

The introduction of mechanical devices was responsible for a big decrease in the employment of unskilled labour. The Lion Match Factory in Durban, which employed 400 Indians in 1924, now employed only 100.

The introduction of water-borne sewerage in Pietermaritzburg was responsible for 65 Indians being thrown out. Machinery being introduced into the laundry trade caused nearly 200 Indians to be thrown out. In the printing industry, 100 Indian typographers were unemployed. In the furniture trade, more than 300 men were dispensed with, a hundred of them being replaced by Europeans.

The total number of displaced Indians had reached the figure of 2,500. Hundreds of Indians had been dismissed from the sugar plantations. Indian unemployment had assumed formidable proportions. The Government did nothing, and the responsibilities connected with it fell on the shoulders of Sir Kurma Reddi, who devoted much energy and time to undertaking relief measures.

The year 1932 began in the midst of an anti-Indian agitation, either inspired or uninspired, especially in the Transvaal. Krugersdorp started the outlawry of Indians, and practically all parties launched a campaign demanding that the Asiatic menace must be eliminated and that their right to trade and reside should be restricted. Petitions were drafted and signed by a number of Europeans in Krugersdorp, Durban, Ladysmith and other towns,

demanding that the Indians should be segregated and placed in separate areas. The emergency conference of the South African Indian Congress, on the other hand, met to discuss the Cape Town agreement and passed resolutions to the effect that the Asiatic Land Tenure Bill be withdrawn, the assisted emigration scheme be abandoned, the Immigration Act of 1931 be repealed, and that all other disabilities imposed on the Indians be removed.

Ministerial circles, however, did not take a pessimistic view of the Indian problem in the country. They expected the possibility of an agreement if the delegates from India agreed that South Africa could not legislate in advance of the public opinion of the country. It was practically settled that the agenda of work would be drawn when the delegates sat in conference, but it was definitely stated that South Africa would not allow discussion on the existing anti-Indian legislation. It might deal with the success or failure of the 1927 agreement and problems incidental to it. The main subject on the agenda would be to devise ways and means of reducing the Indian population in South Africa. The political correspondents of the local newspapers agreed in this matter and they maintained that the agreement was to be made within these limitations.

The Indian delegation was, at that time, on the seas, hearing the eternal roar of the Indian Ocean. The Indian Ocean lies in a triangular form between India, Africa and Australia. What a historic contribution it has made to the progress of the world! Its every billow chants the poetry of the adventurous travels of Indians, of the activities of sea-faring foreigners, and of the ancient glories of India. For Indians the vision of it from the South African beach is an immortal symbol of India's ancient fame. It appeals to them as an extremely pleasing and precious element inspiring patriotism.

The Indian delegation landed on the shores of South Africa on 4th January, 1932. The delegation included Sir Fazli Hussein (leader), the Right Hon. V. S. S. Sastri, Shrimati Sarojini Naidu, Sir Geoffrey Corbett, Sir d'Arcy Lindsay, Sir Kurma Reddi, and Mr. G. S. Bajpai (secretary). The South African delegation to meet them consisted of Dr. Malan (leader), Mr. O. Pirow (the Minister of Justice), Mr. E. G. Jansen (the Minister of Native Affairs), Mr. Patrick Duncan and Mr. Heaton Nicholls (the two representatives of the Smuts party). Besides these, Mr. P. 1. Huguenot, the Secretary for the Interior, and Mr. H. Venn, the Commissioner for Immigration and Asiatic Affairs to watch the proceedings and assist the Union delegation.

Though Sir Fazli Hussein was the head of the Indian delegation, the onus of all the negotiations lay on the shoulders of Mr. Sastri. As the latter had contributed a distinguished share in the creation of the last agreement, it was understandable that he should accommodate himself to the limitations of the conference. But why Mrs. Sarojini Naidu, the indefatigable fighter in the cause of Indian equality and the ex-president of the Indian National Congress, should have done so

passes comprehension. Mrs. Naidu certainly adorned the conference hall by her sweet presence, but could not achieve anything solid. Undoubtedly, the Indian National Congress had committed a blunder in putting Mrs. Naidu in such an unenviable situation.

The hope of an honourable settlement received a heavy blow by the unfortunate speech of Sir Fazli Hussein, who declared at Kimberley, en route to Cape Town, the venue of the conference, that Indians were not to settle down permanently in the Union. Replying to the Mayor's welcome, Sir Fazli said:—

"It gives me great pleasure that the Mayor was not only voicing the welcome of his council, but also of the Indian community which lived within its jurisdiction. They were anxious that the good feeling created would so develop public opinion that the object they had in mind might be achieved.

"Both my Government and yours have agreed that none of our people should permanently settle in this country, and having agreed to this and with goodwill on both sides, we hope to reach a satisfactory settlement."

This report meant that the Indian Government had already agreed to only temporary residence of the Indian community in South Africa, 85 per cent, of which was born and brought up in the land.

The round-table conference commenced on 12th January. General Hertzog, the Prime Minister of South Africa, opened the conference with a felicitous speech and expressed the hope that the results of the conference would be such as to ensure a closer friendship between the two countries. He referred to the 1927 conference and mentioned the inauguration of the spirit of mutual goodwill and mutual understanding which blessed the negotiations then. He welcomed the delegates, and concluded with the following remarkable passage:—

"Let us not forget that we are pioneers in the task of cultivating friendship and establishing active national relationships between South Africa and India, and that here, as everywhere else, the path of the pioneers is strewn with difficulties and dangers of the most unexpected nature. Whatever these may be, let us determine not to lose heart, but to persevere in our endeavours."

In the absence of Sir Fazli Hussein, owing to sickness, the Right Hon. V. S. S. Sastri replied on behalf of the Indian delegadon. He said that they reciprocated the sentiments of goodwill and friendship to the full and that they were animated with the same desire to bring about the renewal of goodwill and concord which was established in 1927. In conclusion, he declared:—

"I am speaking for all my colleagues when I affirm our full intention of giving to you and your special view and to our business every consideration of friendship and sympathy. We

trust that it will be returned to us in full measure, and that even as we expect that you will not forget your specific duties and obligations to your own people, even so you will allow us, on this side, to bear in mind the duties and obligations to our people in essaying the difficulties of our common task. If, consistent with the duties and obligations upon both sides, we constantly bear in mind the word of caution which the Prime Minister has uttered that our final aim, held in common and laboured for in common, should be the renewal of the concord that has already been established—if we bear this * double task in mind, I feel that we can go ahead, animated by full hope."

The round-table conference between Indian and South African Governments terminated on the 4th February. The conference continued its labours for nearly a month, and sat practically every day with the exception of a break of three days, which were spent in oral consultation and discussion of the difficulties arising out of the conference negotiations with the representatives of the South African Indian community by the Indian Government delegation.

The first week of the conference did not find the delegates entering into serious discussion and it was reported that both sides awaited a favourable "opening." Both sides were adamant in holding on to their particular point of view. The Union Government delegation was this time strengthened by the inclusion of a notorious anti-Indian agitator in the person of Mr. Oswald Pirow, the Minister of Justice (who had the audacity to attack openly the Right Hon. V.S.S. Sastri in the columns of the Dutch Nationalist paper in Pretoria on the very day when the latter arrived in Johannesburg in June, 1927, as the first full-fledged Agent-General of India in the Union, as "the ambassador for coolies" who was feted by the whites of South Africa), and by Mr. Heaton Nicholls, the South African Party member for Zululand, who never tired of preaching the total elimination of the Indian population from South Africa.

Mr. Arthur G. Barlow, the well-known journalist of South Africa, reported on the 23rd January that the conference had come to grips with the Indian problem, but it appeared that there was no hope of a satisfactory settlement. The position was delicate. Dr. Malan and the Union delegates persisted in their determination to translate the Asiatic Land Tenure Bill, the Bill which was the main pivot of controversy and was not popular with the Indian community, into a law. They contended that the Bill was the outcome of the labours of the select committee, who alone had the right to amend the Bill or do otherwise.

Another question of vital importance, the assisted emigration scheme, popularly known as the repatriation scheme, was hotly discussed, and Dr. Malan was reported to have said some hard words about the failure of the scheme. The Indian delegates were

reported to have confessed the truth, that there was no hope of an increase in the figures of the repatriates in future.

It was revealed that the conference had reached the deadlock stage. The Union Government representatives were uncompromising on the question of repatriation or, alternatively, colonization. It was accepted by the Indian delegates that the scheme of voluntary repatriation had failed; so it was left to them to suggest other means of eliminating the Indian nationals from South Africa.

The situation threw the Indian delegation into grave anxiety. They had to digest Mr. Heaton Nicholls' suggestion of colonization. The delegation asked for the co-operation of the South African Indian Congress in the task of putting the idea into practice. But how could the South African Indian representatives assure such co-operation? They attempted to persuade them in the name of India. India was about to investigate the possibilities of Indian colonization. Could not the leaders of the Indians of South Africa be patriotic enough to co-operate with them? They could either suggest colonization to their compatriots or discredit it.

This importunity puzzled the South African Indian leaders. They were averse to giving any assurance. On the 23rd January, after a prolonged discussion, they drew up the following undertaking:—

"1. The Congress agrees to co-operate with the Governments of India and the Union of South Africa in the former's mission to explore the outlets for colonization in regard to her increasing population, provided that such co-operation on the part of the Congress is taken as inspired by patriotic motives and to ascertain whether there exist any good opportunities for South African Indians in the countries explored, and not on the score of Indians being deemed undesirables in the Union or that the Indian population is to be reduced; provided also that the assisted emigration scheme which formed part of the last agreement is eliminated and that the Congress will be free to oppose it as its policy.

"2. The Congress also reserves the right to reject the agreement and to withdraw its co-operation in the above scheme should any points in the agreement or other subjects dealt with by the round-table conference not meet with the approval of the Congress."

The undertaking was signed by the following:—

Jassub Ebrahim Gardee.	Sorabjee Rustomjee.
Bernard L. E. Sigamoney.	P. R. Pather.
Pragji K. Desai.	A. I. Kajee.
S. B. Mehd.	Hajee Cassim Adam.
S. R. Naidoo.	A. Christopher.
M. M. Gandhi.	V. S. C. Pather,
Shaik Ahmed.	A. Ismail.
C. F. Andrews.	A. D. Motala.

The Cape Town agreement of 1932 was published in April simultaneously in South Africa and India through Government communiques. The main conclusions reached were the following:—

"(1) In accordance with paragraph 7 of the Cape Town agreement of 1927, the delegates of the Government of the Union of South Africa and of the Government of India met at Cape Town from January 12th to February 4th, 1932, to consider the working of the agreement and to exchange views as to any modifications that experience might suggest. The delegates had a full and frank discussion in the conference, which was throughout marked by a spirit of cordiality and mutual goodwill.

"(2) Both the Governments consider that the Cape Town agreement has been a powerful influence in fostering friendly relations between them and that they should continue to co-operate in the common object of harmonizing their respective interests in regard to Indians resident in the Union.

"(3) It was recognised that the possibilities of the Union's scheme of assisted emigration to India are now practically exhausted owing to economic and climatic conditions of India, as well as to the fact that 80 per cent, of the Indian population of the Union are now South African-born. As a consequence the possibilities of land settlement outside India, as already contemplated in paragraph 3 of the agreement, have been further considered. The Government of India will co-operate with the Government of the Union in exploring the possibilities of a colonization scheme for settling Indians both from India and from South Africa in other countries. In this investigation, which should take place during the course of the present year, a representative of the Indian community in South Africa will, if they so desire, be associated. As soon as the investigation has been completed the two Governments will consider the results of the inquiry.

"(4) No other modification of the agreement is, for the present, considered necessary."

The consensus of opinion in India, in spite of its bold defence by Mr. Sastri, was not in the least favourable. The Indian intelligentsia saw in the second Cape Town agreement a gross betrayal of the Indian interests in South Africa. India, fighting for self-government, could not possibly swallow what was tantamount to a loss of dignity and prestige and an acceptance of inequality within the borders of the British Empire, not to speak of inequality with the other nations of the world. Indians in South Africa were also dissatisfied with the agreement. Responsible organisations denounced the agreement in no uncertain terms.

The agreement was more humiliating and unacceptable to the

South African Indians than its prototype of 1927, which, as Sir Fazli Hussein admitted in the Indian Legislative Council, was responsible "for examining the possibilities of land-settlement outside India." They did not declare the naked truth, that the insistence of the agreement upon friendly relations between South Africa and India was the outcome of a morbid desire to hound out the Indians on the part of South African politicians. The Union Government did admit that the possibilities of the scheme of repatriation had been exhausted, but what about their driving the Indian Government to accept the principle of the colonization of Indians. That the Asiatic Land Tenure Bill was not withdrawn, and the Immigration Amendment Act was not repealed, was sufficient testimony to the failure of the Indian delegation.

The agreement was a betrayal of the Indians of South Africa. Its principle of land-settlement abroad obviously considered them to be temporary guests of the country. Where colonization for persons born and bred in South Africa is concerned, South Africa does not lack in land resources. It is a prosperous country. Why does it want the Indians to get out of it?

The Indian Government and their delegation could not rectify the error they had committed in 1927. Their inferiority complex yielded without resistance before the South African colour prejudice. Dr. Malan aimed at reducing the Indian population to an irreducible minimum through colonization, instead of achieving upliftment or reform in the Indian status.

The agreement not only created a split among the Indians of South Africa, particularly those of Natal, but also gave birth to an organization, the Colonial-born Indian and Settlers' Association, rival to the South African Congress. The root of the whole trouble lay in the undertaking given by the leaders to the Indian delegation.

It was not necessary for the leaders of the South African Indian Congress to give the assurance, which was claimed to have been inspired by a patriotic motive, but clearly accepted the principle of colonization. It demanded help of the Indian Government, but that help was meant only for the investigation into the possibilities of land-settlement outside India. The Congress would have been able to maintain its reputation had it seriously considered its effects on Indian population born in South Africa and used foresight enough not to commit itself by a humiliating assurance. It is wrong to think that the deadlock of the conference would have resulted in a plight of the Indians much worse than what it is to-day. The deadlock would only have impressed the conference with the feelings of India, and perhaps prevented the Government from instituting any new oppressive measures. But experience has shown that, with all of its unbending attitude, South Africa would not have allowed the conference to break up, since its policy has always remained that of seeking a solution of the Indian question with

the help of the Indian Government. The explanations tendered by the Ministers of the Union afford a striking illustration of this policy. Any disagreement between South Africa and India would paralyse the emigration policy of the Union. India would bar the Union's way by refusing to admit South African Indians, and adopting international means for their protection as a minority. It is certain that an honourable settlement of the Indian question will never be possible until the Indian Government discards the principle of white supremacy, dispels the fog of inferiority, and asserts its own authority.

The first half of 1932 witnessed the insertion in the Statute-Book of the Transvaal Asiatic Land Tenure Bill and the enactment of the Licences Control Ordinance by the Transvaal provincial administration. The Indians resented the Transvaal Asiatic Land Tenure Act and threatened to launch the passive resistance struggle, the only means of expressing their wounded feelings. The Union Government, on the other hand, appointed the Feetham commission to compile a register of all the Indians, the Chinese and the Cape coloureds legally or illegally residing on proclaimed land, and to learn the wishes of the other occupants of those areas; to inquire into the hardships which the operation of the law would involve and to make the necessary recommendations. The South African Indian Congress boycotted the commission.

The passage of the Licences Control Ordinance spelt the victory of the Transvaal municipalities. After the judgment of Mr. Justice Krause, the local authorities had demanded a free hand in the regulation of trade licences. This they achieved in spite of the opposition of the Indians. The Indians at once became sure that they would no longer be able to obtain new trade licences from the majority of those municipalities. Thus the Indians of the Transvaal received a double blow from the Government, and the weapons meant for the destruction of their trade became deadlier.

But the Union Government wanted to swallow everything at one gulp. In order to give an immediate fillip to the colonization of Indians, they asked the Congress to nominate a representative to participate in the inquiry into the scope of such a settlement abroad. The Congress, however, postponed its decision in the matter until August, owing to the unjust attitude of the Government.

Sir Kurma Reddi having sailed for India along with the Indian delegation on the conclusion of the round-table conference, Kunwar Sir Maharaj Singh was appointed India's Agent in the Union.

This appointment blazed a new path. Whereas the first two Agents were distinguished non-officials, Kunwar Sir Maharaj Singh, a prominent officer, had passed part of his life in the loyal service of the British bureaucracy.

In August, 1932, the South African Indian Congress discussed the question of the assurance given to the Indian delegation and the

problem of colonization in his presence. The assurance was confirmed. The co-operation was pledged.

No inquiry as to the scope of land settlement abroad could be made this year. The Union Government perused the Indian assurance, and started direct communications with some South American governments. Their eye was chiefly on Brazil. They were ready to use all possible means to emigrate the Indians, if the Brazilian Government were prepared to welcome them.

Like 1932, the year 1933 also began in a turbulent atmosphere. The Feetham commission was working at a snail's pace. The municipalities were busy intensifying their anti-Indianism. The Springs Town Council refused to renew the licences of twelve Indian hawkers. The Roodepoort-Maraiburg Town Council petitioned to the Appellate Court to expel the Indians from their town. The Lydenburg Town Council requested the Transvaal Municipal Association to impose restrictions on Indian trade. Suits were filed against the inordinate powers vested in the municipalities. Unfortunately they were all decided against the Indians.

The Feetham Commission commenced its task by inviting the illegal occupants to fill up the forms specially prepared by them. The South African Indian Congress refused to lend any help in the work. But, due to the interposition of the Indian Agency, it could not persuade all the Indian business men to follow suit.

It is impossible to forgive the Indian Government for their betrayal of the Congress at that time. It was the duty of the Indian Agency to protect the Indian interests by welcoming the Congress policy. It was grossly improper for them to have forced their pusillanimous point of view upon the Indians. It not only did not support the Indian non-co-operation but positively deprecated it, and converted the Indians to the path of co-operation at the point of the bayonet of the Indian bureaucracy.

Under the circumstances, any independent, self-respecting race would have resorted to the boycott of the Commission. How, indeed, was it possible to co-operate with a commission designed to facilitate the operation of an Act which aimed at decimating Indian trade by throwing Indians into locations on the ground of their being unlawful residents on proclaimed land, and attempted to humiliate cultured people by locking them up in isolated areas? But the Indian Government have seldom bothered themselves about principles or prestige, or the self-respect of India.

The Indian Government had firmly rejected segregation in the round-table conference of 1926. Their representatives had considered it to be an insult to India. But in 1932 they not only approved of it, but began to flatter the Commission. The South African Indians realised that the Indian Agency was a double-edged sword and a double-dealing hag, and that it was not meant to emancipate the Indians but to make them slaves of the Indian

Government, The intrigues and influence of the Agency baulked the boycott policy of the Indians, and put the Congress in an extremely awkward position.

By this time the Union Parliament had met. Dr. Malan had made efforts in the direction of Indian elimination, and carried on negotiations with London on the subject of placing Indian colonists in British Guiana. He had also corresponded in the matter with the Government of Brazil. The latter's reply was unsatisfactory. It stated frankly that the settlement of the Indians of India and those of the Union in Brazil was, at the time, undesirable.

When these proceedings were brought to light in the Union Parliament, the Indians came to know that the Union Government had taken the initiative in the work connected with Indian settlement abroad, whereas, according to the Cape Town agreement, only the Indian Government were to do so. The conduct of the Union Government throughout convinced practically every Indian political thinker that the word "India" had been slipped into the body of the Cape Town agreement simply with a view to encouraging the Indian delegation and to preserving its prestige, and that to all intents and purposes the agreement had only been entered into for the sake of the foreign settlement of Indians. South Africa was assisting the foreign settlement of the people of India. This was not an act of benevolence, but a cold-blooded plan to hood-wink world opinion.

While ways and means were being devised to emigrate the Indians, a political change established a Coalition Government, with General Hertzog as Premier, and General Smuts, his life-long adversary, as deputy-Premier. Dr. Malan refusing to join the cabinet, Mr. J. H. Hofmeyr was appointed Minister of the Interior.

The Europeans of Natal were particularly anxious about the colonization scheme. They were clamouring for the banishment of people whom they had themselves invited. They did not try to conceal their irritation and aim. Mr. G. Heaton Nicholls, M. P., even went to the length of bluntly asking the Indians of Natal to emigrate to other countries so that the Indian question would be solved automatically. The English of Natal were so blinded by colour prejudice that they lost sight of justice and stooped so low as to demand the expulsion of the Indians.

The Union Government could not disregard the voice of Natal. Though the ministry was changed, the Indian policy remained as it was. Mr. Hofmeyr protected, nourished and reared the Feetham Commission. He also decided on an inquiry for colonization in accordance with the Cape Town agreement. He thought it proper that a commission should be appointed in South Africa to determine which countries were suitable for foreign settlement, even before the Governments of India and South Africa started their joint inquiries in the matter. This idea was communicated to the Indian Govern-

ment, which not only approved of it, but instructed its Agency to provide all possible aid and information to the proposed commission. The South African Indian Congress had promised co-operation in the inquiry as early as the September of 1932. The Union Government were pleased with the situation. On 15th June, 1933, they appointed a commission under the chairmanship of Mr. James Young an ex-magistrate of Johannesburg, to undertake a preliminary investigation for the exploration of the possibilities of a colonization scheme for settling Indians, both from India and from South Africa, in other countries; and to report on the countries suitable for the successful operation of a colonization scheme.

Mr. G. H. Nicholls, M. P., who sponsored the idea of colonization at the round-table conference, and Mr. P. F. Kincaid, Commissioner for Immigration and Asiatic Affairs, were the members. A third member representing the South African Indian Congress was to be added to them.

The Secretary for the Interior requested the South African Indian Congress to nominate their representative to the Commission. The executive committee of the Congress decided to co-operate with the Young Commission, and appointed Mr. S. R. Naidoo as their representative. This act greatly perturbed a section of the Indians in Natal, who accused the Congress of unpardonable treachery. They were led by the Colonial-born Indian and Settlers' Association.

This new body declared that the Congress co-operation was a departure from their original undertaking, as the inquiry was to be initiated by the Government of India and not by the Union. India was able enough to carry on the requisite investigations, and it was not at all necessary for South Africa to intrude upon its province. The very scope of the Young Commission showed that the motive of the Union Government was to involve the Indians of South Africa in the scheme of colonization. Under these circumstances, it was not in the least proper for the Congress to join hands with the Union.

The Congress argument in support of the co-operation was that since the Cape Town conference had come to a decision owing to its assurance, since the inquiry was purely preliminary, and since the Indians were given an opportunity to show that they were not undesirable intruders, it was neither fair nor fitting for them to retract from the assurance. It further pointed out that the Young Commission was to confine itself only to the possibilities of a colonization scheme, and that it would have time to withdraw its co-operation in the event of the Commission's scheme proving unsatisfactory.

A section of the South African Indian Congress contended that Mahatma Gandhi was responsible for voluntary repatriation of Indians, and maintained that it was meaningless to find fault with the Congress. This argument is unfounded. It is an act of grave

injustice to Mahatma Gandhi to involve him in the policy of repatriation. The Smuts-Gandhi agreement had no place for that question. The above argument rested only on clause 6 of the Relief Act (1914), which mentioned "free passage" in connection with those willing to go to India. Mahatma Gandhi never uttered anything that would mean approval of the repatriation policy on his part. Nobody can prove that he at any time assured or advocated the scheme of repatriation. The case has been otherwise with the South African Indian Congress. That body became a party to the scheme with its acceptance of the Cape Town agreement of 1927. Mr. Sastri, too, gave his whole-hearted support to the scheme through his silvery eloquence. Thus there is no doubt about the fact that the blame for the policy of repatriation entirely lay on the heads of the Indian Government, Mr. Sastri, and the South African Indian Congress.

The Congress held an emergency conference on the 19th and 20th August, 1933, in Johannesburg, to get its policy of co-operation sanctioned. The bureaucratic influence exercised by Kunwar Sir Maharaj Singh, the Indian Agent, was in evidence at that time. Just a few days before, the Transvaal Provincial Indian Conference had directed slashing criticism against the Indian Agency. It had boldly declared that the Agents were mere rubber-stamps of the Indian Government, that they were powerless to do anything, and that they were rolling in enjoyment while the Indians were being trampled underfoot. Kunwar Sir Maharaj Singh appeared greatly excited and worried by this attack, but he did not falter. He not only accelerated his own policy of co-operation, but caused the Congress to embrace it so far as it related to the question of colonization. The result was that the Congress nominated Mr. S. R. Naidoo as its representative to the Young Commission.

The resolution of the Congress in relation to Mr. S. R. Naidoo bespoke indirectly the influence of the Indian Government. It convinced the Indians that the Indian Government would gradually be able to get their own policy abided by through their Agent-General in South Africa and to remove the opposition against the Transvaal Asiatic Land Tenure Commission.

The Indians of South Africa split into separate camps. The Indians of Natal were irreconcilably divided on the question of colonization. Those of the Transvaal were in a similar predicament with respect to the Feetham Commission, with which co-operated a newly-formed but short-lived body called the Transvaal Indian Commercial Association.

Kunwar Sir Maharaj Singh and the Transvaal Indian Commercial Association appeared before the Feetham Asiatic Land Tenure Commission in relation to the Indians residing in gold areas, and indirectly accepted the principle of Indian segregation. Kunwar Sir Maharaj Singh declared that there was not a single country in the

world which would shelter the Indians in that period of depression.

Meanwhile, Great Britain was playing a new game. That game showed how Sir Samuel Hoare, the Secretary for India, wanted to disable India constitutionally from reciprocating the unfair treatment of Indians in the Dominions. Sir Samuel's explanation on the object of paragraphs 122-124 of the White Paper relating to Indian constitution before the select committee, that there would be no discrimination or disqualification founded upon the distinction of religion, origin, colour or creed against the British subjects of the Dominions greatly annoyed and exasperated the Indian members of the select committee. Asked whether India was expected to be fair to the subjects of the Dominions though they harassed the Indians, Sir Samuel replied that it had been a principle with the Indian Government to accord indiscriminate treatment to British subjects ever since the day of Queen Victoria's proclamation. The reply created a sensation in India.

Mr. B. Das, chief whip of the Democratic Party of the Indian Legislative Assembly, issued an outspoken statement on its implications and effects, and said that Sir Samuel refused India the right to retaliate against the Dominions and conferred upon the latter the right they never claimed. This surprising policy even deprived India of the consolation of lodging a moral protest against the attitude of the Union Government towards the ill-treatment of Indian nationals. If the Secretary's interpretation were accepted, India's position would be inferior to that of the Dominions and her new constitution would degrade her in the eyes of the world. They could not, concluded Mr. Das, accept the position which denied them the right to retaliate when an occasion arose.

The Indian Legislature protested against Sir Samuel's interpretation of the Queen's proclamation, and Sir Fazli Hussein promised to communicate its views to the British Government. But nothing came of all that. The situation bore another testimony to the fact that the British Government wished to keep India in an inferior position and to disregard the plight of the Indians abroad.

CHAPTER XII

EMIGRATION AND SEGREGATION

THE Union Government had fixed upon emigration and segregation as the only means of bringing about a solution of the Indian question ever since 1924. They had looked upon all other measures as impossible and impracticable. After 1926, their shrewd diplomacy had forced the Indian Government and their delegations to acquiesce in their policy. The Indians of South Africa were obstacles on their path to success. But the Indian Agency had, to a large extent,

succeeded in converting them into docile creatures, vehemently protesting and shouting in the primary stages, and finally swallowing humiliations according to plan.

The Union Government had triumphed over the rulers of 380,000,000 Indians, and injected into them their own views about the solution of the Indian question. The Cape Town agreement of 1932 and the Asiatic Land Tenure Act had promulgated respectively the principles of foreign settlement and segregation. Only the methods of translating these principles into practice remained to be invented. Two commissions had applied themselves to the task. The Young Commission had been pondering over the question of colonization with the co-operation of the South African Indian Congress; and the Feetham Commission had been concerning itself with the Indian question in order to bring about segregation in the Transvaal.

The years 1934 and 1935 passed away in the inquiries and discussions of the two commissions. The Union Government passed, however, the Transvaal Asiatic Land Tenure Amendment Act, 1935, and the Slums Act.

The atmosphere certainly did not reflect any change of heart on the part of the Union Government. In the Union Parliament itself, the Minister of the Interior indirectly suggested that the Indians were not encouraged to make South Africa their fatherland. It came out of a social function organized by the Transvaal Indian Congress at Cape Town. The Secretary for the Interior was reported to have expressed a hope at the function that the South African Indians would make the Union their fatherland. Though quite harmless, the speech created excitement and resentment in certain quarters. An English M. P., Mr. Burnside, demanded an explanation in Parliament from the Government.

The Minister of the Interior said that at a luncheon given by the Transvaal Indian Congress at Cape Town in February, the Secretary for the Interior did not express the hope that Indians in the Union would make South Africa their fatherland in the same way that most of the European citizens had done. No such statement was authorized by the Minister.

Outside Parliament, many vigorous attacks were made on the Indians. They were condemned as a menace to South Africa's economic independence. At a meeting of the Reddingsbond held in Pretoria, Mrs. E. G. Jansen, wife of the Speaker of the Union Parliament, said:—

"I am glad to see that the Reddingsbond is so strongly opposed to the Asiatics, who are a real menace to South Africa's economic independence. The Union included more Asiatics (199,000) than all the other Dominions outside India combined. The Asiatics had a monopoly of most of the markets and the farmers had to suffer in consequence.

"It was regrettable that Asiatics were still being supported by Europeans. Every penny spent by the Afrikaner with Asiatic traders would bring Afrikanerdom a step nearer to its doom.

"While the descendants of the Voortrekkers had to work with the pick and shovel or had to go begging, the foreigners were driving past in shining motor cars. The Asiatics were prospering, and even the natives were better off, as they usually had bicycles to ride on."

The two commissions appointed in connection with the Indian question had been carrying on their activities under fairly suitable conditions. The South African Indian Congress had boycotted the Feetham Segregation Commission, but had actively co-operated with the Young Colonization Commission. The boycott of the Feetham Commission did not prove effective, owing partly to the inactivity of the Congress leaders and partly to the lack of enthusiasm on the part of the Indian business men. The Commission accomplished its work with the co-operation of the Transvaal Indian Commercial Association and the short-sighted Indian Agency. The task of the Young Commission was facilitated as well by the willing support of the Indian Agency and the co-operation of the South African Indian Congress.

On the 9th January, 1934, the South African Indian Congress submitted an elaborate statement to the Young Commission. Its conclusions were enumerated as follows :—

- "1. The Indian population constitute a small and steadily decreasing percentage of the total population of the Union.
- "2. The number of male Indians employed in agricultural pursuits is probably not more than about 15,000 and is apparently on the decrease.
- "3. The Indian community here, of whom the vast majority were born in the country, are rapidly assimilating Western modes of thought and expressions and regard South Africa as their permanent home.
- "4. The possibilities of the assisted emigration scheme initiated in 1927 are practically exhausted.
- "5. In no walk of life does the Indian community constitute any sort of menace or obstacle to the progress of the Europeans of South Africa."

The public of South Africa viewed the question of colonization as an offshoot of the Union's policy of gradually eliminating the Indians. So they looked at the inquiry with mixed feelings of hope and suspicion. The South African Indian Congress did well to emphasize its unwillingness to accept any colonization scheme which did not result from the spontaneous will of the colonists. This attitude of the Congress interpreted the real feelings of the Indian community and was a bold action to maintain its popularity and retain leadership.

Meanwhile, the Union Parliament had seen the introduction of the Slums Bill. The Bill was framed with a view to eliminating slums from the cities of the Union. Its just and considerate use was likely to prove a blessing to the poor. But as the power to operate it was vested in the local authorities, it gave rise to misgivings and anxiety. There was no end to the misfortune of Indians due to the colour bar. There were about 7,500 Indian houses in Durban and Johannesburg which could be treated as slums by the municipalities if they wished to do so. The habitation of Indians in slums is not the result of desire but of circumstances. Poverty is a condition which dulls the lustre of a man's personality, rusts his knowledge, and puts him into a barbarous state.

The question of slums is not confined to South Africa only. It is as rife in England and other countries of Europe. But there is a difference between the slum problem in South Africa and that in Europe. The slums of Europe are a direct consequence of the selfish capitalism of Europe; whereas those of South Africa are the result of these causes plus colour prejudice. The Union, the provincial administrations or the municipalities have hardly ever viewed the housing question of non-Europeans with a non-political motive. The Indian and coloured locations of the Transvaal are so filthy as to excite nausea in any visitor.

The Asiatic Inquiry Commission of 1921 exposed the insanitary conditions of the so-called bazaars set apart for the Asiatics in the Transvaal. Referring to Vrededorp, it stated that it was difficult to conceive of a filthier area than that in any part of the world. "The Germiston bazaar," it stated, "appeared to be in a very neglected and insanitary condition. The Indians residing in it complained that, as regards lighting, sanitary and other arrangements, their wants receive little or no consideration from the municipality. These complaints were fully confirmed by our inspection, in which we were accompanied by the Town Clerk and Location Superintendent."

The housing difficulties of many Indians in Durban had attracted the attention of the round-table conference. A special clause was inserted in the Cape Town agreement to remove these difficulties, but in vain. Mrs. Gunvati Maharaj Singh, wife of the Agent-General had created a sensation through South Africa by expressing her horror at the conditions of the Benoni location.

Owing to this situation, if the Union Government were to give up their colour prejudice and bring in a Bill for the improvement of the health of both the whites and non-whites, no one would be justified in opposing it. But the operation of such a Bill should not take place before housing facilities are provided; otherwise the poor slum-dwellers would be reduced to a state of helotry. The Indians, however, were not opposed to the principle of the Slums Bill. They were definitely against the Union Government's motive

of segregation which lay behind the legislative move. The Hon. J. H. Hofmeyr, however, assured the South African Indian Congress of his sincerity and made the following significant declaration in the Senate on 25th May, 1934:—

"There is one final point that I would like to emphasize. The purpose of this Bill is the elimination of slums. In certain quarters the fear has been expressed that it has either been conceived with, or will be used to further some deeper policy of race discrimination. I would emphasize that this Bill has nothing whatever to do with anything of that nature. Its purpose is to wipe out slum conditions, irrespective of the race or colour of slum owners or tenants and it has no ulterior motive. It will be administered in that spirit by me and my department. I have no reason to think it will be administered in any other spirit by the local authorities. I look to them to help us in applying it vigorously and effectively towards the attainment of its object as I have just defined it. It will, I am sure, be made to operate in a spirit of fairness and justice and without discrimination—and of that the powers vested in the Minister under the Bill are guarantee, if indeed such guarantee were necessary."

The Slums Act was placed on the Statute-Book with the blessing of the South African Indian Congress, but it realised soon after that the assurance was thrown to the winds.

The Durban municipality declared, without notice, sixteen acres of Indian-owned land as unsuitable in accordance with the Slums Act, and, to the amazement of Indians, Mr. Hofmeyr approved of the declaration. This made the Indians realise that the Slums Act, too, was an anti-Indian enactment which was bound to result in expropriation of Indian-owned properties and indiscriminate racial segregation.

Meanwhile, the Young Commission had drafted its report on colonization of Indians and submitted it to the Government. The Commission had visited Durban, Pretoria, Maritzburg and Cape Town, and completed their work within eight months. The report of the Commission was ready on the 28th February, 1934, but it was not published till the middle of the year. The Commission's conclusions were first communicated to the Indian Government. The Union saw the publication of the report on the 4th July, 1934, but India had become aware of it on the 30th June.

The report commenced with the character of colonization, and referred to the decisions of the round-table conferences of 1927 and 1932, and the assurance of co-operation by the South African Indian Congress. The evidence before them led the Commission to believe that "the scheme contemplated was to be an Indian scheme on a large scale which had in view the colonizing of some new country by Indians from India in which South African Indians could take part;

and the Union Government's representatives accepted it as a substitute for assisted emigration to India, which the conference concluded was rapidly drawing to an end."

The Commission examined the economic position of India, and admitted India's right to found beyond her shores a colony on national as well as economic grounds. It dealt with the position of Indians abroad who "have for the most part remained outside the circle of citizenship in their new homes, because of the stigma of their indenture," but it held:—

"It is too late in the day for India to become a competitor in colonization with the Western powers in the more settled parts of the world, and the appropriate field for Indian colonization must be sought in countries which are, to a great extent, still in a primitive state."

It next glanced at different countries in the different continents, and discussed the possible spheres of Indian colonization. It stated that the tropical belts of the earth's surface in Africa, South America, Malaya, or the East Indian archipelago remained largely undeveloped. But it ruled out such regions in Africa as a possible field for Indian immigration on the ground that the native races had advanced to some extent along the road to Western civilization and that in some territories the Indian already had the monopoly of the retail trade, and "it would do more harm than good to the growing influence of India in Africa to attempt Indian colonization on the scale contemplated."

Dealing with the South African Indian participation, the Commission expressed the opinion that economic pressure would eventually compel them to seek fresh avenues of occupation. It said:—

"It is clear that the avenues of Indian employment are gradually closing. In all unskilled occupations the Indian is giving place to the native. In the semi-skilled and better paid occupations there has been no expansion of Indian employment, nor, owing to the white labour policy, is there any immediate prospect of further expansion. Meanwhile, the Indian population of Natal is steadily increasing. The natural inference from these facts would be that economic pressure which is now throwing the Indian more and more on his own resources would sooner or later compel him to seek fresh avenues of occupation, either in Natal or elsewhere. The members of the younger generation are conscious of the progress which they have already made, ambitious and eager to continue that progress, and might be expected to avail themselves of new opportunities of doing so, whether in South Africa or outside."

It finally appeared to the Commission that British North Borneo, British New Guinea and British Guiana were the countries in which further investigation as to the successful operation of a colonization scheme might advantageously be made.

The observations of the Young Commission truly interpreted the Union mind. The Union representatives had meant the broad scheme of colonization to take the place of the assisted emigration scheme, whose possibilities were practically exhausted. The Commission had to admit that it was up to India to draw up a colonization scheme with which the Indians of South Africa would cooperate. Thus it was clear that the appointment of the Young Commission was an encroachment upon the province of India. It was a rash step, betraying want of confidence in India. The strong opposition that the majority of Indians raised against it was perfectly justified.

The Commission deserved appreciation for the generous gesture of its recognition of India's right to found a colony. But it merited the severest condemnation for recommending the colonization of Indians in the primitive and unhealthy territories of British North Borneo, British New Guinea and British Guiana. It was its plain duty to expose the truth that the responsibility for the stigma of indenture lay with South Africa, that it was South Africa alone among the Dominions that had kept the Indians "outside the circle of citizenship."

The Commission did not discover any new lands for the "unwanted Indians" of South Africa. It envisaged the establishment of a permanent colony for Indians in British North Borneo, British New Guinea or British Guiana. It maintained that those Crown colonies were sparsely populated and needed colonization, but did not refer to their climatic conditions at all.

India knew very well the pitiable condition of the Indians already settled in British Guiana. British North Borneo was described by Kunwar Sir Maharaj Singh as a country of "head hunters" in course of his evidence before the Commission, and New Guinea, which is ruled by the Commonwealth of Australia, already had a policy which demanded and enforced the exclusion of Asiatics.

The *Rand Daily Mail* (Johannesburg) offered very outspoken comments on the report in a sub-leader entitled "Cool Cheek in a Report." It said:—

"We have not seen anything funnier than the Indian Colonization Inquiry Committee's report for a long time.... The members were asked to evolve some other means of disposal for the unfortunate Indians (whose ancestors, after all, were deliberately brought over by Europeans to this country, and of whom eighty per cent. are South African-born), and after searching the world, have come to some remarkable conclusions. Very wisely, they have confined their attention to the Crown Colonies, which are not strongly represented in the diplomatic world. 'British Guiana' needs developing. There are very few people there and practically no prejudices. The climate is not mentioned. But, suggests the Committee, one might be

able to send these unwanted people to it. If not, there remains British North Borneo. South Africa does not want its Indians, so why should not British North Borneo be sold to an Indian company in order that they may settle there? Failing that, Australia should alter its laws concerning Asiatics and admit a strong Indian Colony to New Guinea.

"The most striking feature about these suggestions is their undisguised egotism. Because South Africa has a prejudice, it is proposed that every other part of the Empire should go to great lengths to accommodate her; because she finds Indian labour less useful than formerly, the Indians she brought to her shores are to be shipped off to the unhealthiest regions of the earth.

"The report does the Committee little credit. What would its members say if other parts of the Empire tried to foist off unwanted sections of their population on the Union without regard to the wishes of the local inhabitants, or, indeed, to anything but their convenience. This attempt to use the Empire as a dumping-ground is, of course, doomed to failure. But it is certainly a piece of cool cheek."

Even if the Governments of the above-mentioned colonies decided to consider the recommendations, they would be confronted with the startling fact that South Africa itself was sparsely populated and that it could easily accommodate 190,000 Indian souls in its broad bosom. It was sheer ingratitude to ship off Indians who converted Natal into a "garden colony" to unhealthy regions far away from South Africa.

The recommendation was, in a way, a tremendous insult to India. The British Empire owes its existence and position to India. South Africa was a part of the same empire. How did the Commission feel itself justified in recommending such countries for Indian settlement? The fact was that the Young Commission wanted to perpetuate whiteism, to save white regions from being defiled by the habitation of non-whites, and to degrade India to a lowly and disgraceful position in the Empire. Under the circumstances the only question which worried the Indian public mind was the endorsement of the views expressed in the report by Mr. S. R. Naidoo, the representative of the South African Indian Congress on the Commission.

The Indians, however, could not tolerate the insult. India was considerably dissatisfied and the statement that "Indian colonization must be sought in the countries which to a great extent are still in a primitive state" met with a very hot reception. "It was regarded" as the special correspondent of the *Bombay Chronicle* at Simla put it, "as a veiled assertion that Indians were not wanted in those parts of the Empire which enjoyed temperate climate, and therefore there was not the slightest intention of ever according equality

to races, however progressive and civilized the latter might become,"

The Nationalist Press of India felt very strongly about it and asked a very pertinent question—why Indians should be expected to cultivate loyal imperial sentiments, if they were for ever to be condemned to an inferior status in Imperial citizenship.

The most astonishing feature of the comments was that the report did not enlist a single supporter in the public press in India. The Anglo Indian as well as the Indian papers vied with each other in their strong criticism of the report.

The *Bombay Chronicle* argued that if India had the right to colonize undeveloped regions, she had a better right to settle in a territory which her sons had helped to develop for decades, and concluded:—

"In pretending to help Indians to found fresh colonies the Union Government seems bent upon driving out of the Dominion even those Indians born there, by denying them the equal rights which belong to them by virtue of domicile and civilization. This policy of discrimination must be resisted at all costs."

The Searchlight (Patna) exposed the hypocrisy of the recommendations and declared:—

"The plain meaning of the recommendations is that the Indian should also be taken to a place where his dark face will not pollute the sight of a white settler. Whether this be wholly true or not, there can be no question that the South African white is anxious anyhow to get rid of the Indian whose only fault is that he has helped the former, on his invitation, to amass wealth and roll in prosperity by shedding blood in place of mere sweat, and that he now wants to settle down there, not as a coolie but as a gentleman and wants to ply some trade independently. Of course, it is a great fault, something in the nature of a sin, for the Indian must know that he is a black nigger, a coolie whose very birth has been for serving the whites, for receiving kicks and sjamboks without murmur, or without even a feeling of grudge. For him to attempt to set up in independent business—well, that is a blasphemy that has no adequate punishment, and the most merciful treatment that can be accorded to him for it is to hound him out of the country and to send him to countries where he can be easily preyed upon by rapacious birds and beasts or wiped out of existence by pestilences."

It added :—

"If the South Afrikaners are really well intentioned, let them first prove their bona-fides by repealing all laws that operate to the hardship and disability of Indians in South Africa and by extending in all respects equal treatment to them in civic, political and economic spheres. That would be the test of the bona-fides and a guarantee of the fact that the proposed coloni-

zation is not meant to be compulsory but is to be a voluntary affair, in which the Indian in South Africa is to participate or not at his own sweet will without any direct or indirect pressure or offer of any undue inducement by others. So long as the Union Government is unwilling to submit to this test, so long as this guarantee by actual behaviour is not forthcoming, no scheme of colonization, in which the South African Indian is expected to be a participant, can be acceptable to us and to the just section of the world."

The *Daily Herald* (Lahore) expressed itself strongly against emigration and said:—

We can quite understand the anxiety of South Africa to find some other home for the Indian population there, who, by their thrift, sobriety and industry have built up a fine system of trade and commerce, and have so conducted themselves as to earn the respect of all honest citizens of the Union. Jealousy and the economic pressure in these days of depression combine to make the lot of Indians in the South African Union anything but rosy. But there is no reason why they should fly from the frying pan into the fire. If the Governments of India and Great Britain stand firm and hold the Union of South Africa to its pledged word, there should be no need for a single Indian to leave the Union."

The Anglo-Indian Press was sarcastic. Describing the report as "one of the most curious official documents of late years," The *Statesman* (Calcutta) came to the conclusion that it did not help towards a solution of the Indian problem. Referring to the co-operation of the South African Indian Congress with the colonization committee, the paper said:—

"This showed a very nice spirit on the part of the Young Committee, the Congress, and, indeed, all concerned, and no doubt India will be grateful. But it does look rather like the transfer of the boot to another foot, and is not a very helpful contribution to the solution of the South African problem."

The *Times of India* (Bombay) critically examined the recommendations of the report, and commented:—

"One feels, on perusing the report, that if the committee had had in its midst a nominee of the Government of India, it might have got, in truer perspective, the overshadowing idea of India's surplus millions taking ship to the next best thing to the Garden of Eden overseas. He could have told it, shall we say, that India is unlikely, for so far ahead as can be seen, to be able to put up the few million sterling which would be required for such an adventure."

The paper suggested that the next joint commission "might, perhaps, more appropriately open its investigations in Papua than in Pretoria."

The Justice (Madras) objected to the colonization of Indians except on conditions of dignity and national honour. It declared:—

"Indians no longer desire their countrymen to go as hewers of wood and drawers of water to other countries to be exploited by white capitalists and to be rejected the moment their services are completed. The tragic history of Natal, Fiji, the Malay States, and the beginnings of Burma, in all of which countries Indians laid the foundations of civilization and material prosperity, and have thereafter been driven out as uncivilized people, is only too well known to Indians. No Government can afford to ignore sentiment in this matter. We recognize that the growing population of this country requires an outlet even as that in Japan or Great Britain. But that outlet must be coupled with conditions of dignity and national honour, and there should be no more chance of false promises, broken understandings, and unmitigated selfishness on the part of those who call themselves civilized.

The Right Hon. V. S. S. Sastri, at this juncture, rose to the occasion and asked the British Government why was not India given a territory as an outlet for her surplus population although she had contributed splendidly to the defence of the Empire and civilization.

Great Britain had overlooked the enormous sacrifice made by India on the occasion of the Treaty of Versailles, and safeguarding European power in deciding the mandates over German colonies. The Union was given mandatory rights over South-West Africa, and the administration of Tanganyika was entrusted to a handful of whites. India's claim to those colonies was stronger than that of South Africa. Had either of them been awarded to India under a mandate, the Indian question would have been automatically solved.

Pandit Hridaynath Kunzru considered the recommendation of the Committee for India to finance the South African Indian colonization as totally absurd, and predicted that the Government of India would undoubtedly reject it.

The committee of the Indian Merchants' Chamber pointed out that the very idea of any investigation with a view to reducing Indian population in South Africa by any scheme of emigration to other foreign countries did not appeal to responsible Indian opinion and that a large section of the Indian community of South Africa had dissociated themselves from the inquiry. They further observed that the countries suggested for such colonization were, even on the admission of the enquiry committee themselves, for one reason or another, unsuitable for the purpose, and that, therefore, the Government of India should strongly resist any attempt at pushing through any such scheme for segregating Indians to a part of the world which no other country cared to colonise.

The Council of State of India discussed the colonization on the 9th August, 1934. Sir Fazli Hussein declared that the Government

of India would have to obtain 3,500 million rupees to finance the scheme if one per cent. of the population decided to emigrate to a new colony.

The Standing Emigration Committee of the Central Legislature met the next day and totally rejected the recommendations of the Young Commission, and thus saved the honour of India. The Indian Government, too, acted in a dignified manner at that time. Henceforth, South Africa was left singly to take whatever steps it wanted to in the direction of emigration on its own responsibility.

It is necessary here to take note of the state of provincial finance and the effect of industrial legislation which the Union Government made in 1933⁴934 through the Provincial Financial Commission and the Industrial Legislation Commission. The South African Indian Congress submitted an elaborate statement to the Provincial Finance Commission and discussed the problems of education, hospitals, land, licences and franchise. It asked for the uplift of Indians. The Commission published its report in 1934. It referred to the Indian view-point, sympathised with it, but refused to express any opinion on the question on the ground that it related to high politics, and left its decision to the Government.

On 29th November, 1934, the South African Indian Congress presented another statement to the Industrial Legislation Commission. The statement dealt with the disadvantages of the position of Indians in commerce and industry and asked for a status consistent with self-respect. The commission congratulated the Congress on its fair and clear exposition of its difficulties, but its report did nothing in the direction of relief for the Indian community.

Kunwar Sir Maharaj Singh returned to India in January, 1935. He had become extremely popular with a section of Indians, but he passed through a fire of biting criticism at the hands of the other section. He had not been able to achieve the political advancement of Indians, and had failed to stem the tide of anti-Indianism. He had, however, carried out the obligations of his position in a manner as spirited as that adopted by his predecessors. With the constant and sincere co-operation of his wife, he had built intimate relations with the various peoples of South Africa, and cultivated some excellent friendships. Not all his actions were above reproach; but it must be acknowledged that he had come into close contact with the majority of Indians, and had succeeded in interesting officials as well as non-officials in their social progress. He was succeeded by Sir Syed Raza Ali.

Immediately after Sir Syed Raza Ali's arrival in South Africa, the fifteenth session of the South African Indian Congress was held at Durban. The session resolved to make an effort to unite the Indians. Sir Syed Raza Ali, too, started efforts in that direction, but the efforts failed owing to the obduracy of Indian leaders. Sir Syed visited Johannesburg in March. At that time the Empire

Press Conference was in session there. India was represented at the conference by two European journalists to preserve white superiority. Sir Syed gave a dinner to the delegates of the conference and achieved something useful in the direction of propaganda. Mr. Freeman, the Mayor, advocated municipal franchise for the Indians at a meeting in the City Hall at Johannesburg in honour of the Agent. But nothing came of this speech. Sir Syed next went to Cape Town, and accompanied by the leaders of the South African Indian Congress, saw various members of the cabinet.

The 1935 session of the Union Parliament passed the Transvaal Asiatic Land Tenure Amendment Act. The report of the Feetham Commission was not yet out. The publication of that report, the deliberations of the Government upon it, and the enactment of a law embodying its recommendations—all this was sure to absorb about two years. The Government had expected to complete everything this year, but the unwieldy nature of the Commission's work necessitated extension of the stipulated period. So the object of the new Act was to leave the state of affairs as it was until the problem of the unlawful occupants in the gold areas was solved, i.e., till 1937. Besides, the Act made good its sympathy by imposing new restrictions on the rights of the limited companies of Asiatics.

The Natal Provincial Council also instituted an important change in the Rural Dealers Licensing Ordinance. It empowered health committees to refuse licences to anyone in case the price of his property had suffered depreciation or his licence was likely to endanger the comfort or health of his neighbours, and to restrict the proportion of licences in case too many had been issued to one particular area. The ordinance in itself was quite fair; but, in view of the prevalent colour-prejudice, it was intelligible that it would be operated against the Indians.

The Transvaal Provincial Council was not to be outdone by Natal in the sphere of anti-Indianism. It passed two resolutions. One of them requested the Government to prohibit the employment of white girls by Asiatics or coloureds. The other asked them to authorize the provincial government to prevent Asiatics, the coloureds and natives from driving European cars.

The number of white girls serving non-whites in the Transvaal is very small. These girls are not only treated in an extremely polite way, but they are also given substantial wages. Their employment is in no way injurious to European civilization. The demand for the prohibition of non-whites from driving European motor-cars is as impracticable as it is unfair. There are only a handful of Indian chauffeurs in white employment. They are not likely to suffer much even if the resolution is enforced. But any Bill based on colour prejudice is bound to result in a country-wide turmoil, and hence it must be opposed. Fortunately, the Union Government took a broad view of the situation, and gave the

Transvaal administration to understand that they had no wish to do anything in the matter.

The same resolutions came up before the Transvaal Provincial Council in a slightly different form in March, 1936. But they had to be put aside due to lack of support. There was also a move to impose disabilities on Indian flower vendors; but as the interests of the whites were linked up with theirs, the move had to be abandoned.

The publication of the report of the Feetham Commission was the most important event of the year 1935. The first two parts of the long-awaited report of the Commission came out in June. The first part was a minute study of the restrictions put upon the land-ownership rights of the coloured in accordance with the Gold Law, and of the changes made in them by various later enactments. The second part dealt with Johannesburg and the exempted areas. The third part which was published in October, embodied decisions on individual cases. The fourth part discussed such towns on the Reef as Krugersdorp, Roodepoort, Boksburg, Springs, etc.

The Feetham Commission kept itself strictly within the bounds of the prescribed scope of its work. It had a right to point out the difficulties and evils arising out of enactments, but had no authority to suggest means of eradicating them. The Transvaal Chinese Association made bold to suggest that the Asiatic Land Tenure Act should not be applied to the Chinese. But the Commission ruled the suggestion out as outside their province, and threw it into the waste-paper basket. This meant that the Commission could only bring about non-white segregation, fix up coloured "isles" for the occupation and trade of those who held established rights, and give provisional relief to individual Indians. It did no more than that. Asiatic segregation came into being for the first time in the history of South Africa.

It was the duty of the Commission to weigh the representations of the municipalities on the one hand and of the Indians on the other, to consider the sphere of its work, and then to make recommendations. It heard what the Johannesburg City Council had to say on the colour bar, and decided to free all the highways running through the heart of the city from coloured habitation. It investigated the non-white areas, and clearly marked out localities for Asiatic and coloured occupation.

The report of the Commission illustrated the crooked policy followed by the Union Government in relation to the South African Indian question. It showed how Indians had been oppressed and persecuted by the Government with the help of fresh legislation every year, and how the Indian Government had been put in a disgraceful position.

In 1913, the Union Government were only anxious to see that the country was not swamped by Indians. The Indian Government

removed that anxiety by accepting the Immigration Act, which put checks on Asiatic Immigration and was a huge national insult. In 1914, the Union Government gave an assurance to protect the vested rights of Indians and to enforce the existing laws sympathetically through the Smuts-Gandhi agreement. This assurance was reiterated by General Smuts and Mr. Burton in the Imperial Conferences. In 1921, the Lange Commission reported that the Indian menace was exaggerated and that the compulsory segregation of Indians was absolutely undesirable. Yet the Union Government shuffled, and in 1924 they drafted a Bill embodying the principle of segregation *in toto*. The Indian Government offered a dignified opposition to the Bill. The Paddison deputation, too, vigorously protested against the Bill, and compelled the Union Government to accept the proposal of a round-table conference. The Indian Government delegates disapproved of segregation and the Union Government promised to withdraw the Bill. But the observance of the promise was short-lived. The Union Government introduced the Asiatic Land Tenure Bill in 1930. Sir Kurma Reddi tactfully prevented it from being passed immediately. But the Union Government remained adamant on the question of segregation on the occasion of the second round-table conference in 1932. They took advantage of the weakness of the Indian Government and passed the Asiatic Land Tenure Bill. The long anti-segregation struggle of the Indians thus proved abortive. This fact reflects very high discredit on the political sagacity of the Indian Government.

The Feetham Commission has confined the Indians into watertight compartments. It has shut the doors of their development. It has made no provision for their progeny. The evil effects of its proceedings on the Indian community will be manifest in future when Indians will have been tramping about the streets, homeless and penniless.

The report of the Commission naturally became the target of Indian criticism. It had no very hearty reception from the Europeans either. Although many of its points put forth two years before had been accepted, the aim of the Johannesburg City Council had undergone a transformation owing to the changed condition of the city. Consequently, as soon as Mr. Hofmeyr, the Minister of the Interior, announced a Bill giving a legal form to the recommendations of the Feetham Commission, it set about clamouring for the snipping-off of even those areas which were demarcated for the Indians. The South African Indian Congress, which had been following the policy of non-co-operation ever since 1930, now revised its policy, probably through the influence of Sir Syed Raza Ali, and sent an elaborate memorandum to the Minister. This proceeding was a breach of principle on the part of the Congress and a triumph of anti-Indianism on the part of the Union Government.

Although there was no doubt about the passage of the Asiatic

Land Tenure Amendment Act, some Europeans were opposed to the Bill. They had no desire to grant the right of land ownership to the Indians in the exempted areas. They had girded up their loins to drive out the Indians into desolate areas outside the city, or, if the government did not like to do that, to cut and slice the areas allotted to them in accordance with the Gold Law. Mr. Hofmeyr decided to appease them by appointing a select committee to discuss the Land Tenure Bill even before it came up for second reading.

Parliamentary select committees have played an astonishing part in seizing the rights of Indians in the history of South Africa. Since they invariably consist of the politicians of the Union Parliament who are dependent for their election to Parliament on the support of white voters and are devotees of the colour bar, they generally suggest ways leading to the ruin of Indians. The Indian Government were not unaware of the position; so they asked Sir Syed Raza Ali to protest against the appointment of a select committee. The Union Government, however, paid no heed to the protest, and formed a select committee which also included the members representing the gold areas.

The South African Indian Congress had to swallow a bitter pill once more. Since it had indirectly accepted the principle of segregation, it had also to put up with the appointment of the select committee.

On top of it, came a humiliation from India. Sir G. S. Bajpai declared in the Legislative Assembly against the policy of retaliation. Replying to Mr. Mudaliar, he said:—

"Indian Residents in South Africa suffer from numerous disabilities, but the Government do not consider the policy of retaliation against South African Nationals entering or residing in India will be the best way of securing their removal."

A resolution was passed by the Union Parliament in 1936 which deserves note here. They were inspired by the omnipresent anti-Indianism. The Union Government passed a law for the maintenance of the blind. The Indian blind were carefully left out of it. A member brought an amendment providing for the maintenance of blind Asiatics and Natives also. But the Speaker ruled it out of order.

The census was taken on the 5th May, 1936. The last census was taken in 1921. The total population of South Africa at that time was 6,928,580. There were 1,519,488 whites, 4,697,813 natives, 165,731 Asiatics, and 549,092 coloureds.

The census of 1936 gave 9,589,898 as the total population of the Union. There were 2,003,857 Europeans, 6,596,689 natives, 219,691 Asiatics, and 769,661 coloureds. The increase in the native, coloured, white and Asiatic populations during the period 1921-1936 had been 39 per cent., 38 per cent., 30 per cent., and 30 per cent, respectively.

The Union Government passed the Transvaal Land Tenure Amendment Act just before its adjournment. It was, so to say, the outcome of the select committee report. The Indian Government had at first protested against the appointment of the select committee, but had later reversed their policy and co-operated with it. Sir Syed Raza Ali, the Indian Agent, and some of the members of the South African Indian Congress had given evidence before it. Unfortunately, Sir Syed's statement nullified the superb activities carried on by Mahatma Gandhi, the Right Hon. V. S. S. Sastri and Sir Kurma Reddi in the country, and the half-century-old struggle of the Indians. Mahatma Gandhi had refused to accept any sort of segregation for the Indian nationals. The Habibullah delegation had strongly opposed segregation. Sir Kurma Reddi had firmly set himself against the segregation clauses of the Asiatic Land Tenure Bill of 1930.

Sir Syed's policy became apparent in his cross-examination. He heartily welcomed voluntary segregation. He compared the conditions with those of India and demanded that there should be voluntary and not compulsory segregation in South Africa. In other words, he suggested that voluntary segregation would be able to settle the Indian question. He added that Indians would reconcile themselves to the localities assigned to them, and the object of legislation would be served.

The Union Government liked this immensely. The Indian Government thus accepted voluntary segregation; but their behaviour in the past had always shown that they were unable or unwilling to offer any active resistance to it. Hence, the select committee proposed the embodiment of the policy of fixing up separate locations for Asiatics in the very first clause of the Transvaal Asiatic Land Tenure Amendment Act. It put the Indians under the restrictions of the quadruple authority represented by the Minister of the Interior, the Parliament, the Minister for Mines and the municipalities by instituting, through other clauses, changes relating to the occupation of the Transvaal Asiatics and the coloureds.

"The chief milestones on the road leading to this Bill," said Mr. Hofmeyr, moving its second reading, "were the law of 1885 and the Transvaal Gold Law of 1908, which, however, was not absolute in its prohibitions, so that since then there had been quite a lot of legal occupation of land by Asiatics on the Rand. Alongside this grew up a lot of illegal occupation. The third milestone was the Act of 1919, based on the Smuts-Gandhi agreement, which legalised what had previously been illegal occupation—that of ownership of land by Asiatic companies and by Asiatics under European trustees. It had another object, but it had not succeeded in this—'thus far and no farther'."

The Bill was construed by Parliament as a magnanimous move on the part of the Government. As the Indian demands were met, some members suggested that Indians should be encouraged to leave

the European areas and avoid the social mixing. Colonel Collins urged that something should be done to relieve the Europeans, as all measures on the question during the past had been intended for the relief of Indians. Mr. Grobler let the cat out of the bag by saying "the Government should not neglect to appoint a committee to go into the whole Asiatic question. The measure of agreement reached by the select committee was due solely to the members having reached a gentlemen's agreement with the Minister that he would have the whole question investigated."

The Transvaal Asiatic Land Tenure Amendment Act of 1936 extended to the privileged class of consular agents and their servants and the recognised learned profession the grant of limited personal exemption from the provisions of sections 130 and 131 of the Gold Law. In the case of consular officers there was conceded a right of ownership, limited as to time by the duration of official employment.

The Act, on the other hand, gave re-birth to the segregatory provisions of the great-grandfather of anti-Asiatic laws—the Law 3 of 1885—and provided that full right of ownership, despite any restrictive conditions in the title deeds, should be conceded in the blocks recommended by the Feetham Commission and in any other areas proposed by the Minister subject to the confirmation of Parliament. In regard to the individual stands, outside the blocks, the right of occupation only was to be granted.

Effective steps were also suggested by the Act to prevent future illegal occupation and trading. The Minister was empowered to take action for proper municipal administration of areas reserved for Asiatic occupation.

The passage of the Asiatic Land Tenure Bill was given great prominence in the Union and in India and it was claimed as a "substantial achievement" for the Indians in the Transvaal. It might be pointed out that this Act sealed the principle of segregation in a Union law, against which Indians had taken up an adamant attitude right up to 1934. This "substantial achievement" would have come any time if India had yielded before on the question of segregation. Although the Act benefited a few individuals, it placed a permanent stigma of inferiority on the Indians in the Transvaal and dealt the Indian struggle for equality a death-blow and segregated them in a very small area.

The Government had laid down this policy of reserved and limited land-ownership for the Indians in the Act of 1885, in the Asiatic Bills framed but not passed in 1924 and 1925, and in the Asiatic Land Tenure Bill of 1930. But the opposition of the South African Indians to the principle of segregation, and their determination to uphold their self-respect at all costs, balked that policy. It was only due to the acceptance of the principle of segregation by the Indian Agent that the policy became successful.

The noteworthy event of 1936 was, of course, the tour of India by the South African delegation led by Mr. J. H. Hofmeyr, on "a mission of goodwill and friendship."

The delegation sailed in September. It included General Kemp, Minister of Lands; Messrs. J. H. Grobler and L. Egeland, of the United Party; Dr. N. J. van der Merwe, of the Nationalist Party; Mr. M. J. van den Berg, of the Labour Party; and Mr. J. G. Derbyshire, of the Dominion Party. The officials accompanying the delegation were a personal secretary of the Minister of the Interior, Mr. P. I. Hoogenhout, the official secretary, and Mr. P. F. Kincaid, the Commissioner for Asiatics and Immigration Affairs.

The delegation visited all the important centres of India, and the far-off North-West frontier beyond which the Union Jack did not fly. They were feted and flattered all over India to conquer their hearts so that the Indian nationals in South Africa might benefit. Mr. Hofmeyr's oratorical talents aroused enthusiasm, but promised nothing. He wanted to win the affections of the Indian people and he did not miss any opportunity to do so. At a Congress Party function in Simla, he said:—

"Mahatma Gandhi was regarded in South Africa as a great world figure."

At Lahore, he declared:—

"From the days of Alexander the Great onward, people from the West have come to conquer lands, but we have come to conquer nothing but your hearts and your affections."

At Calcutta, he assured:—

"We shall convey the faithful account of all that we see here, to our countrymen on our return to South Africa."

The delegation returned to South Africa with various recollections of India, her matchless hospitality, her problems of poverty and British exploitation, her political progress and economic degradation. The sweet words spoken in India, however, did not predict any bright future for the South African Indians.

CHAPTER XIV

RACIAL INTOLERANCE

HOSTILITY to Indians in every sphere of life, economical and social, political and commercial, became the new order for South African whiteism from 1937 onwards. They would curse the Indians driving in good cars, and express horror if poor Indian flower-sellers were seen standing with baskets of flowers at the gates of hospitals and cemeteries. They raised a cry against the employment of white girls by Asiatics, although it was well known that European females were accorded more respectful treatment

and they numbered half-a-hundred only. They protested against a few Indo-European marriages and warned the country of the evil results to follow. All this agitation was inspired by a hostile motive "to keep the coolies in their place." General Lemmer, a leader of the now defunct Central Party, expressed these feelings in the following words at a meeting in the Platteland:—

"... I do not go so far as to say that you must take the Asiatic by the throat and throw him out of the country, because that will only lead to international complications. They are here, but we can put them in their own areas."

In other words, the whiteism demanded a Draconian code or a series of legislations to enforce complete segregation of Asiatics.

On 13th January, 1937, the Wage Bill and the Industrial Conciliation Bill were referred to a select committee for enquiry and report, the committee to have leave to bring up an amended Bill. The South African Indian Congress delegation, led by Messrs. A. I. Kajee and S. M. Nana, appeared before the committee on 12th February, when Sir Syed Raza Ali, Agent-General for India, was present with his secretary, having previously obtained leave to attend the meeting.

The South African Indian Congress declared that the principle of equal pay for equal work was meaningless unless there were equal opportunities for obtaining work. They criticised the "white labour policy" which was responsible for the reduction of Indian employees on the railways and other Government Departments. Explaining their position in Trade Unions and Employers' Associations, they said that, in theory, they were accepted as members, but in practice they were not. They complained that they were denied equality of markets through restrictions on trading and manufacturing licences, and said:—

"Every weapon of officialdom has been used to intimidate and to obtain the prosecution and conviction of Indian employers and employees."

They quoted from a report of the Industrial Legislation Commission:—

"Racial prejudice, backed to some extent by legislation, constitutes a barrier for non-Europeans."

The parliamentary session brought into light a Cabinet divided on the Indian question. It was clear that Mr. Hofmeyr was one member whose views differed from those of the majority in the Cabinet. During the discussion on a motion to refer the Provincial Legislative Powers Extension Bill and the Transvaal Asiatic Land Bill, Dr. Malan asked for a guarantee that both the Bills would be placed on the Statute-Book before the end of the session. Mr. Hofmeyr, the Acting Minister of the Interior, replied that the Government was not prepared to do so, but they had no objection to a select committee being appointed. While the discussion conti-

nued, the Prime Minister (General Hertzog) moved for the adjournment of the debate. This brought about a number of strong protests from the opposition benches.

Colonel Stallard (Dominion Party) was quite unable to understand the Prime Minister's attitude. First he gave Mr. Grobler's motion precedence on the order paper, then he allowed it to be debated for a little while, and then he moved the adjournment, after the responsible Minister, speaking on behalf of the Government, had stated that the Government would accept Mr. Grobler's motion.

Mr. P. Sauer (Nationalist Party) drew attention to an interview with Mr. Pirow, published that afternoon in a local newspaper, to the effect that the first of the Bills under discussion would be placed on the Statute-Book before the end of the session.

Said Mr. Marwick (Dominion Party): "This is a ludicrous spectacle. We are to-day allowed to witness one of the most remarkable scenes that has ever been witnessed in a deliberative assembly. We have ministers engaged almost in knifing each other. It is pitiable that this state of affairs should be permitted, and that the Prime Minister, who is venerated for his age and for his position in the country, should be guilty of such a lapse."

On 22nd February, the subject of the Provincial Legislative Powers Extension Bill and the Transvaal Asiatic Land Bill, introduced by Mr. J. H. Grobler, M. p., and Mr. J. J. Pienaar, M. p., respectively, were referred to another select committee. The Bills affected the Asiatics, and the Secretary to the Agent-General for India addressed a letter to the chairman of the select committee requesting that the Agent-General and his secretary be extended a similar privilege to that accorded them last session in the case of the select committee on the subject of the Transvaal Asiatic Land Tenure Amendment Bill, of being permitted to attend at all sittings of the committee at which evidence is heard. The request was turned down. The Agent-General, instead of protesting, requested permission to attend when the evidence of the Reddings bond was heard. This was also refused. The Agent-General again climbed down and begged alternatively to be supplied with a copy of the Reddings bond's evidence.

This request resulted in a long discussion in the select committee. Mr. Rooth asked whether the Agent-General could be supplied with a copy of the evidence under the standing order No. 239. Mr. J. H. Hofmeyr, the chairman, stated that it could be done. After discussion it was resolved to obtain Mr. Speaker's ruling. The Speaker endorsed the chairman's ruling, and the Agent-General's humble request was again considered by the committee and disallowed by a majority of six to two votes. Now the Agent-General applied for the reasons for the committee's refusal, but it declared that it did not deem it necessary nor desirable to state them. Poor Agent-General! He was not considered even a tit

person to be supplied with a copy of the Reddings bond's evidence!

This final decision was taken on 17th March, 1937, and our Agent-General, unabashed by the unjust and uncharitable treatment accorded to him, attended the select committee two days later, to perform the unenviable function of introducing the South African Indian Congress representatives. He himself stood the examination test of the select committee on 25th March, 1937. What a sorry spectacle of India's degradation and humiliation in South Africa!

The evidence tendered before the committee was interesting as well as startling. The South African Reddingsbond protested against Indo-European marriages and employment of European girls by Asiatics. It said:—

"From 1925 to 1935 there were forty-six marriages between Asiatics and Europeans in the Union. There are no official figures available in respect of European girls employed by Indians, but... the Reddingsbond believes that they are between 250 and 300."

Its soul was wounded to see the daughter of the Afrikaner nation, proud of its racial purity and honour, in the service of Indians as shop assistants and waitresses. It demanded the legislation for:—

1. Total segregation of residential occupation.
2. Prohibition of employment of Europeans by Indians.
3. Prohibition of mixed marriages.
4. Total segregation of trade.

The desire to prohibit European employment by Asiatics, it might be pointed out, was in conflict with the views expressed by General Botha in 1906, when he said:—

"Asiatics were no good to the Transvaal. They did not employ Europeans and did not spend their money in this country."*

The Reddingsbond surely could not cut both ways. It cannot complain that the Asiatics were travelling in shining motor-cars and condemn that they did not spend their money in South Africa.

As far as the mixed marriages are concerned, the Indians, as a race, have never encouraged them. A few marriages that have taken place could be described as exceptional and incidental. But the claim of racial purity of the Afrikaners by the Reddingsbond could not be substantiated by historical evidence. South Africa has been the birthplace of the mixed races. There have been mixed marriages since the Dutch landed on the shores of South Africa. The coloured blood runs through the veins of a number of distinguished Afrikaner families. Even the Afrikaners themselves were the product of the inter-mixture of the Portuguese, French, Dutch, German and British blood.

Professor A. B. Keith's reference to this question in his book, "The King, the Constitution, the Empire and Foreign Affairs, 1936-37," is more outspoken. Says he:—

"Unhappily steadily rising tide of colour prejudice in **South**

Africa . . . since General Smuts has surrendered former principles for a share in power, set a barrier between Europeans and Indians by forbidding inter-marriage. This is contrary to the Cape Town agreement. That accord should have led to the grant of the franchise and the removal of all racial bars in their case. The new policy, while it affects but few individuals, is based merely on the colour bar, the more inexcusable because notoriously among the Dutch population, many who rank as Europeans have some infusion of native or 'coloured' blood. The treatment of the most highly civilized Indians as unfit to marry Europeans, even of the humblest class, and as 'untouchables', falls below the standard of the meanest statesmanship."

Interesting views were expressed by non-European representatives on the problem of mixed marriages. Mr. Reagon said:—

"Malays have no racial prejudice. They have no objection to mixed marriages You do not feel it necessary to discourage marriages between coloureds and Asiatics. The coloured people have no feeling in this respect, but we do take exception to legislation which will penalize a coloured woman who marries an Asiatic."

Mr. G. W. Crowe declared:—

"If a Bill were passed preventing mixed marriages, it would smash up the Christian Churches, as the coloured people would leave them.... Coloured people who are at present members of Christian churches would probably become either Mohammedans or communists."

Mr. M. J. van den Berg, M. P., a member of the select committee, read to the committee a number of letters received by him from Krugersdorp, his constituency, wherein European employees testified to the "excellent treatment" and "the great respect and civility" of the Indian employers. Mr. van den Berg declared:—

"... The Indian employer is not the worst employer. He is an example to many of our own European employers You will not find a single Indian who has been prosecuted and convicted for under-payment of wages."

A petition of European employees in Vereeniging was presented by Lieutenant-Colonel K. Rood, M. P., wherein it was stated:—

"They were courteously and politely treated; there existed no intimacy of any kind whatsoever between them and the Indians; they were quite happy and satisfied in their employment; that the marriages as between Europeans and Asiatics through such employment and contact have never taken place in Vereeniging; and if the European employees are dismissed by the firm, such a dismissal will leave the European employees out of work and helpless...."

Mr. M. G. Nicolson, town clerk, Pretoria, and secretary of the Transvaal Municipal Association, gave details of transfers of land

to spouses of Asiatics and other transfers of **land where Asiatics were** directly or indirectly interested and declared:—

"They are really bogus companies. They have **shares** purporting to be held by Europeans or Malays or Malay wives and the funds have never been provided by them The City Council views with alarm the results which are accruing to the European population by the growing encroachment of Indians on the European area, and plead that the legislation should be made so definite and clear that the evasion now taking place shall be prevented in future and properties already affected should be sold and transferred to Europeans. No spouse or reputed spouse of an Asiatic, whether married by Mohammedan or any other law, should be allowed to hold landed property; no person by any means whatsoever should directly or indirectly enable Asiatics to be the real owners of such property.. **All** these restrictions are necessary and others may be necessary, because the Asiatics are by every possible means breaking the existing law and the evasions are increasing and will increase if the law is not altered."

The Indian case was presented by the South African Indian Congress on 19th March, while Sir Syed Raza Ali appeared before the committee on the 23rd. The South African Indian Congress said that they could not discover a single sound reason for introducing legislation which hurt the feelings and susceptibilities of a section of the South African people and offered an insult to a great and cultured people of a sister state. They protested against the extension to the Provincial Councils of the power to legislate on grounds of race and declared that, if the Bills were passed, a distinct hardship and a position of absurdity would result. There would be segregation in the economic sphere, and uncalled-for and gratuitous insult would follow the legislative reference of a 'concubine' for the wife of an Indian married according to the tenets of Indian religions.

The Congress refuted the charge of Indian immorality by citing statistics of crime, and said that not a single case of marriage or seduction had resulted from the employment of European females by Indian firms.

The question of the "bogus" companies referred to by Mr. Nicolson did not form the subject of enquiry by the committee, but Mr. S. Ridley, secretary to the Agent-General, in reply to a question contended: "Everything that is not prohibited by law is lawful, and I do not think that Indians acquired land in contravention of the **law**. In the Transvaal the Government encouraged the purchase of **land** through Government officials as trustees. The Asiatics did **not** acquire land by adopting any methods which are prohibited by **law**." Sir Raza Ali added: "It was perfectly legal for them to do so."

A great betrayal, however, came in the oral evidence of Mr. A. 1. Kajee, **the** spokesman of the South African Indian Congress.

This, no doubt, was consistent with Sir Raza Ali's policy of voluntary action in place of legislative force. In this case, all the soundness of the written case was nullified by the unwise and undesirable declaration of Mr. Kajee, who said:—

"Personally, I would go so far as to say that we as Indians would consider a proposal to dismiss our European employees, but we do not want to be insulted by having this legislation inflicted upon us. We would rather do it voluntarily. I may mention that we have an understanding with the Municipal Association of Natal that we will ask our people, as far as possible, not to encroach upon European residential areas, and that understanding has been carried out amicably. What we object to is that we should be compelled by legislation which, to say the least of it, is insulting and which will be a stigma on the Indian people, not only of this country but also of India."

Mr. Kajee did not foresee the danger attending such a barefaced acceptance of voluntary withdrawal before a legislative threat. He evidently did not realize the outcome of such a humiliating policy. He hardly knew that this would set an unwise precedent for future surrenders to the white man's might, and that there would be further betrayals by self-appointed but Government-recognized Indian leaders.

The voluntary agreement above referred to forms an extract in the Agent-General's report for the years 1936-37. It reads:—

"The agreement was arrived at between the Municipal Association and the Congress whereby the Association undertook to bring to the notice of the Congress any case in which an Indian endeavoured to purchase property in a European residential area and the European community opposed it, and the Congress on their part undertook to endeavour to dissuade the person concerned from effecting the purchase."

Two years later, Mr. Hofmeyr applauded this policy and interpreted the action as the preparedness of the South African Indian community to segregate itself voluntarily. "I believe," said Mr. Hofmeyr, in a speech in Parliament,

"that there is another and better way of dealing with the problem. ... It is the way of co-operation, of consultation and consent.... What, after all, is the aim of segregation? It means that people of different races should live separately. Now, Sir, if you are prepared to combine that ideal with the ideal that we accepted in 1927, that those Indians who are willing and able to conform to Western standards will be enabled to do so, then we can all accept that ideal, and I believe that the Indian community in South Africa is fully prepared to accept that ideal."

While the Government circles accepted this view-point for reasons known to themselves, evidence continued to grow showing

sustained widespread resentment¹ on the Indian front against Mr. Kajee's "Gentlemen's agreement" with the Natal Municipal Association to prevent the purchase of property by Asiatics in European areas. It obviously sowed the seeds of consciousness among the Indian masses, especially the youths and workers, who felt that the rights of their generation would be bartered away, and their future blocked and bolted.

The select committee on the Provincial Legislative Powers Extension Bill and the Transvaal Asiatic Land Bill drafted a Bill entitled "The Employment of White Women's Bill** for submission to Parliament. The Bill met with great opposition from the public. The Press criticized it by outspoken editorials, some of which bore the captions: "When is an Asiatic not an Asiatic?" "What a Travesty" and "A Sordid Bill." The Lobby, it was reported, was inclined to treat the Bill with contempt. The National Council of Women objected to it on the ground that it was another attempt to penalise women. The general impression was that the South African Parliament should not degrade its reputation by passing such an obnoxious and farcical Bill. Thereafter an important caucus meeting of the United National Party decided, at the suggestion of the Prime Minister, to drop the white Women's Employment Restriction Bill, prohibiting the employment of European women by Asiatics, and to accept the assurance of the representatives of the South African Indian Congress, given in the following terms in the report of the select committee:—

"That in order to avoid the application of legislative compulsion with the stigma which this would imply, it is willing to secure by voluntary action the cessation of all employment of the kind to which exception has specially been taken."

Mahatma Gandhi did not greet the withdrawal cheerfully, but showed intense anxiety for the future. In course of an interview, he made the following pathetic declaration:—

"There can be no rest for Indians in South Africa till legal status has been secured for Indian settlers throughout the Union."

Mahatma Gandhi praised the courage of Mr. Hofmeyr in standing up for the Indians, but said that the position was extremely unsatisfactory. "General Hertzog's acceptance of the pledge of the South African Indian Congress" [to dismiss European females in the employ of Indian establishments], he said, "is good, as far as it goes. Nevertheless, it is clear that racial antipathy has not diminished, and till Indians are treated as equally as the other partners in the British Commonwealth of Nations a slur must remain on South Africa's name."

The legislative output of 1937, however, was considerable, and four Bills affecting the Indians were placed on the Statute-Book. They were:

1. The Marketing and Unbeneficial Land Occupation Act.
2. The Industrial Conciliation Act.
3. The Immigration Amendment Act, and
4. The Transvaal Asiatic Land Tenure Further Amendment Act.

This was no mean record for one parliamentary session.

The first legislation affected the farming section of the Natal Indian community. It proposed to prohibit or regulate the imports or exports of any product into or from the Union. A regulatory board was established to determine, among other things, the maximum quantity of product which might be offered for sale and to advise the Minister as to the conditions, regarding grades, method of packing and marking of any such product. This was a racial legislation and protest meetings were held at several centres condemning it as a deadly colour-bar measure.

Clause 21 of the Act imposed colour bar in that the inherent discrimination and differentiation of Indian non-representation on the regulatory boards was included. In the committee stage Mr. Eaton, M. P. (Durban County), said: "The Europeans did not want Indians to sit with them on councils, because 'they did not play fair'." Colonel Stallard protested against the remark and declared that the clause would deprive the regulatory boards of the business brains of the Indian community.

The Minister of Agriculture (Colonel Reitz) said that he also regretted very much the words used by Mr. Eaton. This provision in the Bill was not intended to reflect in any way on the coloured, Indian or native community. It was merely an expression of the fact that discrimination and differentiation were inherent in this country. Colonel Stallard posed as the Sir Galahad of politics, but he was completely illogical. He added:—

"Parliament had to take into consideration the temper and temperament of the white man in this country. When a deputation of Indians visited him about the Bill, he told them that they must realise—sorry as he was to have to say it—that the Indian people would always be a tragic community because of this temper and temperament of the white people. If they were to take this portion out of the Bill, the Bill would be as dead as **the dodo.**"

Of course, the Indians in South Africa have ever remained a tragic community, and the liberal-minded Minister predicted a tragedy for their future, to soothe "the temper and temperament of the people of South Africa." And what was the cause of such a monstrous animosity? Colonel Reitz would not say what. But he would plead guilty to **the** charge of inescapable prejudices. Speaking at a farewell dinner given in his honour by the Empire Parliamentary Association in **August**, 1935, Mr. L. M. S. Amery presiding, he admitted:—

"If he was asked by his Indian fellow-citizens in South Africa how he expected them to co-operate when they, as Indians, were denied elementary civic rights, he would plead guilty. These inescapable prejudices of the world were not only as between India and the rest of the Empire, but between almost every other race.

"Must we wait for the millenium until all disputes of race, religion and creed are settled? I say, no. The British Empire had already shown that, differing in vital matters of race outlook and temperament, there was an overriding idealism in which all could co-operate. Regardless of differences, let them stand together and show the world that this mighty experiment was going to be a success."

We would pass over this statement by observing that India would never accept an inferior status in the British Commonwealth. Awakened India could not be expected to accept association with South Africa, whose temper and temperament imposed bans on the social, economical and political life of her nationals. Colonel Reitz should realise that modern India views with strong disfavour any idea of partnership within the British Commonwealth, as her experience of the treatment meted out to the Indian nationals in the Dominions is very bitter. She would rather secede from the Empire, than submit to European superiority.

Colonel Reitz, however, gave an assurance to the South African Indian Congress that the Act would not be administered on racial lines and that the interests of Indian distributors would be protected. We know that this assurance of protection has been observed only in its non-fulfilment and has brought about misery and ruin to small Indian farm-holders.

The debate on the Industrial Conciliation Bill brought forth scathing criticism on both sides of the issue. Clause 8 dealt with the constitutions of trade unions or employers' organizations, who were given the right to order the things as they thought proper under the circumstances. Mr. Haywood, a Nationalist M. P., demanded that Europeans and non-Europeans should not be members of the same trade unions. They wanted to prevent intermingling of these races. Mr. Burnside, a Socialist, attacked the Nationalists for their short-sightedness and declared :—

"I am not concerned with the colour of a man's skin as far as a consciousness of human justice and the welfare of South Africa are concerned. There are many coloured men who could give the members of the purified Nationalist Party points."

He added:—

"The Nationalists had been so concerned with the soul of the people that they had forgotten that the people had a stomach. If the Nationalists wanted to keep the non-European in the gutter they would find that they would have to stay down there

with him. They forgot that the employers would always take the cheapest labour."

The Minister of Labour (Mr. Hofmeyr) said that in industry there were non-Europeans and Europeans with the same interests. What the amendment aimed at, was to prevent these people from uniting on behalf of those common interests. Mr. Alexander had proposed an amendment that there should be no differentiation on the basis of colour in the constitution of a trade union. He had opposed that, saying that a trade union which wanted to put a colour bar in its constitution would be free to do so. Similarly he opposed the proposal that there should be a provision that there should be a colour bar in the constitution of every trade union. That would be against the whole principle of free association. These people must have the right to order things in their own way. If the workers, European and non-European, decided that it was in their interests to organize into the same trade union, the Government could not interfere.

The net result of the Act was the institution of colour bar in the field of trade unions. While Socialism preached equality of race and demanded equal opportunities for all irrespective of colour, caste or creed, the wage determinations affected the Indian employers whose custom came from the poorer section of Europeans and Africans. The Indian waiters were encouraged to form their trade union. They benefited to a certain extent by the improvement of wages, but it was counter-balanced by unemployment.

The Immigration Amendment Bill was passed by Parliament with little discussion. The Acting Minister of the Interior, Mr. Hofmeyr, explained that the chief aim of the Bill was to facilitate the importation of native labour for the mines. A careful study of the Act, however, reveals that under the pretext of removing the flaws, the Union Government deprived persons born outside the Union of parents domiciled in the Union of the same rights as those enjoyed by the South African-born Indians. Under the Act, such persons must enter the Union before June, 1937, to protect the birthright. The pity of the whole affair lay in the fact that no notice was given to them beforehand.

The Transvaal Asiatic Land Tenure Further Amendment Act moved a step further in the direction of segregating the Asiatics. The Act provided for the appointment of an advisory committee to investigate any matter arising from the Feetham Commission's report or recommendations. It also empowered the Council of a municipality to transfer land to Asiatics after a resolution of the subject was passed by both the Houses of Parliament.

South Africa, outside the Parliament, was also on the move, and the year 1937 witnessed a number of events which would hardly be deemed creditable to a civilized nation.

The Johannesburg City Council deliberated over the housing

schemes under the Slums Act. A reasonable request for special consideration of householders whose property might be condemned was refused, on the ground that the committee had already done what was asked for and that "the only way to eliminate the slums from Johannesburg was by a wholesale course of demolition."

For the Europeans, the sub-economic housing scheme meant a loan at three per cent, from the municipality or a building society to erect a property in the European townships and provision of all municipal amenities; but to the non-Europeans it meant the loss of the hired house, the crowding into already occupied Indian localities, the deprivation of earning in the long-habited areas, and in some cases homelessness, unemployment and starvation. The non-European residents of Bertrams and Prospect Township tasted the first bitter fruit of the much-applauded housing scheme.

Three hundred Indians and coloured people found themselves one cold night in May turned out of their slum hovels in Bertrams, sitting huddled close to braziers in roofless buildings, half-demolished walls breaking the cold wind. This was undoubtedly the cold-blooded inhumanity of a local authority which was expediting the slum clearance, but neglecting the rehousing of poor non-European peoples. These homeless human creatures were accommodated in fifteen tents pitched on a mine dump by some social workers. A few days after, this troop of invalids, with crying and starving children, crawled to their relatives' homes to curse their fate. This incident brought to light an educated Indian social worker in the person of Rev. B. L. E. Sigamoney.

The whirlwind of whiteism succeeded this year in sweeping over the Cape Province, one remaining bulwark of liberalism, by a segregatory measure in the Provincial Council. It placed the Cape on the same footing as the other colour-conscious provinces, and the idea of liberalism spreading to the North was frustrated for the generations to come. The Council adopted a resolution requesting the Executive Committee to introduce legislation empowering municipalities, village management boards and other local authorities to allocate separate residential quarters for coloureds and for Europeans, in order to terminate the ever-increasing crowding together of Europeans and non-Europeans in cities and towns in the Cape, and to empower local bodies to apply the principle of segregation in other respects.

Colonel Reitz's speech on "the temper and temperament of the people of South Africa" created resentment in Indian political circles. Sir Jagdish Prasad, the Government member, was tackled in the Council of State by a volley of questions as to whether representations had been made to the Union Government against a speech "which lowered the position of the Indian Community." Only the President's interference saved the member in charge. The President ruled that since the member in charge could not answer

these questions on the spur of the moment, further supplementary questions on the subject could not be put.

What a proof of the Indian Government's weakness and insincerity!

The annual congress of the United South African National Party met in September in a tense atmosphere. Mr. Stuttaford, the Minister of the Interior, and Mr. Hofmeyr, the Minister of Mines, were the victims of slashing criticism. Replying to the infamous lies, Mr. Hofmeyr produced Hansard and read passages in which he had affirmed most emphatically his abhorrence of mixed marriages. He experienced the same feelings of revulsion, he stated, as any member of parliament at marriages of that kind.

The Minister of the Interior made a statement to the congress on the subject, and laid emphasis on the fact that no difference of opinion existed in the Government as to the undesirability of mixed marriages* "That," he said, "has never been in doubt for a moment. Every white man in this country, no matter where he may come from, has in his blood a horror of mixed marriages."

In conclusion, the congress affirmed its inflexible opposition to the principle of mixed marriages and passed a resolution to investigate the whole subject of mixed marriages.

The annual conference of the Municipal Association of the Transvaal met at Boksburg on 5th October. The president, Mr. D. J. M. Jordaan, referred to the Asiatic question: "There were several big problems connected with Asiatics—mixed marriages, employment of Europeans by Asiatics, and the Asiatic habit of living in European residential areas." "The first two of these problems," he said, "were not the most serious, as public feeling and opinion were against them. In addition, they were preventable. But in towns away from the Reef there was no legislation to prevent Asiatics from living in European areas" He hoped the municipalities would be allowed to control Asiatic affairs within their own boundaries, The natives had been compelled to live apart from the whites, and the Asiatics should be made to do the same. There was no wish on the part of the municipalities to be unfair to Asiatics, but they were emphatic on the point that Asiatics should live in wards, districts or bazaars of their own, where they could live their own life in their own way.

The Prospect Township of Johannesburg was totally expropriated in December. 300 families were evacuated. The number of Indians affected by the scheme was 150, who lost their livelihood and were compelled to seek new avenues of maintenance and residence.

Seth Govind Das, the Congress member of India's Central Legislature, toured South Africa to study the Indian situation in December. At the Natal Indian Congress function in Durban, he referred to the impression among certain Europeans that Indians

were so happy in this land that they would never go back to their own country, and said, when in Johannesburg, he had been asked by a K. C. and an M. P. why Indians did not go back to India if they disliked South Africa. He had explained that if Indians were not going away it was not because they lived in the Union with equality of status and with any honour, but because economic conditions were such that they dared not leave. Indians were not living in South Africa because they were happy.

The year 1938 commenced with an insult to India's Agent-General. Sir Syed Raza Ali went to a big Johannesburg building to keep a business appointment. He was refused permission to travel in a lift. The lift attendant explained that he had orders to permit no coloured people, however high-placed they might be, in the European lift. Another lift attendant in the row of three lifts recognized the Agent-General, intervened and took him to the firm. The incident closed with an apology from the owner of the building, who pointed out that the ban was intended only to apply to natives and not to business men of any colour.

Another national insult came in the form of an appointment of two commissions to investigate certain Asiatic affairs. The representations of the Government of India against it failed, as usual. Reviewing the important events affecting Indians in South Africa for the year 1937-38, the Government of India admitted :—

"In South Africa, notwithstanding representations made by the Government of India, two commissions have been appointed to investigate the problems of mixed marriages and the acquisition of land by Indians in areas outside the purview of the 'Gold Law'.

"The work of the Mixed Marriages Commission is not expected to be of much practical importance to the local Indian community, as such information as is available goes to show that mixed marriages are very rare among Indians in South Africa.

"The enquiries of the Land Commission, on the other hand, are likely to be of considerable importance.

"The proceedings of the Commissions are being watched with interest by the Government and their Agent-General."

The Asiatic Land Laws Commission consisted of Mr. Justice Murray (chairman), Mr. Henry Britten (ex-chief magistrate of Pretoria), and Messrs. N. Smit and B. Bloemsma. The terms of reference were:—

"To inquire into and report whether, and if so to what extent, the letter and spirit of any law restricting or prohibiting the ownership, or occupation by Asiatics of land is being evaded, and to make a recommendation in regard thereto."

The foregoing terms of reference did not apply to proclaimed land under the Precious and Base Metals Act of 1908 (Transvaal)

as amended from time to time, to the extent which it had been dealt with the report of the Transvaal Asiatic Land Tenure Act Commission appointed on 4th October, 1932,

The members of the Commission to investigate and report upon the question of mixed marriages in the Union between Europeans and non-Europeans were Mr. Charles William de Villiers, K. c. (chairman), Professor Raymond William Wilcocks, Advocate Clarence Pieter Brink, Mrs. Mabel Katherine Malherbe, M. P., and Mrs. Nellie Brown Spilhaus, M. p. c. The Commission was to determine whether such marriages

- (1) were on the increase, and
- (2) were sufficiently numerous to be seriously detrimental to the welfare of the Union and future composition of the population;

and to recommend whether it was necessary that any further steps should be taken to discourage such marriages.

Sir Raza Ali sailed for India in February, 1938, and the new Agent-General, Sir Rama Rau, arrived in South Africa three months later. In March came an attack on the Agent-General and his functions in South Africa. Speaking in the Union Parliament, Mr. W. H. Rood (Carolina) said :—

"If Indians in the Union were Union subjects, it must be made clear to the Agent-General that he must not concern himself with the Union internal affairs. What political rights we give to the Indian is our business, and not that of the Agent-General."

The Non-European United Front saw its growth this year. It was the direct result of the official "divide and rule" policy and the unjust and oppressive treatment of the non-European races in the Union. Mr. Hofmeyr scented the danger, and at a farewell reception in honour of the retiring Agent-General, he advised the Indian community to dissociate themselves from the movement.

"The Front is alleged to be between the Bantu, Coloureds and Indians, with the latter as the guiding factor," said Mr. Hofmeyr. "I hope that you will have nothing to do with such an enterprise. You will do yourselves no good, but you may do yourselves a great deal of harm. There is a great danger that the movement may be used by not entirely disinterested parties."

Coming as it did from Mr. Hofmeyr, respected for his liberal views and sympathy for the non-Europeans, who resigned his ministership seven months later on the appointment of Mr. A. P. J. Fourie as a member of the Senate representing the natives, this warning sounded rather inconsistent: but it decisively proved that no European would desire organised opposition from the united front of the non-European peoples, as they saw in it a challenge to European predominance, power, and prestige.

When the House of Assembly met for the formal sitting after

the opening ceremony, Dr. Malan gave notice to move that immediate steps be taken to segregate non-Europeans residentially, to separate spheres of labour, to legislate against mixed marriages and the employment of Europeans by non-Europeans, and for separate representation in legislative bodies for enfranchised coloured people. The motion was defeated, but it predicted the future course of events and the trend of legislation to come.

In Natal, the policy of refusing to sanction the expropriation of areas under the Slums Act, until provisions were made for the housing of ejected Indians, was reversed, and the Minister of Public Health agreed to declare portions of Riverside as slum areas and to the expropriation of some twenty acres in Mayville by the Durban City Council. One hundred and fifty acres of land occupied by Indian market gardeners at Springfield were leased to the Durban Turf Club for five years at a rental of £500 per annum, with a right to purchase the land at £75 per acre. A move was also made to eliminate slums at Clairwood. The Indian bodies, the Natal Indian Congress and the Colonial-born and Settlers' Association, communicated the Indian view-point to the Minister and the City Council. There was a storm of protest at this new encroachment on their rights.

This was the temper of South Africa when Sir Rama Rau landed on the shores of South Africa. This obviously made him pessimistic, and obsessed him throughout his three years* stay in the Union. At a banquet in his honour by the Transvaal Hindu Seva Samaj in Johannesburg, Mr. Leslie Blackwell, K. C., M. P., presiding, Sir Rama Rau confessed: "If, after three years here, I leave the status of Indians in South Africa no worse than it is now, I think it will not be a bad achievement." Undoubtedly he could not, in the least, block the march of events, humiliating not only to South African Indians, but to the Government of India and the nation.

Such events could not but react on the minds of a community handicapped by the serfdom of its motherland, humiliated and oppressed by rulers.

A new school of thought came into being. There arose new groups and new leaders. Sincere, youthful, and courageous, they commenced their activity, not in sending petitions, but in cultivating public opinion; not in flattering the persons in position, but in showing the courage of their convictions; not in compromising on principles, but in offering resistance; not in kneeling down before the authorities, but in standing erect with a consciousness of their cultural heritage. The forces were not organized at this stage, but they were clearly making headway.

The Transvaal saw these forces at work when, in June, 1938, the Indian delegates met in a provincial conference at Patidar Hall, Johannesburg. In opening the conference, Sir Rama Rau regretted that the strenuous efforts of his predecessor and Congress were not able

to prevent the appointment of commissions on mixed marriages and Asiatic land acquisition, but pleaded that the Indians should not adopt non-co-operation, but should tender evidence in order to escape the danger of the commissions deciding on facts presented to them by one side only.

A group of the Transvaal Indian Congress representing the new idealism maintained that Indians stood to lose by co-operating with the commission, as commission after commission had been instrumental in the enactment of new anti-Asiatic legislations. Indians should rather place on the Government the onus of drafting a new legislation without tendering evidence. They added that their work lay in preparing the community to offer passive resistance when the opportunity arose.

The co-operators, however, carried the day. The following resolution was passed by 56 to 44 votes:—

"The appointment of these commissions is considered by the Indian community as being uncalled for, repressive, and as unnecessarily harassing a voiceless minority.

"The conference resolves and empowers the officials of the Congress to submit representations to the Transvaal Asiatic Land Laws Commission on the following lines:—

"To press for the repeal of discriminatory laws relating to Asiatic land tenure in the Transvaal;

"To oppose strenuously any proposal to curtail existing Indian rights."

The conference also decided to request the South African Indian Congress to give evidence to the Mixed Marriages Commission if necessary, protesting against legislation which is unnecessary and casts an unmerited slur on the Indian people.

The victory of the co-operators was short-lived, as the defeated forces organised into a Nationalist Group of the Transvaal Indian Congress, and dealt the co-operators a heavy blow a few months later by preventing them from functioning on a public platform on behalf of the Transvaal Indian people.

The Mixed Marriages Commission found itself in a great predicament in the preliminary stages of its investigation. At one time, it found that no one would come forward to tender evidence. The reasons for such an anomaly were not difficult to seek. The agitation against mixed marriages was actuated by political motives, was unwarranted and exaggerated. Besides this, the people were not enthusiastic over the affair, as the marriages were few, and they wanted to prevent them by effective public sentiment, instead of by legislatively prohibiting them and casting a slur on the European community as well.

In April, Mr. A. B. Kriegler, Secretary for the Commission, published a general notice inviting memoranda and evidence on the subject.

The following official statistics, showing the number of mixed marriages celebrated within the Union during the years 1926-1936 were also published for general information:—

MARRIAGES BETWEEN:

Year	European males and Asiatic females.	Asiatic males and European females.	European males and Native females.	Native males and European females.	European males and Coloured females.	Coloured males and European females.	Total
1926	1	2	20	5	66	15	109
1927	,	5	61	3	66	18	153
1928	.	5	35	7	76	12	135
1929	,	3	15	1	64	16	99
1930	.	5	16	1	60	15	97
1931	1	3	7	1	59	14	85
1932	•	6	6	.	63	7	82
1933	,	7	9	.	57	10	83
1934	2	3	7	.	47	13	72
1935	2	1	7	.	66	15	91
1936	1	7	6	.	36	17	67

The Commission held its first public sitting on 7th September. The South African Indian Congress tendered its evidence the same month. It said:—

"We are submitting this memorandum, firstly, in defence of Indian honour, and, secondly, in the hope and expectation that the agitation on this subject will, as a result of the report of this Commission, receive its death-blow."

Illustrating the marriage statistics, it contended:—

"In 1936 only 67 marriages between Europeans and non-Europeans took place, which means the Commission is to consider whether steps are necessary to prevent one European in every 30,000 from marrying a non-European. Over a period of ten years, one European in every 400,000 has married an Asiatic. Further, the annual variation is virtually nil, so that it can definitely be stated that marriages between Europeans and Asiatics are not on the increase."

It made clear that the Indian community was opposed to mixed marriages. In conclusion it declared:—

"We repeat that the small number of marriages between members of our race and the European, supported as it is by the facts given above and to the select committee of Parliament last year, does not present a problem and therefore legislation is unnecessary. No moral or economic grounds justify such legislation. Not even expediency and the self-interest of the ruling class warrant an addition to the growing amount of racial legislation that burdens the Statute-Book of the Union. We object to legislation for the slur and stigma it will imply on us as a community and the insult it will cast on us as a race."

The Asiatic Land Laws Commission restricted its activities to **the** Transvaal and northern districts of Natal, where the well-known republican Law 3 of 1885 was in force. In the rest of Natal and in the Cape no statutory restrictions existed on ownership of land. The Commission began its sittings in August. Mr. S. M. Nana cross-examined the witnesses on behalf of the Transvaal Indian Congress at all centres of investigation. The evidence was tendered by the Secretary of the Transvaal Municipal Association, the Registrar of Companies, the Registrar of Deeds, Mayors and Town Clerks, the Transvaal Indian Congress and the Agent-General for India.

The Registrar of Deeds admitted that the alleged evasions represented a small fraction of the total value of property registered at the Deeds Office, and that the amount of land purchased by Indians in the names of their European or Malay wives was infinitesimal. The allegation that marriages between Indians and non-Indian women, and especially Malay women, were contracted for the sole purpose of enabling the Indian husband to own property could not be substantiated.

The Transvaal Indian Congress asked for the repeal of Law 3 of 1885, and of other similar laws which discriminate against the use, occupation or ownership of land by Indians, and urged the Commission to report that, as a result of investigations made by the Commission, there had been no penetration or intrusion by Indians into European areas, and that the evasions by Indians of the letter and spirit of the land laws constituted a decimal and infinitesimal percentage of the total value of properties registered since 1932, and the extent of the evasions, specially with reference to Malay wives of Asiatics, was not of a sufficient nature to justify legislation.

The Agent-General's memorandum endorsed the arguments of the Transvaal Indian Congress and practically in identical phraseology it stated:—

"This enquiry is into the acquisition of property through nominees, companies or European and Malay wives since 1932, since any acquisition prior to that date has been condoned by statute. I understand that so far only one case of the purchase of land by the European wife of an Asiatic after 1932 has been brought to the notice of the Commission. No further comment is necessary. As regards Malay wives, it has often been asserted that marriages between Asiatics and Malays take place with a view to the purchase of property. But this is an obvious fallacy because in the Cape Province, where there is no restriction against the acquisition of fixed property by Asiatics, marriages between Asiatics and Malays are far more frequent than they are in the Transvaal. I may add that many Indians have a common religion with the Malays; **that** Islam never recognizes

racial barriers; that outside their own community Malays are the only people of the same religion with whom Indian Muslims can marry; and that interference in their freedom to contract such marriages may well raise issues of more than material importance."

"There have been very few cases with reasonable proof of evasion of the law," the Agent-General declared, "and the property concerned must be an 'infinitesimal fraction' of the property in the Transvaal, whether in area or value."

"In the Transvaal, trade is almost the sole occupation open to an Indian, and the importance to him of security of tenure of his business is obvious. An Indian threatened with the loss of his business site and of his trading licence is placed in a terrible dilemma.

"If he decides to preserve his livelihood by infringing what he considers to be an unjust law, he is only obeying the laws of self-preservation; just as a motorist, to avoid injury through an accident, will infringe a traffic law."

In spite of the growing indignities of the Indians in the Union, a trade agreement was concluded in July between India and South Africa, providing for most-favoured-nation treatment. The clause provided that duties on any articles from the country concerned should not be more than the reduced duties in those articles levied under a trade agreement with any other country. One would deplore the fact that the Government of India had not the courage to raise the question of the ill-treatment of Indian nationals in South Africa before concluding the agreement. After all, the Europeans and bureaucratic "sahibs" of India did not suffer indignities in the Union, and hence perhaps no necessity for a protest naturally arose.

Mr. Stuttaford, the Minister of the Interior, attempted to get a resolution exempting areas already scheduled by the Feetham Commission from the restrictions on coloured occupation contained in the Transvaal Gold Law, and also cancelling any discrimination against coloured persons which might be contained in the title deeds of any land included in the schedule, passed in the Union Parliament in September. The motion was opposed by Mr. B. J. Schoeman on the ground that segregation would not be given effect to if the recommendations of the Feetham report as put forward by the Minister in his motion were carried out. Other speakers followed suit and asked for the adoption of an Indian segregation policy similar to one which governed natives. To the Minister's shame and sorrow, the adjournment of the debate was agreed to without a division.

In replying to the Budget debate in the Cape Provincial Council, Mr. J. H. Conradie, the Administrator, advanced the view that residential segregation of the coloured and the European was the only means of preserving a white South Africa. Referring to the Local Authorities (Further Powers) Ordinance, which empowered Local

authorities to lay down separate residential areas for non Europeans, **and** also to introduce segregation in public places of entertainment **and** recreation, he declared:

"I am earnestly in favour of the ordinance, and I think it is the only solution for us if we want to remain a white South Africa. The longer we wait the more difficult the problem of finding a solution becomes."

The last two months of 1938 witnessed the fireworks of anti-Indian hatred. Total segregation was urged at every conference, and oratory also suggested the use of the rifle to settle the Asiatic problem.

Members of Parliament, members of the Provincial Council, and representatives of local authorities in all parts of the Transvaal attended a conference in Pretoria, arranged by the Pretoria Federation of the Ratepayers' Associations to protest against Asiatic occupation of property in European areas.

In a memorandum submitted to the conference the Federation stated that the ban on the Asiatic ownership of property was strictly administered, but there was nothing to prohibit indiscriminate Asiatic occupation. It considered legislation on the point urgently necessary.

"The standard of living of the Asiatic is so low that no European can compete with him in business," it stated. Asiatics therefore monopolised trade in the country towns. Native custom at Asiatic stores led to an undesirable concentration of natives in certain parts of each town. Asiatic occupation also caused a depreciation in the value of properties."

Opening the conference, Mr. J. M. van Brink, M.E.C, reviewed the legislation leading to the present position, and said:—

"We do not want to abolish the existing rights of the Indian, but we do not wish to allow a further extension of those rights at the expense of European interests..."

"We know that the Indian population objects strongly to segregation. We, on the other side, would be accused of hypocrisy should we not emphasize as strongly as possible our great dislike of that dangerous phenomenon which we call penetration. As penetration of white areas grows, so will the agitation for segregation have greater force."

"Penetration would have to be limited if the Indians were to avoid segregation. It was wrong for Europeans, Indians and coloured people to live in close proximity."

"Dislike of the present position exists throughout the country and a thorough investigation is long overdue."

Mr. M. G. Nicolson (Town Clerk of Pretoria) said the Transvaal Municipal Association had repeatedly discussed the problem.

"The law of ownership is clear," he said, "but is evaded frequently. Its intention is obvious, but the Legislature has

provided no machinery to carry it out. The Association has supported every move towards segregation and knows that it has the entire urban population of the Transvaal behind it. The position is becoming worse every year."

Mr. E. A. Rooth said that the Indians were becoming wealthy at the expense of impoverished European classes. He maintained that the Government should extend its segregation policy from the natives to the Asiatics.

The conference passed a resolution adopting the contents of the Federation's memorandum and asking the Government to extend the terms of reference of the Asiatic Land Laws Commission to include investigation into Asiatic occupation of property. The conference also asked the Government to instruct the Commission to recommend areas in the Transvaal in which Asiatics and coloured persons should live and trade.

A deputation, headed by Mr. J. M. van H. Brink, M.E.C, presented to the Minister of the Interior, on 7th December, the views and resolutions of the conference. The Minister informed the deputation that it was now too late to extend the terms of reference as the Commission was already engaged in drawing up its report. Nor could he see his way clear to appoint a new commission to undertake a wider investigation.

Mr. Stuttaford informed the deputation, however, that he had under consideration a different scheme which he thought would serve the same purpose as that of the deputation. He would propose to the Government that legislation be introduced providing that, in cases where sixty per cent. or more of the owners of property desired it, servitudes in respect of such properties be registered free of charge to prohibit the sale to, or hire of such properties by, Indians.

The deputation inquired whether the Minister would be able to introduce this legislation next session. Mr. Stuttaford promised that he would discuss the matter with the Cabinet shortly.

This announcement came as a bomb-shell to the Indians, as the events in 1939 would show.

The Union congress of the Nationalist Party met in the Bloemfontein Town Hall on 8th November, while the Transvaal United Party Congress was held at Pretoria on 10th November.

At the Nationalist Party Conference a few banners, including one "A White Man's Land is South Africa's Uncompromising Demand," were displayed in the hall. The first resolution, which was introduced by Dr. Malan, demanded the superiority and purity of the white race. In course of his speech, the Nationalist Leader touched the Asiatic problem and declared: "Because of the Oriental's greater ability, he was a more deadly menace than any other non-European." He also attacked the doctrines of Communism and Liberalism and said: "They were doubly dangerous in South Africa, because they cut at the roots of South Africa."

Another congress of the Nationalist Party on 16th December, at Cape Town, resolved to have a petition signed throughout the Union. It stated that the adult European population of the Union regarded the domination of the European race, in the spirit of guardianship, as of vital importance to the future of South Africa, and therefore asked that legislation be passed without delay:—

- (1) To prohibit all mixed marriages between Europeans and non-Europeans.
- (2) To put a stop to Europeans and non-Europeans living together in the same residential areas.
- (3) To make a punishable offence all miscegenation between Europeans and non-Europeans.
- (4) To carry out economic as well as political segregation between Europeans and non-Europeans.

Only Europeans over twenty-one years would be permitted to sign the petition.

At the Transvaal United Party congress held at Pretoria, resolutions were moved suggesting more stringent application of the immigration laws in respect of Asiatics, the formulation of a scheme preventing encroachment by Asiatics in European areas, and non-acceptance of the Feetham report. General Kemp, who presided, said the remedy lay in their own hands, as the properties on which the businesses concerned were situated belonged to Europeans. There were further protests by several speakers, one of them saying: "The nation is determined to end this most pressing of all problems, and if need be it will do so with the rifle." A motion that no licences be issued to Asiatics and that no transfer of existing licences be approved was carried unanimously. "The upholding of the white civilisation in South Africa and the improvement of the social and economic position of our people and the solution of national problems are all safe in the United Party," said General Smuts, winding up the congress.

The decision of the Johannesburg City Council to make Claremont an Indian township was attacked by European residents in the surrounding areas, and by the Indians on the principle of segregation. The issue was eventually left to the decision of a judicial committee, which disapproved of the scheme after hearing evidence.

Important resolutions touching penetration, industrial legislation, education, social welfare and trade were passed by the provincial conference of the Natal Indian Congress held on 10th and 11th December. Some of them read as follows:—

"This conference expresses its most emphatic opinion that the Indian community has not been guilty of penetration of European areas."

"This conference observes with regret the recrudescence of the cry of penetration. There has taken place a gradual

expansion of Indian areas, necessitated by the increase in the Indian population.

"But the Congress has arrived at a working agreement with the Natal Municipal Association whereby individual Indians are deterred from purchasing residential sites in European areas, and this conference has pleasure in recording that this arrangement has worked most satisfactorily."

"This conference draws public attention to the wide gulf separating 'skilled' wages from 'unskilled* wages, and records its emphatic opinion that the future well-being of South Africa lies in raising the wages of 'unskilled' workers."

"This conference directs its executive committee to take steps to secure representation of Indian interests on industrial councils."

"This conference deplores the administration of the Provincial licensing system. Although the law makes no racial discrimination, the authorities have introduced racial discrimination in dealing with applications of Indians for licences and by restricting the grant of licences to predominantly Indian areas, thus segregating Indian trade. This conference therefore urges the Union Government to take up immediately the question of uniformity of the licensing system throughout the Union and implement the licence clause in the Cape Town agreement.*"

"This conference deplores the results of the operation of the 'civilized labour policy' of the Government. Although the Government has declared that Indians are included in the term 'civilized labour', in practice the policy is being used to exclude Indians from employment to make room for 'poor whites' and others on the railways and elsewhere. This conference therefore appeals to the Government to investigate thoroughly the position resulting from the above policy and to see that the Indian gets the position in industry which is his due and right as a civilized member of the population.*"

"This conference deplores the fact that the Government has failed to give effect to the recommendation of the industrial Legislative Commission, 1934, that in the interests of South Africa as a whole all barriers to trade based on racial discrimination should be removed, and urges the Government to take immediate steps to remove these barriers.**"

"This conference deplores the fact that no facilities have been provided for enabling Indians to enter trade as apprentices, and draws the Government's attention to the fact that the provision of such facilities is a first essential to the uplift of the Indian community."

Resolutions dealing with social welfare urged that the pension of ten shillings a month under the aged and indigent Indian pension scheme be increased and the age limit for women be reduced; **that**

the Government be requested to establish labour exchanges in populous centres in order to gauge the extent of unemployment and to enable the unemployed, who were increasing in numbers, to find work ; that every possible step be taken to prevent the undesirable drift from rural areas by the opening of agricultural schools; that ways and means be devised for the training of suitable Indian students in social welfare work.

Resolutions on the sugar agreement deprecated the attitude of the Non-European Mill Group Board in failing to establish an equalization fund for non-European growers in accordance with the provisions of the agreement.

CHAPTER XV

REACTION

THE smouldering fire of antipathy towards the Indian community in South Africa commenced to burn openly and fiercely in 1939, with the opening of the Union Parliament. Although the Union Government hardly mentioned the measures under consideration to "keep the Indians in their place" in the Governor-General's speech from the throne, Mr. Stuttaford, an Englishman and a Minister of the Interior of the Union Cabinet, had drafted a measure which would compel the Indians to leave the European areas, if seventy-five per cent, of the land-owners agreed to insert the anti-Asiatic clause in the title deeds of their properties.

This measure was so dangerous that it would bring about the ruin of nearly 15,000 Indians in the country districts of the Transvaal, and the outlying suburbs of cities like Pretoria and Johannesburg, in a few years with only a stroke of the pen. Besides this, it would class the Indian national as an entirely undesirable and uncivilized human being.

Another measure which equally perturbed the Indians throughout South Africa was one by Mr. Friend, M. p. for Klip River (Natal)—another Englishman, incidentally, and one of the Government whips. His Bill empowered the local authorities to demarcate residential and trading areas for Europeans only. In the words of Mr. J. H. Hofmeyr, the ex-Minister of the Interior, "this Bill can only be in the nature of the class areas legislation introduced by Dr. Malan in 1925 with the object of enforcing Asiatic segregation."

The third move under consideration by the Union Government was a scheme drafted by Mr. B. J. Schoeman, an Afrikaner, who proposed that the Indians living in the gold areas should be enabled to acquire property in townships such as Claremont (then a proposed township for Indians), traders to be permitted to carry on

their present business on a temporary basis, provided that they did not live on the premises.

This Bill aimed at nullifying the mountainous labour of the Feetham Commission, which recommended the ownership of land for the Asiatic in the "exempted" areas. If the Minister agreed to Mr. Schoeman's formula and introduced a Bill, the death-knell of 7,000 Indians living in the "prohibited" areas would be sounded.

These were anxious times for the Indian community. They were in danger not only of being segregated, but of having their properties in the exempted areas jeopardised. Ruin faced them from every side. A deputation of the Transvaal Indian Congress interviewed the Minister of the interior and pressed for the fulfilment of the assurance to make effective the recommendation of the Feetham Commission. In a letter dated 15th February, the Secretary of the Transvaal Indian Congress wrote:—

"I cannot too strongly urge the serious and ruinous effect on Indians in the event of the resolutions not being introduced this year. Any postponement will create a feeling of uncertainty and insecurity and will adversely affect relations of Indian retailers with their European creditors (merchants and manufacturers). Failure to implement the recommendation of the Commission will disturb the economic stability of commercial men, both Indian and European, and will react detrimentally on the economic life of the Witwatersrand. Hundreds of poor Indian merchants would be faced with ruin, and thousands of Indians residing on proclaimed ground will be faced with ejectment and possible displacement from their homes in practically exclusively Indo-Coloured areas such as Burghersdorp, and that part of Fordsburg recommended for exemption. Surely the Government cannot view with equanimity this deplorable position of these helpless people placed in such circumstances by the Government's own policy of confining them within prescribed areas."

While these co-ordinated efforts were being made by the Government and its supporters to humiliate and eliminate the Indian, Dr. Malan's Nationalist Party was busy over a colour petition. Thousands of forms were circulated and the petition demanded wholesale segregation of the non-Europeans in every sphere of life.

The South African Institute of Race Relations, in a statement to the Press, pleaded for the withdrawal of the petition, whose demand for uniform application of the principle of segregation had already begun to fan race-antagonism into flame.

"The White community," it said, "constitutes barely one-fifth of the total population of the Union (without the Protectorates). To apply to the non-European four-fifths a policy of totalitarian segregation, overriding traditional differentiations in the positions of different sections of the non-European

population, can have in the long run but one effect, viz., to force together a non-European bloc. In place of the spirit of goodwill and co-operation, without which our race relations will degenerate into sheer race-antagonism, and without which the white Community cannot hope to maintain indefinitely its leadership and control, we shall have a united front of all non-Europeans against all Europeans as their common enemies. No thoughtful white South African can conscientiously vote for a policy which must have this effect. Vague promises of 'guardianship' cannot be blamed if they see in 'domination' and 'segregation' nothing but the exclusive advantage of white South Africa and the permanent disadvantage of non-white South Africa."

The following observations of the Johannesburg English newspapers would not be out of place to study the temperament of the country.

The Rand Daily Mail, 13th February, 1939:—

"For more years than most of us can remember, the unfortunate non-European has been a pawn in the white man's political game... Ever since the solemn compact of 1936, the Nationalist Party has been engaged in reviving the old prejudices, and to-day it is not merely the native who inspires their phobias, the Asiatic and the coloured man have been dragged in as well. They, too, must be politically and economically ostracised. It is difficult to say where it will end."

The Daily Express, 14th February:—

"At the best the petition is a mischievous document; at the worst it is calculated to do incredible harm and might land the country into a hornet's nest of trouble. It is already stirring up racial antagonism, as, in fact, it could scarcely fail to do.

"Dr. Malan is apparently blind to the danger which his policy of racial exclusiveness creates. It is bad enough when he preaches the doctrine that the Afrikaner is the only one fitted to rule this country, and that South Africa is the land of the Afrikaner. But when he preaches a gospel that would relegate all who are not European to a state virtually of permanent inferiority, almost of helotage, he is laying up a pack of trouble for South Africa."

The Star, 14th February:—

"Whatever the motive moving those who sponsor such proposals, the evil implicit in them is very real. The non-European four-fifths of the Union's population cannot be deported or exterminated, but there are two repressive alternatives. The one is the compulsory and complete segregation of these people from all European contacts, so that they neither sell the white man their labour nor buy the product of his—in which case our own economic self-sufficiency would collapse

like a pricked balloon. The other is the adoption of helotry as an approved white South Africa creed.... Even judged from the stand-point of expediency, such proposals will defeat their own aims whenever they are applied. Nor will any segregation barriers stop knowledge seeping through to those non-Europeans who thirst for it. But that knowledge hereafter will be used to foster and quicken sullen resentments towards those who have shut the coloured man off from the slender hopes he clings to to-day; and the foundation of our own future civilization in this country will be based no longer on justice, but on hate."

It was reported on 1st March, 1939, that the Government had decided upon a colour segregation measure based on the local option or servitude plan upon which the Minister of the Interior, Mr. R. Stuttaford, had been working for some time. The main points of the proposed measure were:—

Separate residential areas for European and coloured (including Indian) where a large majority of the inhabitants of a township desire it.

No interference with the political rights of coloured persons. No economic discrimination against coloured persons, but stricter separation of European and non-European workers in factories.

These proposals, hitherto merely tentatively discussed, had now received the approval of the Cabinet and had been communicated to members of the United Party in Parliament.

The same evening a mass meeting of Transvaal Indians, held at Patidar Hall, Johannesburg, adopted an amendment by Dr. Dadoo to elect a "council of action" for the starting of a passive resistance campaign as a protest against the Union Government's proposed segregation Bill. The defeated resolution embodied an appeal to the Prime Minister not to proceed with the proposed Bill, and also empowered the Transvaal Indian Congress to take such action as it deemed necessary to protect the interests of the Indian community.

There was some controversy about the decision of the meeting, but the future events substantiated the fact that the Indians followed the Nationalist Group by a very big majority.

This was the first reaction to the Union Government's desire to reduce the Indian to a state of helotry. With this also came into light the deplorable and unfortunate spread of hooliganism at political meetings in Johannesburg and Durban. The Natal Indian Congress and the Indian Youth Council (Durban) held protest meetings against the Government measure, and demanded its withdrawal.

The Natal Indians did not go as far as their Transvaal brethren, but the undercurrents were rapidly moving towards a more self-respecting stand.

The South African Indian Congress deputation travelled to

Cape Town to express their views on the Stuttaford servitude scheme, and totally rejected it. The memorandum submitted to the Minister of the Interior stated:—

"The Indian Congress has carefully traced the various legislative attempts to 'segregate' the Indians. Such measures evoked intense indignation and bitterness in the minds of Indians, both in the Union and in India.

"Under the present scheme, action is not to be initiated by any regulative body or local authorities, but the application of its provisions would have the same results and would definitely lead to segregation.

"Indians, especially in the rural towns, where they form a relatively small minority compared to the European residents, would be at the mercy of their European competitors in trade and of Europeans whose outlook is strongly influenced by colour prejudice.

"The 75 per cent, vote for the introduction of the servitude clause against coloured occupation would easily be forthcoming, and this would entail economic ruin and the national degradation of the Indian community,

"If it is your intention to remove or reduce the causes of racial friction, we submit your scheme will have just the contrary effect. It will be open to any irresponsible person actuated by the venom of race prejudice and hatred to organise and initiate a move to obtain the requisite 75 per cent, of votes.

"Such a move to exercise the powers of local option will be attended with intensive racial propaganda, which will inflame passions and stimulate racial bitterness in the area."

The discussion was outspoken. While Mr. Stuttaford was adamant, the Indians were equally so against the stigma of segregation. One delegate went so far as to state that Indians would oppose it by passive resistance. There was an open deadlock on the issue, and Swami Bhawani Dayal, then president of the Natal Indian Congress, left for India to discuss the Union Government's proposed servitude scheme and to arouse public opinion in the motherland towards the critical days ahead in South Africa.

On the question of the enforcement of the Feetham recommendations, the prospects were also gloomy. A meeting of all the Witwatersrand members of Parliament, mostly United Party supporters decided to oppose the measure.

They were not in a mood to pass the resolution, unless another simultaneous segregational Bill was also placed on the Statute Book. They did not worry whether this move would interfere with the commercial rights of Indians.

The situation definitely predicted that the Feetham recommendations were "dead" for the present, and the Transvaal Indians had to wait until a better atmosphere prevailed or the Government

changed to keep the solemn assurance. This opportunity arrived in 1941.

The Asiatic Land Laws Commission presented its report to the Parliament on 22nd March. It did not find evasions on a large scale. Solitary cases of contraventions of minor importance were ascertained. A number of contraventions were ascertained of the nominee-holding of land by non-Asiatics, on behalf of Asiatics, constituted after 15th May, 1930. "The dangers of such holdings," said the Commission, "lead them to hold the view that these contraventions are relatively infrequent in comparison with the evasions in respect of the Companies Law provisions of Act No. 37 of 1919 as amended."

The Commission added:—

"The holding of fixed property by the European wives of Asiatics has not been shown to our satisfaction to constitute an evasion of the law. The holding of fixed property and of shares in companies owning fixed property, by the Cape Malay wives married according to Mahommedan rites, of Asiatics has occurred both before and after 1932. We are not satisfied that, even generally speaking, the object of such unions is the evasion of the law."

The Commission, in summarising the recommendations, said:—

"If these statutory disabilities are to remain, they should be enforced by deputing to some special sub-department of a department of State the duty of investigating and punishing contraventions of the law and ascertaining and frustrating new methods of evasion. The validity of certain special types of company used to evade the law should be legally tested...No steps are necessary to restrict the land-owning rights of European women civilly married to Asiatics. At present no steps are necessary to deprive Cape Malay women of the right to own fixed property."

The report was signed by Mr. John M. Murray, chairman, and Messrs. H. Britten and N. Smit. Mr. Bloemsma agreed with the above report with reservations. In the course of his reservations, he said:—

"Having thus defied the law, they deserve, in my view, scant sympathy, and I consider that, in the instances brought to the notice of the Commission, the law should take its course..... Marriages between European women and Asiatics, whether entered into according to civil law or Mahommedan rites, are contrary to the traditions of the country and repugnant to 98 per cent, of the European population. . . Where a European woman contracts such a marriage, she should forfeit her status as a European and automatically assume that of her Asiatic husband, thus debarring her from becoming the owner of fixed property in the Transvaal. . . . The same disabilities should

extend to the issue of a marriage between a European woman and an Asiatic. . . Cape Malay and coloured women, by becoming the spouses or concubines of Asiatics, too, should automatically assume the status of the Asiatic husband and thus be debarred from holding fixed property or from obtaining the controlling interest in land-owning private companies."

In a concluding note, Mr. Bloemsma observed that since the promulgation of Law 3 of 1885, the Asiatics had by various means succeeded in evading the law. The matter had gradually developed into a sort of game of move and counter move. Whatever measures might be devised to tighten up the existing laws and to stop apparent loopholes, 'new means of evasion will readily be found and utilized. "I would suggest, therefore," declared Mr. Bloemsma, "as the only way out of this impasse that early steps be taken by the Legislature to restrict the right of occupation of Land by Asiatics and other coloured people in the Transvaal."

The value of the report was evidently minimised by the minority observations of Mr. Bloemsma. As such, the report, on the whole, came under the fire of criticism, as the Indian community foresaw that Mr. Bloemsma's observations would be sooner or later accepted by white South Africa. A section of the Indian community, a school of vested interests, was pleased with the majority report, in that the allegations of the purchase or properties on an extensive scale through Indo-European or Indo-Malay marriages were not proved to be so convincing as to demand fresh disabling legislation. But annexures "D" and "E" of the report, detailing investigation of individual companies and the Commission's comments thereon, were not of a nature which would glorify the Indian community. Mr. Bloemsma's criticism, again, was as uncharitable and unjust as ever came from the pen of a commissioner. The Nationalists naturally acclaimed Mr. Bloemsma's stinging remarks with a feeling of gratification and demanded drastic action to solve the colour problem. Now the ground was strengthened to raise a loud cry against Indian penetration into European areas. The bugle of segregation began to blow aloud from Messina to Cape Town. In this the British of Natal vied with the Afrikaners of the remaining provinces.

The *Daily News*, Durban, went so far as to suggest illiberal and unjust action to settle the issue. It said:—

"The average South African European does not want to be illiberal, unjust or false to his own highest traditions, but he wants still less to see his choice residential areas penetrated' by Asiatics and his shopping centres subject to an invasion he dreads. If, to stop these things, it is necessary to be illiberal or unjust, he will be both, unhesitatingly, and it is useless to obscure that truth. . . ."

This movement succeeded in forcing the Union Government to

appoint an Indian Penetration Commission about eighteen months later.

The year 1939 may be termed a black year for both the coloureds and the Indians. The feelings of the coloured people in the Cape were already hurt by the obnoxious Cape Segregation Ordinance. The Nationalist monster colour petition embittered them. The fuel to the fire was supplied by the following Government policy declared by the Prime Minister, General Hertzog, in the House of Assembly on 23rd March:—

"The Government's policy was defined under four heads, namely, political status, social status, economic status, and mixed marriages.

"Political status: The coloured people are not to be deprived of their existing political rights, and the Government will resist any proposals to change their franchise in a manner that would diminish those rights.

"Economic status: Coloured people shall not, by reason of race or colour, be debarred from engaging in any form of industrial occupation or employment, but the Government will endeavour to ensure that the working conditions of employment accord with the social policy set out below.

"Social status: There is no desire on the part of either the white or the coloured people that there shall be social intercourse between them, and social separation is accepted by both as the definite and settled policy of the country. Wherever social or economic conditions conflicting with this policy of social separation are found to exist, the Government will do its best to remedy such conditions, but it will always try to do so in a manner that will avoid ill-feeling or a sense of grievance and will involve no greater discrimination than the necessities of the case required.

"The most effective step in this direction is the provision of adequate housing accommodation, so that white and coloured need not crowd together under slum conditions where it is difficult for the inhabitants to remain socially apart. This step has already been taken on a very large scale and with universal approval.

"The Government intends to go forward with this policy. Legislation will, however, be necessary to carry it out. Local authorities are at present not equipped with proper powers to provide for the establishment of separate European or non-European townships in the future."

Tempers of the coloured people rose. Protest meetings were held throughout the country. They culminated into a monster demonstration on the Parade in Cape Town and serious disturbances outside Parliament House on 28th March.

Mr. T. C. Robertson, *Rand Daily Mail* political correspondent, described the scene as follows:—

"The calm and quiet of the Budget debate's last hours was rudely disturbed this evening by a noisy demonstration outside the House when 5,000 coloured people, marching with torches and banners, came from the Parade up Parliament Street.

"The demonstrators sang 'Glory, Glory, Hallelujah' very lustily, and some of the rowdier element booed and shook their fists at M.P.s and threw stones into the grounds of the House* They smashed the windscreen of a member's car and bombarded the cars of the Ministers, including that of the Hon. N. C. Havenga, with their torches and other missiles.

"The demonstration was against the Government's so called 'colour segregation policy.' Members rushed out of the House to watch the demonstration, finding it more interesting and exciting than the rather dull debate. The police, who arrived with rifles and fixed bayonets, soon had the situation under control.

The European newspapers did not publish the list of non-European casualties, but they were many. Four police officers were also injured in the riot.

The *Cape Argus* (Cape Town) ascribed the disturbances to poverty. It contended:—

"Men who attempted to make party capital out of a disgraceful occurrence—disgraceful to the whole city and not to one section of it—and who say not a word, let alone lift a finger, to remedy the root cause of disorderliness and crime among Cape Town's poorest people, cannot be counted among those who can call themselves public benefactors. And the root cause is underpayment and poverty. Home-life is a tragically sarcastic term to apply to the living conditions either of the children or the mothers in the slums. The break-down of parental control and violent dissatisfaction lead inevitably to moral degeneration and crime, which cannot be eradicated by the truncheon or the cat-o'-nine-tails.

"If there is one thing upon which all sections of the public should pull together, it is the uplifting of the poorest—which happen to be the coloured sections; and we wish that we could hope for Nationalist co-operation in this urgent duty, instead of Nationalist denunciation whenever the cause of the coloured people is championed."

Die *Suiderstem* (Cape Town) offered this outspoken comment: "Now we can see clearly to what the unchristian policy of the persecution of minorities leads: bitterness, riots and bloodshed."

General Smuts removed the alarm by stating that there was no intention to interfere with the way in which the coloured people now lived. It was unthinkable to clear them out of their present mixed areas of residence. General Hertzog assured the coloured deputation that the Government did not contemplate legislation

which would deprive the coloured people of the Cape Province of any existing rights whatsoever.

Mr. D. B. Molteno (Native representative) asked the Minister of Justice, on 13th April, to appoint an impartial commission to enquire into the causes of rioting, but it was refused. During the discussion Lieut.-Colonel W. A. Booysen (Nationalist) said that the police should be well armed. He was in favour of giving them two revolvers each, so that they could fire with both hands.

"Lo the Poor Indian" was the title of an editorial by the *Rand Daily Mail* on 5th May, when it commented on the Asiatics (Transvaal Land and Trading) Bill, introduced by Mr. Stuttaford in the House of Assembly the previous day. The contents of the Bill were, in brief, as follows:-

1. The protection to Indians in exempted areas for another period of two years.
2. The refusal of a certificate for a trading licence or its transfer except under the special authority from the Minister of the Interior.
3. Prohibition to let or occupy land to Asiatics which was not occupied on 30th April, except with the Minister's permission. Prohibition also to European nominees from obtaining licences on behalf of Asiatics.
4. Powers to the Minister to make exemptions in regard both to trading and occupation.
5. Exclusion of existing Asiatic areas or bazaars from the operation of the Act.
6. Provision for ejectment orders in cases of contravention of the Act.

The Act was to take effect on 1st May, 1939, and to operate for two years. It was popularly known as the Interim Bill, designed to "peg" the present position in the Transvaal so as to give the Government time to devise a solution of the Asiatic problem in its wider aspects.

The publication of the Bill aroused intense anxiety and alarm in India and South Africa. The Government of India demanded consultation before the passage of the Bill. The Transvaal Indian Congress described it as "uncalled for and unwarranted" and asked for the withdrawal of a legislation which would "sacrifice a defenceless minority to racialism." The Nationalist group warned the Government of the studied insult to India and of the Indian desire to launch passive resistance. Nothing disturbed or embarrassed the anti-Indian mind of the Union Government, bent on not lagging behind the Nationalist Party in devising means to humiliate Indians.

Moving the second reading of the Asiatics (Transvaal Land and Trading) Bill, Mr. Stuttaford said that when his proposals for separate residential areas for Europeans and Indians were made known, the Indian Government, through the Agent-General, asked

for an opportunity of consulting the Union Government regarding the terms of the proposed legislation.

The Government felt it would be only courteous to accede to the request, and for that reason, it was impossible to introduce the main legislation this session.

The Government, he added, while suspending action this session, must stabilise the position by not granting new trading licences to Indians in the Transvaal and prohibiting occupation of land by Asiatics in areas occupied by Europeans.

In defining the proposals, he declared:—

"The main issue was easy to define, but very difficult to solve. The Europeans and the Indians objected on the grounds that this principle would be a stigma on their race. This interim legislation did not remove a single Indian from property which he occupied or owned. He only wanted to stop further infiltration of Indians. He could not see why his proposals should be considered harsh on the Indians. They were not being driven out.

"The only people who had real grievances were those Europeans who, against their will, would have a servitude on their property. So far as he was concerned, those people would have to put up with their complaints because it was in the interests of the country that this principle be adopted."

Mr. Stuttaford said his solution had been violently opposed by the Indians and some lawyers, who did not think he (Mr. Stuttaford) could draw up bills.

Mr. Madeley: "Surely that is the general opinion."

Mr. Stuttaford said he was prepared to draft another Bill, which he hoped would meet with better response from the Indians and lawyers.

"I still maintain that we cannot in any other way settle the friction that has been going on in this country, and which Dr. Malan will tell you constantly recurs every three or four years. If people cannot agree with each other, they must live apart.

"The chief point in his solution," concluded the Minister, "was that it was up to Europeans to take action if they wanted to, in the way he had suggested." He hoped a solution would be found by the next session and that the Indian Government and the Indian people here would help the Government to find that solution.

Mr. B. J. Schoeman (United Party) said that he supported the Bill because it embodied an entirely new principle and ensured that the Feetham Commission recommendations would not be adopted this session. The interim legislation would give the Government an opportunity of trying to solve a problem that had faced successive Governments for thirty years. In attacking the Indian landlord he stated that the Indian landlord was the worst racketeer in the world.

"We want the Government to introduce comprehensive segregation measures, not only between Europeans and Asiatics, but between Europeans and non-Europeans," said Dr. Malan. "At present it is squandering the country's money on buying land for natives while the European of the poor white class is forced to live in mixed residential areas, is forced to fight unaided for his life and the purity of his race. We want the Government to be independent of Abdurahman and his people and to carry out its promises."

The Hon. J. H. Hofmeyr presented the case from the liberal standpoint. He said that although the Bill was short, it was potentially one of the most important measures introduced during the session. Its direct effects would probably be small, but its indirect effects might be considerable. By indirect effects he meant the consequences the Bill might have on the relations between the European and Asiatic sections of the population, as well as the relations between the Indian and Union Governments in this time of crisis. Both were colleagues in the British Commonwealth of Nations.

Mr. Hofmeyr proceeded to deal with the methods by which a solution should be sought. At the Imperial Conference in 1917 General Smuts had pointed the way to a solution on a basis of co-operation and consent. Mr. Stuttaford must keep always before him the principle of upliftment. It was not in the national interest that any part of the population should fall too far behind the other sections.

"You cannot permanently keep one section of your permanent population in the ditch without staying there yourself," said Mr. Hofmeyr. "I want to ask the Minister to remember that concessions to the ghetto-making mentality—we have seen it again this afternoon—always produce their menaces. I want to ask the Minister not to attempt to solve this problem along the basis of segregation based on legislative compulsion."

After paying his tribute to India's progress, Mr. Hofmeyr declared:—

"Discriminating treatment of Indians in the past had produced a Mahatma Gandhi for the world. In South Africa the weapons of passive resistance and civil disobedience had been forged. History might repeat itself."

He asked the Minister not to be unmindful of these facts. They might go forward with a solution based on legislative compulsion. "I think there is another and better way," said Mr. Hofmeyr. "It is the way of co-operation, consultation and consent. I believe the time is ripe for such a solution." Mr. Hofmeyr concluded:—

"This Bill may possibly have aroused bitter feelings. I do not think they are justified; but, whatever feelings are aroused, the position can be rectified and a solution can be found on the basis of consent and co-operation*

"When he has put this Bill on the Statute-Book, I ask the Minister to make some gesture to the Asiatic community, just as he is making a gesture to the Europeans in this Bill. On that basis, I am prepared to support the Bill,"

Mrs. Ballinger said she could not agree with Mr. Hofmeyr's attitude towards the Bill. He faced the implications of segregation in the first clause; but was prepared to accept it on the understanding that the Government was not in effect committed to segregation, whereas the eventual issue was very definitely prejudiced by this measure.

The Government took its stand for segregation in the first clause, and, said Mrs. Ballinger, she was satisfied that the Indian Government would see that the Bill was already prejudicing the situation. The willingness of the Indian Government to collaborate had been demonstrated.

It was extremely important that the Union's relations with India should be amicable, not only because the two countries were members of the British Commonwealth; but because the Union was seeking to extend her trade relations with India. If this was to be achieved, it was essential that she should have the confidence and goodwill of the Indian Government and people.

Mrs. Ballinger said she could not appreciate Mr. Stuttaford's inability to understand why the coloured people objected to segregation. The objection arose out of the restriction on their trading. It was illogical to accept the equality of the two sections and then to retain in the hands of one section the monopoly of all expanding avenues of trade.

"It would be more advisable if only we could get some of the facts of the social advancement of man into the minds of the legislators of our country and get them to recognize the factors in the difference between economic competition and colour.

"I wonder how much encouragement is given to the segregation campaign by certain commercial firms in their desire to have Indian traders pushed out of competition in their areas."

Mrs. Ballinger, in conclusion, hoped Mr. Stuttaford would withdraw the Bill and immediately reintroduce the resolution which he brought in last session, leaving the matter to be considered without prejudice until the Union and Indian Governments came to an agreement.

Mr. E. A. Rooth said that he had enjoyed Mr. Hofmeyr's speech like a Cook's tour through fairyland; but at the end of it he had come down to earth, where Mr. Hofmeyr had never yet found himself.

Mr. W. B. Madeley said that the agitation against the proposals to confine Indians to certain areas came only from the wealthy class of Indians, who were concerned with their own business and social interests and not with the interests of the mass of lowly Indians. The idea of segregation came from the caste system of India.

Some members criticised the Cape Town agreement of 1927 and demanded that it should be terminated.

Mr. Grobler (United Party) said he would ask the Government to terminate the agreement with India, which was of no further value. He did not agree with Mr. Hofmeyr that there was no Asiatic penetration in the rural areas. He wrote to all municipalities in the Transvaal, and the replies showed that they could not keep on evading the laws. For many years they had broken the laws, and eventually asked the Government to legalise their position.

Maintaining that the Indian Government would never consent to limitations imposed on Indians in the Union, Mr. Heaton Nicholls said:—

"If the Indians are part of our population and if a repatriation scheme is no longer practicable, there is no further justification for the 1927 Cape Town agreement, which is based explicitly on the possibility of reducing the Indian population. We must be left free to decide for ourselves without interference."

Mr. Leslie Blackwell said that the Bill would be an evil. He begged the Minister to scrap all except the first clause of the Bill. "For the first time, in stark crudity, we propose to set down in legislation that if a person is an Asiatic, the fact alone shall debar him from obtaining a licence," declared Mr. Blackwell. General Smuts might recall that Mr. Gandhi had told him that the Eastern people would never submit to immigration laws which described them as Asiatics and kept them out as such.

Mr. D. Jackson (United Party) said that for eighty-five years the Transvaal had discriminated on the basis of colour. Indians who had migrated to the province after 1885 should therefore have known what to expect. The lot of Indians in the Union was far better than they could have hoped for on leaving their native land. Many who had come to the country poor were now affluent, and a steady stream of capital was flowing from South Africa to India in consequence.

Ninety-nine per cent, of the Indians in South Africa would on no account choose to return to India. The grievances of Indians in South Africa were largely imaginary, and the House should remember that the Oriental mind was such that the Asiatic always demanded more than he expected.

Mr. Molteno said that if the principle of segregation was involved in the Bill it was a breach of the Cape Town agreement. Mr. Madeley's arguments had been based on prejudice. He had deplored the caste system in India and supported a measure which would introduce the caste system in South Africa by discriminating in the economic field against the sections of the community. The only reason for legislation of this nature was to protect one section against commercial competition from another, just as the driving force in native segregation was protection in the labour market.

Sarcasm was not lacking in the debate. Mr. J. D. H. Verster attacked Dr. Malan and contended that Dr. Malan lost the opportunity to solve the problem. "Dr. Malan and Mrs. Naidoo had played roles of Samson and Delilah, and Dr. Malan had lain with his head in Mrs. Naidoo's lap. She had not only shorn him of his locks, but had plucked him as one plucked a fowl," he declared.

Lieut.-Colonei W. A. Booysen said that Mr. Hofmeyr had pleaded for the upliftment of the Indians, but he was no champion of the poverty-stricken section of his own people, who had been shamelessly abandoned in the past. The Indians were dangerous parasites, forming one of the richest groups in the country, and they were an unhealthy threat to trade. It was time to consider comprehensive segregation between Europeans and non-Europeans.

Replying to the two-day debate, Mr. Stuttaford was more outspoken:—

"I want to be quite clear," said he. "We are going to deal with the matter in our own time and in our own manner, and I believe it can be done without friction and trouble.

"I am one of those who believe it was unwise in the past to prohibit ownership of land to Asiatics, provided that they were allowed to own land in areas set apart for their occupation.

"I think it is a much sounder principle to allow them to own land in such areas, and that it would not have tempted them as they have been to break the spirit of our laws, which prevent them from acquiring ownership of land.

"In any future arrangements we come to, I should very much like to have the co-operation of the Indians to deal with the question of residential rights and ownership on the lines which I suggest.*'

The Minister referred to the representations of the Indian bodies, and said that the Indian representatives did not want to see him as he would not postpone the second reading of the Bill. "I do not believe that these people represent the real Indians. They are a noisy crowd, out to make trouble and prevent, if they can possibly help it, any co-operation with me," he declared.

Mr. Hofmeyr wanted to make a gesture. He would always be willing to balance any gesture which would help to solve the tangle, **but** there must also be some sign of willingness from the other side.

Mr. Hofmeyr had maintained that there was no need to curtail new trading rights. But in view of a telegram from a portion of **the** National Congress, stating that they were going to "queer" the Bill **by** every possible means, had he not the right to take powers to **put** up a fight?

He had no wish to humiliate the Indians, who, it was true, had **very** little political say in this country. He agreed with Mr. Hofmeyr **about** the cultural attainments **of** many Indians; but the bulk of the **Indians in the Union were from the depressed class of Indians, who**

were "not received with much enthusiasm by the high-class Indians."

The second reading was passed by 91 votes to 28.

The debate showed that, while some members could view the problem from the Indian standpoint, hardly one or two were prepared to vote against the Bill, which not only meant segregation, but economic strangulation too. There were some who wanted to place all the blame on Dr. Malan, in spite of the fact that his Cape Town agreement was instrumental in repatriating several thousand poor Indian souls from the land of their birth, and that its upliftment clause virtually remained on paper. There were others who favoured the termination of this agreement and the hurling of the Indians into ghettos. A few, like Mr. Madeley, had the audacity to suggest the caste system of India, while history proved that, long before the Europeans studied India's social conditions, the Christians in Europe had persecuted the Jews and segregated them into ghettos.

Although Mr. Stuttaford pretended to present the Government case in an impartial and reasonable manner, his arguments suggested that he was myopic in his outlook. His mentality manifested signs of obstinacy and unwillingness to study the grievances of Indians. In an article published in *The Forum* the following week, Mr. Hofmeyr clearly explained the Indian hostility to segregation as under:—

"Why is the Indian community so intensely hostile to segregation based on legislative compulsion? One reason is that they have had some experience of it. In some of the towns of the Transvaal there are Asiatic bazaars, such as the extreme segregationist wishes to see established everywhere. Of late improvements have been made, but, until a few years ago, the record of local authorities in the Transvaal, in relation to Asiatic bazaars was, generally speaking, one of the blackest pages in our municipal history. In the light of past experience the Asiatic feels that being driven into a bazaar is equivalent to becoming a 'forgotten man'.

"But, apart from that, the Asiatics fear segregation because to them it means economic strangulation. As the Feetham Commission recognized, the Asiatic community in the Transvaal consists mainly of traders and, apart from trade, the economic opportunities available to them are considerably restricted. Now, at the back of the segregation agitation, trade rivalry is a very important factor. The extreme segregationist would confine the Asiatic trader to bazaars as far away from his customers especially his European customers, as possible. Those who are more moderate would restrict him to certain areas.

"But freedom of movement is essential for a trader. He wants to be able to follow his market. The areas set aside for Asiatic trade, even though reasonable to-day, may not be so to-morrow. And that is why the Asiatic fears segregation as he would fear economic death*

"There is, however, more in it than that. There is also the question of the dishonour which segregation implies. We must not forget that we are dealing in this matter with an extremely sensitive people. We may accuse them of having an inferiority complex, but, if we have regard to their treatment in the past, we must admit that there is justification for that attitude. From this point of view segregation must necessarily imply the affixing of a badge of inferiority.

The identical views were expressed by the Indian speakers at a crowded meeting on 7th May of the Nationalist group of the Transvaal Indian Congress in Johannesburg. Seventy-two-year-old Mr. E. I. Asvat, the chairman (who was imprisoned fourteen times in the South African passive resistance struggle), said that the purport of the Asiatic Land and Trading Bill was to strangle the economic life of the Indians, with the inevitable result that it would create unemployment, poverty and misery.

"It is the most sinister step in the direction of the creation for us of a ghetto, and is the most subtle attempt to reduce us to a state of heiotry."

For the very same reasons, Dr. Y. M. Dadoo declared:—

"Passive resistance is the only way out to defend our interests. We are going to send a deputation to India, and appeal to the Indian Government and people for their aid in the coming struggle. If we fight, then the whole of India will be at our back.

"Mr. Hofmeyr has already hinted at a United Party caucus that a passive resistance campaign was possible, and General Smuts is declared to have replied, 'well, let the Indians carry on. We take up the challenge.' and we shall carry on. Our campaign of passive resistance will make a direct appeal to the conscience of all fair-minded people throughout the world."

The meeting resolved to protest against the Bill, which was regarded as "degrading, ruinous and dangerous and violating the Cape Town agreement," and resolved to resort to passive resistance "as the only means at our disposal to register our protest by self-suffering."

* A council of twenty-five persons was appointed, with power to enlist volunteers and collect funds for the campaign, "and to make all representations and arrangements requisite to the successful carrying-on of the struggle to its final end and determination."

Mr. Stuttaford's contentions sounded autocratic, and tantamount to a "Heads-I-win" policy. What would the Minister have done, if he were placed in the same position as Indians? No self-respecting community would voluntarily sign its own death-warrant. No civilized race would agree to stigma of segregation. One would rather prefer to suffer than to submit to a status of inferiority. It was sheer impertinence on the part of the Minister to dub the Indian

protestants "a noisy crowd, out to make trouble." It was clear that the "noisy crowd" represented Mr. Stuttaford's "real Indians" who had decided to non-co-operate and place all responsibility on the shoulders of the Government for the humiliating unwarranted and harmful legislation. Even the Government of India, weak as it was, refused round-table talks on the terms of the Minister, i.e., total surrender to segregation.

The Bill went into committee on 10th May. The Minister's tune was harsher at this stage. Discussing clause two and the Minister's amendment thereon, Mr. Blackwell protested that in terms of the clause, any Asiatic who, perhaps, moved into better premises, would be refused the necessary certificate as in the case of a new application. The Bill was introduced as a "pegging" measure; but, in this instance, it would go further and put people out of business.

Mr. Stuttaford's amendment of clause three meant that, whenever a business changed its manager, it should ask the authorities for a new certificate. New licences could only be granted through the Minister's permission.

Messrs. Blackwell, Hofmeyr, Alexander and Burnside criticised Mr. Stuttaford. Mr. Burnside made stinging remarks; he said that according to this clause they could see that during the two years during which the Bill would operate, it would be possible to take away some of the existing licences. The Minister seemed horror-stricken at the idea that an Asiatic might change his name or transfer his licence. In the course of his own business activities the Minister might find it necessary to change the name of a business from, say, Stuttaford and Co. to Stuttafords Limited, or the Anti-Asiatic Stores and Bazaars Limited, if he thought it would increase his business. Why did he deny to Asiatics the rights which he allowed himself?

Mr. Burnside feared that the Minister would bow his head to the stream of reaction within his own party, rather than listen to the same voice of liberalism. In a statement to the Press he wished to protest against the practice of Ministers making statements to the Press which should be properly made in the House. Mr. Stuttaford had adopted the sanctimonious attitude that he was not going to call a round-table conference with the Indian Government.

Round-table conferences were for the reactionary leader of the Opposition, but not for the liberal Minister of the Interior of the United Party Government. However, during his second reading speech, Mr. Stuttaford had virtually deferred to the Indian Government and had said that he was prepared to confer with them and that the Bill was merely an interim measure. Mr. Stuttaford had got the House to pass the second reading of the Bill on that pretext, concluded Mr. Burnside.

Mr. Madeley appealed to the Minister to accept Mr. Hofmeyr's

amendment, which would help to "peg down" present conditions. The House should not earn the reproach of being oppressive, and if this was intended to be merely an interim legislation, members should ensure that it was nothing more.

The Minister of the Interior opposed them with his characteristic outspokenness and declared: "I am quite satisfied I am doing what is right. It does not matter to me what anybody says.

"Mr. Hofmeyr wanted him to say whether he would carry out clause four in the spirit of the 1927 agreement as confirmed by the 1932 agreement. That agreement was rather meaningless in the sense that the ordinary man did not know what all its words meant.

"What it meant, in effect, was: 'You shall give these fellows a fair deal, provided that in doing so you do not give anybody else a bad one.' That was the spirit in which he would carry out this clause."

Mr. Hofmeyr replied that he could not express gratitude for Mr. Stuttaford's remarks. He had asked him to give an assurance that he would administer clause four in the spirit of the round-table agreement of 1927 and with regard to the natural increase in the Asiatic population of the Transvaal, who had limited opportunities of making a living, outside commerce.

Referring to the "Minister's attitude to agreements," Mr. Hofmeyr said:—

"He has said, in effect, that he cannot be worried by agreements. That is a very unfortunate statement, as regards the round-table agreement. He said that if he could interpret it as meaning that he must be generally fair to Asiatics without being unfair to anybody else, he could act in that spirit. But the agreement is much more definite than that in regard to trading licences—its spirit is not one of restriction but rather of expanding facilities."

Mr. Hofmeyr said that the Minister had also apparently no respect for the Smuts-Gandhi agreement. He had been at pains to distinguish between law and justice*

Mr. Hofmeyr, with all his intelligence and brilliance, could not, however, carry the day in an Assembly of hot-heads led, on this issue, by a Minister who thought himself omniscient and omnipotent. The story did not end there. A few days later, Messrs. Hofmeyr and Black well were charged with moving amendments and voting against the Government; they were arraigned and condemned and expelled from the caucus of the United Party. In an article on his expulsion in *The Forum* (3rd June, 1939), Mr. Hofmeyr protested against the growth of the spirit of dictatorship:—

"I must admit now," he said, "that I was wrong. The party caucus does not welcome self-criticism. It prefers robots. It is ready to assist in the destruction of that attitude of mind

which is essential to democracy, and so foster the growth of the spirit of dictatorship."

Mahatma Gandhi protested from India against "a policy of pro* gressive stringency in their anti-Asiatic drive," and regretted that the Union Government had not respected its own agreements.

"Evidently the Union Government," he said, "would not be happy until they had either driven away the Indians, to whom they had given legislative protection, or reduced their status to such an extent that no self-respecting Indians would care to remain in South Africa. I am therefore not discountenanced by their reported decision to fight this latest menace of segregation through civil resistance if necessary."

The third-reading speech of the Minister was an unjustified attack on Sir Ram Rau, the Agent-General for India. The Minister contended that, in terms of the agreement, the Agent-General for the Government of India was appointed at the request of the Union Government, "in order to secure continuous and effective co-operation between the two Governments." The Agent General, presumably in pursuance of his clause, had sent a message to the Indian Congress of the Union that it must stand together to combat this menace which was threatening them. "This was the way in which the Agent-General was interpreting the clause."

If he (the Minister) went to the country and urged the people to do everything they could to combat the menace of the Indian community, would that also be interpreted as an action within the spirit of the agreement? One could read the agreement in many ways, and he was therefore not prepared to say that he would act in conformity with this or that clause. Personally, he would not like to say in public what he thought about the Cape Town agreement.

This was the first occasion on which a Cabinet Minister had attacked the Indian Agency in Parliament to serve his political purpose. When Sir Rama Rau interviewed him and explained the position, Mr. Stuttaford in a statement to the House said:—

"I fully accept the assurance of the Agent-General that the telegram did not refer to the present Bill, but to the attitude of the European population generally, and that his efforts have always been directed towards co-operation with our Government."

One fact, however, emerged from this incident: that while Mr. Stuttaford, as the Minister of the Interior, was prepared to capitalize the Agent-General's message, he had been keeping himself deaf to the movement in South-West Africa, the mandated territory under the Union, where the German Consul urged for the solidarity and unity of the German people. Besides this, India had a natural right to protect the minority rights of her nationals in South Africa. India was also entitled to interest herself to see that the pledges and agreements were faithfully carried out.

During the second reading debate in the Senate, Senator J. D. Rheinallt Jones said that the Bill was not a trivial measure to be dismissed in five minutes, as the Minister had suggested. On the contrary, it dealt with a very serious subject. He appealed to the Minister to restore a feeling of security among the people by assuring them that, at least, the recommendation of the Feetham Commission would be put into effect immediately.

Referring to the Minister's withdrawal of the recommendation the previous year, Senator Jones said that the walls of Jericho fell, not because of the trumpeting without, but because of a penny whistle in the back benches of the United Party.

Mr. Stuttaford agreed that the great majority of Indians did not penetrate into European areas. But it was the minority who did all the damage. He also agreed that avenues of employment were closed to Indians, but these would be opened as the Indian community progressed under the system of segregation.

While the first confession cut both ways to prove his case, the second one was a baseless prediction of progress under the segregation scheme. He closed the door to a round-table discussion by the following emphatic declaration:—

'The Government had held conferences in 1926 and 1932 that had led to nothing, and it was not prepared to hold another in 1939; but the Minister was prepared to meet a few delegates from the Government of India, in committee.'

In an interview, Mr. Stuttaford told Mr. T. C. Robertson, the *Rand Daily Mail* political correspondent, that the Union was not taking the initiative in approaching the Government of India, but that it was prepared to discuss the subject, before legislation to settle the problem permanently was introduced in the 1940 session of Parliament.

"I am prepared to deal with the matter by correspondence with the Government of India," Mr. Stuttaford said. "If however, the Government wish to send a deputation to the Union, then they must confine it to two or three members. I shall not hold a round-table conference on the subject, as was done by my predecessor, Dr. Malan, on two occasions."

Referring to a press message from Simla that the Government of India took up the attitude that the Indian problem in South Africa, if any existed, should be solved without resort to segregation or other legislation, and that the goodwill of that Government would depend on whether the present interim measure was approved, Mr. Stuttaford said that he regretted it if the message reflected the attitude of the Government of India.

"I regret it particularly," he said, "because the main measure was shelved temporarily and the interim legislation introduced only in order to accede to the request of the Indian Government that it should be given a chance to represent its views on the subject."

The Minister's "Come-into-my-parlour" attitude decided the **fate** of the South African Indian community. It furnished a conclusive proof that the United Party Government would never again invite a round-table conference, would never accept India's right to interfere in South Africa's domestic problem and that it would solve the problem in "its own manner".

A statement on how he intended to administer the Asiatics (Transvaal Land and Trading) Act was made by Mr. R. Stuttaford when he formally moved the third reading of the Bill. Mr. Stuttaford said:—

"*! propose exercising my powers under the exemption section in as sympathetic a manner as possible, subject to the spirit and letter of the law being obeyed.

"The issue of new licences must be suspended except in special cases involving genuine hardship. In such cases I shall act after investigation and recommendation by my department, provided I approve.

"Transfer of licences will be subjected to the same scrutiny, but it is not my intention to extend the scope of this Act beyond the intention of the Bill, which is to maintain the *status quo* until final legislation is passed. It must be clearly understood that I am the sole judge of the interpretation of this statement."

Mr. Stuttaford explained that he made this reservation in order to avoid becoming involved later on in such arguments as had recently taken place about the intention of the Cape Town agreement. The Bill did not mean segregation. He proposed to keep Europeans and Indians apart, but not to introduce forced segregation. He required for his work the goodwill of every man, Indian or European, in South Africa. His final proposals would be fair and just, but for that very reason they would be criticised.

Senator Brookes said that the small minority which opposed the type of legislation to which the Bill belonged was a growing minority, particularly among young South Africans. The liberal tradition was no longer the prerogative of those who imported it from overseas. He appealed to the Minister to proceed very patiently in dealing with the Indian community, for they did not possess the Bantu's sense of moderation and were less capable of compromise.

The Minister should not decide, said Senator Brookes, on permanent segregation until he knew where he would put the Indians. It would be inequitable to force them to live on the outskirts of the towns where they could not pursue successfully their natural occupation of trading.

A warning that the Transvaal Asiatic Land and Trading Act was the thin edge of the wedge of segregation was given by Mr. Harry Snitcher at a meeting of the Non-European United Front of South Africa, held in the Cosmopolitan Hall, Cape Town, to protest against **the** passing of the **measure**.

Mr. Snitcher characterised the new law as regards Indians in the Transvaal as one of the greatest injustices ever perpetrated in South Africa, and contended that the Indians, being a self-respecting, industrious, law-abiding community, were entitled to equality with Europeans. He denounced Mr. R. Stuttaford for the part he played in piloting the Bill through Parliament, and said he was the most unsympathetic, undemocratic and ruthless Minister of the Interior that South Africa had ever had.

While we have described, at some length, the incidents on the European front, it would not be out of place to study the currents and cross-currents on the Indian front in the Transvaal. The Indians—especially the property-holding section—were seriously perturbed at the prospects of the Feetham recommendations being shelved by the Union Government. Although the Government was committed to its acceptance through pledges to the Government of India and the Transvaal Indian Congress, the efforts of reactionaries of the type of Mr. B. Schoeman, M. P., had so far prevailed in their temporary non-acceptance until an all-applicable segregation measure was placed on the Statute-Book.

The co-operator group of the Transvaal Indian Congress was, to a large extent, preoccupied with this issue and had girded up its loins to see that nothing, from any quarter, blocked the way to the adoption of the Feetham recommendations by Parliament. The other issues were of comparatively small magnitude to them, although they recorded protest now and again against the other anti-Indian moves of the Government. There had probably been a predominant fear in their hearts that any active opposition to the Government, at that stage, on any issue, might jeopardise the prospects of an early acceptance of the Feetham recommendations, which meant the legalisation of properties "illegally" purchased and the right to ownership of land in the exempted areas. They were not a little perturbed at the impending passive resistance struggle to which the Nationalist group was committed by the mandate of the community. The efforts to reconcile and unite the two rival groups failed. There was a deadlock on the advisability or otherwise of the passive resistance struggle.

The Nationalist group believed that all their ills in the country were the outcome of anti-Indian hatred, the crime of colour, and inhuman and unjust tendencies on the part of the authorities. They were, so to say, "fed up" with the idea of kneeling down before the authorities, of accepting crumbs by meaningless representations, and of compromises and always one-sided sacrifices. They were, as a group, not antagonistic to the legalisation of properties. What wounded their hearts was the principle of compulsory segregation involved in it and the interim Bill. What availed a man, if he lost his soul for a mess of pottage, they argued. Why not suffer instead and settle the issue. If they succeeded they thought, the Indian

people would be accorded a respectable status, persecution would cease and peaceful times would follow. They clearly foresaw in the proposed legislation an age of greater oppression and the eventual elimination of the Indian from South Africa. They had decided to stand or fall on the issue of passive resistance.

The decision for passive resistance by the Nationalist group was acclaimed with enthusiasm by the Indian masses throughout the country. Some old arm-chair leaders commenced to discuss whether a provincial body could lay down a policy or principle on questions affecting the Indians. They characterised the movement as unauthorized and unconstitutional, although they themselves were acting against the mandate of the people. They, however, saw the sands slipping away from under their feet, the tide turning and the sleeping soul awakened.

A wave of enthusiasm swept over India, which looked forward to the launching of Satyagrah and also to the maintenance of her honour in the Union. Messages of sympathy and support came from Mahatma Gandhi, Pandit Nehru and others. Non-European peoples of South Africa evinced keen interest and experienced feelings of gratification and joy, in that a force at last had arisen to break the impregnable wall of the colour bar. Their hopes rose high at the prospects of the not too distant recovery of their manhood. Although against passive resistance, on account of its threat to European power if the natives and the coloureds got infected with the spirit of Satyagrah, the Press was eager to learn the technique of the movement and to follow the events.

Now there existed two rival forces in the Transvaal Indian community. One was a strong and influential force out to preserve vested interests, while the other was determined on launching the movement. Propaganda was afoot to vilify one group or the other. The undesirable weapons of communalism, personal hatred and kindred notions were tried to serve the purpose. A miniature trial of strength came on 30th May at Ermelo, where both the forces mustered their strength at a memorable meeting and the leaders of both the groups crossed verbal swords. The vote was not taken, but the electric atmosphere evidenced the majority support to the passive resistance movement.

The 4th June, 1939, will ever be remembered as a black day in the history of Indians in South Africa. This was the day when the Transvaal Indians were to decide, at a mass meeting at Osrin's Bioscope Hall, Johannesburg, either for or against Satyagrah. The rumour was afloat that there would be bloodshed at the meeting, which was advertised to start at two P.M. The hall was full a couple of hours earlier. Some volunteers of the Nationalist group, who were affixing banners to the hall, were suddenly attacked. Bottles, heavy clubs, bicycle chains, knuckle-dusters and knives were freely used* One Indian was disembowelled by a knife thrust;

four others were seriously injured, and five were treated for minor wounds. All the injured were members of the Nationalist group.

Sir Rama Rau, the Agent-General for the Government of India in the Union, corroborated this fact in his report for the year 1939 as follows:—

"On the 4th June, a meeting of the Transvaal Indian Congress was due to take place in Johannesburg to discuss the question of the policy to be adopted by the Congress *vis-a-vis* the Asiatic Land and Trading Bill. Before the meeting commenced, however, a disturbance occurred outside the hall. Various weapons were used, resulting in nine persons being seriously injured. The police were called in to restore order and the meeting was cancelled. One of the wounded persons subsequently died in hospital. It was found that all the injured persons were supporters of the passive resistance movement, not one of the supporters of the Congress Officials having been hurt. Allegations were made that the Congress Officials had organised this hooliganism. Five Congress supporters, including one member of the executive committee, were arrested and released on bail. The passing of the Asiatics Land and Trading Act and the use of violence at the meeting of June 4th had the effect of swinging opinion in the Transvaal heavily in favour of passive resistance. The incident further exacerbated political party feelings amongst the Indians, and the position was not improved when the Attorney-General subsequently withdrew the charges against the accused persons after the Magistrate had committed them for trial. . . ."

A controversy ensued about the responsibility for the riot. Dr. Dadoo alleged that the men "who perpetrated the outrages were the hirelings of certain interests, and their action savoured of American gangsterdom." He declared that he was at a loss to understand "the apparent reluctance of the police to take timely action which would have prevented this lamentable incident."

The co-operator group regretted the incidents, but refuted the charge of aggression. A vice-president of the Transvaal Indian Congress contended that the disturbances were the outcome of the Nationalist group's own provocative attitude. There required no proof, however, of the fact that all the injured Indians belonged to the passive resistance section of the Transvaal Indian community.

This brought into light the depth of deplorable mentality raising its head in a certain section of the community. We should realize that such actions, by any party, not only disgrace us in the eyes of the civilized world, but reflect on our character as a nation. Hooliganism is a double-edged weapon—it cuts both ways. It has never been successful in achieving the objects of a political party. On the other hand, the blood shed by hooligans for a party never dries and always leaves behind a heritage of hatred*

Four days later one of the injured Indians, Mr. Dahyabhai Govindji, a courageous passive resister, died. This event shocked the entire Indian community. The sacrifice of an innocent promising youth to the forces of hatred aroused greatest indignation among the people. His death made the past unforgettable in the hearts of the Indian people in the Transvaal.

This incident coincided with the conferment of knighthood on the Agent-General. Dahyabhai was accorded an official funeral by the Nationalist group. Remarkable scenes were witnessed at the historic funeral. Scores of telegrams from all parts of South Africa were read. The Agent-General's telegram was conspicuous by its absence, perhaps due to the joyful expectation of a Knight-Bachelorship in the June honours list. In an eloquent speech, Dr. Dadoo said that they had buried a son of India who had valiantly sacrificed his life for the self-respect of his community. "The tragic but ghastly incidents of Sunday last," he said, "have filled the community with horror and indignation. We all deplore the happening most vehemently. Undeterred by tragic set-backs, we shall go forward with our passive resistance campaign for the self-respect and vital existence of our community."

At a mass meeting of condolence on 11th June, in Johannesburg, resolutions were passed "deeply mourning the untimely but heroic death of the late Dahyabhai" and offering heartfelt sympathies to Messrs. Moosa Ebrahim Bhyat, A. H. M. Bhyat, Ismail Moonga, Premabhai Madhav, S. M. Moolla, Essop Kajee and Essop Bhyat for the injuries sustained by them at the hands of hooligans. In the course of a speech a brave Natal leader, Mr. Sorabjee Rustumjee, made an attack on the police, for failing to take ordinary precautions to prevent the sad happenings. So far as the Indian community of South Africa was concerned, he added, that day would be writ in history as the "Black Sunday".

The passage of the Asiatics (Land and Trading) Bill through both Houses of Parliament brought forth strong protests from the Indian National Congress and the All-India Muslim League. The All India Congress Committee criticized the action of the Union Government by a strong resolution on 24th June, which read:—

"The committee regrets the attitude of the Union Government towards Indian settlers. It betrays an utter disregard for the obligations undertaken by the predecessors of the present Government. The policy just initiated by them is a direct breach of the Smuts-Gandhi agreement of 1914, of the Cape Town agreement of 1927, of the Feetham Commission of 1932, and of subsequent undertakings on behalf of the Union Government."

The All-India Congress Committee resolution also sympathised with the Transvaal Indian struggle and pledged its support. It added:—

"The All-India Congress Committee notes with pride and satisfaction the firm stand taken up by the Indians of South Africa. They will have the sympathy of the whole Indian nation behind them in their fight for self-respect and an honourable existence. The committee trusts there will be no dissension between them, and that they will present a united front."

The resolution, in conclusion, issued the following appeal to the Union Government to be just to the Indian nationals and to carry out the promises. It said:—

"The committee appeals to the Union Government to retrace their steps, to carry out the promises of their predecessors, and to adopt a policy of progressive amelioration of the status of the Indian nationals of South Africa, 80 per cent, of whom were born and bred in that sub-continent and to whom South Africa is their only home."

On 3rd July, the All-India Muslim League entered its protest. The working committee passed the following resolution:—

"The All-India Muslim League expresses its full sympathy with Indian nationals in South Africa in their struggle against the obnoxious and unjust segregation measure and extends to them all possible help."

The co-operator group of the Transvaal Indian Congress automatically ceased to function publicly from 4th June. The Nationalist group resolved to take a fresh mandate from the community and to launch the passive resistance campaign. On 9th July a historic meeting took place at the Johannesburg Indian Sports Ground. About 6,000 Indians—an unprecedented record for the small Asiatic population in the Transvaal—attended, under the presidency of the grand old Satyagrahi, Mr. E. I. Asvat.

The president denounced the Act as derogatory to the honour and prestige of the Indian nation and called upon the people not to submit to it under any circumstances. In the course of his speech, Mr. Asvat declared:—

"The Union Government, by passing the Asiatic (Land and Trading) Act, which is now the law of the country, has treated the Smuts-Gandhi settlement of 1914 and the Cape Town agreement of 1927 as mere scraps of paper.

"The hopes of Mahatma Gandhi and the Indian statesmen who came to South Africa to conclude the Cape Town agreement have been dashed to pieces, for the Asiatics (Land and Trading) Act is a violation of the pledges given to Mahatma Gandhi and the agreement.

"We are definitely not going to submit to this law. We belong to the Indian nation, whose honour and prestige we are in honour bound to uphold. To the generation to come we have an answer to make. Are we to make an ignoble retreat in the face of an Act which at once stamps us as an inferior race?

"We have come here to declare that the only safe and sure weapon left to us to combat the Act is passive resistance. By resorting to passive resistance, we are only following in the footsteps of Mahatma Gandhi. We shall not depart one iota from the principles laid down by Mahatma Gandhi. We are prepared to suffer to the fullest extent in order that we shall leave behind us a heritage that our children will not be ashamed to own."

Referring to the Agency of the Government of India in the Union, Mr. Asvat said the Agent-General represented the Indian Government and had in his keeping the honour of India.

The Act was an insult to the Government and people of India and it was not in keeping with the honour of India for the Agent-General to remain in South Africa. Nothing could give more honour to the Indian nation than for the Government of India to withdraw its Agency from South Africa. They made an earnest appeal to the people of India to press for such withdrawal.

To prove that "the Transvaal Indian community is prepared to suffer to the uttermost rather than carry the badge of inferiority," the meeting unanimously pledged itself to resort to passive resistance on the 1st August.

The meeting passed a further resolution requesting the Government of India to withdraw the Agency. It also passed a vote of no-confidence in the officials at present carrying on in the name of the Transvaal Indian Congress and called for their immediate resignation. A vote of full confidence was passed in the Nationalist group of the Transvaal Indian Congress, and the meeting pledged itself to support their principles, policy and programme.

It might be interesting to record here the notable part played by the Natal leaders, Advocate Albert Christopher, president of the Colonial-born Indian and Settlers' Association, Mr. P. R. Pather, secretary of the Colonial-born Indian and Settlers' Association, and Mr. Sorabjee Rustomjee, an ex-president of the South African Indian Congress. They travelled 400 miles to encourage the Nationalist group leaders in Johannesburg. The resolution on the withdrawal of the Agency was due to their influence. They, no doubt, infused vigour into the campaign by their eloquent support. They did not stop there. They organised a mass meeting in Durban on 22nd July, to pledge Natal's support to the Satyagrah campaign in the Transvaal.

A few hours before the meeting, we witnessed a startling spectacle. Mr. Sorabjee Rustomjee, who moved a resolution for the withdrawal of the Agency at the memorable meeting in Johannesburg, attended the Agent's party in honour of the Governor-General, Sir Patrick Duncan. Dr. Y. M. Dadoo, the Transvaal leader, was persuaded to accompany him. The meeting in the evening was noteworthy for its organization and enthusiasm. Mr. Sorabjee Rustomjee, who presided over a gathering of 4,000 Natal Indians,

reviewed the Transvaal Indian problem and declared:—

"The Government is intent on wiping out the Indian population from the Transvaal by a gradual process of strangulation...No community with any vestige of self-respect will ever submit to a law which brands them as an inferior race."

The resolution pledged Natal's moral support to the Transvaal Indian community. The Transvaal leaders were delighted over the spontaneous sympathy; but their enthusiasm petered out when they saw, to their surprise, the absence of a previously pledged resolution on the withdrawal of the Indian Agency from the Union.

It did not take the Nationalist group of the Transvaal Indian Congress long to learn that these Natal leaders had probably a plan of their own in their effort to side with the passive resisters in the Transvaal. They desired to take advantage of the changing situation and deliver a blow to the prestige of other leaders who were at the helm of affairs in the South African Indian Congress and the Natal Indian Congress.

Meanwhile, an unexpected development was taking place. Mahatma Gandhi had learnt that the Government of India, as well as the British Government, were trying to obtain relief. He had put himself in touch with the Ministers. He saw some hope of an honourable settlement and asked the passive resistance council of the Nationalist group to postpone the Satyagrah.

In a statement Mahatma Gandhi urged the passive resistance committee to postpone for a time the proposed launching of the struggle on 1st August. He added:—

"I do so because I have some hope of an honourable settlement. I know that the Government of India, as well as the British Government, are trying to obtain relief. I have put myself in touch with the Ministers. In the circumstances, I think a brief postponement of the struggle is necessary.

"I am fully aware of the enthusiasm of resisters. They have proved their mettle before. They will do so again if it becomes necessary; but it is the code of passive resisters to seize every opportunity of avoiding resistance if it can be done honourably.

"Every cessation in search of peace adds to the strength of the real fighters. Let them remember that the Smuts-Gandhi settlement of 1914 was the outcome of the cessation of struggle for the sake of peace.

"I hope the proposed cessation will lead to a similar result. Should it unfortunately prove to be otherwise, and should the struggle begin, let Dr. Dadoo and his fellow resisters know the whole of India will be at their back."

The Nationalist group, after a representative council meeting, decided to follow Mahatma Gandhi's advice. It was indeed a sad resolution, but passive resisters should not hamper the way to an honourable peace. They, again, were not desirous of taking action

contrary to the advice of the Indian National Congress or Mahatma Gandhi. The Nationalist group was actuated to postpone the movement at the happy knowledge that it had moved the Indian and British Governments to intervene and that the Indian Nation was aroused to stand by them in case an opportunity arose to revive the struggle in future.

In a statement to the Press, suspending the passive resistance movement, Dr. Dadoo declared :—

"Mahatma Gandhi has been our guide and mentor in all that the passive resistance council has been doing in this matter, and we shall whole-heartedly await his advice; for we realise that his interest in the cause of the Indians of South Africa has not abated one whit, even though many years have elapsed since he left South Africa.

"I desire, however, to stress the fact that the Asiatic (Land and Trading) Act of 1939 aims at the virtual economic extinction of the Indian community of the Transvaal and casts a slur of inferiority on the whole Indian Nation.

"The passive resistance council sincerely hopes that the negotiations that are now proceeding will result in an honourable settlement."

On 5th May, Mr. Stuttaford once again made it perfectly clear that there would be no round-table conference between the Union and Indian Governments to discuss the position in South Africa. He added:—

"I shall inform the Indian Government of what I propose doing, and if they like to send any representatives over here I shall discuss the matter with them, but I am not going to open up the Indian question."

On 8th May the *Rand Daily Mail* (Johannesburg) published the following report from its political correspondent:—

"A permanent solution of the Indian problem in South Africa is being sought at present by the Minister of the Interior, Mr. R. Stuttaford. Officials of his department, I understand, have advised that one of the essential aspects of the plan is the question of parliamentary representation for the Union's Indian population. The scheme is to give the Indians similar representation to that which is enjoyed at present by natives through the medium of their three European spokesmen in Parliament and the Senate. If it is decided to have 'Indian M. P.'s,' two of them will probably represent Natal and the third the Transvaal and the rest of the Union. The scheme is part of an even wider settlement that is being sought."

During the same week was published a resolution of the working committee of the Indian National Congress held at Wardha, congratulating the passive resisters in South Africa on their restraint and staying action, and expressing the hope of an honourable settle-

ment. The committee appealed to the Union Government not to put Indian settlers to a severe test of suffering by withholding mere elementary rights which had twice been guaranteed them.

All these developments, however, were fruitless. The negotiations, which ended in a deadlock, hardly came to the knowledge of the public. The question of parliamentary representation was shelved, as the Malanites, in the words of Mr. T. C. Robertson, (*Sunday Times*, 20th August, 1939), "rose up in arms, shouting murder and treason at the suggestion."

The Indians remained in the same predicament as before.

On 19th August the Mixed Marriages Commission issued its report. There were two sections of the report. The majority report was signed by Mr. de Villiers, K. C, chairman, and three other commissioners. The minority report was signed by Mrs. N. B. Spilhaus, M. p. c. The majority report stated:—

"The four commissioners have come to the conclusion that legislative action making mixed marriages impossible should be passed, and that it should be accompanied by other measures directed against illicit miscegenation."

The report stated that members were not impressed by the argument advanced against a law to prohibit mixed marriages that such legislation would entail a curtailment of liberty in matters of a private and personal nature. "If no steps are taken to combat the occurrence of mixed marriages, it is probable that the number of such marriages will increase."

The commission considered various measures proposed for combating mixed marriages. Among them were residential and factory work segregation; the improvement of the economic position of the poorer European classes, and the improvement of the economic position of the non-European section.

In a minority report Mrs. Spilhaus stated: "To say that it is necessary to prevent by law the occurrence of these mixed marriages because they will have a deteriorating effect on the future composition of the population of the Union is absurd."

Mrs. Spilhaus believed that inter-marriage was due to a shortage of European women. To counter the shortage she suggested "the immigration of numbers of young European women of good type." She argued:—

"The infiltration of colour into the European population of South Africa has been going on since the seventeenth century, with no bad results that can be seen in the descendants of the families in which it is present.

"If the children of mixed marriages were cared for, educated, trained and nourished as European children are, and also given a chance of advancement of life, we do not know why they would not rise to be the equals of our European citizens.

"One cannot imagine any European in his or her senses and

in the enjoyment of all the privileges of his race willingly marrying colour and being the cause of bringing children into the world to inherit so many disabilities."

The report met with a mixed reception. The Nationalists saw in it the justification of the mixed marriages agitation and a triumph for nationalism. Their leader, Dr. Malan, declared on 22nd August, at a meeting in the Brakpan town hall, that while the European and native mingled and a European child still played with a non-European, the Commission's proposals would be ineffective. The law should go further and provide for segregation. There should be segregation at work as well. Dr. Malan declared that the problem would not have been inquired into had it not been for the stand made by the Nationalist Party.

"From the time of the Voortrekkers there has been a steadfast determination that the European race should be the first race in the country and should remain pure. We must not rest until we have brought about segregation, not only for the natives, but for the coloured men and Asiatics as well," said he.

A Nationalist organ, *Die Volksblad*, said: "Never before in our country has a Government standpoint been so fully destroyed by a Government commission."

The English Press, on the other hand, were unanimous in the comments, in effect, that the Commission had failed to prove that mixed marriages were on the increase, or that they were detrimental to the welfare of the Union. The only remedy, they stated, lay in the development of a healthy public opinion. "'The legislation suggested," wrote the *Natal Mercury*, "is quite unnecessary and would only inflame racial grievances which, if left undisturbed, would in the course of time die out."

One notable event of the year was Sir S. Radhakrishnan's visit on a lecturing tour of South Africa in the early part of the year. His speeches spell-bound the audiences by his wide knowledge and excellent oratory. Besides this, he made the acquaintance of the leaders and thinkers of South Africa, including Generals Hertzog and Smuts. Before his departure for England in April, he pleaded, in an interview at Durban, that the Indian's colour alone should not place him in a position of inferiority. He suggested Indian representation in Parliament, provincial and City Councils by a vote on educational and property qualifications.

CHAPTER XVI

VICTORY FOR UNION'S DIPLOMACY

IN the year 1940, South Africa passed through a series of troubles. General Smuts defeated General Hertzog on the war issue on

4th September, 1939, and became the Premier of the Union. The Nationalists formed a combined opposition under the joint leadership of General Hertzog and Dr. Malan. The country was at the cross-roads. Domestic bickerings became the order of the day.

The Union Parliament witnessed verbal duels, personal attacks and hot tempers. General Smuts had, for the first time, broken his silence and girded up his loins to face and deliver blows. General Hertzog gave notice that he would move that South Africa should withdraw from the war. General Smuts asked leave to introduce the Emergency Powers and Indemnity Bill. Dr. Malan submitted a motion for complete segregation of non-Europeans and for the prohibition of mixed marriages. Hot discussions ensued opposing General Smut's Bill. Dr. Malan made a stinging attack which will ring in the ears for several years. He said:—

"Stalin and Jan Smuts. Both have the same contempt for parliamentary institutions and democratic procedure. But was Stalin's attitude not the more preferable? He had never pretended to be an advocate of democracy and democratic institutions; but General Smuts pretended to be the foremost defender of democracy south of the Equator

"General Smuts had also enrolled 50,000 Knights of Truth, with himself as commandant general and Mr. Arthur Barlow as his adjutant. Parliament had decided against titles for Union citizens, but a knight had a title. I suggest that General Smuts be called Lord Nakob."

The Afrikaner resentment of the war was based on reasons of neutrality, independence, small population, distance of the war arena and, to some extent, the fear of the removal of the colour bar. They recalled the fact that the last war had cost the country £80,000,000. This war cost them £50,000 a day, which should better have been spent in helping the poor Afrikaners, they said.

The war did not change the Afrikaner attitude towards the Indians in South Africa. It was summarised in their new constitution as follows:—

"Mixed marriages and other forms of miscegenation will be stopped and Asiatics will be segregated, both as regards dwelling places and trade. In general there will be segregation both in factories and towns."

The Transvaal Hertzog group went so far as to adopt the party motto, "South Africa first and South Africa alone." The protection of the population from Asiatic competition was not qualified by any reference to the rights of Asiatics lawfully residing in the Union.

Anything that suggested even a remote possibility of an invasion on the white men's rule and superiority was attacked and if possible eradicated. France was termed by Mr. Pirow "the only potential enemy in Africa" in a speech at Robertson, as "she gave her native **people more than equal rights** with her European populations." At

the graduation-day ceremony of the University of Pretoria he declared: "Not for a thousand years can we allow the natives social and political equality with the white man." The Nationalists were out to smash, in the words of Dr. N. J. van der Merwe, the leader of the Free State Nationalist Party, the "trinity of evils",—Imperialism, capitalism, and liberalism.

In the Indian political firmament clouds of danger, bickerings and betrayals continued to gather force. Perhaps as never before in the South African Indian history, one witnessed the *volte face* of the Indian leaders. The vibrations of self-respect, which filled the political atmosphere for a few months in 1939, weakened and the supposed inferiority complex sprang forth again from the seeds of the South African inheritance.

The Natal Indian Association did not start its career in a befitting manner. Its leaders of to-day were the advisers of the Transvaal Indians of yesterday. Barely three months had passed, since they spoke in favour of the passive resistance and the withdrawal of the Agency resolutions at Johannesburg and pledged their moral support to Satyagrah, which was planned to start against the Asiatics (Transvaal Land and Trading) Act, encroaching upon the Indian right to occupy land and to trade.

On 24th October, 1939, they interviewed Mr. H. G. Lawrence (who replaced Mr. Stuttaford as the Minister of the Interior in the reconstituted Smuts cabinet) at Durban, and gave an assurance to do their best to prevent the purchase of property in what is said to be a predominantly European area. The Natal Indian Association agreed to co-operate with an *ad hoc* committee of the City Council of Durban, not only to discuss the purchases in the European areas, but, as the Minister hoped, also to discuss housing, the provision of civic amenities and matters of that sort. In other words, the assurance was tantamount to an undertaking to "peg" the present position in Natal. It was as great a betrayal as the Kajee assurance before the select committee and his "gentlemen's agreement" with the Natal Municipal Association. It grieved one to observe the leaders blaming one another, when the fact was clear that the interests and rights of the people had been sacrificed at the behest of the authorities. The present Natal Indian Association leaders had condemned the Kajee assurance in no uncertain words. To-day, they had become the targets of criticism from the followers of the Natal Indian Congress for a similar assurance.

The assurance was said to be given voluntarily, but the events connected with it proved that they were forced to do so under the threat of an interim legislation on the lines of the Asiatics (Transvaal Land and Trading) Act. In a statement to the *Natal Mercury*, Sir Rama Rau, the Agent-General, reviewed in brief the circumstances leading to the assurance and said:—

"The Minister was presumably convinced that the facts in

regard to the alleged penetration should be investigated by an impartial body, and he subsequently announced his decision to appoint a judicial commission.

"There was the danger that the appointment of a commission and the fear of subsequent legislation would stimulate purchases of property by Indians in European areas, particularly in Durban during the investigation. This could be prevented either by interim legislation or by the co-operation of the Indian community. The Minister chose to try the latter course and suggested a joint committee of the Natal Indian Association and the Durban City Council."

He quoted the following statement of the Minister of the Interior to prove that both the assurances were identical in spirit and substance:—

"The assurance given by the Natal Indian Association is substantially and effectively similar to that given by the Natal Indian Congress to the Natal Municipal Association in 1936; and that the evidence in his possession disproves the contention that the earlier assurance had reference only to occupation and not to purchase of land."

Both these statements prove conclusively that the assurance was given to escape interim legislation and that both parties indulged fruitlessly in a controversy on the desirability of one or the other assurances. The case of the Natal Indian Association was further weakened by its printed statement on alleged Indian penetration, where it had to take shelter behind the statements of the Minister and defend their attitude by the contention that it was nothing new and that it was originally negotiated by Mr. Kaje. Mr. H. A. Naidoo, who later became a leader of the nationalist bloc of the Natal Indian Association, pointed out the error of their ways at a meeting held in Durban to confirm the assurance. He said:—

"The arguments in favour of the resolution seek to show that they were giving the assurance because their predecessors had done so. If the Congress had made a mistake in the past, we should not commit the same mistake now. The assurance is even worse than segregation, because we ourselves submit because the Europeans want to legislate. It would be a greater honour to fight such legislation rather than submit to assurances."

Messrs. S. Rustonjee, A. Christopher and party, however, carried the majority with them in the confirmation of the assurance. This state of affairs did not last long. The Nationalist bloc, which brought the workers' support to the Natal Indian Association, gradually rose up in arms against the betrayal and its six leaders in the Natal Indian Association committee started to assert their voice in the counsels of the Association. The voice grew in strength; their **call** to struggle began to be heard frequently. This became unpalat-

able and intolerable for leaders who were not used to such opposition and who, again, it appeared, were not courageous enough to face the music and respond to the aspirations and requirements of the self-respecting section of their party. In June, 1940, the Nationalist bloc administered a trouncing defeat to the old leadership on the war issue.

The resolution to offer the services of the Indians in the war and to co-operate with the authorities in that connection was defeated by a majority. This audacity on the part of the left-wingers had deplorable consequences for the Natal Indian Association. The Association's officials exerted their enormous influence and were successful in the unjust and unchivalrous expulsion of Messrs. B. Athmanand Maharaj, D. A. Seedat, H. A. Naidoo, George Singh, C. I. Amra, P. M. Harry and Dr. G. M. Naicker from the committee. The Nationalist bloc took every constitutional means to secure justice. Their requisition for a mass meeting was thrown into a waste-paper basket. Eventually the Nationalist bloc retaliated, not by forming a separate body, but by closing the public platform to the old leadership. The situation became very interesting. The Union Government and the other authorities recognized a body opposed by the masses, while the majority of the Natal Indians recognized the Nationalist bloc.

The assurance of the Natal Indian Association was also interpreted as a betrayal by the Nationalist group of the Transvaal Indian Congress, in that it was against the policy and programme of the Nationalist group and dealt a heavy blow to its movement.

Let us now revert to the happenings in Parliament. Here one should bear in mind the fact that the Union Government wanted to do things by consultation and co-operation, but that, of course, at the expense of the Indian community. The method of "assurances" had obviously been to their liking. It steadily brought about disruption in the opposition camp and precipitated their march towards the only remaining solution of the problem, the segregation. On 30th January the Minister referred to the latest assurance enthusiastically, and hoped that that would be the beginning of a greater co-operation and of the putting right of matters on nonstatutory lines. He was hopeful that he would be able to extend an experiment to Pietermaritzburg.

Mr. Lawrence's speech was, it might be pointed out, in reply to Dr. Malan's motion for segregation of the non-Europeans and prohibition of mixed marriages. He informed the House of the Government's decision to appoint a commission to enquire into Indian penetration. Dealing with the Indian population, Mr. Lawrence said:—

"There were 219,691 Indians in the Union, of which 10,508 were in the Cape, 183,661 in Natal, 25,493 in the Transvaal, and 29 in the Free State. The bulk were descendants of the indentured

class and the remainder belonged to the trading class and were found largely in the Transvaal.

"The descendants of the indentured class had made their homes in South Africa and knew no other country, but many of the remainder still maintained contacts with India. I hope that all Indians in the Union will come to look on South Africa as their country and will not seek outside contacts or assistance in furthering their cause."

An Opposition Member: "Then you must eliminate the Agent-General."

The Minister said that that was quite unnecessary, because the Union Government must maintain some contact with the Indian Government until the Asiatics in this country had been absorbed into the general population. The Agent-General's functions had some connection with the uplift measures that the Union had undertaken.

The Minister's statement, we should acknowledge, is clear. He does not want the Indians to seek outside contact or assistance. He wants to maintain the Agency until the Asiatics in the country have been absorbed into the general population. He agrees that the Agent-General's functions have some connection with the uplift measures that the Union Government had undertaken.

But we beg to differ from the Minister on the question of the uplift measures. A few things could be seen in the educational and social sphere, but, on the whole, they are insignificant when we take into account the major measures to ruin and exterminate the Indian community in South Africa. A number of anti-Indian enactments have been placed on the Statute-Book since 1927, when the Cape Town agreement, with its famous upliftment clause, was arrived at between the two Governments. We would like to ask the Minister whether the segregational Acts of the Government constituted "uplift" measures.

His first two desires also appear to us self-contradictory. How could he logically suggest to the Indians not "to seek outside contact" and at the same time maintain the Agency in the Union? Is the Agency not a foreign institution? Do the Indians not approach the Government and the people of India through the Agency? Besides, why does the Minister require the Agency for the uplift measures? Does he want to earn the gratitude and appreciation of the Indian Government for the future measures to ameliorate the status of the South African Indian? If so, what are those measures?

To put it candidly, we see nothing of this sort in the air. If we are enlightened on the uplift measures undertaken by the Union Government, we would advance, with grateful hearts, to thank the rulers for their kind and courageous acts. We would withdraw all the bitter things we might have said against the policy of our

rulers. We would appeal to the people and the Government of India not to worry about us, and to discontinue the financial burden of the Agency in the Union. We would solemnly pledge not to **seek** outside assistance, and offer our loyalty to the country of our adoption.

The Minister, however, is keen to maintain the contact with India until the Asiatics are absorbed into the general population. We are at pains to know what the Minister exactly means by absorption into the general population. Does he mean the Asiatic absorption into the European population, or does he want his absorption into the non-European family? The absorption by the European races is out of the question as the impregnable Siegfried-line of colour stands in the way. The absorption by the other non-Europeans is possible, but it is pregnant with danger repercussions. Does the Government sincerely wish the Union of all the non-European peoples in the country? We do not think so. On the other hand, we feel that the Union Government views with apprehension every non-European unity. We have also experienced that the Union Government divides and rules the non-European community by considering and attempting to solve their problems separately.

In May, the Natal Provincial Council introduced three ordinances which affected the Indians one way or the other. The Town Boards and Health and Malaria Committees Ordinance denied the right of the Indian to representation on the committee, as he did not possess the status of a parliamentary voter. The Motor Vehicles and Road Traffic Regulations Amendment Ordinance vitally affected the vested interests of Indians who owned and plied motor vehicles for hire or reward, as a restrictive licence clause was inserted in it. The Durban Extended Powers Draft Ordinance empowered the Durban municipality to constitute a licensing board of appeal composed of councillors only. The Natal Indian Association protested against the ordinances through a memorandum. In the case of the last ordinance, Advocate Christopher, Messrs. S. Rustonjee, P. R. Pather, A. S. Kajee and S. R. Naidoo, representatives of the Natal Indian Association, appeared before the select committee of the Provincial Council, in Maritzburg.

The clause relating to the creation of a licensing appeal board was deleted from the draft ordinance on an objection from the Association, which demurred to the members of the Council sitting on the appeal board. If constituted, stated the Association, it should be composed of non-Council members. The Durban Ratepayers' Association supported the application, but the select committee upheld the objection of the Natal Indian Association.

The Union Government appointed a commission of inquiry into alleged Asiatic penetration into predominantly European areas in Natal and the Transvaal, with Mr. Justice F. N. Broome as chairman, and Messrs. A. E. Charter, former Provincial Secretary of

Natal, and Nimrod Smit, a member of the former Murray Commission, as members. The Commission was to "inquire into and report whether, and if so to what extent, Indians have, since 1st January, 1927, commenced occupation of, or acquired, sites for trading or for residential purposes in predominantly European areas in the Provinces of Natal and the Transvaal and the reasons for such occupation or acquisition."

The commission was also empowered to call for papers. As far as the Transvaal was concerned, the powers, jurisdiction and privileges described in the Commissions Powers Ordinance of 1902 of the Transvaal were conferred upon the Commission. It was emphasized that the Commission's investigations would not apply to land proclaimed under the Precious and Base Metals Act of 1908, as amended, of the Transvaal.

This was the only political commission appointed during the year, owing to the war. No commissions of a political nature were considered by the Government for any other race settled in the Union. The Government was busy organising for the war, which, however, could not persuade the Union Cabinet to shelve the Commission until its duration. The Natal Indian Association appealed to them to suspend the Commission for the sake of organising an Indian Service Corps, but the request was unheeded. The Indians were, after all, voteless, worthless brown people, dependent on the white men's patronage. The Government must do its duty. War or no war, the Indian must continuously go through a course of indignities. The Commission could not be suspended. The Indians could be easily kicked and forced to co-operate. The Indians could be easily driven like a herd of cattle.

The vested interests of Natal were represented in the Commission, while the Indians had no voice in it except the representation of their case through their organization. As had happened before, they had to stand as offenders charged with trespassing into the white men's reserves. The problem of penetration in Natal! What a problem for the Government! Why not call to witness the Governors and Members of the Legislative Assembly of the Natal colony, who unambiguously and enthusiastically invited Indian immigration, encouraged them to settle, and conferred upon them the right to vote and to own land, etc. But they could not come, as they lay peacefully in their graves, with the satisfaction that the Indian labour introduced by them had enriched the colony. The records of their actions and feelings, however, could be found in the archives. Let them testify that Natal owed its prosperity to the Indians.

To-day, the movement was on foot "to keep the coolies in their place." "Thus far and no further" was the cry raised against them. Union legislation and Provincial ordinances—one and all—aimed at the gradual elimination of the "Asiatic evil". The Government was triumphant at the outset. It had bound down the Indians of

Natal, hand and foot, to accept nonstatutory segregation by an assurance from the Natal Indian Association. Now the Commission had to investigate Indian penetration into Natal as well as the Transvaal.

The Commission was derogatory to Indian National honour, in that it was to investigate not Asiatic, but Indian penetration only. All previous commissions were for Asiatics, but this one was for Indians only. In a statement issued to the Press on the objects of the Commission, Mr. Justice Broome, the chairman, said :—

" We are concerned only with penetration by Indians: we are not concerned with Asiatics other than Indians, nor with Cape Malays, coloured persons or other non-Europeans."

The Indian organizations were placed in an embarrassing position by the Commission. The Commission, as a matter of fact, was a response to the Indian leaders' demand for a judicial enquiry to refute the charge of penetration. The assurance, in the interval, committed them to cooperation. The Natal Indian Congress decided its attitude at a provincial conference in Durban. It deplored the appointment of the Commission, condemned it "as a violation of the spirit and letter of the Cape Town agreement," criticised it as inconsistent with the ideals of democracy, justice and freedom, but decided to co-operate with the Commission "in the practical interests of the community." The Transvaal Indian Congress, or the co-operator group, also resolved to do likewise.

The Nationalist group of the Transvaal Indian Congress, however, took a definite line of action. Its resolution passed at a crowded meeting in Gandhi Hall, Johannesburg, presented the Indian case in an emphatic manner, and asked the Indian community and the Government of India to non-co-operate with the Commission. It read as follows:—

"This mass meeting of the Transvaal Indians, held under the auspices of the Nationalist group of the Transvaal Indian Congress registers its strong condemnation of the Asiatic Penetration Commission, which commences its sittings on 9th October, under the chairmanship of Mr. Justice F. N. Broome. The Indian community firmly and steadfastly maintains that:—

- (a) The Union Government had no justification whatever in taking steps to ascertain the question of penetration, since the Indian community does not countenance any such question in view of the fact that it is the indisputable right of the Indian people to reside and trade according to their choice and wisdom in any locality; whilst the Union Government works on the assumption that it is wrong for the Indians of the Transvaal to move from one place to another for the purpose of trade and residence in the non-proclaimed areas of the Transvaal, a highly undemocratic assumption.

- (b) The Indian people are fundamentally opposed to segregation in any shape or form and will resist any such move.
- (c) The intention of the Union Government, in appointing this Commission, is to pave the way for further imposing unwarranted restrictions on the already meagre rights of movement, trade, residence and employment possessed by the Indian people.
- (d) The Union Government, although it has plunged the country into the cauldron of war, on the pretext that it has done so in defence of democracy and freedom, has not been deterred by the state of war from pursuing its policy of further oppressing certain sections of the Union's population.
- (e) The appointment of the Commission violates the very letter and spirit of the Cape Town agreement, in that it does not aim at the upliftment of the Indian people, but evidently contemplates their degradation.
- (f) The Indian people are profoundly disturbed at the fact that the appointment of the Commission is humiliating to Indian nationhood, and, secondly, it singles out the Indian community for the first time in the history of South Africa for investigation with a view to segregation.

"This meeting, therefore, hereby resolves that the Indian community should boycott this Commission, and calls upon the Indian people not to co-operate with it in any shape or form."

The second resolution requested the Government of India to non-co-operate with the Commission and called upon the motherland not to tolerate any inferior status of her nationals in the Union. It said:—

"In view of the fact that the appointment of the Indian Penetration Commission signifies a challenge to Indian national honour and an unjust move for segregation of Indians, against which the Government and people of India have so often protested and taken a firm stand in the past, and that while the Union Government has been eagerly recruiting Indians for military service, it is not prepared to convey any hope for the amelioration of the Indian status in this country, this mass meeting therefore resolves:—

- (a) To request the Government of India to take immediate steps to instruct its Agency in South Africa not to co-operate with the Penetration Commission in any shape or form.
- (b) This meeting further requests the people of India to show their strong disapproval of the segregation move of the Union Government, and declare that India, on the threshold of freedom, will not tolerate any inferior status for its nationals in South Africa/'

In Natal, the Nationalist bloc viewed the penetration question

with identical sentiments. Although not enjoying the confidence of the majority, the leaders of the Natal Indian Association and the Natal Indian Congress represented Natal Indians before the Commission. The Transvaal co-operator group did exactly the same in the Transvaal without the mandate of a public mass meeting. The Commission hardly worried about its boycott by the Nationalist Indians of South Africa. It did not, moreover, worry to find out whether the Indian leaders who co-operated with it really represented the aspirations of the Indian masses. Its caravan went on in spite of protests and demonstrations.

The leaders of the Nationalist Group (Transvaal) and Nationalist bloc (Natal) enlarged their activities, which now included the opposition to war and the call to the non-European people not to support it. Dr. Dadoo was brought before the Johannesburg Court to answer a charge of publishing in print a statement calculated to incite the non-European population to resist the Government in connection with the emergency regulations; alternatively of endangering or aggravating feelings of hostility between one section of the public and another.

The statement complained of was headed "An Appeal to All Non-European People of South Africa." and read as follows :—

"You are being asked to support the war for freedom, justice and democracy. Do you enjoy the fruits of freedom, justice and democracy ?

"What you enjoy is pass and poll-tax laws, segregation, white labour policy, low wages, high rents, poverty, unemployment, and vicious colour-bar laws.

"European recruits receive 3s. 6d. per day (beer allowance). You are expected to give your life for 1s. a day.

"We answered the call in 1914-1918. What was our reward? Misery, starvation and unemployment. This time we must demand the right to live as human beings, the right to work in skilled trades, recognition of African Trade Unions, the abolition of the white labour policy, the abolition of all anti-colour legislation, full rights of citizenship.

"Don't support this war, where the rich get richer and the .. poor get killed.

"Issued by the Non-European United Front (Transvaal)."

Dr. Dadoo read a statement in defence, which, in conclusion, said:—

"The present war is an imperialist war, and therefore an unjust war. It is not a war to free the people, but to maintain and extend imperialist domination. Even at this critical juncture, the Union Government would not even consider the request to postpone the sitting of the Asiatic Penetration Commission for the duration of the war, thus showing that it is not one whit concerned about affording any relief to the non-European people. Under these conditions, I submit to

the court, how could any representative body of non-European public opinion, or I, as one of the leaders, be expected to acquiesce in the war efforts, if we are to remain truthful and loyal to our people.

'This war could only be transformed into a just war for the preservation of democracy and the defeat of Fascism when full and unfettered democratic rights are extended to the non-European people of this country and when the oppressed peoples of India and the colonial and semi-coloured countries are granted their freedom and independence. If these conditions and rights are given them, only then could we believe that this is a war for the preservation of democracy and the institution of a new social order; and there would be no sacrifice too great and no risk too hazardous for us, the non-Europeans, to offer for the defence of this new social order.

"In view of these facts, I plead not guilty to both the charges alleged against me. Whatever the decision of the court may be, for us there is no cause so sacred and no cause so noble, as the cause for which the Non-European United Front is fighting and shall go on fighting, surmounting every obstacle, suffering every consequence, till justice is vindicated and freedom won."

Dr. Dadoo was found guilty on the main charge under the Emergency Regulations. The sentence was a fine of £25, or one month's imprisonment with hard labour and two months' imprisonment suspended for two years.

The case came before the Supreme Court in November, which, however, confirmed the judgment of the lower court and declared:—

"To play upon the emotions of a person in time of war is a dangerous thing. The pamphlet is as inflammatory as a drum of petrol and its publication, undoubtedly, is calculated to incite otherwise passive individuals into active resistance and opposition to the measures in question."

In Natal, the Nationalist bloc leaders were summoned to appear before the Chief Magistrate at Maritzburg, charged with being unlawfully present at a meeting which had been prohibited by the control officer under the Emergency Regulations. Undaunted, they held a mass meeting under the joint auspices of the Nationalist bloc of the Natal Indian Association and the Non-European United Front at Maritzburg, on 20th October, to protest against the trial of the members of these two organizations and against the Penetration Commission.

They decided to boycott the Commission and passed the following resolution of protest against the attempts to stifle the non-European public opinion:—

"This mass meeting, held under the auspices of the Nationalist bloc of the Natal Indian Association and the Non-European

United Front, strongly protests against the attempts of the Government to restrict the freedom of assembly and speech of the non-Europeans who are avowed supporters of real democracy.

"The trial and conviction of Dr. Y. M. Dadoo for expressing the opinion of his people, and the summoning of Messrs. H. A. Naidoo, C. I. Amra, R. K. Naidoo, K. S. Pillay, D. A. Seedat and C. B. I. Dhladhla under the War Measures Act, for attending a mass meeting of Maritzburg Indians, is strongly resented by the non-European people, as such action by the Government restricts the rights of the non-Europeans to express their just and legitimate grievances.

"This muzzling of the voice of the non-European people, the large majority of whom have no say in the Government of the country savours of Nazi methods, while pro-Nazi Europeans are allowed to carry on with activities that are anti-democratic and calculated to pave the way for the introduction of Nazism in South Africa."

On 4th November the leaders of the Nationalist bloc were found not guilty and discharged. The Magistrate, however, warned them and said:—

"You have listened in the course of this trial to some critical allusions to the policy of preventing meetings. I notice, too, from printed matter sent to me that this case, even before its conclusion, had been used for propaganda purposes. I want to express the hope that those concerned will not find encouragement in the result of the trial.

"Whatever our individual views may be as to policy, it must be remembered that the country is at war. That is a time when the natural desire and obligation of every citizen is specially to serve in whatever way he can. To their credit, many Indians, coloureds and natives have wished to help, and the authorities cannot be expected to tolerate interference with them by others who are not like minded.

"I do not propose to take notice of the irregularity to which I have referred. We may hope instead that better counsel will prevail with these apparently gifted young men, and that they will come to realise that they can serve their people better by earning recognition than by alienating sympathy in this time of national emergency."

While the Indian Nationalists of South Africa were wading through a sea of trouble, as we saw above, the co-operators had not a happy sailing on the Government ship. They had to yield on every issue of importance. There was hardly any gesture of goodwill or broadmindedness on the part of the authorities. The Commission was not suspended. No pledge of a better status after the war was forthcoming from the Government in response to the tre-

mendous recruiting efforts of Natal's two organizations, the Association and the Congress. Even the City Council of Durban had adhered to the old policy of humiliating the Indian community. AH was not well with the Lawrence Committee which was formed to bridge the differences between the City Council and the Natal Indian community.

The Minister of the Interior, in a speech before the House of Assembly, had expressed the hope that the joint committee of the Natal Indian Association and the Durban City Council would not only co-operate in the question of the purchases of property in predominantly European areas, but would also co-operate in other things such as housing and civic amenities.

In November we found, much to our disappointment, that the Durban City Council kept the Indian members of the Lawrence Committee in the dark, and that it was not prepared to provide housing schemes in select areas and to communicate in what manner and to what extent the extension of civic amenities was to be taken in hand for the localities in which the Indians resided.

A memorandum signed by Messrs. A Christopher, P. B. Singh, P. R. Pather, J. W. Godfrey, A. S. Kajee and S. Rustomjee, the representatives of the Natal Indian Association on the Lawrence Committee, to that effect, was sent to the Mayor, who replied that the Council did not admit that the needs of housing were more serious in the case of the Indian community and that it was unable to commit itself in advance to any programme of development of the civic amenities.

In a memorandum submitted to the Indian Penetration Commission, the Durban City Council alleged that the value of Indian-owned land increased by 142 per cent., while the population and subdivisinal ownership increased by 43.43 and 72.43 per cent. respectively. Properties bought by Europeans from Indians numbered 44, at a cost of about £80,000. The memorandum added:—

"As a result of a survey carried out to determine the occupation of property, as distinct from acquisition, in predominantly European areas by Indians, it was found that of 717 properties 394 were occupied by Europeans, 265 by Indians, and 58 by people of other races.

"This gives an incomplete picture of the issue with which the Commission is concerned, for it remains impossible for the Council to furnish any fact at all regarding the number of properties owned by Europeans in these areas occupied by Indians, either as lessees or as purchasers on hire-purchase who have not taken transfer, or on some other footing.

"Statistics for the added areas over the past six years—the only figures of which are available—reveal that in that time the Indian population has increased by 22 per cent.; Indian-owned property valuation has risen by 67 per cent.

"Indian acquisition of property, whether this be judged by the rateable value or the total number of individual properties concerned, has advanced at a rate which exceeds the rate at which the population in these areas has increased."

What was more serious was the City Council's attitude towards the Commission in connection with the cross-examination of its case. At the very first meeting, Mr. H. G. Mackeurtan, K. C., the representative of the Durban City Council, told the Commission that it was giving its information freely and willingly, and that, if further information was required of the Council it would also be provided. But, he said, he was not prepared for witnesses to be submitted for cross-examination in the ordinary sense, because he felt that the information which had been furnished provided everything that could be required by the Commission.

Messrs. S. Rustomjee and P. R. Pather, on behalf of the Natal Indian Association, and Mr. A. Milne, on behalf of the Natal Indian Congress, objected to this attitude and demanded that they should be permitted to ascertain true facts by examining the officials and putting questions to them.

Mr. Justice Broome, the chairman of the Commission, invited Mr. Mackeurtan to submit the responsible officials to answer questions, but the invitation was refused. The Commission could not compel him to do so, as the Commission had no statutory power in Natal to require the attendance of witnesses or to call for the production of documents.

The City Council was, however, persuaded to be allowed to be questioned by the Indian representatives, who gave them a very hot time when the Council once more made an appearance before the Commission. In a supplementary memorandum the Council admitted that twenty cases, in all, were erroneously debited against the Indians.

Mr. Rustomjee submitted the Council's representatives to a lengthy and detailed cross-examination to show that even now they were far from being accurate: that they had debited the Indian with acquiring 577 subdivisions, from which 104 needed to be deducted, leaving only 473 subdivisions. Of these 473 cases, all but 31 were cases of expansion into contiguous areas and not cases of "penetration".

He also submitted graphs prepared by the Natal Indian Association to illustrate that the European community was much wealthier than the Indian community in landed property, and that the divergencies in this respect between the two communities had increased. In 1927 the Europeans owned £384 of rateable property per head, which increased to £497 in 1940; while the Indian community in 1927 had £85 of rateable property per head, which had increased to £143 per head in 1940. Mr. Rustomjee contended that the graphs prepared by the Council were deceptive, because

if Europeans had 400 houses and they acquired 200 more, the graphs would show only a 50 per cent. European increase; whereas if Indians had one house and they bought just one other, their acquisition, according to these graphs, would reflect a 100 per cent. increase.

Mr. A. I. Kajee, secretary of the Natal Indian Congress, also contested the Council's figures and submitted that, compared with 1927, the difference in value of property holding per head as between Indian and European in 1940 had increased by nearly £160 in favour of the European, in spite of the fact that while the Indian population had increased in the period, Europeans had decreased.

He added that in 1940 Europeans owned £477 19s. 9d. worth of property per head and Indians £43 4s. 11d. worth. This advantage in favour of Europeans, amounting to £354 11s. 10d., is, £160 more than it was in 1927.

Cross-examining Councillor Fyfe, a European member of the Lawrence Committee, Mr. Rustomjee established the fact that the Council spent £7 3s. 4d. on European, £7 0s. 9d. on native, and only 17s. 6d. on Indian housing per head, according to an official report of the Durban Corporation housing schemes drawn up on 30th April, 1940.

Mr. P. R. Pather stated that when Ordinance 14 of 1922, empowering the City Council to import a racial clause into its sale of unalienated lands was passed, the then Natal Indian Congress received the following assurance from the Secretary for the Interior:—

"The Government considers it reasonable that the Administrator in giving his approval to racial restriction introduced into land sales, should see as far as possible that Asiatics are given reasonable opportunity of acquiring adequate residential sites."

Since the passing of the ordinance, Indians had not been given reasonable opportunity of acquiring adequate residential sites. Only fourteen sites in Beatrice, Lorne and Carlisle Streets had been sold to Indians. That was in 1930. There had definitely been a breach of the undertaking given.

When the Lawrence Committee managed to persuade certain Indians to forego purchases of property in European areas, it looked upon the City Council as being in duty bound to offer choice residential sites within the borough for purchase by those who were stopped from buying. The Council had not carried out its side of the contract.

Beside the investigation into the penetration question by the Broome Commission, the outstanding events of 1941 were the change in the designation of the Agent-General, the incarceration of Dr. Dadoo and Mr. D. A. Seedat, acceptance of the Feetham recommendations, renewal of the Asiatics (Transvaal Land and Trading)

Act, the Factories Bill, and the passive resistance in the Transvaal.

The new year commenced with the elevation of the Agent* General's status. A proclamation stated:—

"With the consent and approval of the Government of the Union of South Africa, the Government of India have decided that their representative in the Union shall, from 1st January, 1941, be designated High Commissioner for India in the Union of South Africa. Sir B. Rama Rau, at present Agent-General in the Union, will become High Commissioner from the date."

General Smuts conveyed "cordial congratulations" to the Government of India and expressed to the people of India their "sympathetic interest in their progress towards the attainment of free and equal partnership in the British Commonwealth of Nations."

The Viceroy responded by "warmly appreciating the sincere desire of the Union Government to greet India as an equal partner in the Commonwealth."

The English newspapers recorded the event with enthusiasm and the Natal Indian Association immediately sent wires of thanks and joy to the Government of India. Sir Rama Rau issued a statement to explain the change and said:—

"The position of the High Commissioner will in several respects be different from that of the Agent-General. The High Commissioner will be the sole channel of communication between the Union Government and the Government of India in all matters, including trade, and his functions will be much wider than hitherto.

"It would be appropriate for him to make representations to the Union Government on all subjects of common interest to the two Governments. He will, however, act as the spokesman of the Government of India only and not of the Indian community in the Union, but his advice and assistance will continue to be available to any section of the Indian community which is willing to work in agreement with the policy of the Government of India."

Mr. J. D. Tyson, Education Secretary, explained the elevation of the status in reply to various questions in the Indian Legislature. He said that the change arose from agreement between the Government of India and the Union Government that the former should have in South Africa a sole representative through whom all communications should pass. There was a definite diplomatic status accorded to the High Commissioner, and this was regarded as a raising of the status of the post, he added.

Mr. Tyson said that the Agent-General was appointed to implement the Cape Town agreement and his duties were confined to matters arising from the agreement, matters affecting the uplift of Indians in South Africa. The High Commissioner would have the right to make representation on behalf of the Government of India

and the right to deal with matters pertaining to other departments of the Government of India.

The change in designation was a diplomatic triumph for the Union Government. By suggesting the elevation of the status, the Union Government deprived the High Commissioner of the right to interfere in the "domestic affair" of South Africa. He lost the right to speak on behalf of the people and her nationals in South Africa. He was reduced to the status of a postmaster, through whom passed all communications between the Governments of India and the Union, by land, water or air. The anti-Asiatics of South Africa achieved what was well nigh impossible as long as the Cape Town agreement was not revoked by the Union Government. To them, a High Commissioner was a lesser evil, as he could only give his advice and assistance to those who might be "willing to work in agreement with the policy of the Government of India." The agitation to eliminate the Agency had borne fruit, and the Indians of South Africa anxiously looked forward to learn if the elevation of the status of the Agent-General corresponded with the upliftment of their status in the Union. Troublous times were ahead. Sir Rama Rau's proud march in the funeral procession of the premature demise of the Agent-Generalship, as "a pall-bearer in the garb of High Commissioner," as Swami Bhawani Dayal put it in a special article in *Indian Views*, could hardly prevent the persecution of Indian leaders and the re-enactment of the Transvaal interim legislation.

Dr. Dadoo was again charged under the War Measures Act. The charge was that in the Benoni location on 13th September, at a gathering of natives, he made a statement or statements calculated to incite the public or a section of the public to resist or oppose the Government in connection with any measures adopted in pursuance of the Emergency Regulations, and used words to the effect that the Government were recruiting natives, coloureds and Indians to go and help the Government win the war, and that they should refuse to join up and help.

Dr. Dadoo, who declined to give evidence, made a statement, in which he referred to the claim for democratic rights for the non-Europeans and their rights of free speech, and declared that in the exercise of those rights, they were acting on the principles of democracy.

The Magistrate found that the general tenor of the words used by Dr. Dadoo was calculated to discourage people from joining the forces, and in the circumstances there was a contravention of the regulations.

Dr. Dadoo was fined £40, or alternatively two months' imprisonment with hard labour; and it was ordered that in addition the suspended position of the original penalty—two months' imprisonment—be made operative. Dr. Dadoo refused to pay the fine and **went to gaol.**

This was the first incarceration of an Indian on political grounds in the post-Gandhi days in South Africa, and there was a large demonstration of non-Europeans outside the court.

Mr. D. A. Seedat, a leading member of the Non-European United Front and the Nationalist bloc of the Natal Indian Association, was arrested on the 18th February, under section 3 (1) (d) of the new security code, Proclamation 20, 1941. A bail of £50 was fixed.

While the case was still pending, he was re-arrested on 4th March, under another sub-section of the same proclamation which read:—

"No person shall do any act (including the utterance of any words or other sounds) which he intends shall have the effect or which is likely to have the effect of preventing, interfering with or disturbing any lawful gathering."

It so happened that Mr. Seedat had attended a meeting of the Natal Indian Association held in the Durban City Hall on 2nd March, to protest against the action of the Durban City Council in its attempt to expropriate areas on the north side of the Umgeni River, extending from Briardene to the sea; and also areas at Sydenham, Mayville, Merebank and Wentworth, wherein Indians predominantly owned landed properties with residences and shops, and wherein they had formed a well-established settlement for over fifty years. The Nationalist bloc was in sympathy with this move. Trouble occurred when a section of the audience—which numbered about 2,000—tried to get a hearing for their own speakers. Mr. D. A. Seedat mounted the platform and attempted to address the audience, but was restrained by officials of the Association. His supporters surged to the front and an uproar occurred, which lasted about half an hour. No one was able to make himself heard, but Mr. Rustomjee, joint secretary of the Association, shouted the terms of two resolutions into the microphone. He then appealed to the audience to vote, and a big majority of the audience put up their hands. The platform at this stage was packed with gesticulating, shouting Indians, milling around the microphone. Various appeals were made from the platform to clear the hall, without success. Finally a police officer warned the audience to leave the hall within ten minutes. A general move was then made towards the doors. Outside a procession of several hundred Indians formed and marched up West Street, along Grey Street to Bond Street. There the procession halted and was addressed for a few minutes by Mr. Seedat. The procession dispersed as two police pick-up vans arrived.

Mr. Seedat was tried in the Durban magistrate's court on 30th April. The first charge was that he wrongfully used certain scandalous and dishonouring words against the King and his Government in the Union of South Africa; alternatively, uttered certain subversive statements. He was sentenced, on the alternative charge of

making a subversive statement, to pay a fine of £30 or alternatively to serve imprisonment for a period of three months. On the charge of creating a disturbance at the City Hall meeting the sentence was a fine of £10 or fourteen days. Mr. Seedat preferred imprisonment.

The first racial legislation to be discussed in the Union Parliament was the Factories Machinery and Building Works Bill, which empowered the Government for the first time to separate employees in factories on racial lines. This Bill was undoubtedly a submission to the opposition as far as segregation was concerned. Its debate supplied the striking spectacle of the Malanites speaking in favour of the Government, and some Smutsites vehemently opposing the racial colour bar. Tribute should be paid to the native representatives especially, both in the Assembly and the Senate, who fought the Bill at every step courageously. No words of commendation could convey the resentment of the non-European people at the action of the Minister of Labour, Mr. W. B. Madeley, a socialist, conceding point after point to the Nationalists, the avowed enemies of socialism. The Minister himself moved in the committee an amendment which must be here mentioned.

On the clause which provided that the Governor-General might make regulations to prevent conditions which, in the opinion of the Minister, might result in undesirable contact between employees in factories, the Minister moved to delete that provision and to substitute a new subclause empowering the Governor-General to regulate conditions of work in any factory where, in the opinion of the Minister, special provision was necessary to safeguard "physical, moral or social welfare" of employees.

The Minister then moved to add a proviso stating that the Governor-General should not differentiate on the basis of race or colour except in regulations dealing with accommodation facilities and conveniences to be provided in factories for employees, and in regulations framed to "safeguard the physical, moral or social welfare of employees in any factory."

Mrs. V. M. L. Ballinger (Native Representative, Cape Eastern) rightly pointed out, during the third reading, that the Bill included a wide new colour bar. It was, in fact, a "colour bar Bill." The Minister took extensive powers to interfere along lines of colour with the organization of industry. She added that the native representatives opposed a colour bar, and no form of words under which, such a colour bar was introduced would have their support.

The Opposition were triumphant. They had tried to get this same power from General Hertzog in 1939, in a session deplorable for concessions to colour prejudice, but General Hertzog had refused it. The Opposition had now got this provision from a Government which claimed to be defending the democracy. She added:—

"This is the sort of thing we are doing when the Prime

Minister is telling South Africa and the world that the success of our military operations in North Africa is due in a large measure to the achievements of our coloured transport 'drivers.'

She felt that she was justified in saying that the first labour measure introduced by a Labour Minister had not done anything very much to strengthen either the principle or the practice of democracy in South Africa.

The unrepentant Minister replied like a staunch segregation* alist. He said that the time was coming when Europeans would rebel against association of this kind in factories, and he did not want to wait for that rebellion; he was taking an easier way, a gentler way.

The Bill passed through both Houses of Parliament and was placed on the Statute-Book in April. It laid a precedent which did not augur well for the future amicable relations between Europeans and non-Europeans.

April also saw two enactments affecting Asiatics in the Transvaal. Introducing a motion exempting the "Feetham Areas" in the Transvaal from the restrictions imposed by the Gold Law on occupation by coloured persons, and also asking the House to approve of the transfer of the Johannesburg Malay Location to the Johannesburg municipality, and the transfer to Asiatics of land situated in the Nigel Asiatic bazaar, the Minister of the Interior said the motion affected three categories of land in the Transvaal. The first category consisted of certain areas of proclaimed land which were subject to the Gold Law of 1908. These areas were specified in a schedule which he had laid on the table of the House. The areas concerned were within the municipalities of Johannesburg, Krugersdorp and Roodepoort.

The next category consisted of non-proclaimed land in the municipality of Johannesburg, which was subject to Act No. 3 of 1885; and the third category of non-proclaimed land in the municipality of Nigel, which was subject to Ordinance No. 17 of 1905. He was moving this motion in accordance with the provisions of the Transvaal Asiatic Land Tenure Amendment Act of 1936, and its purpose was to enable Asiatics and coloured persons to acquire ownership in the areas concerned.

One of the objects of the motion, said Mr. Lawrence, was to give effect to certain of the recommendations of the Feetham Commission which had been appointed in 1932.

The motion was passed with little discussion.

Mr. Lawrence, moving the second reading of the Asiatics (Transvaal Land and Trading) Act Amendment Bill, said it was the corollary to the resolution which the House had passed the previous week. In terms of this resolution certain areas would be released from the restrictive parts of the Gold Law, and Asiatics and coloured persons would in future be able to occupy and own land in those areas.

The Act of 1939 said there could be no occupation of non-proclaimed lands without a permit from the Minister, and a similar permit was required before Asiatics could hold a trading licence. The 1932 Act also protected persons who were in illegal occupation of stands in the Gold Law areas. It was felt that these persons should be protected until a defined policy was laid down. The Government had already set aside certain areas, thus implementing the policy introduced by Dr. Malan.

That had been the beginning of a long-range policy, and the Government had already made a start in dealing with proclaimed areas. The resolution accepted by the House merely governed areas, but the Feetham Commission had also dealt with individual stands. It was necessary to continue the protection given to individual stands by the 1932 Act until the whole matter had been disposed of. That was the intention of section one of the present Bill.

Section two extended for a further two years certain trading provisions of the Act of 1939 and governed the whole of the Transvaal. When the Government received the report of the Broome Commission the time would be opportune to deal with non-proclaimed areas, and it was felt that the present trading and occupation provisions should be extended until the Broome Commission report was issued.

The Rev. C. W. M. du Toit said that the perpetuation of "black patches** was against the spirit of the Transvaal legislation. The Asiatic problem was just as acute in Natal as in the Transvaal. Did the Minister intend to leave untouched the problems in the Transvaal towns where Indians were living among Europeans? The Minister was accentuating the problem; but whatever he did would be undone when a Government imbued with a South African spirit got into power.

Mr. J.G. Strydom said that so far from carrying out segregation, the Minister was seeking to approve the infiltration of Asiatics into European areas. The Minister's policy was to go on postponing a decision, so that he might eventually claim that it would no longer be reasonable to deprive the Asiatics of rights which they had obtained illegally. This was the fourth time since 1936 that the Government had asked the House to agree to such a postponement. It was childish to say that Dr. Malan, as Minister of the Interior, had given his approval in advance to the recommendations of the Feetham Commission. Mr. Strydom added that Dr. Malan never indicated that he would approve of recommendations which meant that the heart of a European area would be given to Asiatics.

In the spheres of trade and commerce, the Asiatics were appropriating Natal. But only after it received the report of the commission would the Government consider whether further action should be taken. In the Cape, Asiatics had acquired the entire fruit trade; but the Minister had denied all knowledge of an Asiatic problem in the Cape,

This was a national problem, and it had to be tackled and solved as such. The Opposition policy was that the Asiatic, residentially and in trade, had to be separated from the white man.

Mr. D. B. Molteno (Native Representative, Cape Western) said that the 1939 legislation had been defended by the present Minister of Commerce and Industries (Mr. Stuttaford) on the ground that it was interim legislation and that a policy was going to be framed by the Government. Mr. Stuttaford had expressly denied that a policy of segregation was implied. Yet the Act had introduced serious restrictive measures. Two years had been allowed to pass, and now the Minister of the Interior said that a commission was investigating the position. According to the Minister, the commission would report next year; yet the provisions were being extended for two years. To what kind of policy would this legislation lead?

So long as the Cape Town agreement, concluded between the Government of India and Dr. Malan, was in existence it was difficult to see how any Union Government could contemplate a policy of segregation between European and Asiatic. The Class Areas Bill, a definitely segregative measure, had been dropped because of the Cape Town agreement. Yet an Act which embodied the principle of racial differentiation (which amounted, in fact, to segregation) was now being extended for a further two years. It should not be allowed to continue longer than was absolutely essential.

Mr. J. J. Serfontein said that the Bill was a danger to white civilization in South Africa. A referendum should be held so that the people affected could say whether or not they wanted Asiatics to live amongst them.

The Minister said most of the Opposition members had spoken as if the Bill merely dealt with the extended protection of certain Indians in gold areas. They had made no reference to the "pegging" provisions which extended limitations of certain rights of occupation and trading by Indians until the Broome Commission report was received.

"My policy is the policy of the leader of the Opposition. It is the logical sequence of Dr. Malan's policy," he concluded.

The second reading was passed by 57 votes to 34.

In the committee stage, Mr. D. B. Molteno said that the powers given under the Bill to prevent extension of Asiatic occupation of unproclaimed land in the Transvaal were drastic. When the principal Act was introduced in 1939, the Minister of the Interior had stated that the provisions limiting Asiatics in the Transvaal to the dwellings they already occupied and preventing them from acquiring more trading licences without ministerial exemption were only temporary provisions, pending the framing of a policy. What was the policy to be framed? If it was segregation it was in conflict with the Cape Town agreement of 1927 which had resulted from the round-table conference.

If it was not proposed to introduce a policy of segregation, why was an investigation being carried out, particularly as penetration was apparently regarded as any fresh occupation by Asiatics of buildings or business premises, even if the premises concerned had not been occupied by Europeans before.

The Minister of Finance, Mr. Hofmeyr, on behalf of the Minister of the Interior, said a statement on policy could not reasonably be expected while the matter was still under investigation. The Minister of the Interior, the responsible minister, had taken steps to have the matter thoroughly investigated, and with that in mind had appointed a commission which was investigating the position, not only in the Transvaal but in Natal.

The Bill passed through the successive stages without difficulty.

The re-enactment of the Asiatics (Transvaal Land and Trading) Bill, it is sad to note, did not provoke as much resentment as it did in 1939. The Minister threw the few protests sent to him into the waste-paper basket. Nothing came to the knowledge of the public about the attitude of the Natal Indian Association leaders, who were in the forefront of the proposed passive resistance struggle. The Nationalist group of the Transvaal Indian Congress, however, remained consistent in their attitude.

Strong protest was sent to the Minister, with the intimation that they would be compelled to launch passive resistance if the Government did not withdraw the Bill, which violated pledges and was derogatory to their national honour.

The Minister was not courteous enough to reply. Representations were repeated by means of telegram and letter. Yet the Government was unmoved. The country was at war. As passive resisters, they could not embarrass the Government. But submission to humiliation wounded their hearts. Was it not better to suffer than to sacrifice self-respect? They called a mass meeting to decide the next step. The meeting gave a mandate to the Nationalist group to start individual passive resistance. The resolution, which reads as follows, speaks for itself:—

"In view of the fact that the Union Government is determined to ignore all constitutional representations of the Transvaal Indian community and to devise various means, even during the period of war, to segregate the law-abiding Indian community indiscriminately and reduce them to helotry for the crime of colour, this meeting feels that the Indian community should resort to passive resistance and voluntarily invite suffering to protect their national honour and self-respect. In order not to embarrass the Government during the period of this war, but at the same time to lodge its dignified protest against the humiliations and oppressions which the Act subjects them to, the Indian community hereby resolves to have recourse to passive resistance, which shall be individual in character, and

empowers the executive committee to direct the movement."

The executive committee launched a passive resistance campaign a few days later by putting up stalls in different centres of Johannesburg for disobeying laws. The civil disobedience continued for over a year. The Union Government was not perturbed, but kept a close watch over the developments. Several factors handicapped the progress of the movement. The European Press gave little publicity to the non-violent resistance. India could neither assist nor encourage the agitation on account of the war and the authorities persistently refused to prosecute the law-breakers. This, coupled with Russia's entry into the war, eventually led to the suspension of the movement in 1942.

The last important event of the year was the publication of a summary of the Indian Penetration Commission's report on 11th October. The Broome Commission had no other alternative but to explode the fallacy of Indian Penetration. It reported:—

"The Indian penetration in Natal does not appear to be serious, if the total number of cases is considered in relation to the Indian population. In the Transvaal the extent of penetration was found to be not alarming or surprising."

The Commission acquitted Indians of the charge that their entry had caused a European exodus and so had caused further penetration in some areas; dismissed the allegation that there was any general desire on the part of Indians to live among Europeans; and unambiguously pointed out that what penetration had actually taken place "had come about without any breach of the law."

The Broome Commission's report did not arouse enthusiasm in India. The *Times of India*, Bombay, hoped that the findings of the judicial committee would carry due weight with the Union Government and give the quietus to any renewed anti-Indian agitation in South Africa. In demanding a just settlement of the problems of the Indian nationals, it declared:—

"At a time when all the members of the Commonwealth are united in a fight for their lives against a common foe—when South African and Indian soldiers are battling side by side—it would be monstrous for one Empire government to think of imposing fresh restrictions on the nationals of another."

The Right Hon. V.S.S. Sastri sounded a note of pessimism. He warned India against the false entertainment of hope. In an outspoken interview to *The Hindu*, Madras, he said:—

"In the history of our people in that land, impartial enquiry has often resulted in the discovery of facts which could not justify the animosity of the Europeans towards our people. Feelings of ill-will, however, arise more from colour prejudice and economic rivalry than from ascertained facts.

"It would be a mistake to think that the trouble which led to the appointment of this Commission is over. White people in

South Africa reject the testimony of facts without hesitation, I am no alarmist, but I entertain no hope that our countrymen can go to sleep,

"It may be that the war has drawn the communities closer together than before. I have no facts to go upon, but I am by no means optimistic. The Field-Marshal Smuts, who might have scotched the enquiry at an early stage, found it necessary to let it function in order to please his countrymen.

"Reports represent him as having softened towards our people, in spite of the colour prejudice, which is as strong in him as others. Having lost personal touch with affairs in that part of the world, I am unable to judge whether this is a fact rather than a wish, and how far we may derive comfort from it."

Mr. Sastri has, of course, sound reasons to substantiate his pessimism. His past experience could undoubtedly recall numerous occasions when his countrymen in South Africa suffered the indignities of anti-Asiatic legislation, in spite of the fact that "the Indian menace" was proved to be groundless by impartial enquiries. The facts have hardly deterred the Union Government from legislating against the Indians in their whole history. The Union Government could justify few anti-Asiatic enactments on the basis of justice and the facts ascertained by various judicial commissions. Mr. Sastri also doubts whether the Field-Marshal Smuts—"in whom the colour prejudice is as strong as in others"—has softened towards the Indian nationals in South Africa. His doubts are not entirely unwarranted. We cannot possibly predict the attitude he will take after the war. But if the attitude he took after the 1914-1918 war could serve as a criterion to his future policy, we shall have every reason to expect harsher treatment in future. By the way, was General Smuts not a party to the Act 37 of 1919, just a few weeks after the termination of the last world-war? Did he not voice his opposition to the Cape Town agreement during his election tour in 1929? Did he not oppose the parliamentary franchise to Indians in 1923? In a speech delivered at the South African Party congress in Pietermaritzburg in 1923, the General said:—

"With regard to the franchise, we see no reason to make a distinction between Indians and natives in this country. There is the colour line which is in existence to-day. Right or wrong—I do not argue about that—it is a clearly marked line you can follow."

The above words bear a sufficient testimony to the heritage of a strong colour prejudice in Field-Marshal Smuts.

The Broome Commission issued its complete report in April 1942. It declared that Indians had no desire to live among Europeans. It stated: "The main desire for the penetration which has occurred is, in our opinion, nothing more than the normal desire among Indians to acquire wealth. . . . Seeing that trade is their

main occupation, it is not surprising that they should seek to go wherever trading prospects seem brightest."

In the Transvaal the Commission found 339 cases of penetration, but came to the conclusion that the bulk of the penetration was on trading sites.

Mr. D. E. Mitchell, M.E.C, in a memorandum stated:

The Mohammedan engaged in trade and commerce is likely to seek fresh points from which to develop his business, and if his means permit, and actuated by the same motives entirely as a successful European business man, he will try to obtain a home in a 'more select locality'."

"We entirely agree. All people, irrespective of race or colour, desire to improve their material position. Indians who have commenced occupation of trading or residential sites in the predominantly European areas of the Transvaal have been impelled by motives which are not peculiar to them as Indians, but which are the heritage of all virile peoples.

"A realisation of this fact will not cause the problem of Indian penetration to disappear. But it may, by dispelling some of its present sinister atmosphere, contribute to its solution."

The Broome Commission report did not succeed in silencing the opposition of the Durban City Council towards its Indian residents. On the recommendation of the General Purposes Committee, the City Council decided to support the Natal Municipal Association's resolution calling upon the Government to introduce legislation as laid down by the Minister of the Interior to a depuration from the City Council in 1938.

CHAPTER XVII

THE PEGGING ACT

RACIAL hostility did not show any signs of weakening in 1942. It continued to grow. There was a demand in the country that Bantu soldiers should be armed. The nationalists interpreted it as the Bantu desire to use arms against the white man. General Smuts disagreed with this point of view and declared that as they were not armed they felt that they were regarded as inferior, and they wanted to be armed and accepted as citizens of the country. There was, however, no feeling of enmity towards the European.

General Smuts, however, was not keen to arm the Bantu at this stage. He would wait for the occasion when Japan invaded South Africa. In the Senate, replying to the debate on his policy as Minister of Defence, he said that Japan constituted a more fundamental menace to South Africa than any European power, and the present situation was unprecedented. If the country were attacked by Japan

he would not hesitate to use any weapon in defending South Africa's security. He would train and arm any non-European who was prepared to help defend South Africa.

A week later the Rev. S. W. Naude (New Order, Potgietersrust) spoke in the House of Assembly on the Industrial Schools and Reformatories Vote and advocated the use of sjambok for non-European delinquents. He said he believed the best way to "drive the devil" from non-European juvenile delinquents was to give them a taste of the sjambok. In Government institutions, these delinquents were said to be treated like kings and to live on the "finest bread, butter and jam." They did no work. At Tokai they were treated to picnics. These delinquents should be handed over to the farmers who would "help to save their souls" by making them work from sunrise to sunset.

On 2nd June, 1942, Mr. H. O'K Webber addressed the Council members of the Federation of Ratepayers' Associations of Johannesburg on the subject of "The Urbanisation of the Bantu Races of the Witwatersrand". He said that the Bantu races of the Union constituted the true proletariat of the country's population. Replying to the advocacy of native skilled labour, he said:—

"Those who advocate highly paid skilled work for natives side by side with white skilled workers in industries are surely looking for trouble. Skilled work in our town industries will some day have to be reserved by law, written or unwritten, for the white male and female at a living wage.

"To put it plainly, the mixing of black and white men and women 'at the same bench' will inevitably bring about social equality, which cannot be contemplated in a country where blacks outnumber the whites by more than three to one.

"If there is any doubt about this, let the electorate decide, and when their decision is made, our well-meaning negrophilists must be made to discontinue giving false hopes of complete emancipation to our natives when they elect to reside outside their reserves. It only leads to unrest, and unrest may lead to bloodshed."

The present South African structure is unfortunately founded on discrimination between races. The edifice of the colour-bar is destined to totter in the near future. The battle-fields in the North and Middle East are breaking down barriers. Racial goodwill in South Africa and harmony throughout the world demand a rapid disappearance of the colour-bar. No sound structure can be erected on the unhealthy foundation of the colour-bar.

The year 1943 was notorious for the complete victory of South Africa's diplomacy. General Smuts, in spite of his orations about humanity and universalism, was determined to establish racial colonies in the Union. His old age aspiration was to see each race settled apart for cultural as well as social growth. His soul revolted at the vision of a South African nationhood embracing all races irres-

pective of colour. His attitude could be interpreted as European nationhood in South Africa populated by non-Europeans four times larger than the whites. His ideal was to unfurl the flag of white-manism from Cape Town to Cairo. His desire was to establish Afrikaner influence in Africa to protect Afrikanerdom in South Africa.

General Smuts of 1943 made it clear in Parliament that the Union Government stood for the segregation of races. The first step in the direction was in the case of the Indian community, the appointment of an Asiatic Affairs Advisory Board "for achieving better co-operation and understanding between Indians and other races in Natal." It consisted of nine members, five Europeans and four Indians. Two of the latter have since resigned. It was useless to argue in the present atmosphere that the real solution of the problem did not lie in the formation of advisory boards. It was not just to ask the cooperation of Indian leaders for the humiliating segregation and ultimate ruination of their own race. The Indians in Natal were the pioneers of the province and directly responsible for the growth and prosperity of the "garden colony". It would only be a rectification of the error and a recognition of past services if franchise was restored to them. The key to the solution lay in the popular dictum "No taxation without representation." There was more discrimination ahead for Indians in South Africa and the Union Cabinet was ready to exploit any minor issue for a major legislative enactment.

The Cabinet found in the danger of "riots", a handy pretext for instituting a change of policy and adopting a discriminatory attitude towards the non-European races of South Africa. Last year, the Minister of Labour, Mr. W. B. Madeley had a racial Bill, entitled The Factories Machinery and Building Works Act, passed with more Nationalist than United Party support in the Union Parliament under the very same pretext. The time was coming, Mr. Madeley declared, when Europeans would rebel against association of this kind in factories, and he did not want to wait for that rebellion. He was taking an easier way, a gentler way..

Mr. H.G.Lawrence, the Minister of the Interior, in demanding a discriminatory law against the Asiatics in Natal, relied on similar alarmist tactics. In a statement before the Senate on March 22, 1943, he said that he was informing the Indian community that the Government intended to act: "Unless the Government took action, serious things might happen; riots might occur. The only course open to the Government was legislation."

This storm in a teacup was all over an exaggerated allegation that some Indians had penetrated into European areas in Durban. Mr. F. H. Acutt complained that Durban was rapidly becoming Indian-owned. A study of Indian penetration in Natal so far proved that it was not serious.

The Broome Commission was not impressed with the figures of penetration in Natal. The position did not constitute any problem in Natal. In the borough of Durban 524 cases of penetration were discovered since 1927. 199 cases in 13 years since 1927 and 325 since October 1940. Indians numbered 100,000 in Durban, about 47% of the total population, but this acquisition, although quite legal and natural, was condemned as an unpardonable offence for a legislative enactment in Natal. The Cabinet found in it a justification for further curtailment of Indian rights.

The South African Government's decision to draft a pegging act for Natal might have an unrevealed motive too. It might be the general election this year, or a reply to the "Reciprocity resolution" passed by the Indian Central Legislature.

The Trading and Occupation of Land (Transvaal and Natal) Restriction Act (No. 35 of 1943) generally known as the "Pegging Act" made further provision with regard to the restrictions upon trading and occupation of land in the Transvaal and imposed new restrictions with regard to the occupation and acquisition of land in the Province of Natal. It prohibited the European to enter into an agreement with an Asiatic for acquisition of land and vice versa. All agreements made after 22nd March, 1943 were declared null and void. The issue of permits to occupy any land or premises was left to the Minister's discretion.

The full text of the "Pegging" legislation reads as follows:—
Be it enacted by the King's Most Excellent Majesty the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions

1. In this Act—

"Asiatic" has the meaning assigned to that expression by section eleven of the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919 (Act No. 37 of 1919, and includes any Asiatic company as defined in the said section: Provided that for the purposes of this definition an interest which is held on behalf of or for the benefit of an Asiatic shall be deemed to be held by an Asiatic;
"European" includes a company which is not an Asiatic company in terms of the preceding definition;
"fixed date" means, in relation to the municipal area of Durban, in the Province of Natal, the twenty-second day of March, 1943 and in relation to any other area in respect of which **the pro***

visions of section six apply, the date as from which the said provisions have by the relative proclamation under section eight been applied in respect of that area;

"Minister" means the Minister of the Interior or any other Minister of State to whom the Governor-General has assigned the administration of this Act or any other Minister of State acting on behalf of any such Minister; and "premises" includes any room or apartment in any building.

Amendment of Section 1 of Act 37 of 1919 as amended by section 6 of Act 35 of 1932, section 1 of Act 35 of 1935, section 7 of Act 30 of 1936, section 1 of Act 32 of 1937, section 1 of Act 28 of 1939, and section 1 of Act 28 of 1941.

Amendment of section 2 of Act 28 of 1939 as amended by section 2 of Act 28 of 1941.

Amendment of section 3 of Act 28 of 1939 as amended by section 2 of Act 28 of 1941.

Restriction on certain agreements relating to certain land in Natal.

2. Section one of the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919, is hereby amended by the substitution in sub-section (5) for the words "the thirtieth day of April 1943", of the words "a date to be fixed by the Governor-General by proclamation in the Gazette."

3. Section two of the Asiatics (Transvaal Land and Trading) Act, 1939 is hereby amended—

(a) by the deletion in sub-section (1) of the words "and before the first day of May, 1943"; and

(b) by the deletion in paragraph (a) of sub-section (2) and in sub-section (3) of the words "at any time before the first day of May, 1943."

4. Section three of the Asiatics (Transvaal Land and Trading) Act, 1939, is hereby amended by the deletion in sub-section (1) of the words "and before the first day of May, 1943."

5. (1) No European shall, except under the authority of a permit issued under section seven, enter into any agreement with an Asiatic in terms of which any party to the agreement acquires or purports to acquire—

(a) any land or premises in any area in respect of which the pro-

visions of this section apply in terms of section eight; or

- (b) any right to occupy or to allow any other person to occupy any such land or premises for an indefinite period or for a period of ten years or longer or for a period which, together with any period or periods for which the holder of such right is entitled to renew the agreement, equals or exceeds a period of ten years; or
- (c) any share in or debenture of any company which is the owner of any such land or premises or the holder of any such right,

and no Asiatic shall, except under the said authority, enter into any such agreement with a European.

(2) Any such agreement entered into after the commencement of this Act between a European and an Asiatic, otherwise than under the authority of such a permit shall be null and void.

(3) Any such agreement relating to land or premises in the municipal area of Durban, in the Province of Natal, or to any share in or debenture of a company which is the owner of any such land or premises or the holder of any right referred to in paragraph (b) of sub-section (1) in respect of any such land or premises, entered into on or after the twenty-second day of March, 1943, and before the commencement of this Act, between a European and an Asiatic shall be null and void, if such a permit is not granted in respect thereof within a period of three months after the said commencement.

(4) In this section any reference to a European or an Asiatic includes a reference to any person acting for the benefit of a European or Asiatic, as the case may be.

Restriction upon occupation of certain land in Natal

6. (1) No European shall occupy and no person shall allow any European to occupy any land or premises in any area in respect of which the provisions of this section apply in terms of section eight, which was not on the fixed date occupied or deemed under sub-section (2) to have been occupied by a European, and no Asiatic shall occupy and no person shall allow any Asiatic to occupy any such land or premises which was not on the said date occupied or so deemed to have been occupied by an Asiatic, except under the authority of a permit issued under section seven.

(2) If after the fixed date any building is completed, erected or extended in any such area, or if at the fixed date any premises in any such area are unoccupied, the Minister shall, on the written application of the owner of such building or premises, by written notice to such owner, determine whether such building or such extended portion of any such building or such premises, as the case may be, shall for the purposes of sub-section (1) be deemed to have been occupied at the fixed date by a European or by an Asiatic.

(3) The provisions of sub-section (1) shall not render it unlawful for any person to occupy any premises as a bona fide guest in an hotel or to reside as an employee on any premises owned or occupied by his employer.

Permits.

7. (1) The Minister may, in his discretion, direct that a permit be issued, to be signed by an officer thereto appointed by him, authorizing any agreement referred to in section five or the occupation of or the granting of permission to occupy any land or premises in respect of which the provisions of section six apply.

(2) In exercising his powers under sub-section (1), the Minister may take into consideration the relative needs of Europeans and Asiatic in the area concerned in regard to housing, the amenities of life and educational and recreational facilities, and any other matters which in his opinion are relevant to the question : whether or not any permit applied for should be granted.

Areas in respect of which sections 5 and 6 apply.

8. (1) The provisions of sections five and six shall apply in respect of the municipal area of Durban in the Province of Natal, and in respect of any other area in the said Province in respect of which they may be applied by the Governor-General by proclamation in the Gazette.

(2) The Governor-General may by proclamation in the Gazette declare that the provisions of sections five and six shall cease to apply in respect of the said municipal area, or in respect of any area in respect of which they have been applied under sub-section (1).

(3) The Governor-General shall not issue any proclamation under sub-section (1), unless a commission appointed by him has investigated the expediency of issuing such proclamation, and has made a report to him in regard thereto.

Penalties and ejectment orders.

9. (1) Any person who contravenes the provisions of sub-section (1) of section five or of sub-section (1) of section six, shall be guilty of an offence and liable to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in the case of a continuing contravention, to a fine not exceeding five pounds for every day during which such contravention is Continued.

(2) The court which **has** convicted any person of a contravention of sub-section (1) of section six, may make an order for the ejectment of the person convicted from the land or premises in respect of which the conviction took **place,**

Duration of sections 2 and 3 of Act 28 of 1939 as amended, and of Sections 5 to 9 of this Act.

10. Sections two and three of the Asiatics (Transvaal Land and Trading) Act, 1939, and sections five to and including nine of this Act shall cease to have effects on the thirty-first day of March, 1946; Provided that the operation of any of the said sections may, after due enquiry and consideration, from time to time be extended by resolution of both Houses of Parliament for such period or periods as may be specified in such resolution.

Short title.

11. This Act shall be called the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, 1943.

The passage of the Asiatics Land and Occupation (Transvaal and Natal) Restriction Bill from both the Houses of Parliament signified a united European resolution to confine the South African Indians into watertight compartments. It was an unadulterated segregation, a step to separate the Asiatic residences and trade from predominantly European areas. This move met with unanimous opposition from the Indians in India and the Union, as it legislated inferiority for a race whose enterprise and labour was responsible for the progress and prosperity of Natal, a province where Britishers outnumbered all the other races except the Bantu,

Mr. Churchill broadcasted the valour of the Indian troops on the battlefronts, President Roosevelt desired India to face Japan with her historical bravery. General Smuts and the Dominion statesmen wished India to save the British Empire in the East, **but** anti-Indian Bills were placed on the Statute-Book of South Africa at a time when the Allied Powers needed solid co-operation for victory. Obviously the Indian "penetration" Bill was a first-class blunder on the part of South Africa, whose sagacious Premier should have been the last to outrage the Indian people at the critical hour in the history of civilization.

South Africa simply played into the hands of Nazi propagandists, who pointed out that one of the United Nations refused to accept the representations of another allied power on the trifling question

of a minor Indian penetration into European areas, while all of them desired the teeming millions of India and other Asiatics of the Far East to fight against Japan, an Asiatic country. They were prepared to accept their sacrifices for democracy, but democracy was flatly refused to them in South Africa."

We undoubtedly witnessed the bankruptcy of statesmanship in this affair. General Smuts's speech in the Assembly was a violation of the pledge given in the Imperial conferences during the last World War. Indian immigration ceased since 1914. There was not the remotest possibility of Indians ever outnumbering the whites in Natal or elsewhere in the Union. They formed only 2½% of the population. The Indian statesmen were in an unchallengeable position to point out that the Premier had not only violated his own pledge, but had contravened the Cape Town Agreement of 1927.

The Union Government had no right to condemn the Indians' appeal to India, which was not outside the British Commonwealth of Nations. If it was claimed that the Indian problem was a domestic affair of the Union, how could one explain its discussions, on various occasions, at the imperial conferences and by the Indian and Union Governments? The legislators would be questioned whether the 1927 Flag and Nationality Act accepted the Indians as Union nationals. As long as the Indians in the land were denied the right of citizenship, India was entitled to ask for protection of the Indian minority in South Africa, and the Indian community would be Constitutionally within its rights if it approached India and appealed to her for help.

The Minister of the Interior, Mr. Lawrence, who was in charge of the Pegging Bill, showed himself to be a poor statesman. His speech was deplorable for various reasons, from the international as well as the national point of view. His claim that he did not bow down to Indian Government representation, and his criticism of Dr. Malan for doing so in 1927, was an ironic commentary on the over-advertised British sense of fair play and justice. It was a sight for the gods to see Dr. Malan congratulating the Natal Britishers on their mutual attitude towards "colour" and the Herenigde Party voting with the Government, Messrs. Hofmeyr, Kentridge and Alexander remaining neutral, and only three courageous "native representatives Mrs. Ballinger, Mr. Molteno, and Mr. Hemming voting against."

The Indians in South Africa strongly protested against the measure. The leaders of the South African Indian Congress assembled at Cape Town and interviewed the Government. It was pointed out that the Bill was unjustifiable for various reasons. The local authorities had failed to provide adequate housing to Indians, a fact admitted by the Minister of the Interior. The amount of penetration was small. The restrictions imposed on the Indian community were harsh and undemocratic. But General Smuts was

adamant. He was not in a mood to satisfy the Indian feeling. It was his life's desire to see the separation of races residing in South Africa. No plea for fair play and justice could move him from his Boer outlook. The Government of India also protested against the measure and made certain proposals for an honourable settlement of the problem. All representation was scornfully disregarded and the "Pegging" Bill was placed on the Statute-Book after its hurried passage through all the stages in the Union legislature.

India was in wrath for the humiliation of this hour. Ail parties and politicians in India were united in their protest against this segregationist and degrading measure. The eyes of Indians were directed towards the activities of Sir Shafa'at Ahmed Khan, High Commissioner for India. Everybody looked to him for a self-respecting step. It was said that he was prepared to take a bold action, much bolder than his predecessors in office in South Africa ever took. He was ready to resign in protest. In a tense atmosphere he rose to the occasion, but he faltered in the end. "The steel frame" was inadaptably to martyrdom and it was asking the impossible to expect resignation from a High Commissioner in South Africa. It redounded to the credit of Sir Kurma Reddi, the second Agent-General for India, that he did not return to South Africa in 1932 after the second Cape Town Round Table Conference as a protest against the Transvaal Asiatic Land Tenure Bill, but it was not destined for Sir Shafa'at Khan to take even this stand after his visit to India in 1943.

The South African Indian Congress held its Conference at Johannesburg on 26th and 27th June, 1943. It was opened by the High Commissioner for India and presided over by Councillor Ahmed Ismail. Attacking the "Pegging" Legislation, the President said:

"The Bill establishes the principle of Dr. Malan's Class Areas Reservation Bill of 1925 which was rejected when the Cape Town Agreement was negotiated and ratified by Parliament and which agreement has not since been abrogated. The Cape Town Agreement implicitly repudiated the policy of segregation and recognised that Indians who were prepared to conform to Western Standards of life should be enabled to do so were to be accepted as part of the permanent population.

"The acquisition by Indians of suitable residential and investment properties are logical consequences of the Agreement. Ever since the Agreement Indians have endeavoured to be progressive and to dispel the economic fear of the European by adopting Western methods of life and removing the stigma that they were misers and hoarders, and above all making themselves South Africans in the fullest sense by investing the fruits of their labours in the country of their birth and adoption.

"Taken factually the position in Durban showed that the passing of the Act was not justified even when viewed from

the European's selfish point of view.

"The situation has been magnified out of all proportion. The value of property held by Indians in the Old Borough is £4,000,000 as against £35,000,000 held by Europeans. Indians own 1783 sites as against 12,782 owned by Europeans. Of a total acreage of 8274, Indians hold 359 acres, 4% of the total."

The reaction in India was great. Although the Indian National Congress leaders were behind prison bars, the country rose to the occasion and protests from India flooded the press. All parties irrespective of their political creeds united in their indignation against the Pegging Act. Dr. N. B. Khare, a member of the Viceroy's Executive Council discussed the South African Legislation at a conference in Delhi with prominent non-official members of all parties and business men.

The Government of India introduced a Bill in the Central Legislature on 30th July, 1943 to tighten up and make more effective the provisions of the Reciprocity Act passed at the last session empowering the Government to impose on nationals of other countries in India disabilities similar to those imposed on Indians in those countries. This Bill was a retort to South Africa to maintain the dignity and prestige of India.

The discussion in the Indian Parliament was led by Dr. N. B. Khare who spoke of the Indignity imposed on the Indian people of South Africa and declared: "Had India been independent she would have considered this a *casus belli* against South Africa...." Sir Henry Richardson, leader of the European Group, protested that South Africa's discriminatory policy was repugnant and unnecessary.

Mr. Khan Nawabzade Liaquat Ali, deputy-leader of the Moslem League Party, said he was sure that if the British Government had exerted any pressure the Union Government would have stayed its hand. The position today was the Indians were regarded as fit to shed blood on the battle field, but unfit to breathe the same air as the white people of South Africa.

Sir Syed Raza Ali, a former Agent-General in South Africa, asked the Government to give up their defensive attitude and adopt a principle of "blow for blow" in their relations with South Africa.

Dr. Khare, replying, said that, as a medical man, he knew when and how to use the knife against countries which ill-treated Indian nationals. If certain countries needed a deeper incision than others he would not hesitate to make one.

The House passed a resolution saying "that the position arising out of the recent pegging legislation in South Africa should be taken into consideration with a view to enforcing the Reciprocity Act and adopting measures to redress the grievances of Indians in South Africa."

In the Council of State (Upper House) of the Central Legislature the Secretary of the Overseas Department, Mr. G. S. Bozman,

Initiating the discussion, said that the Government thought it desirable to ventilate this matter as thoroughly as possible and to obtain the opinions of as many people as possible. The Government had taken no decision and would not do so until all the discussions they had planned had been completed.

Mr. P. N. Saprú was totally opposed to statutory segregation and wanted economic sanctions to be applied immediately against South Africa.

Sir A. P. Patro held that economic sanctions would hurt the Indian settlers more than the Europeans in South Africa and favoured negotiations.

Mr. R. H. Parker (European Group) said that if the Indians and South Africans could get round a table a solution of the present difficulties could be reached.

Mr. H. N. Kunzru wanted the Council to judge the issue against the background of India's war effort. The "pegging" Act closed further avenues for the Indians to invest their savings. If they sent their savings to India they were accused of draining money out of South Africa, and if they invested the money in property they were restricted by the "pegging" legislation.

Then again the Indians were accused of a low standard of living, but if they tried to improve it by living in better housing conditions they were accused of penetration. Economic sanctions should be forced against South Africa forthwith.

Sayed Mohamed Padshah supported economic sanctions on behalf of the Muslim League Party.

Ramsaran Das urged the recall of the High Commissioner as a complete severance of diplomatic and trade relations with South Africa.

Winding up, Mr. Bozman said that the result of the debate was highly satisfactory.

Firstly, it was clear that, in theory, at any rate, retaliation as such was something they did not like. Their general attitude was that two wrongs did not make one right. But if retaliatory measures were taken no blame for that could be attached to India.

Secondly, it had been urged that any South Africans in India, whether in civil or military employ, should be dispensed with at the earliest possible moment and that the Reciprocity Act should be applied against Union Nationals in India.

Thirdly, economic sanctions, which would bring pressure to bear on South Africa should be brought into force.

Fourthly, the majority of the members expressed doubts about the wisdom of recalling the High Commissioner as it would leave nobody to represent India in that country.

Mr. Bozman did not like to express his or the Government of India's opinion on these suggestions at that stage, as he wished to avoid all appearance of supporting the Union Government, but, he

said, **all** these suggestions would be carefully considered.

The Council of State (Upper House) of the Central Legislature in New Delhi passed without amendment the Reciprocity Act Amendment Bill passed by the Legislative Assembly a week ago.

There were some questions in the House of Commons too. Messrs. Alexander Sloan and Sorenson demanded representation from the British Government to South Africa. Mr. L. S. Amery was non-committal. All he could say was: "He had no statement to make on the effect of the Pegging Bill. . . . This has been represented by the Government of India and discussed between the Governments of India and South Africa. On another occasion he expressed his unwillingness to help "British subjects of South Africa of Indian origin."

The British attitude of non-interference in Dominion's affairs added insult to injury. The Union Government became more indifferent to Indian feeling. General Smuts, through his secretary informed the South African Indian Congress that he was not prepared to receive a deputation to put before him resolutions adopted at the recent meeting of the Congress.

The Prime Minister's secretary complained: "The Prime Minister wishes me to add that, in view of the threat of appeal to other countries, he does not wish to see the deputation."

One of the relevant resolutions empowered the Congress to send a deputation to Britain and the United States to inform the people of those countries of the position of South African Indians.

The co-operation between the rulers and the ruled ceased for the time being. Some local authorities in India passed resolutions to enforce the Reciprocity Act within their jurisdiction.

The High Commissioner for India, Sir Shafa'at Khan flew to India for consultation. He gave the standing Emigration Committee of the Central Legislature his views on recent developments in South Africa, particularly the "pegging" legislation and the measures to be taken to improve the conditions of the Indian community.

Meanwhile Field Marshal Lord Wavell had replaced Lord Linlithgow and the policy was reversed to the great surprise of the Indian overseas. He had the honour to see Field-Marshal Smuts in London before his departure for India. The soldier-statesman of South Africa was able to convince the soldier-statesman of England about the future means of settling the Indian problem in South Africa.

This policy was clearly stated by Sir Shafa'at Khan on his return to South Africa. Speaking at the Orient Club, Durban, he said:

"Indians in the Union should settle their own problems and should not rely on the Government of India for assistance."

He added that the Government of India had watched with the closest attention what was happening in the Union, and believed, as he did, that the best policy for the Indians in South Africa was to settle their own quarrels with their European neighbours.

He advised the Indian community in the Union to give and take, and to accommodate itself to the other points of view as far as these were consistent with its national liberty. The Indian Government would, however, not forget the rights accorded under the Cape Town Agreement, and that agreement would be invoked if necessary.

The comment is superfluous. The Government of India had accepted its defeat and the Reciprocity Amendment Act was to be enforced no more. The Indians in South Africa were left to the mercy of whitemaniam. It also meant a free hand to the Smuts policy of racial segregation in the Union.

The enforcement of the Pegging Act soon followed. The permits to occupy their own properties bought in predominantly European areas of Durban were, in many cases, refused to Indians by the Minister of the Interior. The "Illegal" occupiers of stands were dragged to the Court for contravention of the Act. Any move on the part of Indians was suspected and every little thing was magnified. Local authorities all over South Africa were inspired to inaugurate housing schemes for the segregation of Indians and other races.

The advent of 1944 hardly augured well for the future of Indians in South Africa. There were moves and counter-moves behind the scenes. The Union Government was contemplating the appointment of a Commission for the solution of the Indian problem in Natal. It had initiated a policy and was looking forward for its acceptance from the Indian side. The Indians were evidently uneasy over the whole affair. They knew, however, that the deadlock would gradually come to an end in view of international developments and imperial solidarity. They also knew that there lay a hard struggle ahead and it would require the united energy of the Indian people to escape the danger. What could they do under the circumstances? Agitation abroad was ruled out owing to war conditions. Activity inside the land was handicapped by paper control, censorship and various emergency measures. The European press was neither sympathetic nor responsive to any non-violent struggle during the war. All these things had developed an overwhelmingly opportunist and defeatist attitude among the leaders and their tactics appeared to face the music with an outward courage and inward fear.

In this atmosphere, the Natal Indian Congress met in Conference at Durban in February, under the presidency of Advocate J. W. Godfrey. The discussion in the Conference found leaders in divided camps. There was a comparatively stormy debate. The decision, however, went in favour of the Group led by Mr. A. I. Kaje, secretary of the Natal Indian Congress whose policy in regard to alleged Indian penetration was approved. The resolution on the Pegging Act, however, was a combined effort to put an honourable fight against the iniquitous legislation. It read:—

"That this Conference expresses its strong indignation at the

passing of Act 35 of 1943, commonly known as the "Pegging" Act which it considers to be the negation of the most elementary human right and a violation of the principles of democracy and those underlying the Cape Town Agreement of 1927.

"The Pegging Act has been sponsored by anti-Asiatics with a view to strangling the Indian community economically, and this Conference is firmly of the opinion that there existed no justifiable ground for the Union Government to pass this most obnoxious legislation and hence demands the immediate repeal of the Pegging Act, and to give effect to this demand, resolves to carry on a mass campaign on the following lines, namely :—

"(a) Hold mass meetings of protest in every part of Natal.

"(b) Sponsor the signing of mass petition and present same to the Union Government.

"(c) Seek the co-operation of Indian and other organisations in the Transvaal and the Cape Province.

"(d) Awaken world opinion particularly in India and Great Britain against the Act."

This Conference resolves to request the Government of India to recall the High Commissioner in South Africa as a protest against the passing and the perpetuation of the Pegging Act of 1943 and that copies of this resolution be forwarded to the Government of India, the High Commissioner, national leaders in India and to other quarters."

General Smuts in his message to the Conference, had suggested the appointment of a Commission to explore the important issues affecting the Indian community, and asked for the participation of the Indian community. The Conference after a hot discussion, decided that it was in the best interests of the Indian community of Natal to co-operate with the proposed commission with certain reservations. A fortnight later, the Minister of the Interior, Senator Clarkson announced the personnel of the Commission with the terms of reference as follows:

The members: Mr. Justice F.N. Broome (Chairman), Mr. W.M. Power, M.E.c, Senator D. G. Shepstone, Mr. S.R. Naidoo and Mr. A.I. Kajeje. Mr. I.A. de Gruchy is secretary.

The terms of reference: "To inquire into and report on matters affecting the Indian community of the Province of Natal, with special reference to housing and health needs, civic amenities, civic status and the provision of adequate residential, educational, religious and recreational facilities; and to make recommendations generally as to what steps are necessary further to implement the uplift clauses of the Cape Town Agreement of 1927, and on all matters affecting the well-being and advancement of the permanent Indian population of Natal."

The words "Civic Status" in the terms of reference were a victory for the Indian case, and this policy did not secure encour-

aging support from Natal. Extension of the liquor privileges (already conceded to the Chinese some months ago) to Indians in South Africa, roused the opposition of racialists. Some harsh statements were made on the floor of the Union Legislature by members of Parliament. Here are a few specimens of oratory:

Mr. Neate: "If he and others had been able to have their way in 1896, they would have thrown all the Natal Indians into the Durban Bay." *Burnside's Weekly* (Johannesburg) 3.3.1944.

Mr. Acutt (D. P., Durban, Musgrave): "Hitherto Asiatics had been allowed to buy liquor in tots only, but now they were to be allowed to buy it in quantities. This would open the door to an orgy of illicit dealing. The Government had made a big mistake. The Prime Minister should step in and stop it, or at least have the matter reviewed."

The Star (Johannesburg) 22-3-1944

Senator Hartog: "As one of his first acts the New Minister (Senator Clarkson) had playfully thrown a stone into the Asiatic pool by suggesting not only a municipal but also a State franchise for Asiatics. He had gone too far. Should Ministers make these personal intrusions on a fundamental question on which not only the country but also the Cabinet held differing opinions?"

The Star (Johannesburg) 23-3-1944

This Parliamentary session, however, rectified, some blunders of the past. It validated certain marriages that took place between 1891 and 1914, by a new legislation entitled "The Indian Marriages Validation Act." Senator Clarkson explained that in 1891 the Natal Parliament passed an Act authorising the Protector of Indian Immigrants to marry certain Indians coming from Natal. The Protector's powers allowed him to marry only immigrant Indians and it had later been discovered that he had erroneously married passenger Indians to Immigrant Indians. In 1914, when Parliament tried to rectify the matter, it had omitted to validate the marriages, which this Bill now sought to do.

The Diplomatic Immunities Amendment Bill amended the present laws governing the acquisition and occupation of land in the Union by representatives of foreign Government where such persons were 'Asiatics or coloured persons.' The Bill gave the right to foreign Governments (including the Government of India, whose representative was precluded under the existing law from acquiring or occupying certain land) to acquire and occupy any land without having first of all to obtain the permission of the Minister—a condition hardly in keeping with the dignity of the high office occupied by foreign representatives.

In reply to a question from Mr. Acutt during the Committee stage of the Bill, the Minister of the Interior said: "I cannot visualise the Government of India buying land all over the place."

A very important statement was made by the Minister in the

Senate three weeks later on the need of Indian representation in Parliament. It made delightful reading. He said:—

'The first Indians came to Natal at the request of the Natal Government and of the people of Natal, and the great bulk of the present Indian population of Natal were their descendants. They are South Africans; this is their home. They are not foreigners; they are Union nationals. We have an obligation to play the game. As Minister, I intend to see that justice shall prevail. If we could only get the small opposing minorities of both sections to agree, I am sure this question could be settled to the satisfaction of Indian and European, without any loss of self-respect for either.'

He was satisfied that his remarks on the desirability of Indians having representation had met with the agreement of the great majority of both the Indian and European population of Natal.

This declaration did not satisfy the majority of the Dominionites in Natal. It also aroused the opposition of the anti-Indian M.P.'s in the House of Assembly. In an unjustifiable wrath and a fallacious reasoning Mr. F. H. Acutt attacked the Minister of the Interior during the debate in Committee of Supply on the Interior Vote and declared:—

"Since the passing of the Pegging Act a new Minister had taken over Indian affairs and had been making speeches that had disturbed the minds of the European population. He had tried, at Maritzburg, on December 3, last year, to persuade municipalities to grant the vote to Indians. The history of the Indian question in South Africa was one long list of concessions to the Indians from the day they were introduced into the country. If things developed as they were 'It will only be a question of time before the Indians swallow up the whole of South Africa'."

Mr. Neate (Dom. P., Natal, South Coast) said the Indians already had the strongest possible communal representation through the Labour Party in the Durban Municipality, the Natal Provincial Council, the House of Assembly and the Senate. They would not be satisfied with communal representation, however, but would demand direct representation by Indians.

Mrs. Ballinger (Native Representative, Cape Eastern) said the country, to a large extent had not been behind the Pegging Act, and still deprecated strongly the illiberalism reflected in it. A section of the Indian population in Natal was being steadily ousted from its economic footholds by the penetration into Indian areas of Europeans. That was the real problem in Durban, and not the penetration into European areas by Indians. The Indian market gardener was being chased from his little holding by Europeans who wanted house sites or by industrialists who were spreading along the coast. The result would be that these Indians would be driven into the Durban unskilled labour market.

Mr. Goldberg (Dom. P., Durban, Umlazi) said he wished to dissociate himself from the statements made about the Indian problem by his colleagues. Such statements were calculated to stand in the way of the settlement of a big problem. He congratulated the Minister on his public utterances about the Indian question and hoped he would not allow himself to be cajoled by a vociferous minority in Natal into shifting his stand. If people like Mr. Neate did their job properly in Parliament they would represent the interests and the welfare of the Asiatics in their constituencies as much as they did the interests of Europeans.

Mr. J. G. Derbyshire, (Dom. P., Durban Central) said that in Durban the Europeans were swamped by Indians. The birth and survival rates of Indians were double that of the Europeans but the problem was not a municipal or provincial one. It was a national problem, and why should Durban and Natal be called upon to bear the burden alone?

If members were so keen to see justice done to the Indians, they should see that a Bill was passed opening provincial boundaries, so that Indians could go to other provinces.

'The Minister is afraid to face up to the solution in his own Cabinet and his own Party.'

It was a disgrace to the Government, as well as to the Municipal Council, to allow Indians to live in squalor and filth. Some of them today were living in conditions in which a man would not allow his dog to live. "Any Minister who is a Minister would remove this from Durban."

The second solution was a voluntary emigration policy. "I believe we could get thousands of Indians to go back to India or to some other part of the world. It will cost South Africa a few million pounds, but it will be worth it. We should say to the Indians: "We will arrange for you to go back to India and we will pension you for life."

He believed that if 100,000 Indians would go back on the retired list, the Indian and the British Governments would be willing to help in the housing of those Indians on their return to their homeland. Such a scheme would probably cost £50,000,000 but would be worth it in the interests of posterity. The money could be raised by loan.

"The Malanites", reported *Rand Daily Mail's* Parliamentary Correspondent (12-4-1944) weighed in today against Indians as well as against Jews. Mr. Conradie, the Nationalist from Gordonia, pulled out all the stops marked 'white civilisation in South Africa', which, he said, the Indians were menacing and which was an inheritance from 'our forefathers' to be preserved for posterity.. 'Let the Indians go back to India', he added."

Criticising Mr. Derbyshire's speech he expressed the opinion that Mr. Derbyshire had an even narrower outlook on racial affairs

than Mr. Eric Louw, M.P. who demanded the application of a quota system to all trades, professions and industries for the solution of the South African Jewish problem.

Mr. Swart (H. P., Winburg) said the High Commissioner for India had been stirring up Union nationals of his own race against the Government and urging them to demand immediately the municipal and parliamentary franchise. The High Commissioner's job was to assist the Government in looking after the interests of the people he represented, and he should not be allowed to criticise legislation passed by the South African Parliament or to stir up Indians to demand equal rights with Europeans in South Africa.

Replying to the debate, the Minister of the Interior, Senator Clarkson said it was necessary that the public of South Africa, and primarily of Natal, should have a true picture of the position of Indians and Europeans in Natal. The question had been allowed to drift for more years than one could count. What he was doing was to try to settle the problem while satisfying the self-respect of both sections and meeting the objections of both. The attitude of Mr. Neate and Mr. Acutt, however, was one of trying to prevent a settlement of the question. At a meeting in December last year he had given it as his personal opinion that the country had to face the question of Indian representation and had stated that he was in favour of communal representation. He knew when he made that statement that the Indians themselves would not be in favour of it.

There must be co-operation before the question could be settled. The Indians must have a school and must have somewhere to live. They had advanced far beyond their original attitude and today accepted the desirability of occupational separation. He had asked the Durban City Council to do at Riverside what they had done at Glenwood and Morningside, two of the finest suburbs, from the town planning point of view, to be found anywhere. He believed the City Council was just as anxious as he to settle this matter. There would have been no penetration in Durban had Riverside been laid out as it should.

The people who were complaining about the Indians today were the people who had grown fat on them, who had lived on them and had sold land to them at enhanced prices, and the building societies and trust companies who had financed them.

The commission promised by his predecessor had been appointed and had already met once.

The Pegging Act had been in force for nearly 12 months, and what had happened as far as the benefits were concerned?

"I want to make a last appeal for help, and not for hostility and a negative attitude of doing nothing. I am looking forward to the report of the commission."

The Durban post-war committee had drawn up a big programme providing for the expenditure of almost £2,000,000 on Indians.

"I am hoping they will put these plans before the commission and that, as a result, the matter will be nearer solution."

Asked whether he would use his influence to obtain the franchise for the Indians, the Minister of the Interior, said the Government was waiting for the report of the commission they had appointed.

If Indians were to be given the municipal or provincial franchise it would be a matter for the provincial councils; if they were to be given a vote in Parliament it would be a matter for Parliament.

The Minister said more than 80 per cent. of the Indians in Natal were born in Natal. Mr. Derbyshire talked glibly about finding £50,000,000 for repatriating Indians, but he forgot that repatriation had been tried before. The Indian question could have been dealt with by the municipalities and the Provincial Administration, but they had appealed to the Government. The Government had agreed to appoint a commission to inquire into the position as between Europeans and Indians. The Commission's report would cover the question of civic status.

This statement made it clear that the representation that the Government had in view was on communal lines with the only difference that the Indians, unlike Natives, could represent their own community in the legislature.

The leaders of the South African Indian Community were called to Cape Town for discussion of the formula. The outcome of the negotiations is not published, but the author had reason to believe that representation on communal lines by separate electorates did not create much enthusiasm among the Indian representatives. The communal electorates did not only fail in East Africa, but also in South Africa. The position of Natives in South Africa was no better since 1936 when they were put on a separate roll. They lost their political influence among the people, and the balance of power held by some 30 members of Parliament elected on a common roll in the Cape Province counteracting against majority of colour-legislations was gone forever.

On the 29th March, 1944, the South African Indian Congress deputation saw General Smuts, the Prime Minister, on the Pegging Act and told him that the conference of the Indian Congress in Johannesburg and Natal unanimously resolved to convey to him the sorrow and indignation of the Indian community in South Africa at the Pegging Act, which it now asked him to repeal. They suggested the annulment of the Pegging Act by proclamation and the creation in its place of a board or committee to control residential occupation by licence as between Europeans and Asiatics.

The suggestion was intelligently constructive. It could not be justifiably brushed aside. It meant, however, a regrettable surrender on part of Natal Indian leaders in that their suggestion substantially accepted "pegging". It was clear co-operation to restrict their

own old right. It was evidently an alternative method of controlling penetration.

General Smuts' statesmanship found a most welcome opportunity to improve relations with India. The Pegging Act was responsible for unprecedented hostility to South Africa and India's war effort was slackening. General Smuts was criticised in Imperial and Allied circles for creating an embarrassing situation at a time when the world war demanded united effort for victory. Meanwhile Japanese forces had also penetrated into Assam, a province in India. General Smuts could not very well evade the responsibility. His administrative skill saw little objection to accepting this timely suggestion provided the purpose of the Pegging Act was substantially served by efficient machinery. His vision was willing to expunge the stigma on Indian prestige entailed by the Act if Indians themselves became the willing vehicles to prevent penetration into European areas. He was after the substance and not the shadow.

The Prime Minister took the Minister of the Interior in his confidence and both of them consulted the leaders of both sections in Natal. They discussed the suggestion with Mr. G. Heaton Nicholls, Administrator of Natal, Mr. D. E. Mitchell M. E. C. and Senator C. G. Shephstone for the Europeans in Natal. The Natal Indian Congress representatives who met the Prime Minister at Pretoria were Messrs. A. I. Kajee, P. R. Pather, S. R. Naidoo, A. B. Moosa, T. N. Bhoola, Mohamed Ebrahim and S.M. Paruk. The discussions were successful. They took the form of an agreement drawn up by the Natal Indian Congress itself.

An official statement issued on 19th April, 1944 declared: "It was agreed that the situation would best be met by the introduction of an ordinance into the Natal Provincial Council. This ordinance would provide for the creation of a board consisting of two Europeans and two Indian members under the chairmanship of a third European, who will be a man of legal training. The object of the legislation will be to create machinery for the board to control occupation by the licensing of dwellings in certain areas; and the application of the Pegging Act in Durban to be withdrawn by a proclamation on the passing of this ordinance."

According to the political correspondent of the "*Rand Daily Mail*", Johannesburg (20th April, 1944), the authoritative Lobby circles welcomed this decision as "a blow in favour of the Allied war effort, and one which will meet with the approval of both loyalists and nationalists in India."

The agreement was followed by a clear explanation from the Administrator of Natal, Mr. G. Heaton Nicholls. Interviewed by the correspondent of the *Star*, Johannesburg, he declared at Maritzburg that the problem was one of juxtaposition of residence. "Areas will be set up" he said, "in which one race may not take the **place** of another in any dwellings. The board will determine these

areas and will issue occupation licences."

The categories will be prohibited, restricted or exempted areas. A prohibited area will be one in which the occupation of the land is by persons of a designated race, that is to say those areas where there are for the most part anti Asiatic clauses in the title deeds, which will form a compact area. A restricted area will be one in which the inhabitants are predominantly members of a particular race, but in which members of any other races are not totally prohibited. The exempted areas will be the remainder of a town or borough where the population is so mixed that no regulation is possible. When the board has determined the category of an area there will be an opportunity for objections to be lodged within a certain period. The proceedings will be held in public, and there will be a right of appeal from the decision of the board to the Administrator.

Commenting on the proposed appointment of an Indian Control Board and the withdrawal of the Pegging Act in Durban, official quarters in New Delhi stated that the agreement was regarded as a distinct gain. The agreement seemed to accept the principle of "no statutory segregation of Indians" for which the Government of India had consistently stood out. It was also pointed out that something more positive than the mere withdrawal of a threat was necessary before the Indian position in the Union improved.

The publication of the "Pretoria Agreement" created a sensation. It did not receive the blessings from either side at Durban. One unanswerable criticism to the pact was based on the assumption that respective bodies of people were not consulted. The Durban City Council unanimously deplored the policy of the Government for not consulting it in any way or given a hearing on the matter and expressed its disapproval of the Agreement on the contention that it was inimical to the best interests of the city and country as a whole.

The Colonial Born and Settlers* Indian Association, the Nationalist Group of the Transvaal Indian Congress, Liberal study Group, the Communist Party, Anti-Segregation Council and some trade unions strongly condemned the Agreement as a stigma on the national honour. The responsible leaders came under a glowing fire of indictment. Unpardonable crime, shameful betrayal of the Indian people, a virtual sell out of the Indian community, were some of the opprobrious terms used against them.

The leaders of the Natal Indian Congress were not, however, perturbed. Messrs. A. I. Kajee and P. R. Pather issued statements and defended the Agreement on the basis that there was no demarcation or zoning of areas for any race and that there arose no segregation as consent brought no stigma, but compulsion did.

The opponents of the Agreement contended that the Agreement accepted the principle of statutory residential segregation through-

out Natal. It preserved the vested interests of the propertied-class. The proposed licensing Board to control future juxtaposition of European and Indian residential occupation was no better than the Pegging Act which hitherto operated only in the city of Durban. Union machinery was simply transferred to the Provincial administration by different terminology and the co-operation of the Indian people was achieved to curtail their own vested rights.

The agitation against the Pretoria Agreement, however, did not succeed. Two elements frustrated the effort. One was the blessing accorded to the Agreement by the Government of India and the other was the rejection of the proposal to refer the decision to the general members' meeting and the decision of the Natal Indian Congress Committee on May 18, 1944 to endorse the Agreement by a majority.

On June 2, the draft ordinance to replace the Pegging Act was promulgated in a Natal Provincial Gazette Extraordinary. It provides for the establishment of an Occupation Control Board of five members in Durban and in any other Borough of Natal which the Administrator may consider necessary.

Under the regulations no person will be allowed to occupy any dwelling in a residential area which was formerly occupied by a member of a different racial group. Provision is made in this respect for the occupation of re-elected buildings after demolition.

Of the five members of the Control Board to be appointed, three will be Europeans and two Asiatics. One European member must be a legal authority and will act as chairman. The Board will be appointed for three years.

The functions of the Board are to consider the relative needs of each racial group in any borough or township; the natural residential expansion into contiguous streets, roads or localities; housing needs; civic amenities; educational and recreational facilities, and any other matters which are considered relevant to the provisions of the Ordinance.

The Draft Ordinance states that it will not be unlawful for any person to occupy any dwelling as a bona fide guest in any hotel or boarding house, or as a bona fide visitor to the occupier of the hotel or to reside as an employee in a dwelling occupied by his employer or situated on the premises in which his employer resides.

Applications for occupiers' licences will be made in writing to the Board, which will have discretionary power to grant or refuse any application subject to the right of appeal to the Administrator.

CHAPTER XV11I

THE INDIAN CASE

THE story of the selfish acts perpetrated by whites throughout the world in these days of modern civilization is such as to put a

shiver through the human frame. The whites have created the colour bar, and thus divided the world into white and non-white. The world of the past was never burdened with such a division. The responsibility for the modern colour distinction and the consequent European/non-European conflict throughout the globe rests wholly on the whites.

The Europeans have been also responsible for initiating and trumpeting the so-called superiority of white civilization. In spite of the fact that they have met with their equals in all spheres of knowledge in the Orient, they have resented the very suggestion of equality. Referring to the birth of white civilization and European overlordship of the world, Mr. Stephen Dugan an eminent American journalist, says :

"An epic that no poet has yet sung is contained in the story of the white man from his little habitat in Western Europe to the overlordship of practically the whole earth. Beginning with about the year 1500, he conquered all of North and South America, Africa, Australia and a large part of Asia and dominated the regions which he did not annex. Moreover, during the period of expansion the white man developed a civilization which he considered superior to that of man of any other colour, despite the fact that some ancient civilizations antedated his own by thousands of years."

To-day, the white man rules or possesses influence over all the countries in the world except Japan. If the present world-war is decided in favour of the Allied powers, the flag of whitemanism will more or less fly over all the oceans and the continents of the earth.

South Africa is a gigantic stronghold of whiteism. The South African whiteism is by no manner or means less strong or virulent than Nazism or Fascism. On the contrary, it is more calamitous than both these monstrosities. Sometimes its terrors stand on a par with, if they do not surpass, those of Fascism and Nazism combined. The Very Rev. W. A. Palmer, Dean of Johannesburg describes it "as foul as Hitlerism". In a striking sermon preached at St. Mary's Cathedral on the last day of 1941, he declared:—

"It is sheerest hypocrisy to pretend to be shocked at Hitlerism and the Nazi spirit, with its hideous tyranny of the strong over the weak, if we are reproducing that spirit in our attitude to those weaker than ourselves in our own race or in our dealings with the coloured and native races in our midst. Things may have improved, but South Africa is not yet free from a colour prejudice as foul as Hitlerism; and it recoils on ourselves, for, as Lord Acton said: Tower corrupts; absolute power corrupts absolutely'."

The European powers wax eloquent in praise of Western civilization, interpret that civilization as a blessing on this earth, and

make Herculean efforts to maintain it. But the man who wishes to see for himself what diabolic crimes that civilization has committed, what tyranny and oppression over the non-whites, what unjust rule, must visit South Africa. If he is an Asiatic, he will be able to see that South Africa cannot spare an inch of God's ground for him. Were the Prophets of the world to come down from their place on High and try to get into South Africa, that land of colour-lunacy would pitch them out into the main, for they were Asiatics.

"The race prejudice of 'Christian' peoples against Asiatics," says Sadhu Vaswani in his book, "Temple of Freedom", "is all the more reprehensible when we remember that Jesus Himself was an Asiatic, and that Christian Saints like Augustine, Athanasius and Cyprian were Asiatics. It was an Indian Christian who, in his speech at the Church Congress held in England, said that 'as an Asiatic, Jesus Christ in some of the British Dominions would find the door of the Christian Church slammed in his face.' Sadhu Vaswani adds:—

"Jesus preached Brotherhood of Man; but many of the churches confessing His name stand for race ascendancy.. *. The spirit of Jesus is not in the churches, which do nothing to combat the white man's race-imperialism,"

The South African colour bar is crushing to pulp, under its stupendous weight, every non-European, The non-European trembles at the horrors imposed by the colour bar; the white luxuriates in it.

A glimpse of the laws, Volksraad resolutions, proclamations and Government notices relating to "natives and coolies" in the Transvaal gives an idea of South Africa's devotion to the colour bar.

Article 20, drafted on 9th April, 1844, prohibits squatting of natives near towns and declares : "No natives shall be allowed to settle near village lands, to the detriment of the inhabitants, except with the consent of the full Raad."

A Volksraad resolution adopted on 28th November, 1853, stated that the farms granted to "Kaffirs" might be occupied by them and their descendants, conditionally, so long as they behaved in accordance with the law, and obediently.

On 24th March, 1858, His Honour M. W. Pretorius, president of the South African Republic, issued a proclamation against removal of native children by "some reckless and licentious persons" and resolved "That no slave trade or slavery should be carried on...." Another proclamation on the same day prohibited trading firearms, ammunition and horses with natives.

A Government notice on 26th October, 1860, took precautionary measures against fraud and misrepresentation in the spread of the Gospel among the "heathen." Article 7, which compelled the missionaries to give information of plots, read as follows :—

"Every missionary shall be bound to watch carefully to see if

any plots or conspiracies are being hatched against the State or its inhabitants by coloured persons belonging to their stations or the tribe with which they reside, and give immediate notice to the Government or the nearest official, and if they fail to do so they shall be considered as accomplices in such plans or conspiracies, and be treated as such,"

The Volksraad resolution of 25th September, 1871, prohibited congregation by coloured persons on erven in towns and said:—

"That in future no erfholder in any town in this Republic shall be entitled to allow coloured persons to collect on his erf or erven, with the exception of such as he requires for his special service, and that no such erfholder shall be entitled to allow coloured persons to live or collect on his erf or erven who have not actually entered into some lawful contract with him, and who are not maintained by him alone, and the Landdrosts of the various towns are instructed to strictly enforce this law, in order to prevent vagrancy, theft, and other irregularities arising out of such collecting of coloured persons."

By Article 401 of the Volksraad resolution in the same year, the Republic ordered that "Kaffir chiefs" should not be punished with lashes.

The Volksraad resolved on 11th May, 1875: 'Tor the present it does not consider it advisable to compel 'Kaffirs' to wear clothes.'

Law No. 13, 1880, regulated the relative rights and duties of masters and servants and apprentices, and a Government notice in 1881 prohibited native tribes beyond the borders from squatting in the South African Republic.

The constitution of the Republic sums up the mentality of South African whites in fourteen words, as follows:—

"There shall be no equality between white and black, either in Church or State."

Will the whites of South Africa ever part with their colour prejudice? This question has been long puzzling the thinkers of this country, as well as of others connected with it. They have all along been buffeted about by the ebb and tide of hope and disappointment, justice and injustice.

The whole white populace of South Africa is to blame for the injustice that has sprung from colour prejudice. In Natal, the English are busy doing injustices to non-Europeans; in the Transvaal, the Afrikaner antipathy to colour and the Jewish intrigues for trade monopoly are waging war against Indians; in the Cape and the Orange Free State, the Afrikaners are carrying on an open and the English a secret anti-Indian propaganda.

It is three-quarters of a century since the Indians came into this country, And yet the British have not reconciled themselves to their presence. They are always engaged in the horrifying task of crushing, tormenting, ruining them. A single proclamation has

eliminated the "Indian menace" from the Orange Free State. The Transvaal white is vehement in his demand for the downfall of Indians. The agreements with the Indian Government have not even the ghost of a binding effect on the South African whites. These whites put any construction they like on them, and treat them as scraps of paper. The South African bureaucracy has chosen to compromise itself with these currents of colour prejudice. No minister in the whole history of South Africa has ever uttered a word against anti-Indianism. On the other hand, instances are not wanting in which ministers have fanned the fire of anti-Indianism instead of extinguishing it, and have encouraged the hydra-headed monster.

There is an interesting old story. Persia was once a big empire. Its authority was in evidence throughout the important parts of the world. It had subjugated Babylon, and various countries had surrendered to it their lands and waters. Greece accepted its suzerainty at first, but later rebelled against it. Darius, the emperor, heard the tidings of the insurrection, and was incensed. He cried out, "Who are these people of Athens?" He determined to wreak vengeance upon the insurgents and commanded his attendant to utter these words three times a day, lest he forget all about it: "Master, remember the people of Athens."

Some such thing has happened in the case of the South African Indians. Men of authority have been interrogating ever since their arrival in this country: "Who are these people of India? What right have they to stay in this country?" They have, as it were, commanded their populace not to forget the Indians.

There are four political parties in the South African Parliament. They vie with each other in the stringency and animosity of their attitude towards the Asiatic question. The United Party, which comprises sixty per cent, of the members of Parliament, has the following clause relating to Asiatics in its constitution:—

"The European and coloured population should be protected against Asiatic immigration, with due regard to the existing rights of Asiatics."

This clause is either self-contradictory or such as considers the Indians to be foreigners. Indian immigration has ceased since 1914, and yet it is referred to in the clause. The party is pledged to protect against Indians not only Europeans, but the coloureds too. It holds that the presence of Indians exercises an evil influence upon all the peoples of the country.

The constitution of the Nationalist Party is simpler and more conspicuous. The party stands for an extension of the laws dealing with the repatriation of Asiatics. In particular, it regards the presence of Indians in South Africa as constituting a definite menace to the white population and as the source of an additional racial problem. It therefore imposes on the State the duty of negotiating

with the Indian Government an agreement whereby Indians at present in South Africa shall be received back into their own country, of which alone they can be nationals in a proper sense.

The Labour Party excels the above two in point of colour prejudice, though it trumpets the doctrines of Socialism, and is founded on the high principles of a noble humanitarianism. Its demand is this:—

"The protection of Western Standards against inroads by Asiatic competition and liberal financial provision for the encouragement of Asiatic emigration."

The constitution of the Dominion Party, which is predominantly English and professes imperialism and loyalty to the British Crown, embraces four bellicose points in relation to the Asiatic question. It demands :—

- (a) The maintenance of restrictions on Asiatic immigration.
- (b) Opposition to the further penetration of Asiatics amongst the European and native population.
- (c) The encouragement of repatriation of Asiatics,
- (d) Stricter supervision of Asiatics in commerce and industry, especially in regard to wage determinations.

This glimpse into the constitutions of the political parties of South Africa gives us an idea of what a gigantic stronghold of colour prejudice the Indians have to battle against. Indians are disliked every where in South Africa. Scarcely a day passes without their being the dumb driven victims of a blacker degradation, a bitterer legislation. They are criticised, abused. They are looked upon as parasites, aliens, exploiters and a menace to the economical and social basis of the country. Every white man in every South African province is daily being fed by the food of anti-Indianism.

Writers on the South African Indian question state that there exists among Europeans of all parties bitter hatred against Indians. Mrs. S. G. Millin, the well-known authoress, sums up the feelings of South Africa in the following words:—

"We have no duty to the Asiatics. We did not bring them here. We do not want them. They have their own country. It will, perhaps, be unpleasant for England if we make worse trouble than ever before with India. But we cannot help that. We cannot afford to be sentimental. It is a question of our own self-preservation. It is a question of a white South Africa....Practically all the white people, English or Dutch, in South Africa are with the Government in their attempt to shut South Africa to the Indian."

Lord Olivier takes a very grave view of the situation, and expresses his indignation as follows:—

"I have said, where much might be said, nothing at all about the detestable and despicable efflorescence of colour prejudice by which the baser elements of the character of the north

European races that have colonized South Africa manifest themselves in action, language and behaviour towards natives and Indians, not only of low class whites in all the provinces, but even of conspicuous politicians. These arrogances and insolences and repudiations of human decencies and dignities, in contrast to which the habitual behaviour not only of most other European peoples, but of Africans and Indians themselves puts to shame the brutish manners quite common and conspicuous among South Africans, are the natural and familiar products in uncivilized, domineering and mean-spirited temperaments of the position of self-imputed superiority which every white lout assumes in a slave society as his birthright."

What crime have the Indians committed that the whites of South Africa should hanker after their ruination? The cause of this morbid hankering is just this colour prejudice. Mr. W. A. Cotton, in his "Racial Segregation in South Africa," and Mrs. Millin, in her "The South Africans," admit that it has become second nature to the modern Boer to view with contempt everything of the black people.

Some Afrikaner theologians, on the other hand, defend their attitude to the non-European races by attributing colour distinctions to God's will. Dr. J. G. Strydom, the mission secretary of the Dutch Reformed Church of the Orange Free State, in an essay on "The Race Problem in South Africa" contributed to volume three of "Koers in die Krisis," says:

"God willed different races, and therefore any race-mixture or breeding across the colour-line is an offence against God's will."

South Africa wants to contribute its share for the well-being of mankind. But how will it succeed in its mission if it carries on the work of inter-racial strife? South Africa needs foresight, and Mr. Harry Hofmeyr was perfectly right when he said that some politicians of south Africa should be taken to Table Mountain and shown the vastness of the sea beyond the limits of South Africa to teach them broad-mindedness and humanity. South Africa needs broad-mindedness in its efforts to settle its domestic problems and in its relations with the neighbouring and distant countries of the world.

In regard to the Indian question, the Afrikaners need to be informed that, from the points of view of civilization and geographical position, India occupied a unique position in the world. They need to be educated in the fact that India is not, never was, a land of "coolies" but the motherland of such great men as Tagore, Gandhi and Bose. Afrikaner leaders should personally acquaint themselves with India. The Indian leaders of South Africa should learn the Afrikaans language and try to come into intimate contact with the Afrikaners of to-day. All this will not be able to broaden the Afrikaner outlook in a day; but it will certainly be instrumental in paving the way for Indo-Afrikaner friendship,

Let us now examine the anti-Indianism of the British. They invited the Indians into this country, and were enabled by their labours to transform Natal into a prosperous 'Little England.' Every writer on South Africa and every South African politician has to acknowledge this truth. Then why is it that the British Natalian, though he is in all other respects a loyal Britisher, views the Indian question with a jaundiced eye? He is not in the dark about the currents of the modern world. Then why has he immersed himself in the endless sea of anti-Indianism? No just reason can be advanced in his defence. His end has been served, and so he no longer wants the Indians. That is all. And it is the very limit of ungratefulness.

We firmly believe, and we think it our duty to proclaim that belief, that the British Government are not less to blame than the Boers for the creation of the South African Indian question. A plethora of anti-Indian legislation had burst out under the direct colony government of Great Britain in Natal and the Transvaal before the advent of the Union. The responsibility of the British Government for the indenture system, for the retention of the Act of 1885, for the disfranchisement of Indians, for the Gold Law of 1908, and for countless other enactments, was by no means less than that of the South African whites. After the creation of the Union, that Government flung the Indian question into the hands of the selfish and colour-blind whites of South Africa, without having any assurances in return. Thus they are morally responsible for all the post-1910 anti-Indian enactments. It is their duty to give up their powerless policy, and to bring about an honourable settlement of the Indian question. They have nursed the seeds of colour-prejudice into a darkling, spreading tree. It is their duty to slash it off.

We shall now scrutinize the chief anti-Indian arguments. They are diverse in nature. The whites consider the Indians to be a colossal setback to civilization, politics, society, and industry, and say:—

(1) Western civilization predominates in South Africa. The protection of that civilization demands the expulsion of Indian civilization from the country.

(2) There should be no Indian immigration into South Africa. Such immigration would only result in the destruction of the white supremacy.

(3) The South African Indians are harmful to white interests. They intrude upon the white society and exercise an evil effect upon the white character.

(4) the Indians are foreigners. They enter into unfair competition with the whites. Their standard of living is low.

The whites who advance these arguments are ignorant and enemies of justice. What is desired is the elimination of the Indian so that the brown colour may be effaced from South Africa.

How many thousands of atrocities have been committed in this

world in the name of civilization ! The materialism of Western civilization has spoiled many a country. And South Africa has been no exception. And yet white civilization preponderates in that country. Its roots have gone so deep, that there is no chance of its ever being destroyed. The white man holds in his hands all the reins of administration. The non-whites are trodden underfoot by prejudicial legislation. However, every non-European community tries its best to embrace white civilization. Naturally, all the undesirable elements of that civilization have influenced them more than the desirable ones. But no one can deny that their aim is to absorb that civilization.

The Indian community also has set that aim before itself. It exhibits a light of both the Indian and Western civilizations. But the latter is a more powerful element. The majority of Indians in South Africa have been brought up under its influence. They have accustomed themselves to Western dress and demeanour. They have adapted their mode of living to Western standards. They claim that their standard of living is no lower than that of whites financially equal to them. They are prepared to advance further from their position if they are given fair opportunities. So far from being an impediment in the way of Western civilization, they have been willing followers and friends of it. The situation does not admit of the question of Indian civilization at all. Signs are not wanting to show, that the slight vestiges of that civilization that are apparent to-day among a negligible minority of Indians will completely vanish in a decade or two. Referring to Natal, which contains ninety per cent, of the total population of Indians in South Africa, the report of the Indian Colonization Enquiry Commission states:—

"Generally speaking, the Natal-born Indian is educationally and socially in advance of his parents, as he speaks English as well as his mother-tongue, and while retaining his religion has become largely westernized and is no longer content to live as his father did on the limited rewards of rough and unskilled labour."

As the Indians have accepted the Western civilization, it is sheer injustice to treat them as enemies of that civilization. That they are a hindrance to it is not only a baseless but an absolutely ridiculous argument.

The other argument put forth by the whites is full of a fear that is fanciful. They do not want Indian immigration, because they do not like the possible event of Indians becoming a power in politics. The fear underlying this argument betrays ignorance of the Indian question. South Africa is constituted of four provinces: the Cape, the Transvaal, Natal, and the Orange Free State. Following is a table showing the comparative distribution of whites and Indians in these provinces:—

Province	Year	Whites	Indians.
The Cape	1911	582,377	6,609
	1921	650,609	6,498
	1931	749,231	6,500
Natal	1911	98,114	133,030
	1921	136,838	141,336
	1931	177,449	163,400.
The Transvaal	1911	420,562	10,048
	1921	543,385	13,405
	1931	696,120	15,500
The Orange Free State	1911	175,189	106
	1921	188,566	100
	1931	205,375	100

Quoting these figures, the Commission referred to above declares:—

"These figures show that in the Cape and Orange Free State there has been very little change in the number of the Indian population since 1911. In the Transvaal, however, there has been a progressive increase which amounted to 33*4 per cent. between 1911 and 1921 and 15.6 per cent. since 1921.* In Natal the increase of the Indian population was 6.2 per cent. during the first of these periods and 15.6 per cent. during the second."

The Indian population was estimated at 185,500 in 1931. The census of 1936 witnesses in it an addition of 34,000. The increase in the Transvaal was due to the Act of 1937, which, in effect, commanded—

Every Indian born in India must return to South Africa within three years.

Every Indian mother must accompany her son to South Africa to get for her child the registration certificate.

Every Indian must remain in South Africa continuously for the first three years in order to maintain his domicile, etc.

The Indian population of the Transvaal would not have shown 33 per cent. increase had these obligations not been imposed. The Government have themselves to thank for the slight increase in the Indian numbers noted above. Their object was to diminish them, but human nature came in their way. But a glance at the increase in the populations of other communities will convince them of the harmless nature of the Indian question. The increase in the native, coloured, white and Asiatic populations during the period 1921-1936 was 39 per cent., 38 per cent. and 30 per cent. respectively.

The problem of the Indian immigration was solved in 1914. The Indian Government accepted the stoppage of Indian immigration into South Africa by assenting to the Immigration Act of 1913 and the Smuts-Gandhi agreement of 1914. The Union Government have admitted only a handful of teachers and priests as educated Indians since 1914. So all fears of any more Indian immigration **exhibits ignorance of the Immigration Act.**

That South Africa will be swamped by Indians, that Indians will be powerful, that the white dominance will be destroyed, is a belief as absurd as it is misleading. This ridiculous belief was spread in 1919-20; but it was exploded by the statistics advanced by the Lange Commission. Alluding to the suggestion of a repressive policy in the Transvaal, the Commission said :—

"In the Transvaal, the evidence and statistics which have been summarised in this report should go far to remove the misconception and allay the ill-founded alarm prevailing amongst some sections of the community regarding the 'Asiatic menace'. It seems inconceivable that, in the circumstances mentioned, the few thousands of Asiatics in that province and their descendants could ever succeed in swamping the European population, as has been so frequently and emphatically asserted. We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses."

The Indians of South Africa have no power even to touch the white supremacy, much less to eradicate it. They have neither the numerical strength nor the political might requisite for the purpose. Above all, they have no desire for supremacy, and they do not aim at it. The Right Hon. Srinivasa Sastri proclaimed this fundamental fact time and time again during his Agent-Generalship in the Union. So insignificant a position do the Indians possess in the politics of South Africa, that they would thank their stars if they are given normal human rights and are not harassed as aliens. We would quote from the Young Commission the following statement to give an idea of the political status of the Indians of the Cape and Natal:—

"The Cape is the only province in which Indians possess parliamentary franchise. In Natal Indians also enjoyed the franchise up to 1896, when Act No. 8 of 1896, while preserving the rights of those who were already enrolled, laid down that no Indians in the future should be entitled to enrolment. In the present year there are only 13 Indians enrolled as parliamentary voters in Natal. In the Cape, on the other hand, 1,471 Indians have their names on the parliamentary register of voters.

"Indians in the Cape and Natal have the municipal franchise, but in the latter province the number of Indians registered as municipal voters is dwindling since the passing of the Natal Provincial Ordinance No. 3 of 1925, which in effect prevents fresh Indian names from being entered upon the municipal voters' roll. Indians registered prior to the passing of that ordinance are still entitled to exercise the municipal franchise."

Thus it is quite obvious that the Indians have practically no political influence in the Cape and Natal. The Indians of Natal have been deprived of their municipal franchise, and made dependent on the mercy of whites.

The political plight of the Indians in the Transvaal and the Orange Free State is even worse. There are only twenty-nine Asiatics in the Free State, the entrance to which is strongly barred and bolted. They are virtually prisoners in that province. The Transvaal Indians have neither parliamentary nor municipal franchise, nor land rights. The Lange Commission described their woes as follows:-

"The first and foremost grievance advanced by Indians in the Transvaal is that, though British-born subjects, they are excluded from civic and other rights and privileges which are freely accorded to aliens, who are permitted to own land and enjoy full and unfettered rights of trading anywhere in the province. Many of these aliens, they allege, are men of the lowest type who have emigrated to this country from the slums of Eastern and South-eastern Europe. They maintain, therefore, that, being British subjects, they are entitled to claim at least the same rights as these aliens, who are regarded by many South Africans as less desirable citizens than Asiatics.

"They demand that there should be no differentiation in the law, or its administration, as between them and Europeans; and they particularly resent the continuance of Law 3 of 1885 and the restriction on their trading rights in the future."

How is it possible for the Indians, who are numerically weak, who have no sort of franchise, who possess almost no land, whose very existence trembles in the midst of danger, to oppose the whites and break down their sovereignty?

The third argument of the self-contained whites is that the Indians are a danger to white society—that they intrude upon white society and exercise an evil influence upon white character. This accusation against the Indians is meant to malign them and to irritate the whites.

The Indians have accepted the Western mode of living, but they still remain Indian. They live in a Western atmosphere, but they take pride in being considered Indians. They still bear the impress of Indian culture. They have religiously adhered to the principle of marrying their own kind. Their contact with the whites is purely professional, even less intimate than that which exists between the Europeans and Indians in India. A handful of whites are in no social danger from Indians in India; how, indeed, could they be so in South Africa, where Indians are so few?

Some whites told the Lange Commission in 1920 that Indians kept illicit relations with white women; but they could advance not a single instance in defence of that statement when they were asked to do so. Some ministers of religion were able to mention a few cases of Indo-European connection, but the white women in those cases were extremely poor, uneducated, and backward. The Lange Commission declared:—

"Such occurrences are admittedly rare, and would probably

be found as frequently amongst the coloured population of the country as amongst Asiatics* The evidence certainly did not disclose any serious grounds for the fear of miscegenation in the future which was expressed by some of the witnesses. Apart from other considerations, differences of religion would go a long way towards averting such a danger."

The Mixed Marriages Commission in 1939 could not find more than 54 European-Asiatic marriages in eleven years from 1926 to 1936 inclusive, while the total number of marriages registered in the Union were 392,949, and the total number of European-non-European marriages 1,073 for the same period. Comment is superfluous.

The whites viewed the employment of white girls in Indian shops and offices with a suspicious eye, and clamoured for a prevention of such employment. This attitude was derogatory to white civilization and white prestige. The question was zealously discussed by politicians and even dragged into the Union Parliament. Even the Bill drafted by the Select Committee on the Provincial Legislative Powers Extension Bill and the Transvaal Asiatic Land Bill, 1937, was shelved, as virtually no concrete evidence had been adduced of any abuses actually resulting from such employment. The question is related to the economic predicament of the Afrikaners. Other races profit at the cost of those unfortunates. But the Indians are not to blame for that. They have succeeded, to some extent, in bettering their lot by their commercial insight and financial management sympathy and encouragement.

There was a time when Indians were charged with a mulish unwillingness to conform to Western manners of living and with a total uselessness to the white community. To-day, when they are trying to adopt Western standards of life and to be economically helpful to whites by employing white girls, the whites change their own charge and oppose such employment. The white girls serve the Indians because they not only get their livelihood, but also are thereby able to preserve their self-respect. Sometimes Indian firms pay them more than white ones. These facts have been brought to light by some of themselves through the Press. Cases are not wanting in which white girls were ruined by being induced to give up Indian employment, and were subsequently helped out of starvation by the Indians.

The whites who state that Indians have a bad character, that they are undesirable citizens, and that they are an evil, are murdering truth and justice. The Indians are a quiet and law-abiding people. This is amply shown by the judgments of Union courts, the reports of the police departments, and the Government commissions. Mr. Henry Burton, the Union delegate at the Imperial Conference, 1918, certified to their character thus:—

"It is only fair to say—and it is the truth—that we have

found that the Indians in our midst in South Africa, who form... a very substantial part of the population, are good, law-abiding, 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."

To charge the Asiatics with being criminal-minded shows also the ignorance of the actual state of affairs. The table below shows convictions for serious offences by different races:—

Race		1934	1939
Europeans		3,312	2,093
Natives		23,931	20,376
Asiatics		322	272
Coloured		4,258	3,887

Discussing the Transvaal Indian question, Mr. J. D. Tyson, I. c. s., the Acting Agent of the Indian Government, stated before the Select Committee on the Transvaal Asiatic Land Tenure Act, 1930:—

"The outcry against the Indian socially derives little support from the available statistics, either of population or of crime. Comparative figures for twenty urban areas containing 2,000 Europeans and over, at the census of 1921, show how trifling, compared with the number of Europeans, is the number of Indians in each. The total, also, of 12,167 Indians of all ages is insignificant when compared with the figure of 306,512 Europeans in the urban areas named: it amounts to one Indian for every 25 Europeans. The disparity for the rest of the province is even more marked: 3,824 Indians to 136,973 Europeans, or one Indian to nearly 36 Europeans. If 170,000 Europeans in India can maintain their own standards of civilization amid a population of nearly 320,000,000, it seems grotesque to suggest that the existence of 13,000 voteless Indians can be a menace to the civilization and standards of living of 600,000 Europeans in the Transvaal."

That Indians are aliens is an oft-repeated anti-Indian argument. This argument has also been used on occasions by the Union Government. The Union laws harp on the alien character of Indians. The argument does a grave injustice to history. Indian adventures laid the foundations of civilization in South Africa at a time when the white man did not even know the geography of South Africa. The ruins of Zimbabwe, according to Professor Frobenius, are a relic of the once throbbing Indian culture. And in recent times there is a difference of only twenty years between the arrivals of the English and Indians in Natal. The same interval separates the entrance of the Dutch and of the Indians into the Transvaal. Therefore, to call the Indians aliens, and the whites who came after them in thousands the privileged children of the soil, is nothing short of killing logic. Moreover, the Indians had come into

the country at the express invitation of the Government. They had been encouraged to settle by the same authority. They had transformed Natal into a garden colony by means of their own skill and labour. They cannot be dubbed foreigners. Eighty-five per cent, of the Indians living in South Africa to-day have been born there; they have stood beside the country in weal and woe; they supplied Lord Milner and Lord Selborne with their fruit and vegetables during the Boer war; the services of Indian soldiers in the Boer war are still recorded by a monument on the Observatory Hill at Johannesburg; they are the citizens of one great Empire; they are an economic blessing to whites, the coloured and natives. They are by no means foreigners—they are rightful citizens of South Africa. It is the duty of the Union Government to give them the rights of citizenship.

Another charge put against the Indians is that they enter into an unfair commercial competition against the whites. This charge also is a distortion of the actual facts and is a consequence of colour prejudice. It reeks with the miasma of racial hatred. We shall have to cast a glance at the industrial fields of Indians in order to refute this accusation. The special industrial provinces of Indians are agriculture, trade and labour.

The following are the figures of the trade licences issued to Asiatics in 1937-38 and 1938-39 and of the revenue proceeds of the Union Government:—

Province	Licences		Revenue from Licences	
	1937-38	1938-39	1937-38	1938-39
Cape	2,792	3,288	£9,028	£10,246
Natal	8,837	9,243	£20,088	£21,035
Transvaal . .	7,109	6,746	£24,780	£24,854
	<u>18,738</u>	<u>19,277</u>	<u>£53,896</u>	<u>£56,135</u>

Of the 19,277 Asiatics who obtained trade licences, 6,351 were general dealers, 1,342 hawkers, 2,704 pedlars, 1,671 sellers of patent medicines, and 1,649 fresh produce dealers. The rest followed miscellaneous trades.

The general sphere of Indian livelihood is very circumscribed. Naturally, the major part of Indian existence depends upon trade. But to dub this trade unfair is to be blind to truth. Competition is no crime. It is positively good if it becomes helpful to society. Modern South Africa bristles with European firms carrying on a gigantic trade at low profits. Thousands of customers are attracted to them owing to their cheap rates. Those "bazaars" have exposed the "squeezing" policy of many a showy shop. They are a blessing to middle-class and poor-class people. The Indians could be accused of unfair competition only if the proprietors of these bazaars could be accused likewise. The service rendered by the Indians is even more worthy of admiration than that rendered by the European

bazaars. The Indians are helpful to whites in various ways. A considerable number of whites had admitted this fact before the Lange Commission.

The Indians supply necessities to white farmers. While often the Jewish and other European merchants add to the burden of farmers' debts, the Indians always save them from becoming "poor whites" and help them preserve their own standards. They habitually show generosity and friendship undreamt of by whites. They seldom resort to the court to recover their money; they are neighbours in the Christian sense of the word. They sell more reasonably than their rivals, and provide for easy excellent terms of payment.

The people who accuse the Indians of unfair commercial rivalry are mostly merchants. They have created an anti-Indian agitation, and are keen protagonists of it. They have been occasionally instrumental in calling for a boycott of Indians. Their political friends encourage this boycott in the name of the maintenance of Western civilization. That the Indian trade jogs on is a testimony to its usefulness. Had the Indian traders not stood beside the poor white community, their trade would have perished long ago.

There is another complaint against the Indians. It is alleged that they pay starvation wages to their employees. But it must be remembered that Indian payments are generally in addition to the provision of lodging, boarding, and clothing. Still, they are not inferior to what white girls get from European concerns. They are, on the contrary, superior to them. The white girl gets a monthly salary of five pounds or six pounds in Johannesburg. The Indian gets something more, in addition to boarding and lodging facilities. Again, the wage determinations instituted by the Labour Department of the Government have taken away all causes of complaint.

The Indians working in industrial fields are also looked at with an envious eye by whites. Their competition is considered an evil, and their usefulness a danger. All this is the result of colour prejudice throbbing in the white heart. The charges noted above are but attempts to snatch bread away from the non-white mouth and put it into the white one. The three Acts, namely, the Minimum Wages Act, the Industrial Conciliation Act and the Apprenticeship Act, have been enacted with a view to eradicating the industrial competition of Indians and the natives. The central, provincial and local governments of the country, it appears, are interested in reducing non-whites to unemployment. There has been an alarming decrease in the number of Indians serving in Government offices and in private establishments.

The number of Indian railway employees was about 6,000 in 1910. It was 562 in 1933. The number of Indian Government servants was 955 in 1924. To-day it is 217. This is the situation in Natal. Transvaal and the Cape governments do not admit Indians at all. If this state of affairs continues, then there will be

no Indian servant in the employ of the Government of South Africa a decade hence.

Even private industrial concerns have been affected by the white colour prejudice. There were 18,270 Indian workers in sugar plantations in 1910. They went down to 11,400 in 1925 and to 8,020 in 1933.

Twenty-six years ago, the coalfields of Natal were mostly worked by Indians. Their number was 1,795 in 1924. It fell down to 609 in 1933. A similar decrease in Indian numbers is shown by the history of the diamond-fields and gold mines. If the existing colour prejudice is allowed to continue, there will be no Indian miners left in the industry at all.

The "civilized labour policy" of the Union Government has been thinning down the proportion of Asiatic workers in private concerns. The total number of Asiatic workers in the Union was 10,332, i.e., five per cent, of the total number, in 1921. It slipped down to 8,296 in 1932-33. The figures of the Young Commission show that in 1924-25 there were 932 Indian workers in 10 factories at Natal. Their number was 748 in 1933.

It is not difficult to comprehend the significance of these figures. They are the consequences of an unwarranted colour prejudice. The industrial policy of South Africa is a policy aiming entirely at the protection of whites and at the pauperisation of non-whites. The Indians have been most shamelessly treated with ungratefulness and injustice. Their history is amply illustrative of their tragedy.

The reports of various commissions appointed to enquire into the Indian question also reveal the injuries done to Indians. The Indian Commission of Natal clearly declared in 1886:—

"In fairness to the free Indian, we must observe that the competition is legitimate in its nature, and it certainly has been welcomed by the general community."

Mr. J. L. Hulett said before the Commission:—

"I do not think the competition of the free Indian has interfered in the slightest degree with the development of the country by European settlers."

Another Commission reported in 1907:—

"Absolute and conclusive evidence has been put before the Commission that several industries owe their existence and present condition entirely to indentured Indian labour. The expansion of industries, made possible by the presence of Indians, has provided the native with further openings."

The Economic Commission of 1914 declared:—

"Your Commissioners failed to discover evidence proving that skilled labour has suffered seriously from the competition of Indians."

Seven years later the Lange Commission finally exposed the hollowness of what passed as the "Asiatic menace/"

The Commission's report not only laid bare the unreality of the "Asiatic menace," but protested against the repressive policy launched against the Indians. They would have made the Union Government give up their anti-Indianism and give justice to Indians, had the latter been possessed of a fair and open mind. But they failed to do so, and the recommendations were consigned to the dustbin. The Union Government went on hammering out repressive laws till at last their secret anti-Indianism assumed the form of an open revolt against the Indians in 1925. The Union Parliamentary Select Committee were challenged by the Paddison deputation to prove the "Asiatic menace." They did not accept the challenge. A round-table conference was held in 1926.

Under the Cape Town agreement the Union Government gave an assurance to uplift the Indian community, and accepted the view that the permanent Indian population should not be allowed to lag behind the other sections of the people. The promise of the Union Government to uplift the Indians has not yet been fulfilled. On the contrary, their "civilized labour policy" has rendered hundreds of Indians jobless, and forced hundreds of them to leave the shores of the country. The Indian question would have been spared its tragedy of repression had the Union Government been guided by the reports of the commissions appointed by them, had they remained faithful to their assurances at the Imperial Conferences, and had they translated the Smuts-Gandhi and the Cape Town agreements into sympathetic action.

The Indians have quaffed off many a poisonous chalice in the hope of uplift. But their uplift is shut off by the impregnable doors of colour prejudice. The Imperial and Indian Governments could get the key to these doors if they are prepared to act fearlessly and boldly.

South Africa must be made to grasp the fact that no question can be solved on the basis of colour bar. Colour bar only brings about repression and revolt. It affects both the oppressor and the oppressed in an evil way. It is a double-edged sword, slashing the victor as well as the victim.

Professor W. M. Macmillan sees no vision of a civilization in colour bar. In his book, "The Cape Colour Question," he writes:—

"Our feet are, in truth, 'on the edge of an abyss*. Politically, the European people are now in almost complete control of South African destinies, and the danger is that they look only to the well-being of the white people. But white South Africa must carry its child races along with it on the way of progress, There can be no vision of a 'civilization' that will rest on a base of serfdom, and live. The policy for the future is to be judged according as it stands by those principles of freedom which have been tried in some measure, and have not been found wanting."

South Africa is one of the wealthiest countries in the modern world. And yet 17 per cent, of its white population wriggles in the slimes of poverty. Thousands of whites keep body and soul together on a meagre income. Thousands are underfed and undernourished. Indeed, the colour bar is a grave impediment in the way of the general progress of South Africa. It sucks the vital sap of a virile humanity. Its removal is the only way to the country's salvation. Professor Edgar Brookes predicts civil war and anarchy in the event of its continuance. Says he:—

"To predict the very gradual disappearance of the colour bar is to predict a certainty. To keep it would mean in a century's time such a state of tension as to bring the whole civilization of the sub-continent to a state of chaos and civil war."

To wield the weapon of colour bar against the Indian is an act of grave injustice. The Indians are the inheritors of an ancient and glorious civilization. Their forefathers left a common centre in Asia and went to India and Europe. Indian culture has civilized the world, and, even to-day, the world looks to India for enlightenment. Western civilization is comparatively of recent growth. It forgets itself in considering the Indians uncivilized, belittling them by iniquitous legislation, and shunning them at every moment.

Dr. Krause condemns the general South African belief about Indian civilization. Because of the importation of "coolies" and largely through their limited knowledge of the Indian* races and their civilization, he says, South Africans formed an entirely wrong idea of the Indian peoples. "South Africans" he declared, "were living in a fool's paradise if they believed they were more civilized than the peoples of India and China."

The Union Government, as we have seen, have made a formidable use of colour bar against the Indians. They have filled seventy-five years with gross injustice in order to realize their aim of eliminating the Indian population from the country. And yet the Indian question has not reached the stage of its settlement. It is growing more and more intricate day by day. This at least proves that repression is not the road to its solution.

The Union Government have tried a twofold policy to arrive at a solution of the Indian question—voluntary repatriation of poor Indians by unjust and inhuman legislation. This policy has been responsible for the assisted emigration scheme, the Immigration Acts, and about fifty ordinances and enactments. And yet it has not succeeded in solving the Indian question. It has only added to the misfortunes of Indians.

The delegates to the second round-table conference in 1932 had to admit the following fact:—

"It was recognised that the possibilities of the Union's scheme of assisted emigration to India are now practically exhausted, owing to the economic and climatic conditions of India, as well

as the fact that 80 per cent, of the Indian population of the Union are now South African-born.

The figure of the Indian emigration during 1933-35 has afforded a fresh proof of its impossibility. Only 1,556 Indians emigrated in 1933. During the ensuing two years, only 1,372 left the country. This numerical reduction has led the Government to bring down their budget for assisted emigration to £35,000. The Union Government have been convinced that it is impossible to reduce the Indians to "the irreducible minimum" through the scheme of assisted emigration. For only a few old men and loitering unemployed are now likely to take advantage of that scheme. Again, the colonization project, too, is at present unthinkable. Sir Fazli Hussein declared in the Indian Council of State in August, 1934, that India had no desire to quench the selfishness of South Africa by spending huge sums on the foreign settlement of Indians.

India's contention against the colonization scheme is based again on the Indian right to reside in Africa. The *Federated India*, Madras (4th April, 1934), gives two reasons for not accepting it. It said:—

"Firstly, the Indian settlers have acquired rights according to all notions of international morality of which they cannot be deprived by force or fraud if these ideas mean anything in the modern world. Indians were 'British nationals' in South Africa long before the Dutch and the Germans became nationals, and so long as the European settlers in South Africa do not cease to be British nationals, the British Government is bound to protect the Indo-British nationals in South Africa, and they have a claim on the obligation of the Imperial Government in this respect. Secondly, if the South African Indians are to be settled in some other colony there is no guarantee that, after a time, they may not meet with a similar fate there and be required to re-emigrate to some other latitude and longitude. The question is what is the status of these Indian colonists as British subjects outside India, within the British zone? If they have no status in South Africa, how can any status be assured to them anywhere else? And, above all, why should they be sent out of South Africa as though they were a political and economic pest?"

Consequently, there is very little chance of India's financing or agreeing to the expulsion of Indians into such unhealthy spots as North Borneo, New Guinea, or the British Guiana. Under the circumstances, it is quite obvious that the schemes of repatriation and colonization will not be able to solve the Indian question. The Union Government will have to find some other way. The way most apparent is excessive oppression.

The Government have tried various means of oppression. The picture of that oppression is afforded by every chapter of this book. Presently, the Union Government is engaged in solving the Indian

problem by legislation where necessary, and assurances on the part of the Indians where desirable. Policies vary with the whims of the Minister of the day and political currents of the world. In 1939, before the declaration of war, Minister Stuttaford had decided to solve this problem by his servitude scheme, which, in practice, meant compulsory separation or segregation of races. Minister Lawrence, to-day, while the war is on, wants to solve it on non-statutory lines, which is tantamount to voluntary segregation by the Indians to escape the statutory stigma of inferiority.

The Broome Indian Penetration Commission, however, was appointed during the war, to investigate penetration by Indians in predominantly European areas since the Cape Town agreement was arrived at in 1927 between the Governments of the Union and India. Mr. J. H. Hofmeyr, the Minister of Finance, has hinted, in reply to an outspoken speech on the Asiatic Bill in 1941, that the Government would decide on a policy after the Broome Commission has reported. It would not be difficult to foretell that the policy in the years ahead would be on the lines of racial separation, firstly pegging down and maintaining the *status quo*, and secondly driving the displaced and surplus population into newly-established ghettos by the double-edged weapons of licensing measures, slums acts, expropriation and kindred things, and into keen commercial rivalry among the Indian traders themselves, intolerable crowding, lower standards of living, unemployment and exploitation of servants and tenants. The second case will mean reflection on national honour, heavy transport expenses, loss of trade and jobs, insanitary conditions, ill-health and eventual economic and social ruination.

This policy, if adopted, will meet with stubborn opposition from India. The Indians in South Africa will give it a hostile reception. They might oppose it by passive resistance or consolidate the forces that would make the new-born Non-European United Front a practical proposition for the Government. Indian capacity to organize and finance the movement will embarrass the Government to not a little extent, as it will arouse striking consciousness among the downtrodden thousands and thousands of Africans, and other mixed races, itself a danger to the dominance of the white men.

This policy, again, will have repercussions beyond the South African geographical boundaries. This purge will give rise to international complications. The situation which General Smuts predicted of the wrath of Asia and Africa over the Colour Bar Bill in 1925, will arise again. It will embitter the relations between India and South Africa and stimulate the Indian people's desire to secede from the Empire. Democratic China and monarchic Japan will feel insulted. A little match to the smouldering fire of the sufferings under a badge of inequality might start the conflagration throughout Asia to destroy the colour bar, roots and all.

Once it was said that the 1914-18 World War dealt an effective

blow to the colour bar, that the European Nations had learnt to admire the achievements of the Indians on battlefields and in the spheres of knowledge, and that the door to their equality would soon be opened. To-day there is another World War progressing. The whites, browns and blacks are fighting cheek by jowl. The battlefield knows no barriers of class, creed or colour. But on the South African home front, the outlook has not improved. The brown, black and coloured recruits to the army are not armed. They are drilled on military lines, but are only engaged in transport work. No consolation of the loosening of the shackles of colour bar is promised to them. New weapons of serfdom are daily forged for them. No war aims are declared for them.

Even South Africa's "new order" after the war does not predict a bright future for the non-Europeans. If Great Britain wins, General Smuts desires to spread white-manism throughout the length and breadth of South Africa. If Germany wins, the Malanites would ask for an Afrikaner republic, where the Europeans will be the bonafide masters and the non-Europeans their perpetual "hewers of wood and drawers of water," their obedient servants and slaves. They would settle the Indian problem by attaining and maintaining military supremacy for Europeans in Africa. With Germany's aid, they would strengthen the cause of white civilization.

In short, the extreme and moderate forces of South Africa desire a new order of the superiority of the whites over the whole of Africa, including French and Portuguese possessions. They desire Africa, in other words, to submit to the white man's rule, and stand as a solid block against Asiatic encroachment.

The question arises whether South Africa is so keen to protect white supremacy as would create an upheaval in the world. Are a handful of Europeans so determined as to refuse the demands of eight millions of non-Europeans for better status, which will be backed up by one-third of the world's population in Asia and Africa? Why do they precipitate a new war? Are they sure that all the countries in Europe will come to their aid?

We apprehend serious obstacles in the path. Nowhere in the world exists colour bar on such a big scale. Nowhere in the world is colour bar viewed with such bigoted mentality. On the other hand, we see that the thinkers of the world see in colour bar a great injustice perpetrated against the non-European peoples in the name of white civilization and self-preservation. Even the liberal forces of South Africa, while agreeing to the trusteeship of Europeans, condemn colour bar as expensive and calamitous. Great Britain is committed to a policy of native upliftment in East Africa. France and Portugal do not believe in white men's prestige or race inequality. Italy is too weak to assert her voice in Africa. Only Germany is left. Under the circumstances, what will South Africa decide? The real test comes in the solution of the Indian problem.

Mutual understanding and tolerance is the only way to a solution of the Indian question. The majority of Indians have been born in this country, and are going to live in this country. Whatever the Union Government and the whites may say, the Indian case for citizenship in South Africa is a just and powerful one. The Union Government should cease talking about the colonization of Indians in other countries. South Africa is a vast land. The Indians constitute only two and a half per cent, of its total population. If they are allowed to live unmolested, they would be able to make a handsome contribution to the progress of the country. The Indians are expert agriculturists. There are 18,000 of them in Natal. They are in a position to utilize their industrious and thrifty nature in rendering the burdensome agriculture of the country profitable. To-day, they are prevented from playing a satisfactory part in the development of the country by want of fair opportunity, repressive legislation, and colour prejudice. A policy of justice would surely convert them into a vital asset of the country. It is high time that South Africa parted company with its colour prejudice, and used foresight in the consideration of the Indian question. It must be ready to give up its anti-Indianism, and treat Indians as its citizens. The solution of the Indian question demands this.

The Union Government are morally bound to elevate the Indians and satisfy their ambitions. Even if we take the difficulties put in their way by colour bar into consideration, the fact remains that they have many other ways of appeasing them. It is even possible for the British Government to help them. The British Government are no less responsible for the Indian question than the Union Government. The latter Government must understand that no other country in the world is ever likely to welcome the 220,000 Indians of South Africa. Any country that is requested by them to house them will immediately direct their attention to the vast undeveloped tracts and the British Protectorates of South Africa. Those regions provide a key to a solution of the Indian question. The Union Government need not bother about North Borneo, New Guinea and British Guiana at all.

Geographically, South Africa is a sub-continent. On its borders are situated the British protectorates of Basutoland, Bechuanaland, and Swaziland. On the north is Southern Rhodesia, enjoying partial autonomy under Great Britain. Then there is South-West Africa, where existed no colour bar until its administration was entrusted to the Union Government under a mandate from the League of Nations. On the east lies Portuguese East Africa. A glance at these regions will show us that the whole of South Africa except Portuguese East Africa is under the direct control of the Union and British Governments. It would indeed be a triumph of the political sagacity of the Union and British Governments if they are persuaded by the Indian Government to throw the doors of their reserved

territories open to South African Indians, and thus attempt to solve the Indian question once and for all.

Great Britain had done an unpardonable injustice to Indians at the time of the Treaty of Versailles. It handed over the Administration of the German possessions in Africa to a country which had made a lesser sacrifice than India, and left the Indians to be crushed by colour hatred. The time has arrived for the Union Government to atone for their past sins.

The areas of South-West Africa, Basutoland, Bechuanaland and Swaziland are respectively 322,393,11,716, 275,000 and 6,764 square miles. These countries are closed to Indians. There are 14 Asiatics only in South-West Africa, while there are 411 Asiatics in all the three British protectorates. It is possible for these countries to accommodate thousands of men. The following population figures of 1936 will show the Possibility:—

Protectorate.	Whites.	Bantu.	Mixed.	Asiatics.	Total Proportion.
Bechuanaland ...	1,699	260,064	3,727	66	256,756
Basutoland ...	1,434	559,273	1,263	341	562,311
Swaziland ...	2,740	153,270	701	4	156,715
South-West Africa (mandated) ...	30,677	287,731		14	318,422
Total ...	36,750	1,266,029		425	1,303,204

These countries possess a fine scope for the agricultural and industrial ability of Indians. If the Union and British Governments encourage the Indians to settle in them, Natal would be freed of its human congestion, and the Europeans themselves would be able to heave a sigh of relief.

Another possible opening for the South African Indians is Southern Rhodesia. The area of that land is 96,226,560 acres. The census report of 1941 gives the following population figures:—

Whites	...	...	...	69,013
Asiatics	...	...	...	2,738
Coloureds	...	...	...	3,739
Natives in employment	...	...	...	302,437

The Indians of Southern Rhodesia form only three per cent, of the combined population of whites, coloureds and Asiatics living in that country. Their political status resembles that of the Cape Indians. They have franchise. Southern Rhodesia, too, has been poisoned, like Kenya, Uganda, Tanganyika, Portuguese East Africa and other regions, by colour prejudice. Its immigration acts amply illustrate the fact. It must, however, be confessed that its government does not harass the Indians as the Union Government does. It is not willing, however, to admit Indians.

South Africa has no right to ask Southern Rhodesia to open its doors to the South African Indian population. It is up to the

British Government to do so, for the sake of justice to Indians and for the unity of the Empire. They have done nothing in the matter hitherto, because they are themselves opposed to the equality of Indians, are tainted with colour prejudice, and are generally responsible for the sad plight of Indians.

The question of racial equality was discussed when the constitution of the League of Nations was being framed. Great Britain had opposed such equality, although nearly the whole of its empire is made up of non-Europeans. Great Britain has not even accepted the principle of giving equal treatment to Indians in India. It has encouraged white clubs to keep Indians away from them. Some of those clubs do not admit even celebrated Indian men of letters, philosophers, and politicians. The British Government do not even think of putting India on a level of equality with the Dominions. India is not even allowed to retaliate against the oppression of Indians in the Dominions. The British Government themselves are indirectly encouraging colour prejudice in their colonies and protectorates. They are upholding whiteism everywhere and undermining Indians. Great Britain has kept India open to whites when its colonies and dominions have barred their gates against Indians. The British Government themselves are responsible for the colour prejudice of South Africa.

It is time the British Government changed this pernicious policy of theirs. They should start with giving Indians throughout the Empire a status equal to that enjoyed by whites. They should see that no Indian in any of their possessions is without franchise or is maltreated on account of his colour. They should make it possible for South African Indians to enter Basutoland, Bechuanaland and Swaziland, and Southern Rhodesia. They should exhort the Government of South Africa to treat the Indians in a fair way. South Africa is a stronghold of colour prejudice. Its Indian question is an Empire question. Its solution should not be such as would create a conflict between Asia and South Africa. Its just and honourable settlement will satisfy the Indians, unify the Empire, and remove the enmity of Asia. The general policy of Great Britain in South, East and Central Africa will show whether it desires the friendship or enmity of Asia. It is doubtful whether South Africa will discard its colour bar so long as Great Britain does not do so.

Since South Africa wishes to keep in its hands the reins of African whiteism, the Indians of that country cannot hope for political emancipation until the British colonies take an initiative in putting the Indians on a par with whites.

The South African Indian question also depends for its solution upon the political events of the world. The political currents of Africa, will react upon South Africa, even as the events of South Africa have reacted upon East and British Central Africa. Hence the chief demand of the Indian Government must be for the perfect

equality of Indians throughout Africa. If they accept limited rights for Indians in Kenya, they would not be justified in demanding equal status for Indians in South Africa. If they put up with the immigration restrictions in Southern Rhodesia, they cannot rightfully ask South Africa to remove similar restrictions. And South Africa would simply nullify their demand by pointing at the British protectorates. To get equality for Indians in British Africa is to strengthen the case of South African Indians.

The South African Indian case for equality is so strong and solid that it can be proved before any impartial international tribunal without any difficulty. The Indians of South Africa are prepared to face any impartial commission on behalf of their cause. They are in a position to prove the injustice of South Africa before even the Minority Commission of the League of Nations. And **that** is exactly the reason why South Africa has put its signature to the Optional clause of the League of Nations and the Arbitration clause of the Imperial Conference after putting a condition in relation to the Asiatic question. The Indian Government should discuss the Indian question in the international and the Imperial Conferences. They should thus expose the policy of South Africa and establish the Indian claim for equality.

The Indian Government would not only be expiating their past lapses if they demand equality for the Indians of South Africa, but would be doing an excellent service to Indians throughout that country. The existence of Indians in South Africa demands the protective weapon of franchise. Since the bogey of the "Asiatic menace" has been found to be non-existent since Indian immigration has been stopped for ever, and since Indians have proved to be immensely useful and helpful to Europeans, it is now time the Indians got the franchise. The Indians have franchise in the Cape; they had it in Natal. In neither case have they misused or ill-used it. Nobody can deny that they have franchise in India. Moreover, their uneducated indentured forefathers had franchise. And it is unseemly that they have it not, though they are literate and civilized. The Indians of Natal and the Transvaal must be given the franchise.

Some Europeans, who have the progress of South Africa at heart, have been able to understand the injustice done to Indians. Senator Brookes has demanded the representation of Indians in the Union Parliament. Mr. Walter Eden Cotton says that if one community is given the right to vote, all communities should be given a similar right. The award of the franchise to Indians will automatically solve the Indian question. We do not want the Union Government to enfranchise the Indians immediately. But we do want them to announce the policy of accepting Indians as South African citizens, and start with giving them municipal franchise, with a view to leading them gradually to parliamentary franchise. The **Indian troubles will last so long as the Indians remain disfranchised.**

Equal opportunity for all is a vital element of citizenship. Indians have to endure much for want of it. Due to the antiquated provincial laws, there are three types of status enjoyed by Indians in South Africa. It is highest in the Cape, medium in Natal, and lowest in the Transvaal. Clause 147 of the South Africa Act puts the Asiatic question under the entire control of the Governor-General-in-Council. And yet the provincial governments have hammered out anti-Indian enactments, and the Union Government countenanced them. Although the South Africa Act cancelled many of the old provincial laws, it left only the anti-Asiatic ones untouched. This is a grave injustice to Indians. Their restrictions must be abolished. Indians should not be feared—they should be welcomed as citizens of South Africa.

This policy of justice will enable the Union Government to look the world full in the face. They will be able to lead their people without opposition. They will be in a position to fulfil their promises given in the past. In 1843, on the occasion of the declaration of Natal as a British colony, Queen Victoria had proclaimed that the country would thenceforward be ruled without the distinction of race, colour or creed. That proclamation could now be invoked to give justice to Indians.

The Union Government is bound to translate that proclamation into practice for local and international reasons. India has not grudged immigration of South Africans on any narrow grounds. The Government of India Act (1935) pledges the maintenance of that attitude. The Union Government has now an opportunity to repay India's kindness and give practical recognition to the services rendered by Indians to South Africa.

The Union Government should gradually repeal all anti-Indian measures. The Indians should be awarded the franchise, unrestricted rights of land ownership and freedom of trade. The Union Government cannot keep cultured Indians without the right to vote. They cannot disallow the landownership of Indians who are permanent residents of South Africa. The Indian trader is a blessing to poor people; the Union Government cannot refuse the licence to him. They likewise cannot deprive innocent Indian factory hands of their daily bread.

South Africa will surely never have to rue its grant of equality to Indians. On the contrary, it will be a guiding light to the world in the matter of colour bar. It will not only enhance the strength and status of the British Empire, but will win the hearts of Indians and the co-operation of India. India will enrich its trade by consuming its gold, coal, fruit and sugar. It will stand beside it in its hour of need.

APPENDIX A

A CHRONOLOGICAL NOTE OF THE ANTI-INDIAN LEGISLATION IN SOUTH AFRICA

1. Law 3 of 1885. Transvaal.
2. Statute Law of the Orange Free State, 1891.
3. Law 25 of 1891. Natal.
4. Law 17 of 1895. Natal.
5. The Franchise Act, 1896. Natal.
6. The Dealers Licences Act, No. 18, 1897. Natal.
7. The Immigration Restriction Act, 1897. Natal.
8. Law 3 of 1897, regulating the Marriages of Coloured Persons within the South African Republic (Transvaal).
9. Law 15 of 1898. Transvaal.
10. Regulations for Towns in the South African Republic (Transvaal) 1899.
11. The Act No. 1 of 1900 to amend the Immigration Law. Natal.
12. The Immorality Ordinance, Law 46 of 1903. Transvaal.
13. The Immigration Restriction Act of 1903. Natal.
14. The Immigration Act, 1906. Cape Colony.
15. Johannesburg Municipal Ordinance (two, private) of 1906.
16. The Act No. 3, 1906, to amend the 1903 Immigration Act. Natal.
17. The Arms and Ammunition Act, No. 10 of 1907. Transvaal.
18. The Immigration Act, No. 15 of 1907. Transvaal.
19. The Education Act, No. 25 of 1907. Transvaal.
20. The Act No. 27 of 1907, the Vrededorp Stands Ordinance. Transvaal.
21. The Workmen's Compensation Act, No. 36 of 1907. Transvaal.
22. The Immorality Amendment Ordinance, Law 16 of 1908. Transvaal.
23. The Townships Amendment Act, Law 34 of 1908. Transvaal.
24. The Gold Law, Act 35 of 1908. Transvaal.
25. The Asiatic Registration Amendment Act, No. 36 of 1908. Transvaal.
26. The Public Service and Pensions Act, No. 19 of 1908. Transvaal.
27. The South Africa Act, 1909.
28. The Public Servants Superannuation Act, No. 1 of 1910. Natal.
29. The Education Act, No. 6 of 1910. Natal.
30. The Act No. 31 of 1910 (to provide pensions for teachers in Government-aided schools). Natal.
31. The Immigrants Regulation Act, 1913.
32. The Indian Relief Act, 1914.
33. The Act No. 37 of 1919.
34. The Townships Franchise Ordinance, **1924**. Natal.
35. The Rural Dealers Ordinance, 1924. Natal.

36. **The Durban Land Alienation Ordinance, 1924.** Natal.
37. **The General Dealers Control Ordinance, 1925.** Transvaal.
38. **The Colour Bar Act, 1925.**
39. **The Minimum Wages Act, 1925.**
40. **The Local Government (Provincial Powers) Act, 1926.**
41. **The Immigration and Indian Relief (Further Provision) Act 1927.**
42. **The Liquor Act, 1927.**
43. **The Asiatics in the Northern Districts of Natal Act, 1927.**
44. **The Nationality and Flag Act, 1927.**
45. **The Old Age Pensions Act, 1927.**
46. **The Industrial Conciliation Act, 1930.**
47. **The Immigration Amendment Act, 1931.**
48. **The Transvaal Asiatic Land Tenure Act, 1932.**
49. **The Transvaal Asiatic Land Tenure Amendment Act, 1934.**
50. **The Slums Act, 1934.**
51. **The Transvaal Asiatic Land Tenure Amendment Act, 1935.**
52. **The Rural Dealers Licensing Ordinance, 1935.** Natal.
53. **The Transvaal Asiatic Land Tenure Amendment Act, 1936.**
54. **The Marketing and Unbeneficial Land Occupation Act, 1937.**
55. **The Industrial Conciliation Amendment Act, 1937.**
56. **The Immigration Amendment Act, 1937.**
57. **The Transvaal Asiatic Land Tenure (Further Amendment) Act, 1937.**
58. **The Asiatics (Transvaal Land and Trading) Act, 1939.**
59. **The Town Boards and Health and Malaria Committee Ordinance, 1940.** Natal.
60. **The Motor Vehicles and Road Traffic Regulations Amendment Ordinance, 1940.** Natal.
61. **The Durban Extended Powers Ordinance, 1940.** Natal.
62. **The Factories Machinery and Building Works Act, 1941.**
63. **The Resolutions for the exemption of the Feetham areas in the Transvaal, 1941.**
64. **The Asiatics (Transvaal Land and Trading) Act, 1941.**
65. **The Trading and Occupation of land (Transvaal and Natal) Restriction Act. 1943.**

APPENDIX B

EDUCATION

EUROPEAN education is administered and financed by the State.

Non-European education is mainly State-aided education. It is partly supported and controlled by mission enterprise. In Natal only, distinction is made between the administration of coloured and Asiatic education. In the other three provinces Asiatics are

treated as part of the coloured school population.

The provinces are responsible for the financing of primary and secondary education from revenue obtained from provincial taxation and from the Union subsidy.

ANNUAL RATE OF SUBSIDY

European pupils	...	...	£16 7 6 per head.
Non-European (other than native) pupils	...	...	£ 5 5 0 per head.
Grant for native education	...	...	£340,000

AVERAGE ENROLMENT OF ASIATIC CHILDREN (1938)

Cape	...	...	...	...	...
Natal	...	...	...	...	23,600
Transvaal	...	...	...	...	2,487
Orange Free State	...	...	...	...	...

There were nearly 63,000 children of school-going age in 1936. Approximately 37,000 Asiatic children are not receiving education.

The Asiatic teachers number 458 certified and 174 uncertified.

Only 15.4 per cent, of the total population of the Indian and the coloured people is receiving education.

APPENDIX C

ANALYSIS OF TRADE BETWEEN THE UNION AND OTHER PARTS OF THE BRITISH COMMONWEALTH

IMPORTS FROM					1939
United Kingdom	...	...	...	...	£37,993,925
Australia	...	...	...	...	£509,444
Canada	...	...	...	...	£3,956,699
India (<i>including Burma</i>)	...	...	...	...	£2,257,058
New Zealand	...	...	...	...	£20,230
Eire	...	...	...	...	£12,727
EXPORTS TO					1939
United Kingdom	...	...	...	...	£12,484,275
Australia	...	...	...	...	£122,166
Canada	...	...	...	...	£767,092
India (<i>including Burma</i>)	...	...	...	...	£389,257
New Zealand	...	...	...	...	£806,585
Eire	...	...	...	...	

SOUTH AFRICA'S IMPORTS FROM AND EXPORTS TO INDIA

India's exports to the Union consist of rice, tea, food products

and beverages, oilseeds, oils, fats, manufactured teak, leather and manufactures thereof, fabrics of flax, hemp and jute, clothing, bags and sacks, textile materials and paraffin wax; while those of the Union to India are fruits and nuts, wattle bark and its extract, coal, coke, asbestos, copper, and other merchandise.

The Union's considerable amount of export of gold to India is not included in returns.

APPENDIX D

RELIGIONS OF THE ASIATIC POPULATION IN SOUTH AFRICA (1936)

Buddhist	...	...	...	...	1,771
Confucian	...	...	...	...	1,888
Hindu	...	...	...	...	159,823
Mahomedan	...	...	...	...	42,590
Parsis	...	...	...	...	187
Christians	...	...	...	...	10,720
No religion	...	...	...	...	716
Unknown (not stated.)	...	...	...	...	899
Others and indefinite	...	...	...	...	1,097
Total				...	<u>219,691</u>

APPENDIX E

THE ASIATIC LABOUR IN INDUSTRIES

	Number	Year
Indian Workers, including occupiers,		
on farms	13,196	1937
Sugar mills and refineries	3,351	1937-38
Gold mines	138	1939
Diamond fields	8	1939
Coal mines	625	1939
Privately-owned factories	12,674	1937-38
Electricity	125	1937-38
Total	<u>30,117</u>	

APPENDIX F

RACIAL COMPOSITION OF THE POPULATION OF THE UNION (1936)

Europeans	...	...	...	2,003,857	20.9

Natives	...	...	...	6,596,689	68.8
Asiatics	...	...	...	219,691	2.3
Coloureds	...	...	...	769,661	8.0
All races	...	...	...	9,589,898	—

Natives, Asiatics and Coloureds comprise 79.1 per cent, of the total.

APPENDIX G

PROPORTION OF THE ASIATIC SEXES (1936)

Province			Males	Females	Total
Cape	...	...	6,677	3,831	10,508
Natal	...	...	97,073	86,588	183,661
Transvaal	...	...	15,379	10,114	25,493
Orange Free State	...	...	22	7	29
Total	...	...	<u>119,151</u>	<u>100,540</u>	<u>219,691</u>

APPENDIX H

ASIATIC MARRIAGES (1936)

				Males.	Females.
Married	...	...	...	42,405	36,203
Never married	...	...	...	72,444	58,826

The remainder were either widowed, divorced or unspecified.

APPENDIX I

PERSONS BORN IN INDIA AND DOMICILED IN SOUTH AFRICA (1936)

Race					Number
Europeans	...	...	...	...	1,494
Indians	...	...	...	...	36,254

APPENDIX J

TUBERCULOSIS AMONG ASIATICS IN NATAL (1940)

Race					Number of cases
Natives	...	...	...	...	26,000
Asiatics	...	...	...	...	3,000
Coloureds	...	...	...	...	600
Europeans	...	...	...	...	600

According to the 1936 census, the population of natives, Asiatics, Coloureds and Europeans was 1,553,629; 183,661; 18,629; and 190,549 respectively.

APPENDIX K

ASIATIC BIRTHS AND DEATHS PER 1,000 OF THE
MEAN POPULATION, 1938

Birth-rate	...	...	...	...	38.36
Death-rate	...	...	...	...	28.39

APPENDIX L

UNEMPLOYMENT OF INDIANS, 1938

Province.				Males.	Females
Natal	...	...	...	5,400	254
Transvaal	...	...	...	481	26
			Total	<u>5,881</u>	<u>280</u>

APPENDIX M

OCCUPATIONS OF ASIATICS IN THE UNION (1936)

Fishing	...	...	...	...	129
Agriculture	...	...	...	...	18,286
Mining	...	...	...	...	682
Industrial	...	...	...	...	14,002
Transport and communication	...	...	...	...	2,608
Commercial	...	...	• • •	...	16,740
Public administration and defence	...	...	...	...	151
Professional	...	...	...	...	1,168
Personal service	...	...	...	...	8,290
Independent	...	...	...	...	1,578
Dependants	...	...	...	...	151,260
Indefinite	...	...	...	...	4,797
			Total	...	<u>219,691</u>

APPENDIX N

INDIANS IN TRADE UNIONS

There are nearly 17,000 Indians who are members of recognised trade Unions. The Indians have supplied leadership to most of the

following trade unions in Natal:

1. Natal Sugar Industry Employees' Union
2. Durban Indian Municipal Employees' Society
3. S. A. R. & Harbours Indian Employees' Union
4. National Union of Distributive Workers, Durban "B" branch
5. Laundry and Dyers' Employees' Union
6. Box Workers' Union
7. Twine and bag Workers' Union
8. Brick and Tile Workers' Union
9. Food, Canning and Allied Workers' Union
10. National Banking Industrial Union, Durban branch
11. Paint and Polish Workers' Union
12. Chemical Workers' Industrial Union
13. Tin Workers' Union
14. Tobacco Workers' Union
15. Ropes and Matting Workers' Union
16. Tea, Coffee and Chicory Workers' Union
17. Ship and Boat Workers' Union
18. Plywood Workers' Union
19. Textile Workers' Union.

