

LEGISLATIVE 1907. DEPARTMENT.

B Proceedings *January* 1907 Nos. 223 6226

SUBJECT.

Hardships of British Indian Subjects in the Transvaal.

Question XI (a).

Reply.

V The Government of India have from time to time communicated with the Secretary of State regarding the treatment of British Indians in the Transvaal and Natal. Full information on the subject in regard to both Colonies up to the beginning of 1905 was given to this Council in Lord Curzon's speech in the Budget Debate on the 29th of March 1905. Lord Curzon then summarized the correspondence and described the action taken by the Government of India up to that time. As that speech is accessible to Hon'ble Members, I need not repeat what Lord Curzon said. W The only addition I need make is to lay on the table a copy of the despatch of the ²⁰20th of July 1904 from the Secretary of State for the Colonies to the Government of the Transvaal.

There has been correspondence with the Secretary of State subsequent to 1904 on the same subject, but it cannot yet be made public.

The Government of India have, however, consistently pursued the policy indicated by Lord Curzon, and have lost no opportunity of pleading the cause and doing all in their power to protect the interests of British Indians in South Africa.

A reply to the Question raised by Nawab Bahadur Khwaja Salimullah of Dacca on the issues relating to the sufferings of Indians in Transvaal and Natal, 18 January 1907

Transvaal Indian Mass Meeting

Anti-Asiatic Bill Denounced

Chairman's Conciliatory Speech Concrete Suggestions

Resolutions Passed

(From our Transvaal Representative)

On Good Friday, at 4 p.m., a mass meeting of Transvaal British Indians was held at the Gaiety Theatre, to protest against the Asiatic Law Amendment Bill that was recently passed by the Transvaal Legislature, and which has been held over for the expression of His Majesty's pleasure.

Some 1500 persons were present, and sharp at the appointed hour Mr Abdool Gani took the chair.

Amongst those present were the leaders of the Johannesburg community, including the following members of the Committee of the British Indian Association and the Hamidia Islamic Society: Messrs Essop Mian, M. S. Coovadia, H. O. Ally, M. P. Fancy, A. I. Gabru, Omarji Sale, Allibhai Akoojee, A. A. Pillay, P. Moonlight, Imam Abdool Kadir Bawazeer, Osman Latief, Makanji, and N. A. Cama. In addition, the following gentlemen attended:—Messrs. Hajee Habib, G. P. Vyas, Jivan Keshavjee, Ganie Cassim, Jatashanker Vyas, E. M. Patel, Dayalji Desai, (Pretoria), Messrs. A. E. Vaja, M. M. Dadoo, I. A. Cajee, and Cursetji H. Desai, (Krugersdorp); E. M. Aswat, E. M. Patel, Gangat, Casmod, Soojee, and Ebrahim (Vereeniging); Bismillah Khan (Zeerust); A. M. Bhyat and S. V. Patel (Heidelberg); Bapu Desai (Rustenburg); V. Appasamy and Ramsunder Pandit (Germiston); Hassim Moti, Jassub Hajee Valli, Tayob, K. Giga, and M. M. Khanderia (Pietersburg); Abdool Rahman, Getta, and S. D. Bobart (Potchefstroom). Messrs. M. Usuf Patel, M. E. Tilly and M. A. Tilly were to have represented Klerksdorp, but did not arrive in time for the meeting.

In opening the proceedings, the Chairman addressed the assembly for some 20 minutes in Hindustani, his speech being afterwards rendered into English by Mr. N. V. Shah in the following terms:—

Gentlemen,—
I have once more to welcome representatives from all parts of the Colony and the Indian population of Johannesburg to consider a matter of vital importance to us. The Asiatic Ordinance passed by the late Legislative Council and practically vetoed by His Majesty has, as you know, been repassed by the new Legislature. When we welcomed our two delegates on their return from England after

achieving brilliant results, happily we laboured under no delusion. We knew then that our work had only just begun, but none of us ever suspected that the Ordinance, now termed Bill, would be rushed through both the Houses in less than 24 hours, and that in order to arrive at this astounding result, Standing Orders would be suspended. Suspension of the latter is not a new thing, but it is resorted to under exceptional circumstances. Had the country been in danger of any internal or external disturbance, one could understand a Bill being rushed through to meet such a sudden emergency. In the present instance, the panic that has brought about the passage of this measure consists of an unequal struggle between a giant and a dwarf. On the one hand, there are over a quarter of a million whites with all privileges and full political power in their hands with a naturally open door admitting hundreds per month, on the other, there are approximately 14,000 British Indians with an alleged monthly increase of 100 Indians. The Bill in question has been passed in the interests of the former, to prevent an unauthorised increase in the number of the latter. Only men saturated with prejudice could justify extraordinary proceedings of the nature I have just described. In the ordinary course, the Bill would have remained before the country for three months, and the custodians of the interests of a quarter of a million white inhabitants would have then risked the entry of 300 Indian stragglers into the Colony. I have purposely called our legislators custodians of one interest only. The elected Assembly is emphatically and admittedly such a body. The Legislative Council was designed to be a check upon hasty colour and class legislation, and several members of the Council, in pleading for a postponement of further consideration of the Bill for a night, gave that special function as sufficient reason therefor. But I regret that I must add that the postponement was merely a blind. How could the members consider a Bill which they admitted was of very great importance and of a highly technical character in one night? How, again, could the members of the Council ascertain the real feeling of those who were affected by the Bill and those whom they are supposed to

Press Clipping from the Indian Opinion on Anti-Asiatic Bill,

6 April 1907

Indian Opinion

VOL. V.

PHENIX, NATAL, SATURDAY, APRIL 13TH, 1907

No. 15

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Indian Opinion

SATURDAY, APRIL 13TH, 1907.

Mr. Chamney's Report

THE report issued by the Registrar of Asiatics in the Transvaal, which we print *in toto* in another column, furnishes a complete vindication of the Indian position and shows clearly that

- (1) there is no surreptitious entry of British Indians in the Transvaal on a wholesale basis;
- (2) there is no encouragement by the community of any surreptitious entry that may exist in the Transvaal;
- (3) and that the Asiatic Bill will be absolutely no remedy for the evil of the little unlawful entry that has been proved.

The report, in fact, proves nothing new and throws no further light on the British Indian question. Indeed, it could not well be otherwise. One would search in vain the pages of the Blue-book embodying the report for a corroboration of the wild statements that have been repeated *ad nauseam* on anti-Asiatic platforms.

The only statements in the report that can be used in proof of surreptitious entry on the part of Asiatics is to be found in paragraph 2 of the report. It is there stated that during the year ended 31st December last, "876 male Asiatics entered, or were found in the Colony without permits legally held by them." Of this number 215 were charged before the magistrates and

convicted. Thus taking the figures as true, and assuming that all the 876 entries took place in 1906, a little over 50 stragglers per month have served to justify the cry of Asiatics flooding the Colony!

Let us, however, examine the figures a little more closely. It is quite evident that 876 who were *found without* permits could not have entered in 1906. They may have entered *any time* between 1902 and 1906 though found in 1906. If so, the number represents 876 unlawful entries during a period of over four years. And is there the slightest proof adduced to show that 876 were unlawful entries? Mr. Chamney could only base his calculations on *exparte* reports furnished to him. The judicial records have proved repeatedly that the cases that were supposed to be unlawful entries were ultimately proved to be lawful. All, therefore, that Mr. Chamney's statement means is that there were 876 suspicious cases of unlawful entry found in 1906. And had he possessed any judicial experience, he would no doubt have worded his statement in a less dogmatic manner. Again, we are not told how many men charged with being in the Colony without permits were discharged by the Magistrates. If, therefore, the report is intended as it evidently is, to justify the Asiatic Bill, there should have been the fullest data given to the public in order to enable it to judge for itself.

We regret to observe, also, that Mr. Chamney has allowed himself to be carried away by bias against Asiatics. Without giving any proof whatsoever, Mr. Chamney has concluded that the permits of dead Asiatics are being used unlawfully. Mr. Chamney says officers examining permits which contain no description are handicapped—especially as the time for examination is short, and the examination has to be carried on in badly-lighted carriages. The truth is that, in addition to the permits, the officers examine registration certificates which contain fairly full particulars and, so far as Volksrust is concerned (and it is through that station that a vast majority of Indians enter), the officers have fully one hour to carry on their investigations. Speaking of 876 entries above referred to, Mr. Chamney, in order to give additional weight, states most unfairly that the figures are exclusive of undetected illegal entries and 141 were turned away, probably quite illegally, at Durban.

The insufficiency of the existing legislation is sought to be proved by the statement that

- (1) there is no legal compulsion to make Indians give their thumb marks to test their right to the permits in their possession;

- (2) and there is no law to prevent the entry of minors or to punish such entry.

Here again Mr. Chamney has entirely failed to prove his points. As to the thumb marks, Indians have always given them. But supposing that they declined to do so, the law authorises a permit officer to arrest such a person and put him to the proof of the legality of his permit. The arrested person will then be soon compelled to give his thumb print if he chooses to remain in the Colony.

As to children, even the present Bill offers no remedy for the evil if such it be. For the minor children of parents domiciled in the Transvaal will still be, as they ought to be, free to enter the Colony. The truth is, as the *Rand Daily Mail* has pointed out, that the manner of administration is at fault, in so far as there is failure to bring the culprits to justice, and not the existing legislation. "If," our contemporary continues, "this machinery could be devised in consultation with the British Indians themselves, there would be a disappearance of the friction and constant bickering which exist to-day. After all, what the Government and the people want is to definitely settle who are the Asiatics entitled to reside in the Transvaal." And we may conclude this examination of the Report by adding that the Indian community has made an offer which not only fulfils what the new Bill is intended to do, but it even settles the children difficulty which the Bill leaves open. As administrator in immediate charge of the working of the permit department, it is for Mr. Chamney to recognise the obvious facts we have narrated and advise the Government to accept the compromise offered. Will he rise to the occasion?

Extract of Mr. Chamney's Report published in Indian Opinion on the position of Asiatics in Transvaal, 13 April 1907

Mr. Gandhi Interviewed

By the Natal Mercury

No Need for Tropical Colonies**Resistance to the Ordinance****Will Face Imprisonment**

Mr. M. K. Gandhi was on Monday interviewed by a *Mercury* representative concerning the suggestion put forward by Mr. Lionel Curtis in the *Times* that the tropical possessions of Great Britain should be reserved for Indian colonisation. Mr. Gandhi rejects the proposal.

As long as Indians have domicile rights in the Colonies, whether in South Africa or elsewhere, Mr. Gandhi objects. Such a suggestion is not practicable, and would certainly not be acceptable to the British Indians. As he has so often asserted, the entire motive which is animating the cause he has taken up on behalf of the South African Asiatic is to protect what he designates the Indian's "vested rights" in this country; and to deprive them of the title of domicile, which many of them now possess, would, of course, in his view, be to subvert those vested rights. Mr. Gandhi said that the rights of domicile were the main strength of the Indians' position, and he assented to the suggestion that they intended to make the most of it.

It was pointed out to Mr. Gandhi that the proposal seemed to be that the tropical Colonies should be reserved for immigration of the future, not necessarily contemplating the removal of Indians already possessing domicile rights, and he was asked what his view of that idea would be.

Mr. Gandhi denied that there was any pressure of population in India leading to the necessity of emigration, and pointed to the fact that the Indians who were brought over as indentured labourers did not offer themselves, but had to be persuaded to come—that, moreover, recruiting was becoming increasingly difficult. The same applied to the recruiting for other places in which Indian labour was wanted, and he advanced this to show that India had no real surplus population, and needed no outlet. The idea of reserving any territory outside India at all for exclusive colonisation by Indians was therefore a gratuitous and unnecessary one. He did not believe that the resources of India had become too exhausted to support its people or the natural increase of its population. There was room for what he called "internal" emigration within India itself, but no need of any territorial provision outside.

He had often been asked, Mr. Gandhi proceeded, why, if this were

so, Indians were found emigrating in such numbers to South Africa. The explanation was that South Africa had itself made the mischief by adopting the practice of indentured immigration—a system which, Mr. Gandhi said, nearly every Indian in South Africa would sign a petition against, and ask that it should cease.

"But the trouble arises, Mr. Gandhi, not so much from the indentured Indian as from the free merchant class, and from whom the demand for equal trading rights mostly comes."

"The Indian merchant," replied Mr. Gandhi, "follows the other Indians, to whom he looks for his business. If the indentured man was not here, the merchant would not be here. As it is, many of the better-class Indian merchants, who have large interests, remain in their own country, where they have scope for their business, and where every Indian tradesman would have scope if he preferred to stay instead of coming to the Colonies. As long as there remain opportunities for business among his own countrymen, there the Indian merchant will be found," and Mr. Gandhi instanced the case of Zanzibar. There was, in fact, no need to reserve tropical Colonies for Indian occupation, for East Africa was already open.

Mr. Gandhi went on to refer to the Registration Ordinance in the Transvaal, and referred in disappointed terms to the decision of the Imperial Government to allow its sanction to the measure. Its effect was, he said, to place the Transvaal Indian in the place of a ticket-of-leave man. If they were to be dealt with along these lines, it was better that the Indians should be undeceived at once. Mr. Gandhi said he foresaw the possibility of a position in which Great Britain would have to decide between losing the Colonies or losing India, for the people's self-respect was involved, and their existence under such conditions as in the Transvaal would become intolerable. The Indian was perfectly capable of realising both sides of the question, and, he thought, did so, but the Asiatic problem was not to be solved by measures such as the Transvaal Ordinance.

Asked whether he regarded the passing of the Ordinance as a weakening of the Indians' position in South Africa, Mr. Gandhi asserted that it undoubtedly was so, but he believed that the disappointment of their hopes would in the end result advantageously, if the Indians would abide by their resolve to resist. There would be, said Mr. Gandhi, no resistance by force, but passive resistance; and if the Indian people carried out their determination to undergo imprisonment rather than conform to the Ordinance, he thought well enough of the Colonial white to believe that such a demonstration of courage for the sake of a principle would be met with admiration, and, in the end, sympathy.

Gandhi's Interview on resistance to the Ordinance published in Indian Opinion, 11 May 1907

The Asiatic Registration Act

A Terrible Contrast

(SPECIALLY CONTRIBUTED.)

Whilst Indians are showing their firm determination not to submit to the Asiatic Registration Act, it is as well to understand their objection to it. I, therefore, propose to show in parallel columns the state that they are in now and that in which they would be under the new law.

Now.

1. Malays are subject to Law 3 of 1885.

2. Every Asiatic in possession of a permit *bona fide* obtained is a full-fledged and lawful resident of the Transvaal.

3. An Asiatic child born since the 31st day of May, 1902, in the Orange River Colony is entitled to enter and remain in the Transvaal.

4. Present permits held by Asiatics entitle them to enter and reside in the Transvaal and Orange River Colony. Whether these are of any use for going into the Orange River Colony is not the question.

5. Asiatics holding permits to reside in the Orange River Colony are in a position to enter the Transvaal on the strength thereof.

6. Present permits cannot be changed without the consent of the holders.

7. Asiatic children are not required to take out permits.

8. Minors who are at present in the Transvaal are entitled to remain without a permit, and are not liable to leave the country on attaining majority.

Under the New Law.

1. They are exempted from the new Law. Many Indians have Malay wives and relatives. The position of such Indians when they meet their Malay relatives can be better imagined than described.

2. He becomes dispossessed of this title and the burden of showing that the permit lawfully held by him was not fraudulently obtained is thrown on him to entitle him to receive the new registration certificate.

3. Such child is debarred.

4. This right, so far as the permit can give it, is taken away.

5. These are not allowed.

6. They are subject to alteration at the will of the Government.

7. The guardian of such child is bound, under heavy penalty, to have particulars of identification of such child, no matter how young, enforced on his registration. When the child reaches the age of 8 years, the guardian is bound to again approach the Registrar and take out registration for such child, furnishing further particulars as to identification, etc.

8. All such boys on reaching the age of 16 are liable to be deported unless they obtain from the Registrar registration certificates, the granting of which is at his discretion.

9. No Asiatic is bound to furnish particulars of identification.

10. An Asiatic can demand a trade licence as a right against payment without production of permit.

11. Any Asiatic is free to employ any other Asiatic.

12. The Registrar, at present, has fairly strong authority.

13. Asiatics who come in possession of certificates belonging to others commit no crime.

9. Even a Kafir policeman may demand production of certificate and particulars of identification, which may be fixed by regulation from time to time. Such policeman may, notwithstanding, take the Asiatic to the nearest police station, where the same inquiry may be repeated, and, if the Officer at the Station is not satisfied, he may detain the Asiatic in the cell overnight.

10. No Asiatic may receive such licence unless he produces his registration certificate and furnishes means of identification, as may be prescribed by regulation. If therefore, there are partners in any Asiatic firm the Licensing Officer may insist upon the presence of all the partners and submit them to a humiliating examination before giving them their licence.

11. Any Asiatic who brings into the Colony an Asiatic under the age of 16 (even his son!) without a permit for him, or who employs such child is liable to be heavily fined or sent to gaol, and to have his own right to reside in the Transvaal cancelled.

12. The Registrar practically becomes the master of Asiatics with almost unlimited power over their personal liberty.

13. Asiatics having such certificates (evidently a father having his son's register) are bound to deliver same by post under pain of being fined £50 or, in default, sent to gaol.

Additional Points to be Noted

1. The new Law does not apply to Kaffirs, to Cape boys, and Christian subjects of the Turkish Empire, whereas it applies to the Mahomedan subjects of that Empire, and it thus insults Indians and their religion in a cold-blooded manner. It reduces them to a state of serfdom although belonging to civilised countries. It reduces them to a position lower than that of the Kaffirs, Cape boys, and Malays.

2. It puts a premium on fraud. It might have occurred to the framers of the Law that there is nothing to prevent an Asiatic impersonating a Malay or a Cape boy.

3. It opens up a fertile field for permit agents to prey upon harmless Asiatics. It must be well known to the Permit Authorities that Asiatics are not, as a rule, capable of filling in complicated application forms, being ignorant of the ways of Government Departments.

Comparison of the conditions of the Indians under the previous law and the Asiatic Registration Act published in Indian Opinion, 8 June 1907

ઈંડિઅન ઓપિનિઅન.

શનીવાર, તા ૧૮ મી મે, ૧૯૦૭.

ત્રાન્સવાલની લડત.

સહુ યસો જંગ, બુગલો વાગે, ^{C.W.VI} ૧૦૪૦
યા હોમ કરીને પડો, ક્રતેહ છે આગે.
કેટલાંક કરમો વિષે, ઠીલ નવ યાલે,
શંકા ભય તો યહુ શેજ, હામને આજે:
હજી સમય નથી આવિયો, કહી દિન ગાળે,
જન યહાનું કરે નવ સરે, અર્થ કે કાળે;
અંપલાવવાથી સિધ્ધિ જોઈ બળ લાગે.
યા હોમ સહુ ચં યા હોમ
સાહસે કાલંબસ ગયો, નવી દુનિયામાં,
સાહસે નેપોલ્યન લિડ્યો, યુરોપ આખામાં;
સાહસે ઇયુથર તે થયો, પોપની સામાં,
સાહસે સ્કોટ્ટ દેવુરે, વાલ્ચુ જોતામાં;
સાહસે સિઝંદર નામ અમર સહુ જાગે,
યા હોમ સહુ ચં યા હોમ

471. THE TRANSVAAL STRUGGLE

Forward ye all to battle, the bugles sound
Raise the cry and take the plunge, for victory's around.
There are deeds that may not be tarried,
Doubts, fears ever abound, and courage is harried;
They waste the days saying the time is not yet—
No such excuse ever did bring profit.
By plunging in and savouring success is strength found.
Raise the cry and take the plunge, for victory's around.
Through adventure did Columbus to the New World make his trip;
Through adventure did Napoleon have enemies in his grip;
Through adventure Martin Luther did the Pope defy;
Through adventure did Scott his debts re-pay;
Through adventure did Alexander have his name resound.
Raise the cry and take the plunge, for victory's around.

A song on Transvaal Struggle in Gujarati along with the English translation published in Indian Opinion,
18 May 1907

ઈંડિઅન ઓપિનિઅન

પુસ્તક ૫.

શીનીક્સ—શનીવાર, તારીખ ૨૫ મી મે, ૧૯૦૭.

૨૫૩ ૨૧.

ઈંડિઅન ઓપિનિઅન.

479. *THE TRANSVAAL STRUGGLE*

શનીવાર, તા ૦ ૨૫ મી મે, ૧૯૦૭.

ટ્રાંસવાલની લડત.

અંસા શા ખાવા લાઇ, ^{C.W.V} _{૧૫/૫/૦૭}
દિલ્લપત મોટી નામરદાઇ.
માન ભગથી મરવું સારું,
એક વાર દુખ મરવે;
માન ભગથી નિત્ય નિત્ય દુખ,
આંગણી કરશે સરવે.
મેળવી જસને મરવું બહેવું,
ઉત્તમ નર એ વ્હાએ,
અધમ કાયરો ધણું છવીને,
અપજસમાં રીયાએ;
ગયું ધન તે પાછું આવે,
ગયું માન ના આવે;
ગયું માન કે ત્રણે તાપો
દુખડાં ઝાઝાં લાવે.

Why should you suffer taunts, my brother?
To be cowardly is a disgrace.
Suffer not insult; death is far better.
The pain of death comes only once;
Disgrace brings unending pain,
And every finger will point at you.
Early death with fame is gain,
And this the noble soul doth love.
A base thing it is to live for long
A lingering life of pain and shame.
Wealth may return that once has gone;
Forever gone are honour and name.
The loss of honour brings in its train
Miseries untold and threefold pain.

A song on Transvaal Struggle in Gujarati along with the English translation published in Indian Opinion, 25 May 1907

NOTICE OF QUESTION

to be asked at the meeting of the Council of the Governor General for the purpose of making Laws and Regulations, to be held on Friday, the 31st January, 1908.

By the Hon'ble Mr. Gokhale :-

(a) Has the Government of India received a telegram from the Indian Settlers in the Transvaal, seeking its protection and asking for its intervention in their favour against the injustice and indignities to which they are being subjected under the Asiatic Registration Act in the Transvaal ?

(b) Is the Government aware of the depth and intensity of public feeling that has been aroused in this country in all quarters by the arrest and imprisonment of several Indian subjects of His Majesty the King Emperor in the Transvaal under the Asiatic Registration Act ?

(c) Will the Government be pleased to state what steps it has already taken or it proposes to take to bring this state of public feeling in India to the notice of His Majesty's Government in England and to secure for the Indian Settlers in the Transvaal the protection that they seek at its hands ?

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.

29th / }
CALCUTTA ;
The January, 1908. }

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A Notice of Question relating to the treatment of Indian Settlers in Transvaal by J.M. Macpherson, 31 January 1908

QUESTION AND ANSWER.

The Hon'ble MR. GOKHALE asked :—

“(a) Has the Government of India received a telegram from the Indian settlers in the Transvaal, seeking its protection and asking for its intervention in their favour against the injustice and indignities to which they are being subjected under the Asiatic Registration Act in the Transvaal ?

“(b) Is the Government aware of the depth and intensity of public feeling that has been aroused in this country in all quarters by the arrest and imprisonment of several Indian subjects of His Majesty the King Emperor in the Transvaal under the Asiatic Registration Act ?

“(c) Will the Government be pleased to state what steps it has already taken or it proposes to take to bring this state of public feeling in India to the notice of His Majesty's Government in England and to secure for the Indian settlers in the Transvaal the protection that they seek at its hands ?”

The Hon'ble MR. FINLAY replied :—

“(a) The Government of India have not received any telegram from the Indian settlers in the Transvaal. But they have received papers from the Secretary of State which include a telegram from British Indians in the Transvaal to the Secretary of State for the Colonies to the effect stated in the question. They have also received numerous representations from persons and bodies in other parts of South Africa and in India.

“(b) The Government of India are fully aware of the depth and intensity of public feeling which has been aroused in India and are grateful to the various bodies and individuals, representing so many classes and creeds in this country, who have taken so much trouble to keep them informed of the views taken of the legislation affecting Asiatics in the Transvaal.

“(c) The matter has received throughout the careful consideration of the Government of India. They are in full sympathy with the Indian subjects of His Majesty in whatever part of the world they may be, and though they are obviously not in a position to pronounce authoritatively on the merits of the situation in the Transvaal they have let no opportunity pass of keeping His Majesty's Government informed of the state of feeling in India with regard to that situation and of pleading the cause of the different sections of the Indian community in South Africa whenever it appeared that the status and privileges of Indian emigrants as subjects of the British Empire were affected.

“The Government of India have good reason to hope that negotiations now in progress will result in the removal of the just grievances of His Majesty's Indian subjects.”

Questions raised by Mr.Gokhale relating to Indian Settlers in Transvaal along with the reply given by Mr.Finlay, 31 January 1908

Annex 8.

Mr. Gandhi to Mr. Lane, 14th May 1908.

I HAVE your letter of the 13th instant, for which I beg to tender my thanks to Mr. Smuts. The letter, in my opinion, raises a tremendous question, and gives rise to a very great misunderstanding. When the negotiations were going on, I could never have dreamed of accepting a compromise which would mean a differential treatment of Asiatics entering after the period of three months. Had such been the understanding, steps would certainly have been taken to inform Indians, even in India, and that could only have been done by cablegrams, in order to enable the people to return to the Transvaal within three months, and even then I do not know that it would have been at all a just thing to expect Indians to return from India within that period in order to exchange their documents. The limitation only applied to those who were then resident in the Transvaal. General Smuts will, on a perusal of the letter signed by me and my fellow prisoners, see that the sentence "such mode of registration should apply to those also who, being out of colony, may return, and otherwise possess the right of re-entry," was added by me to the letter brought by Mr. Cartwright, as were certain other words. It was never contemplated that to such Asiatics the tentative period of three months should apply. Nor was the alternative course of keeping voluntary registration open for an indefinite period ever thought of by me, and I do not suggest any such course now. But the essence of the compromise is that, the undertaking of the Indian community being fulfilled, as I claim it has been, the Act should be repealed. Voluntary registration should go on in connection with those who may arrive until the Act is repealed. As will be noticed from the draft submitted by me, provision is made for the identification of those who may arrive after the passing of the draft Bill. So that there is no question of keeping voluntary registration open for an indefinite period.

Of course, if it is desired by General Smuts that no registration should take place now, but that it should await the passing of the new legislation, I do not mind; but to require Indians who may enter now to come under the Act will only accentuate the suspicion that is still lurking in the minds of some of my countrymen. In order to make good my word, as also to assist the Government, it is within the General's knowledge that I very nearly lost my life, and this arose because, in the opinion of some of my countrymen, I had sold them, by reason of having agreed to the principle of ten-finger

Correspondence exchanged by Mr. Lane and Gandhiji relating to the registration of Asiatics, 14 May 1908

Essob Ismail Mia to Colonial Secretary, Pretoria.

6th July 1908.

Sir,

A MASS meeting of over 800 British Indians was held yesterday at the Hamidia Mosque to consider the Indian position as it is affected by the Supreme Court decision on the application for the return of the voluntary registration applications. My Association still respectfully trusts that these forms may be returned. The mass meeting decided to hold another next Sunday for the purpose of burning voluntary registration certificates, in order that, in the event of the claims of domiciled British Indians and others not being considered by the Government, they may range themselves alongside of such Indians and suffer with them. My Association is most anxious to avoid such a drastic step and, therefore, once more humbly approaches the Government for assistance.

My Association reminds you of the speech delivered by you, at Richmond, just after the compromise, and reported in the "Star" of the 6th February last. In that speech you are reported to have stated as follows:—"He had told them, that is the Asiatics, that the law would not be repealed so long as there was an Asiatic in the country who had not registered." And again, "until every Indian in the country had registered, the Law would not be repealed." This shows that the only condition of repeal was complete registration. My Association need hardly say that practically every Asiatic in the Colony has made voluntary application in terms of the compromise. But now my Association understands that the Government, in exchange for repeal, ask British Indians to consent to the following:—

- (a) That British Indians holding Dutch registration certificates, for which they have paid either 3*l.* or 25*l.*, should become prohibited immigrants, whether they are within the Colony or outside the Colony.
- (b) That pre-war Indian refugees, who have not yet returned to the Transvaal, should become prohibited immigrants.

Letter from Essob Ismail Mia to Colonial Secretary, Pretoria, against the repeal of Asiatic Law, 6 July 1908

Indian Opinion

VOL. VI.

PHOENIX, NATAL, SATURDAY, JULY 25TH, 1908

No. 30

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Indian Opinion

SATURDAY, JULY 25TH, 1908.

The Struggle

[THE British Indian struggle in the Transvaal has now reached a critical stage. Mr. Sorabji Shapurji of Adajan has received the sentence of one month's imprisonment with hard labour for daring to claim his rights as a British subject with educational qualifications under the Immigration Law of the Transvaal. His fault was that he refused to register under an Act which General Smuts has promised and was about to repeal. One month's imprisonment was the minimum that the Magistrate could give, but it was optional for him whether to add hard labour or not. By having added hard labour, the Magistrate has shown a vindictive and inhumane spirit. Mr. Sorabji has suffered for a principle, and has shown to the world of what stuff Indians are made. His case is somewhat different from that of the other Indians who went to gaol last January. They were in the Transvaal, and, whilst they were fighting on behalf of all who were entitled to remain in the Transvaal, their own interests were intimately concerned. Mr. Sorabji merely desired to enter the Transvaal, but he did so in order to test whether an Indian with sufficient education could not demand entry under the Immigrants Restriction Act. He has shown that he could, because he was not stopped at Volksrust on entering. Mr. Sorabji, therefore, has fought for the honour of India, and he deserves

congratulations for his bravery. We sympathise with his family, but we feel sure that they rejoice in the suffering of their relative, in that his suffering, let us hope, will solve the Indian struggle, so far as the entry of educated Indians is concerned.

Mr. Sorabji's case was followed by the arrest of several Indian hawkers, both Hindu and Mahomedan. They proved before the Magistrate that they applied for their licences but they could not get them unless they complied with the Asiatic Act. They, too, committed a technical fault, and the Magistrate sentenced them to pay a fine of 10/- or, in default to suffer imprisonment for four days with hard labour. They have refused to pay the fine, and are now undergoing imprisonment. It is a wonderful spectacle, that of these men suffering privations, going to gaol, undergoing pecuniary loss, not that they might better their own condition, but that India's honour may be saved and that those who are entitled to return to the Transvaal may be able to do so the same as they. They need not have troubled about the rights of others, they need not have thought of their educated brethren, but they have risen to the occasion, they have realised their responsibility. Such men would be considered a valuable asset in any community. In the Transvaal, they are despised. But a time must soon come when the people of the Transvaal will have to rearrange their ideas, and learn to respect British Indians as fellow-citizens not unworthy of the ordinary rights that British citizenship carries with it.]

Indigency in the Transvaal

THE Report of the Transvaal Indigency Commission, which has just been published, is not without interest to the British Indian community, though it deals only with the indigency afflicting that protected class—the white man. Among the signatories to the Report, we observe the not altogether unknown name of Mr. Lionel Curtis. It is a sinister name for the British Indian community, and British Indians in the Transvaal and elsewhere owe much of their miseries to his unhappily directed energies. Mr. Curtis's pen may be divined on many a page, but especially in those sections of the Report where reference is made to Asiatics. His peculiar anti-Asiatic bias breathes forth on every possible occasion. We see it in the quite unnecessary, because already realised, recommendation "(31) that Asiatic immigration be not permitted," and

in the dictum, on page 127, that "we are strongly of opinion that the restrictions imposed by the Asiatic Law Amendment Act should be maintained and strictly enforced." What this opinion and "the restrictions imposed by the Asiatic Law Amendment Act" have to do with the quite different question of further immigration, it is somewhat difficult to see. Doubtless Mr. Curtis knows, and that said we have said all.

We note that Mr. Hodgkinson, who gave evidence before the Commission, as representing the Federated Association of Mine Employees, discussed as an expert (his other qualifications not being stated) the question of Asiatic competition, especially in regard to the hawking of market-garden produce during the plague outbreak in Johannesburg in 1904. We are led to infer that, whilst "the white man had got his rent to pay and had to wear a shirt of some sort, and had far more expenses than the 'coolie,' and had to keep a family," the "coolie" had none of these, and the white man was consequently under-sold. "The 'coolie' took away the whole of his trade." The facts were that a few white men started hawking vegetables, entirely ignorant of the trade, and by keeping prices exorbitantly high, and declining generally to suit their manners and methods to the convenience of the European householder, failed to obtain a market wherein they had the opportunity of securing the start of a six months' monopoly of trade with people of their own race. Had Mr. Hodgkinson stuck to his last, and dealt with the question of mining, he would have been much nearer the mark, as he was when he stated that "the great proportion of the men who are out of work are men who are not practical tradesmen, or they are poor practical tradesmen."

A comparison of paragraphs 245 and 246 is an interesting study. We discover that the members of the Commission "do not think that Government action can or should be used to protect the South African artisan from competition. The remedy lies in his own hands. If he is lazy, inefficient, or half-trained, the competent (white) immigrant will beat him in the struggle for employment; and it is better for this country that it should be so. Nobody wants the industrial reputation of South Africans to be below that of other peoples. No Government should protect the inefficiency of its citizens." Of course not. That is not the way of civilisation. The weaker must go to the wall. The fittest must survive. Strangely enough, however, notwithstanding these pleasant conclu-

Press Clipping from the Indian Opinion reporting on the critical stage of the Indian Struggle in Transvaal, 25 July 1908

From the "Transvaal Leader", August 17th, 1908.

THE ASIATICS.

BURNING OF CERTIFICATES.

Gathering at the Mosque.

About 3,000 Indians, gathered from all parts of the Transvaal, collected outside the Hamidia Mosque at Fordsburg yesterday afternoon for the purpose of burning the registration certificates which they had taken out after the compromise arrived at between General Smuts and their leaders in February last. The space available was packed to its fullest capacity and the flat roof and turrets of the Mosque and the surrounding fences and roofs also carried a large number of Indians. A number of Cantonist storekeepers and other Chinese occupied front seats. Mr. Essop Esmail Mia (Chairman of the British Indian Association) presided, and among those occupying seats on the platform were Mr. M. K. Gandhi, Mr. Dowd Mahomed (President, Natal Indian Congress), Mr. Adam Gool Mahomed (President, Capetown British Indian League), Mr. N. A. Chettiar, (Chairman, Tamil Benefit Society), Mr. Abdul Rahman (Potchefstroom), Mr. R. K. Pobcasky (Pretoria), and Mr. Leung Quin (President, Chinese Association).

Extracts from the Transvaal Leader on the Burning of Certificates in the Transvaal, 17 August 1908

No. R/ 1281

Huzur Cutcherry,
Baroda, 31st December 1907.

From

Kersaspji Rustamji Esquire, M.A., L.L.B.,
Minister of the Baroda State, Baroda.

To

Encl to Res. no. 54
Lt: Colonel M.J.Meade, C.I.E.,
Resident, Baroda.

Sir,

I have the honour to forward, herewith, a petition dated the 26th November last, addressed to His Highness the Maharaja by certain Baroda subjects, who have migrated to the Transvaal for earning a livelihood complaining against the Asiatic Law Amendment Act passed by the Transvaal Parliament.

2. From what the petitioners allege it seems that the new Ordinance is calculated to subject them to unnecessary hardship and humiliation, and it is a matter for regret that a measure so wanting in consideration for the feelings of the Princes and peoples of India should have been passed by that authority. His Highness' Government trust that the Imperial Government whose protection extends to the subjects of Native States in South Africa, may see their way to intercede with a view to securing for them such relief as the circumstances of the case may warrant.

I have, etc.,
Sd/ Kersasp Rustamji,
Dewan.

A letter addressed to the Resident, Baroda relating to the issues of Immigrants from Baroda to Transvaal, 31 December 1907

PROCEEDINGS OF THE
DEPARTMENT OF COMMERCE AND INDUSTRY, JUNE 1909.

Pro. No. 5] Position of British Indians in the Transvaal.

Enclosure in above.

Affidavit.

I, Ratanshi Mulji Sodha, of Natal, presently of Johannesburg, do hereby solemnly and sincerely declare as follows:—

On the 14th day of October, Mr. Gandhi, a number of other Indians and myself, were sentenced to periods of imprisonment with hard labour at Volksrust. On the morning of the 15th Mr. Gandhi, I, and 13 others, together with about 15 natives, were taken out to work on the side of the agricultural show-ground close to the fence which divides the ground from the public road. Our work there was to dig and remove stones. We were quite close to the road, and anybody who passed by could easily see us and hear distinctly what was going on. A number of Europeans and natives did pass by. The ground is within the municipality of Volksrust, and the road is used by a number of people. The European warder, who was in charge of the Indian prisoners, kept on urging Mr. Gandhi to work harder and harder, though Mr. Gandhi was doing his best. All this might have been clearly heard by passers-by. The exact words used were: "Come on Gandhi; come on Gandhi." Mr. Gandhi replied that he was doing his utmost, and was even trying to do more. The warder kept urging Mr. Gandhi, when he saw Mr. Gandhi stoop to pick up earth to rub on the palms of his hands, which were getting raw through blistering. When, after nine hours' almost continuous work, with a delay of one hour between 12 and 1, Mr. Gandhi returned to the gaol, he was so stiff with pain and fatigue that he could scarcely move. At 12 o'clock on this day, one of the Indian prisoners who had fainted through over-strain, heat, and lack of water, which the warder did not allow him to get, was taken in a sanitary cart to the gaol. Mr. Gandhi accompanied him in this cart. On the afternoon of that day we were under the charge of a native warder, who also kept urging Mr. Gandhi to go on working, although he was doing his best. The words used were: "Come on Gandhi; come on Gandhi." Passers-by could easily hear and see this. On the next day we were taken to a piece of ground near the roadside, almost opposite Mr. Suliman Ahmed Cajee's store. Mr. Cajee, who was standing in front of the store, could easily see and hear whatever was going on. This, of course, would be from the opposite side of the road, but passers-by could come quite close to us. We were digging holes for trees, and worked on this day, as on the previous day, for nine hours.

R. M. SODHA.

Declared at Johannesburg this 30th day of November 1908, before me—

A. L. C. BARTROP,
Justice of the Peace.

Affidavit by Ratanshi Mulji Sodha of Natal declaring that Gandhiji and number of Indians are sentenced to Imprisonment with hard labour at Volksrust, 30 November 1908

गांधी संग्रह,
वास्तविकी.

D.N. 51526 L.N. 2396

581

I have just received your most interesting letter, which has given me great pleasure. God helps our dear brothers and co-workers in The Transvaal.

That same struggle of The Tender against The harsh, of meekness and love against pride and violence, is every year making itself more and more felt here among us also, especially in one of the very sharpest of the conflicts of the religious law with the worldly laws - in refusals of military service. Such refusals are becoming ever more and more frequent.

The letter to a Hindoo was written by me, and the translation is a very good one. The title of the book about Krishna shall be sent you from Moscow.

As to the word 'reincarnation' I should not myself like to omit it, for, in my opinion, belief in reincarnation can never be as firm as belief in the soul's immortality and in God's justice and love. You may, however, do as you like about omitting it. If I can assist your publication, I shall be very glad. The translation into, and circulation of my letter in the Hindoo language, can only be a pleasure to me.

A competition, i.e. an offer of a monetary inducement in connection with a religious matter, would, I think, be out of place.

I greet you fraternally, and am glad to have intercourse with you,
Leo Tolstoy, 7 October 1909,

An autographed letter from Leo Tolstoy addressed to Gandhiji on the Indian Struggle in Transvaal, 7 October 1909

गंधी संग्रह
आवरण

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J. n. 5180
L. n. 267

A CONCISE STATEMENT
OF THE
**BRITISH INDIAN CASE IN
THE TRANSVAAL.**

Presented by
THE INDIAN DEPUTATION,
JULY, 1909.

**Cover page alongwith the Summary of the Statement on British Indian Case
in the Transvaal presented by Indian Deputation, July 1909**

SUMMARY OF THE FOLLOWING STATEMENT.

The British Indians in the Transvaal have been suffering for the past two years and six months untold suffering in order to secure

Repeal of a Transvaal law called the Asiatic Registration Act (2 of 1907), which its authors claim to be a measure merely for effecting the identification of the British Indians entitled to remain in the Colony, but which is regarded by the British Indians themselves as most objectionable, because in reality

(1) The Act wounds their religious susceptibilities and degrades them in many ways; and

(2) Read together with another law of a later date (called the Immigration Act), it constitutes an impassable barrier to the immigration of Indians, however highly cultured, on the score of their race and colour.

The desired relief can easily be granted by repealing the Registration Act and slightly amending the Immigration Act, without in any way endangering the colonial policy of preventing an influx of British Indians. The practical effect of such repeal and amendment would be the removal of the racial insult, and would at the most involve the entry of the few Indian new-comers necessary for the spiritual and intellectual needs of the resident community.

The Indians at present actually residing in the Transvaal number about 5,000.

The population of Indians domiciled in the Transvaal is about 13,000.

The difference means that nearly 8,000 Indians have been driven away, for the time being, from the Transvaal, being too weak to undergo the physical suffering of gaol life.

Over 2,500 British Indians have passed through the Transvaal gaols, all but 150 having been imprisoned with hard labour. Sentences have ranged from four days' to six months' hard labour. Hundreds of British Indians have been ruined in the struggle. Several families have been supported from public subscriptions, the wage earners being in the Transvaal gaols. Indians both young and old have suffered and are still suffering imprisonment. Many leaders are at present in the gaols, including the Mohammedan Chairman of the British Indian Association and a Parsee gentleman who is renowned for his philanthropy throughout South Africa. Fathers and sons have been in gaol at the same time. About sixty Indians have been deported to India, where they were landed penniless and friendless.

**Cover page alongwith the Summary of the Statement on
British Indian Case in the Transvaal presented by Indian
Deputation, July 1909**

गौरी चंदा.
वाकरवादी.

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WESTMINSTER PALACE HOTEL,

LONDON, S.W.

5th November, 1909.

d.n. 5180
d.n. 267

SIR,

The Transvaal British Indian Deputation arrived in London on the 10th day of July last. The enclosed statement of the British Indian case in that Colony was prepared immediately after the arrival in London of that Deputation, but it was not issued as delicate negotiations with a view to arriving at a quiet settlement were in progress. We have now learnt that these have proved abortive and that the position remains unchanged. It has therefore become necessary for us to inform the public as to how the matter stands and what the struggle of the British Indians in the Transvaal means.

The ex-Colonial Secretary of the Transvaal during its administration as a Crown Colony, writing in a magazine in South Africa in the month of February last, thus correctly summed up the question :

“The position of the Indian leaders is that they will tolerate no law which does not put them on an equality with Europeans in regard to restriction on immigration. They are willing to see the number of Asiatics limited by administrative action. They insist on equality in the terms of the law itself.”

That is still the position.

Mr. Smuts, the present Colonial Secretary of the Transvaal, offers to repeal the Registration Law around which the struggle has been raging for the last three years, and to concede to a limited number of British Indians, other than former residents of the Transvaal, certificates of permanent residence. Were the object aimed at by the British Indians the admission into the Colony of a few more of their brethren, this concession would be material, but the object they have had in view in agitating for the repeal of the Law being to secure legal or theoretical equality in respect of immigration, their purpose is by the proposed maintenance of the legal disability not advanced a step. We are not aware whether the above modification of the present law proposed by Mr. Smuts will take place irrespective of the continuance of the passive resistance at present being offered by the British Indians of the Transvaal, but we are in a position to state that the proposed concession will not satisfy passive resisters. The struggle of the Indian community of

that Colony was undertaken in order to obtain the removal of the stigma cast upon the whole of India by this legislation, which imports a racial and colour bar into the Immigration Laws of a British Colony for the first time in the history of Colonial legislation. The principle so laid down that British Indians may not enter the Transvaal because they are British Indians is a radical departure from traditional policy, is un-British and intolerable, and if that principle is accepted even tacitly by British Indians

We may add that during the last four months arrests and imprisonments have gone on unabated. The leaders of the community continue to go to prison. The severity of the prison regulations is maintained. The prison diet has been altered for the worse. Prominent medical men of Johannesburg have certified that the present dietary scale for Indian prisoners is deficient. The authorities, unlike their action during last year, have ignored the religious scruples of Mahomedan prisoners, and have refused to give facilities for observing the sacred annual fast which millions of Mahomedans scrupulously undergo from year to year. Sixty passive resisters recently came out of the Pretoria Gaol emaciated and weak. Their message to us is that, starved as they were, they are ready to be rearrested as soon as the Government wish to lay their hands on them. The Acting Chairman of the British Indian Association has only just been arrested and sentenced to be imprisoned for three months with hard labour. This is his third term. He is a Mahomedan. A brave Parsee, a well-educated man, was deported to Natal. He re-entered, and is now undergoing six months' imprisonment with hard labour. He is in gaol for the fifth time. A young Indian, an ex-Volunteer sergeant, has also gone to gaol for the third time on the same terms as the Parsee. Wives of imprisoned British Indians and their children either take up baskets of fruit, hawk about and earn their living in order to support themselves, or are being supported from contributions. Mr. Smuts, when he re-embarked for South Africa, said that he had arrived at an understanding with Lord Crewe that would satisfy the large body of British Indians who were heartily sick of the agitation. His prophecy has been totally disproved by what has happened since.

We remain,
Yours faithfully,

M.K. Gandhi

Hajee Habib

**A letter from M.K. Gandhi and Hajee Habib relating to the Transvaal British Indian Deputation,
5 November 1909**

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Westminster Palace Hotel,
4, Victoria Street,
LONDON, W.C.
10.11.1909.



698

- 2 -

Dear Sir:-

Ln. 5173
Ln. 260

I beg to tender my thanks for your registered letter in connection with the letter addressed to a Hindu, and with the matters that I dealt with in my letter to you.

Having heard about your failing health I refrained in order to save you the trouble, from sending an acknowledgment, knowing that a written expression of my thanks was a superfluous formality, but Mr. Aylmer Hinde, whom I have now been able to meet reassured me that you were keeping very good health indeed and that unfailingly and regularly attended to your correspondence every morning. It was very glad news to me, and it encouraged me to write to you further about matters which are, I know, of the greatest importance according to your teaching.

I beg to send you herewith a copy of a book written by a friend - an Englishman, who is at present in South Africa, in connection with my life, insofar as it has a bearing on the struggle with which I am so connected, and to which my life is dedicated. As I am very anxious to engage your active interest and sympathy, I thought that it would not be considered by you as out of the way for me to send you the book.

In my opinion, this struggle of the Indians in the Transvaal is the greatest of modern times, inasmuch as it has been idealised both as to the goal as also the methods adopted to reach the goal. I am not aware of a struggle, in which the participants are not to derive any personal advantage at the end of it, and in which 50% of the persons affected have undergone great suffering and trial for the sake of a principle. It has not been possible for me to advertise the struggle as much as I should like. You command, possibly, the widest public today. If you are satisfied as to the facts you will find set forth in Mr. Doka's book, and if you consider that the conclusions I have arrived at are justified by the facts, may I ask you to use your influence in any manner you think fit to popularise the movement? If it succeeds, it will be not only a triumph of religion, love and truth over irreligion, hatred and falsehood, but it is highly likely to serve as an example to the millions in India and to people in other parts of the world who may be down-trodden, and will certainly go a great way towards breaking up the party of violence, at least in India. If we hold out to the end, as I think we would, I entertain not the slightest doubt as to the ultimate success; and your encouragement in the way suggested by you can only strengthen us in our resolve.

The negotiations that were going on for a settlement of the question have practically fallen through, and together with my colleague I return to South Africa this week, and invite imprisonment. I may add that my son has happily joined me in this struggle, and is now undergoing imprisonment with hard labour for six months. This is his fourth imprisonment in the course of the struggle.

If you would be so good as to reply to this letter, may I ask you to address your reply to me at Johannesburg, S.A. Box 6522.

Hoping that this will find you in good health, I remain

Your obedient servant,

5-173

Count Leo Tolstoy,
Yasna Polyana,
Russia.

A copy of the letter of Count Leo Tolstoy expressing his opinion on the struggle of Indians in Transvaal, 10 November 1909



No. 12—VOL. 8

SATURDAY, MARCH 19TH, 1910.

Registered as a Newspaper
PRICE THREEPENCE

MORE PASSIVE RESISTANCE RECRUITS

CROSS THE BORDER UNCHALLENGED; ARRESTED IN JOHANNESBURG

On Friday, the 11th instant, the Durban platform presented a scene of animation. Nearly three hundred Indians were present to see the Passive Resistance recruits off. In the crowd were to be seen Messrs. Dawad Mahomed, Parsee Rustomjee, Abdool-la Haji Adam, Dada Osman, A. D. Pillay, T. M. Naicker, N. V. Shah, G. P. Gandhi and others.

The Passive Resistance party travelled third class. The authorities provided the usual facilities and reserved special compartments for it. The Police gave no trouble and everything went off smoothly. Questions have been asked in some quarters as to the reason for third class travelling. It may be mentioned for the satisfaction of such questioners that the passive resisters adopt poverty as their lot and that, as passive resistance funds are being used for the purpose, it is advisable to travel third class. Moreover, the Government provide only third class accommodation for passive resistance prisoners.

The following are the names of Mr. Gandhi's companions:—

Mr. Kaji Dadamian, an old Transvaal resident who has undergone imprisonment three times already.

Mr. Subramaney Achary, who has studied up to the matriculation standard at Trichinopoly is the son of the late Mr. R. Appasamy Pather of Durban.

Mr. Rambhary, an ex-schoolmaster, having been assistant teacher at the Railway Indian School and at present a member of the Phoenix settlement. He has been studying for the Durban Teachers' School certificate. He was born in Natal and is about 26 years old.

Mr. Pragji Khandubhai Desai was serving as book-keeper to an Indian firm at Harding. He is about 25 and has left employment to join the struggle.

Mr. Tulsi Jutha Soni, about 30 years of age, is an old Transvaal resident.

Mr. Essop Moosa Kolia, about 35 years of age, is an old Transvaal resident.

Mr. Kara Nanji Soni, age 35, is an old Transvaal resident.

Mr. Mahabeer Ramden, popularly known as Rajcoomar, is colonial-born, about 22 years old and was educated at the Victoria Street School. He is a printer by profession.

Mr. Barjor Sing, age 20, is colonial-born. He was a scholar at the Higher Grade Indian School. He was trolley checker under a European firm.

Mr. Mahomed Ebrahim is an old Transvaal resident and about 47 years old.

Mr. Govindsamy Tommy, educated at the Varulam School, is about 22 years, colonial-born. He was clerk and waiter.

Mr. Manikum Pillay, is about 17. He was studying at the Higher Grade Indian School and lately at the Phoenix School.

The above list comprises three Tamils, three Northerners, three Gujarati Hindus and three Gujarati Mahomedans.

Mr. Kallenbach accompanied the party and took with him Mr. Gandhi's third and minor son owing to his illness.

Refreshments for the journey were provided by Messrs. Dayal Ramjee, Ravjee Bhoola, B. U. Patel, Dayal Keshav, J. Ralpat, K. Jivan and Natha Naran.

Arrival in Johannesburg

Monday, 14th March.

The Passive Resisters from Natal crossed the Border unchallenged. The Immigration Officer, who boarded the train at Volksrust, said that he had no instructions to arrest them. The party was joined at Charlestown by Messrs. Cachalia, Vaja, David

Ernest and David Marie from Johannesburg, and a new recruit in the person of Mr. Sale Ebrahim Patel, who is an old Transvaal resident but who, having applied for registration, has not been registered. They were met at Charlestown and Volksrust as also Standerton by the local Indians.

On reaching Johannesburg early in the morning they were met at the station by Imam Saheb, Mr. Abdul Kadir Bawazeer, and were entertained by him at his house.

The recruits have been taken over by their respective sections. They are to commence hawking immediately and are expected to support themselves by such labour.

Statement by Mr. Gandhi

A special telegram to the *Natal Mercury* from its Johannesburg correspondent on Thursday states:—

The Government have taken steps to arrest the Indians who came into the Transvaal with Mr. Gandhi on Sunday morning, and all are under order of deportation, and are being deported to Natal. These men are either educated Indians or pre-war residents. Mr. Gandhi told the *Star* representative this morning that the Indians had come to Johannesburg, not to assert their personal rights, but to take part in the struggle. They will return, and be re-arrested at Volksrust, and imprisoned. The balance will be arrested in a few days.

"I do not know," said Mr. Gandhi, "why the Government do not arrest me. I freely admit that I am instrumental in bringing these men and introducing them into the Colony, and it has really been suggested that in bringing them into the Colony I am supposed to commit a breach of the Immigration Law, in that I aid and abet prohibited immigrants to enter the Colony. Personally I do not consider these Indians to be prohibited immigrants at all."

Dated the 16th May 1910.

File No. 10.
Serial No. 46.

From—H. S. L. POLAK, Esq., 7-10 Elphinstone Circle, Fort, Bombay,
To—The Secretary to the Government of India, Department of Commerce and Industry, Simla.

I have the honour to bring to the notice of the Government of India the following facts, which should finally dispose of any doubts as to the *bona fides* of the Transvaal authorities regarding their allegations that they are not in a position to identify Asiatics who do not on demand, produce registration certificates, and their right, accordingly, to deport such Asiatics as are prohibited immigrants.

2. Mr. Leung Quinn is the Chairman of the Transvaal Chinese Association. Like British Indians the Chinese are also subjected to the Transvaal's anti-Asiatic legislation, and like them, too, many Chinese have become passive resisters. Mr. Quinn is one of these.

3. Mr. Quinn was one of the first Asiatics to be arrested in 1907 and he was one of the imprisoned Asiatics, who on behalf of their respective communities, signed the written memorandum embodying some of the terms of the compromise arrived at in 1908.

4. Many of Mr. Quinn's compatriots when they learnt that he had agreed to voluntary registration, and that he had promised to induce as many as possible of his fellow countrymen to identify themselves by voluntarily giving the full tally of finger impressions, as had Mr. Gandhi, felt that he had betrayed their cause, since they had, in large numbers, taken a solemn oath not to give 18 finger impressions. Mr. Quinn pointed out to them that it would be for them to give these or not at their own pleasure. His life was in the gravest danger, however, and I am not sure if he did not even receive police protection. It is within my knowledge that he was compelled to seek refuge in the Chinese Consulate. He had determined to abide by his undertaking with the Government, and himself gave the 18 finger impressions as a voluntary act, and other means of identification for which he was thanked by the authorities. Eventually most of his compatriots compromised the matter by giving two thumb prints.

5. Mr. Quinn's voluntary registration was subsequently validated by the Registration Act of 1908.

6. When it became evident that the Transvaal Government were not prepared to repeal the objectionable law of 1907 and were intent upon retaining the racial exclusion provisions of existing legislation, Mr. Quinn at once protested and when he found that the protest of his compatriots were ignored, he destroyed the registration certificate which he held to have been delivered to him through breach of faith. This action, of course, did not de-register him, for full particulars of his identification were on official record, including certain disfiguring scars indicating a terrible accident that had occurred to Mr. Quinn some years ago.

7. When a further attempt at a settlement was arrived at in August-September of 1908, Mr. Quinn was specially sent for by General Smuts to represent the Chinese community in the negotiation. Mr. Quinn is personally known to General Smuts, to Sir Percy Fitz Patrick, one of the opposition leaders, to the Registrar of Asiatics with whom he has at various times had prolonged interviews and to the police officer who has on certain occasions effected his arrest.

8. Mr. Quinn has been three times, at least, imprisoned as a passive resister, and has on each occasion given complete means of identification under the gaol regulation. In addition Mr. Quinn is personally known to various Magistrates and to the Chinese Consul-General (though the latter has no longer been in Johannesburg). Numerous prominent Europeans including Mr. William Hosken, M.L.A., and several Christian Ministers are well acquainted with him.

9. Mr. Quinn is legally in exactly the same position as Mr. Gandhi yet whereas for certain reasons, the latter has not been molested since his return to the Transvaal from England, Mr. Quinn has just become the victim of an order of deportation.

C 341 C. & I.

A letter from H.S.L. Polak apprising Government of India on the issue relating to the identification of Asiatics, 16 May 1910

Dated Simla, the 27th May 1910.

Serial No. 50.

From—His Excellency the Viceroy,

To—His Majesty's Secretary of State for India.

Our telegram of 18th instant. Deportation of sixty British Indians from Transvaal. We are receiving numerous protests against action of Transvaal Government. Accounts are being published of neglect and want of proper food and medical treatment on boardship. With regard to this we are asking Bombay Government to make enquiries. Bombay Government have objected on sanitary grounds to destitute persons being landed in Bombay and have strongly represented serious political effect in India of action of Transvaal Government. They have also informed us that another batch of Indians is about to be deported and have asked us to use every means possible to prevent further deportations of this sort. Even if Transvaal Government is acting within legal rights, their action appears to us harsh and impolitic. Further deportations will intensify strong feeling already existing in India on the subject and will greatly increase difficulty of settling whole question of position of Indians in South Africa. We would strongly urge that further deportations should be suspended pending enquiries regarding action of Transvaal Government which are no doubt being made.

A telegram from Viceroy to Secretary of State for India on the issue of deportation of Asiatics, 27 May 1910

PROCEEDINGS OF THE
DEPARTMENT OF COMMERCE AND INDUSTRY, MAY 1910.

Position of British Indians in the Transvaal. [Pro. No. 8

Annex. 1.

The All-Indian Moslem League, London Branch, to Colonial Office,
42, Queen Anne's Chambers,
Broadway, Westminster, S. W.,
12th January 1910.

Sir,

I am directed by the Committee of the All-India Moslem League, London Branch, to submit, for the consideration of the Right Hon. the Secretary of State for the Colonies, the following remarks concerning the treatment of our co-religionists who are undergoing and have undergone imprisonment in the Transvaal, by way of protest against the indignities they consider they are subjected to, under the Registration Laws of that Colony.

The great majority of our countrymen in the Transvaal belong to the Mohammedan faith, and the Mohammadans are, we understand, the wealthiest and most influential section of the Indian community. They are principally merchants and shopkeepers, and have all without exception been domiciled in the Transvaal since a long while antecedent to the annexation.

In common with our non-Moslem countrymen, the Mohammedan community regard the terms of the Registration Laws and the Immigration Law of the Transvaal as degrading and insulting to themselves and their fellow-countrymen in India, and although the Europeans of the Colony may feel justified in the course they have adopted on the plea of expediency, my Committee fail to see how any other conclusion than that arrived at by our fellow countrymen is possible.

In common with other Indian communities, the Moslem Indians of the Transvaal have elected to suffer the penalties of the law in fulfilment of an oath solemnly taken in public when the communities were threatened with this invidious legislation, with the object of appealing to the better feelings and sense of justice of their fellow-colonist of European origin. They do not complain of the action of the Transvaal Government in enforcing the law they have devised, but they feel that they are entitled to the protection of the Imperial Government against unnecessary hardship inflicted in its enforcement.

My Committee learn that during their terms of imprisonment, our co-religionists have been subjected to gratuitous harsh treatment, which they construe as being an attempt on the part of the authorities unfairly to break down the passive resistance. For instance, for a long time the porridge served out to them was mixed with animal fat, and recently during the sacred month of Ramazan, Mohammadan prisoners were refused facilities for observing the fast.

My Committee observe that recently in reply to Lord Lamington in the House of Lords, the Secretary of State adopting the view of the Transvaal Colonial Secretary, gave the assurance that our holy law permitted Mohammadans so circumstanced to avoid the observance of the fast, and to observe it at a subsequent date. My Committee respectfully submit this to be an incorrect representation of the Mussulman religious law, as it is only in case of serious illness, and whilst travelling Moslems are allowed to keep the fast at some other time.

Apart from the remarks hereinbefore expressed, my Committee do not propose to discuss the merits or demerits of the Transvaal Legislation. But they regard it their duty as loyal subjects of the Crown to call attention, in the interests of the Empire, to the intense feeling of indignation and sense of injustice which the harsh treatment of their fellow-countrymen in the South

273 C & I—Emgn.—8

African Colonies is arousing among all classes of the Indian people, a feeling that is being utilised by the enemies of British rule in India to foment disaffection.

My Committee are also concerned that in the course of the campaign started with the object of breaking down the resistance of our fellow countrymen to a law which they consider to be degrading, unfair pressure would appear to have been put upon them by ignoring or over-riding religious scruples and requirements, which in the case of the Mohammadans are the most sacred things in life.

Speaking with a full sense of their responsibility, my Committee feel constrained to say that unless the lot of His Majesty's Indian subjects settled in South Africa, which is as much a part of His Majesty's dominions as India, is ameliorated, and that without delay, it will add greatly to the difficulties with which the Indian Governments stands confronted.

I have, etc.,

S. ZAHURAHMAD,
Honorary Secretary.

The Under Secretary of State,
Colonial Office.

A letter from Honorary Secretary, All India Muslim League, London branch protesting against the indignities inflicted on the co-religionist in Transvaal, 12 January 1910

STATEMENT.

British Indians will be satisfied if Act 2 of 1907 is repealed, and the Immigration Act is so amended as to enable any Asiatic immigrants of culture to enter the Colony on precisely the same terms as Europeans and without the necessity for complying with any Registration Act. This amendment will allow the Immigration officer the fullest discretion as to the mode of setting the education test and will give the power to the Governor in Council to frame regulations limiting the number of immigrants belonging to different classes or races, even though they may have passed the education test. So far as Asiatics are concerned, no amendment of the Immigration Act would be necessary, were it not for the presence of the second Asiatic Act passed in 1908. The amendment giving the Governor in Council the power to make the regulations in the manner above referred to meets the objection that the administration of the law would be so different from its wording. So long as a limited number of (say, up to six) British Indians of culture are admitted into the Colony per year under the education test, British Indians will be satisfied. The granting of these two concessions *will finally close the struggle, and remove the question from the arena of Indian politics.* The educated Indians who have entered the Transvaal will then retire, and claim to enter, if at all, under the general test.

M. K. GANDHI.

A statement of M.K. Gandhi on the issue of repeal of Immigration Act No.2 of 1902, 6 January 1910

✓
Enclosure 2 in above.

Mr. Gandhi to General Manager, Central South African Railways.

21—24, Court Chambers,
Rissik Street, Johannesburg.
12th April 1910.

SIR,

ON behalf of Mr. Cachalia and myself, I beg to thank you for your letter of the 11th instant, containing a summary of the understanding arrived at yesterday between your Department and Mr. Cachalia and myself representing the British Indian Association. The summary given by you correctly sets forth the position; and, on behalf of my colleagues and myself, I beg to tender our thanks to you for the conciliatory manner in which you have met the representations of my Association in the matter of the gazetted regulations which have formed the subject matter of the correspondence between your Department and my Association.

Whilst I acknowledge that the smooth working of the arrangement will depend upon the self-restraint that may be exercised by the British Indians, it is no less dependent upon the tact and the goodwill of the officials in charge of the regulation of passenger traffic. In conclusion, I trust that the Transvaal and the Orange River Colony Governments and the Railway Board will accept your recommendation, and that the regulations complained of will be repealed and replaced by those set forth in your letter under reply.

I have, etc.,

M. K. GANDHI,
Hon. Secretary, British Indian Association

The General Manager,
Central South African Railways,
Johannesburg.

**Reply from Gandhiji to General Manager, Central South African Railways
on the issue of regulations relating to conveyance of Indians in Transvaal,
12 April 1910**

PROCEEDINGS OF THE
DEPARTMENT OF COMMERCE AND INDUSTRY, AUG. 1910.

Position of Indians in Transvaal.

[Proc. No. 3

Enclosure No. 3 in above.

General Manager, Central South African Railways, to Mr. Gandhi.

General Manager's Office,

Johannesburg, 16th April 1910.

SIR,

I BEG to thank you for the courtesy of your letter of the 12th instant. I quite recognise that the smooth working of the new regulations is dependent not only upon the British Indian community, but also upon the conduct and goodwill of the officials in charge of the control of passenger traffic on these railways. You may rest assured that we shall do our best to ensure the observance by our staff of the spirit you have mentioned, and that if any case is brought to notice where such is not manifested, the official or officials responsible will be suitably dealt with.

I have, etc.,

W. W. HOY,

for *General Manager*.

M. K. Gandhi, Esq., Hon. Secretary,
British Indian Association.

Enclosure No. 4 in above.

Conveyance of Coloured Persons.

Regulations at present in force.

221. Coloured persons, whether African or Asiatic, will only be allowed to travel in third-class or native carriages or compartments, subject to the exceptions in the next regulation contained.

Third-class tickets shall not be issued to white persons for journeys between Transvaal stations.

222. Coloured persons of the better class, whether male or female, who from their demeanour, attire, and cleanliness are evidently fitted to be allowed to travel in a first or second-class compartment, may, if they so desire, be allowed to travel in a first or second-class compartment on payment of the ordinary fare for such class of carriage; provided, however, that they may only travel in the compartment or compartments on the train specially reserved for coloured persons and for that purpose marked "Reserved."

Emigration—3

Regulations it is proposed to substitute therefor.

221. It shall be lawful for the General Manager, where practicable, to set apart different compartments on trains for passengers of different races, and the passengers for whom the compartments are so reserved shall travel only in such compartments and no other, nor will any other compartment be considered available. Such compartment shall be marked "Reserved."

222. It shall be competent for the guard or the conductor or any other railway official to remove passengers from one compartment to another without giving any reason therefor.

A Comparative statement of the existing and proposed regulations of conveyance for coloured persons, 16 April 1910

PROCEEDINGS OF THE
DEPARTMENT OF COMMERCE AND INDUSTRY, NOV. 1910.

Position of Indians in Transvaal.

[Pro. No. 4

Annex 1.

South African British Indian Committee to Colonial Office.

No. 15624.

5, Pump Court, Temple, E.C.,

23rd May 1910.

Sir,

I AM desired by my Committee to invite the attention of the Secretary of State to further complaints concerning the treatment of British Indian passive resistance prisoners in the Diepkloof Transvaal Gaol recently communicated to them by the Transvaal British Indian Association. Both Mr. Thambi Naidoo and Mr. Medh, who were recently released from Diepkloof Gaol, complained bitterly that the diet scale is so meagre as to amount to partial starvation. Mr. Medh complained frequently that he was losing weight, and the medical officer ignored his complaints until three weeks before his release, and when it was found that he had lost no less than 25 lbs., then only was the quantity of food increased.

That the diet scale is inadequate is evidenced, my Committee submit, by the fact that out of 72 Asiatic prisoners 18 had to receive an increase in food supply.

Complaints are also made that, as compared with last winter, the quantity of clothing and of bedding supplied to these prisoners has been seriously reduced, and that this in a corrugated iron building srected at a high altitude, as is Diepkloof Prison, entails great suffering to men naturally accustomed to a low (? high) temperature.

Mr. Sorabji complains that during his last term of imprisonment he was given heavy labour tasks to perform which were quite beyond his strength, in spite of the fact that he was, to the knowledge of the medical officer, suffering from rupture and dislocation of one of his arms and from acceleration of the heart. Only after this had gone on some time did the medical officer give instructions that Mr. Sorabji was not to be put upon any heavy work or to be made to carry any weight. Mr. Sorabji's protest resulted in his punishment for "breach of discipline" by his being put upon spare diet. The lighter work he was subsequently given to do was the cleaning of the water-closets.

I am to express the hope that these matters will receive attention and form the subject of investigation by the Secretary of State at His Lordship's very earliest convenience.

I have, etc.,

L. W. RITCH,

Honorary Secretary.

The Under Secretary of State,
Colonial Office.

A letter from Honorary Secretary South African British Indian Committee on the treatment of British Indian Passive Resisters prisoners in the Transvaal Jail, 23 May 1910

✓
CONFIDENTIAL.

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No. 6.

Dated Bombay, the 30th August 1910.

File No. 29. 9
Serial No. 42.

From—H. S. L. POLAK, Esq., 7, Elphinstone Circle, Fort, Bombay,
To—The Secretary to the Government of India, Department of Commerce and Industry, Simla.

I have the honour to report to you the receipt by me to-day of the following cablegram from the British Indian Association of the Transvaal:—

“ Jordan gave judgment Asiatic minors not born Transvaal nor resident commencement Act 36 prohibited immigrants attaining majority. Decision affects hundreds innocent children. Created stir.”

2. The interpretation of the above message appears to be as follows. The Act 36 of 1908 came into force in August or September of that year. Those who registered under it had the names of their minor sons endorsed on their certificates, whether they were at that time resident in the Transvaal or not. Registration was undertaken in the full belief and understanding that it covered these minor sons, especially as the law specifically requires the latter, upon attaining their majority, at 16 years, to submit themselves for registration.

3. It now seems that Mr. H. H. Jordan, a Transvaal Magistrate, acting in his administrative capacity, has decided that such a minor, having reached the age of 16 years, is not entitled to a certificate of registration, and is therefore liable to deportation as a prohibited immigrant.

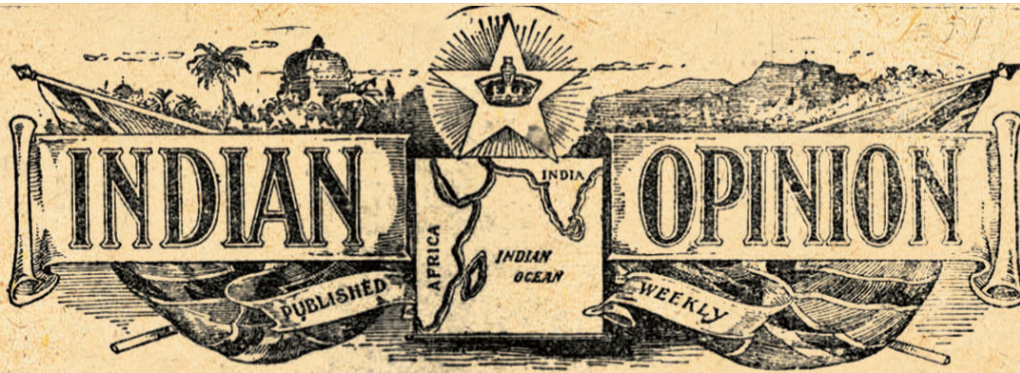
4. The Transvaal Indian community are naturally startled at this quite unexpected action of the administration, whose effects will be to drive hundreds of young lads from their homes, break out families, and imperil business.

5. It may be added that this decision, which appears to be administrative, is (upon that assumption) unappealable, and will affect the minor sons of all the eight thousand Indians that had their voluntary registration validated by Act 36 of 1908, if the said sons were not, at the time of the law's enforcement, in the Transvaal.

6. The Transvaal Government's action is a distinct breach of faith, and is, I have reason to believe, illegal also. It is without doubt that they are doing their utmost, by every possible means, to decimate the resident Indian community. I write to request that the Government of India will be pleased to institute telegraphic inquiries and endeavour to avoid the perpetration of a grave scandal.

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A letter from H.S.L. Polak reacting on the issue of Asiatic minors not born in the Transvaal, 30 August 1910



Nc. 37—VOL. 8.

SATURDAY, SEPTEMBER 10TH, 1910.

Registered as a Newspaper
PRICE THREEPENCE

A COROLLARY OF MODERN CIVILIZATION

THE CRIME OF COLOUR IN THE TRANSVAAL

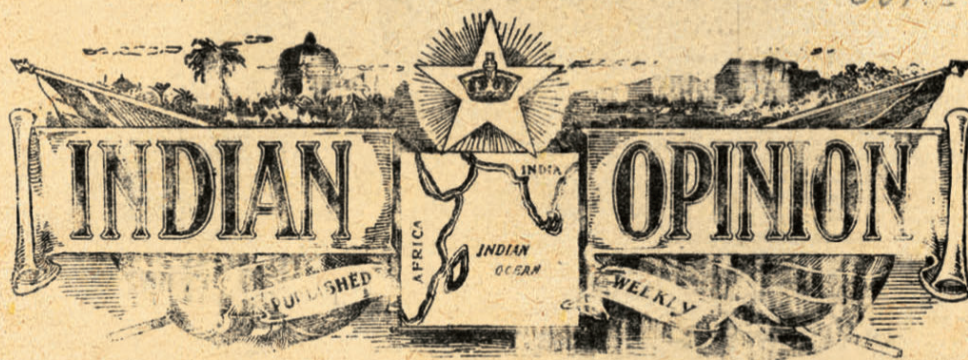
WE take from the *Rand Daily Mail* the following report by Mr. S. C. Steil, Chairman of the West Rand Board, on the working of the Education Act regarding the admission of coloured children to the public schools:—

He says: "The necessity for obtaining, if possible, a consistent manner of dealing with this involved and important question throughout the Witwatersrand West is my object in laying before you the difficulties connected with the subject as they appear to me. More frequently than formally the Board will be called on to exercise the authority granted, under Section 29 of the Act, to exclude or receive certain children for education. If this be so, it is imperative that a definite line of action should be determined and followed in all instances. Several statutes exist in the Transvaal which deal with the status of "white" and "coloured" persons, but in the majority, if not in all instances, a definition of this all-important point is conspicuous by its absence, the onus of interpretation falling upon the unfortunate individual or lady called upon to administer the Act. If, therefore, those responsible for the drafting or framing of the laws find their task too difficult to even attempt, it follows that "colour" as "colour" unreservedly is not to be taken as a test—pure and simple—therefore it would not create a precedent if the School Board accepted circumstances as it finds them in many instances, which are undoubtedly that a taint of colour does not constitute a "coloured man." The following of this course might be considered as shirking the issue, which it undoubtedly is, and it may be argued that as the Education Act deals with the children on whom the future of the country will greatly depend, Section 29 of the Act was designedly drafted in such simple and unambiguous language as to leave

no middle course open to those responsible for its administration. This position would have been accepted if such a definition had been included in the preamble of the Act. The section referred to (29), which is the only one dealing throughout the Act with this thorny question, is: "No child or person shall be admitted to or allowed to remain a pupil of any school, class or institution mentioned in chapters III. or IV. of this Act, and the duty of carrying out the provisions of this section shall be with the Board or with the governing or managing body established under Section 73." The circumstances which bring this question before the present Board were considered by their predecessors in office. Attempt was made to obtain a definition of the term "colour" from the Department, but this was not forthcoming, and no effort appears to have been made to assist those who are endeavouring to faithfully carry out the administration of the Education Act. Boards are to be left to rely entirely upon themselves in deciding this question, with the result that a child may be considered "white" in one school district, and coloured in another, a truly happy state of affairs in which to have one of the most important social problems of the country. I would suggest that if it be not possible to lay down any general principle suitable for the whole Province, an attempt should be made by the three Witwatersrand Boards to lay the foundation for concerted action as far as the Witwatersrand is concerned. As previously mentioned the wording of section 29 is particularly clear as far as the actual words are concerned, but a doubt is bound to arise in the mind of anyone who has lived in South Africa any time, whether it is intended that a liberal interpretation shall be placed thereon. It should not be overlooked, however, that no

authority is given to the Board to require the parents to appear before it, nor is the Board entitled to enter upon any premises or question parents as to their mode of living, etc. Its decision must be based on the child itself. It, therefore, seems it was the deliberate intention of the framers of the Act to constitute "colour" as the determining factor, irrespective of the parents or respectability of the child, manner of living, etc. Not only will the child be placed under a certain stigma, but its present educational future may be jeopardised, and future social position affected by reason of the interpretation placed on a certain clause of the Act by a purely local body. It should not be overlooked that the "white" is originally responsible for the presence of the "coloured," and any disabilities imposed fall on one absolutely irresponsible for its existence. It is, moreover, beyond question that a coloured child may be born of parents who personally are beyond reproach in this respect, and worse again a coloured child may be found in a family, the other members of which are absolutely white. Are you, under the circumstances, prepared to enforce clause 29 literally? Dealing with the every day life of South Africa, it is evident that the presence of colour does not debar the individual from social intercourse with "whites," therefore the Board would not be creating a precedent if it departed from the actual wording of clause 29, and endeavoured to ascertain before it decided that the primary schools of the district should be closed to a child where the home life and surroundings were white. If the Board decides that such an interpretation would be beyond its powers, and that it will during its term of office, undertake to literally enforce the Act.

A press clipping of the Indian Opinion on the Crime of Color in Transvaal,
10 September, 1910



No. 48—Vol. 8

SATURDAY NOVEMBER 26TH, 1910.

Registered as a Newspaper
PRICE THREEPENCE

COUNT TOLSTOY AND PASSIVE RESISTANCE

A MESSAGE TO THE TRANSVAAL INDIANS

WE have received for publication the following translation of a recent letter of Count Tolstoy's to Mr. Gandhi:—

Kotchety, Russia, Sept. 7, 1910.

I received your journal, and was pleased to learn all contained therein concerning the passive resisters. And I felt like telling you all the thoughts which that reading called up in me.

The longer I live, and especially now, when I vividly feel the nearness of death, I want to tell others what I feel so particularly clearly and what to my mind is of great importance—namely, that which is called passive resistance, but which is in reality nothing else than the teaching of love uncorrupted by false interpretations. That love—i.e., the striving for the union of human souls and the activity derived from this striving—is the highest and only law of human life, and in the depth of his soul every human being (as we most clearly see in children) feels and knows this; he knows this until he is entangled by the false teachings of the world. This law was proclaimed by all—by the Indian as by the Chinese, Hebrew, Greek and Roman sages of the world. I think this law was most clearly expressed by Christ, who plainly said that "in this only is all the law and the prophets." But besides this, foreseeing the corruption to which this law is and may be subject, he straightway pointed out the danger of its corruption, which is natural to people who live in worldly interests, the danger namely, which justifies the defence of these interests by the use of force, or, as he said, "with blows to answer blows, by force to take back things usurped," etc. He knew, as every sensible man must know, that the use of force is incompatible with love as the fundamental law of life, that as soon as violence is permitted, in whichever case it may be, the insufficiency of the law of love is acknowledged, and by this the very

law is denied. The whole Christian civilisation, so brilliant outwardly, grew up on this self-evident and strange misunderstanding and contradiction, sometimes conscious, but mostly unconscious.

In reality, as soon as force was admitted into love there was no more, and there could be no more love as the law of life, and as there was no law of love, there was no law at all, except violence—i.e., the power of the strongest. So lived Christian humanity for 19 centuries. It is true that in all times people were guided by violence in arranging their lives. The difference between the Christian nations and all other nations is only that in the Christian world the law of love was expressed clearly and definitely, whereas it was not so expressed in any other religious teaching, and that the people of the Christian world have solemnly accepted this law, whilst at the same time they have permitted violence, and built their lives on violence, and that is why the whole life of the Christian peoples is a continuous contradiction between that which they profess and the principles on which they order their lives—a contradiction between love accepted as the law of life and violence which is recognised and praised, acknowledged even as a necessity in different phases of life, such as the power of rulers, courts and armies. This contradiction always grew with the development of the people of the Christian world, and lately it reached the highest stage. The question now evidently stands thus: either to admit that we do not recognise any religio-moral teaching and we guide ourselves in arranging our lives only by power of the stronger, or that all our compulsory taxes, court and police establishments, but mainly our armies, must be abolished.

This year in spring, at a Scripture examination in a girls' high school at Moscow, the teacher and the bishop

present asked the girls questions on the Commandments, and especially on the sixth. After a correct answer, the bishop generally put another question, whether murder was always in all cases forbidden by God's law, and the unhappy young ladies were forced by previous instruction to answer, "Not always"—that murder was permitted in war and in execution of criminals. Still, when one of these unfortunate young ladies (what I am telling is not an invention, but a fact told me by an eye-witness), after her first answer, was asked the usual question, if killing were always sinful, she, agitated and blushing, decisively answered "always" and to all the usual sophisms of the bishop she answered with decided conviction, that killing always was forbidden in the Old Testament and forbidden by Christ, not only killing, but even every wrong against a brother. Notwithstanding all his grandeur and art of speech, the bishop became silent and the girl remained victorious.

Yes, we can talk in our newspapers of the progress of aviation, of complicated diplomatic relations, of different clubs and conventions, of unions of different kinds, of so-called productions of art, and keep silent about what that young lady said. But it cannot be passed over in silence, because it is felt, more or less dimly, but always felt by every man in the Christian world. Socialism, communism, anarchism, Salvation Army, increasing crime, unemployment, the growing insane luxury of the rich and misery of the poor, the alarmingly increasing number of suicides—all these are the signs of that internal contradiction which must be solved and cannot remain unsolved. And of course solved in the sense of acknowledging the law of love and denying violence.

A message of Tolstoy to the Transvaal Indians published in Indian Opinion,
26 November 1910

6 copies
National Telephone
65 Richmond.

गांधी संघ,
साबरमती.

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YORK HOUSE,
TWICKENHAM.
18th. November 1910.

S.N. 5193
L.N. 12
My dear Mr. Gandhi,

I desire to contribute a second sum of Rs.25,000/- in aid of the Indian struggle in the Transvaal.

About this time last year I was happy to give a similar sum, and since then nearly a lakh of -- Rupees have been subscribed by our countrymen in different parts of India, to-wards the heavy expense of maintaining this most unequal struggle. This is no doubt satisfactory as far as it goes, but it is not enough. Indeed when I --- think of the vast importance of this question, and the magnificent stand which a handful of our countrymen in the - Transvaal have made and are making for the honour of our Motherland, I feel constrained to say that the support which India has so far lent to her brave sons and daughters in - their heroic and most righteous struggle in a distant land, has not been adequate.

But it is not enough to hope. We must also show that we are determined. We must help those who are fighting the battle. Therefore I think it is the clear duty of all ^{India} Indians at this juncture to do what lies in their power ~~to~~ ^{to} give those who are engaged in this supremely important --- struggle the confident feeling that the vigorous and sustained support both material and moral of their countrymen in India is behind them. If the cheque which I enclose herein will in any degree be instrumental in giving you and your fellow-workers this feeling, my object in sending it will have been accomplished.

Yours Sincerely,

5193

Ratan Tata

This determination the you in the Transvaal have shown in no small measure.

An extract from the letter of Ratan Tata contributing a sum of Rs.25,000/- in the aid of Indian Struggle in Transvaal



No. 5—VOL. 9

SATURDAY, FEBRUARY 4TH, 1911.

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Price Threepence

INDIAN NATIONAL CONGRESS

SIR WILLIAM WEDDERBURN ON THE TRANSVAAL STRUGGLE

FROM the Indian papers to hand by the last mail, we learn that, in his presidential address to the Indian National Congress, held at Allahabad, at the end of December, Sir William Wedderburn, in referring to the South African Indian question, and especially to the Transvaal trouble, said :—

A good illustration of what may be achieved by the Hindus and Mahomedans standing shoulder to shoulder in the service of India is supplied by the latest news from South Africa. Here, if anywhere, the Indian cause appeared to have arrayed against it overwhelming odds. But thanks to the determined stand made by the Indian community under the splendid generalship of Mr. Gandhi, the long night seems to be drawing to a close and we already see the faint glimmerings of a new dawn. There is no doubt that the manner in which the people of India, without distinction of race or creed, have come forward to support their suffering brethren in the Transvaal, has made an impression on both the Imperial and the South African Governments.

South African Resolution

Resolution VII. related to the position of Indians in the Colonies and ran as follows :—

“ This Congress expresses its great admiration of the intense patriotism, courage and self-sacrifice of the Indians in the Transvaal—Mahomedan and Hindu, Zoroastrian and Christian—who, heroically suffering persecution in the interests of their countrymen, are carrying on their peaceful and selfless struggle for elementary civil rights against heavy and overwhelming odds. And it urges the Imperial Government to adopt a firm and decisive attitude on the question so as to remove a great source of discontent amongst the people of India.

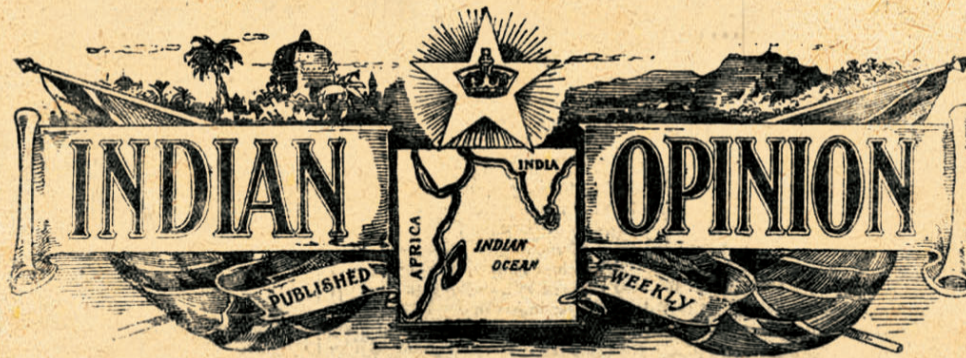
“ This Congress begs earnestly to press upon the Government of India the necessity of prohibiting the recruitment of indentured Indian labour for any portion of the South African Union, and of dealing with the authorities there in the same manner in which the latter deal with Indian interests, so long as they adhere to the selfish and one-sided policy which they proclaim and practise, and persist in their present course of denying to his Majesty's Indian subjects their just rights as citizens of the Empire.

THE DUKE OF CONNAUGHT On Prospective Settlement

Reuter, telegraphing on the 30th ulto., from London, states that the Duke of Connaught, in the course of his speech, at the Guildhall banquet, on the South African situation, said that *unless he were much mistaken, there would be an early adjustment of the vexed question of the position of Indians.*

“ This Congress protests against the declaration of responsible statesmen in favour of allowing the self-governing colonies in the British Empire to monopolise vast undeveloped territories for exclusive White settlement and deems it its duty to point out that the policy of shutting the door in these territories and denying the rights of full British citizenship to all Asiatic subjects of the British Crown, while preaching and enforcing the opposite policy of the open door in Asia, is fraught with grave mischief to the Empire and is as unwise as it is unrighteous.”

A press clipping from the Indian Opinion reporting the Presidential Address by Sir William Wedderburn in Indian National Congress on the Transvaal Struggle, 4 February 1911



No. 6—VOL. 9

SATURDAY, FEBRUARY 11TH, 1911.

Registered as a Newspaper
PRICE THREEPENCE

The PROTECTOR HELPS to RECRUIT

EFFECT OF PROHIBITION ON THE TRANSVAAL

THE Parliamentary correspondent of the *Natal Mercury* wrote from Capetown, last week, as follows:—

A petition to Parliament on the part of the whole body of the Natal sugar planters is in preparation in Durban. A detail with regard to the indentured labour position which may not be generally known is that the planters were recently circularised from the Immigration Department, with the suggestion that, in consequence of the probable difficulty of recruiting labourers in India, owing to the good season there recently, the employers should despatch sirdars from their estates to the recruiting areas in order to stimulate the engagement of the coolies. This has been acted upon by many of the employers, but the result is not expected to be very striking. One experienced estimate is that the number of coolies brought over under the indenture now being executed will not exceed 2,500, to be distributed among a greater number of applicants than has ruled for some time. The action of the authorities in thus seeming to permit the indentured labour employers to assist the increase of the Asiatic population of the country is calculated to excite possibly adverse criticism from quarters in which the labour position in Natal is not understood; but, although they have declined to intervene with the Indian authorities, the Government have sympathetically applied themselves to the examination of the problem in Natal created by the Indian Council's decision, and it appears that they are doing what they can to help the interests of the planters. A matter which has been somewhat closely discussed in Natal circles lately is whether the Ministry, either by their own voluntary action or through political pressure, may intervene, and stop re-indenturing at the expiration of the five-year contract

Why the Viceroy Stops Indentured Labour

In the Imperial Legislative Council, Calcutta, on the 3rd ulto., the Hon. Mr. Robertson, Secretary for Commerce and Industry, said:—
“With your Excellency's permission, I rise to make a statement on the question of Indentured Emigration to Natal. The Council will remember that, in July last, a Bill was passed empowering the Governor-General-in-Council to discontinue emigration to any country to which emigration is lawful, if he has reason to believe that sufficient grounds exist for prohibiting emigration. The Governor-General-in-Council has had under his consideration the question of discontinuing the indentured emigration to Natal, and he has arrived at the decision that emigration to that country should no longer be permitted. The decision has been taken in view of the unsatisfactory position which has been created by the divergence between the Indians' and the colonists' standpoints, and by the absence of any guarantee that the Indians will be accepted as permanent citizens of the South African Union after the expiration of their indentures. In these circumstances, the Governor-General-in-Council is satisfied that emigration to Natal should be discontinued, as he cannot allow the present unsatisfactory situation to be perpetuated. He, therefore, proposes to publish a notification, in April next, prohibiting indentured emigration to Natal, with effect from the 1st July, 1911.”

period now being arranged with the labourer; but the planters appear to be in no state of anxiety regarding this, owing to the terms of the engagement under which the labourers came over. The proposals which the Natal members are formulating for the better organisation of the native labour supply in Natal are still in course of development, but it is probable, in view of the growing stringency of the labour position in Natal, that the Government will be pressed to close down the whole of the Province for recruiting natives to go to Johannesburg. The speculations which attach to this and other possibilities regarding the supply of labour to the mines are of increasing force and interest.

[NOTE: Whatever contracts are now being entered into in India are of the usual kind and for five years only. They contain no obligation, on the part of the labourer to re-indenture at the expiry of the first period, and the conditions of all contracts are countersigned by an official of the Government of the various Provinces in India in which recruitment takes place. It is scarcely likely, in view of the action contemplated by the Government of India in the near future, that sanction will be given to any new conditions. The proposals to close Natal entirely as a recruiting ground for native labour for the Transvaal mean, briefly, that, contrary to the belief of the *Times*, the Government of India's prohibition will strike directly at the Transvaal as well as at Natal. This probable effect was definitely brought to the notice of the Indian Government.

Press Clipping from the Indian Opinion reporting on the effect of prohibition on the Transvaal, 11 February 1911



No. 8—Vol. IX

SATURDAY, FEBRUARY 25TH, 1911.

Registered as a Newspaper
Price Three pence

DEMORALISATION OF INDIAN WOMEN

GENERAL SMUTS REFUSES TO AMEND THE £3 TAX LAW

On the 19th ulto., the Joint Hon. Secretaries of the Natal Indian Congress addressed a communication to the Minister of the Interior, in which they drew attention to the case of the Dannhauser Indian women who were, last December, sentenced to imprisonment, at Newcastle, for failure to pay the annual £3 licence. The facts of this case were published in INDIAN OPINION of the 17th December. After recounting them at length, the letter of the Congress proceeds:—

"The Congress desires to remind the Minister that it was never intended that Act 17 of 1895 should be made applicable to Indian women. Nevertheless, it has been made to apply, for many years, to Indian women, freed from their indentures, from the age of 13 years onwards. At the beginning of last year, a Bill was introduced into the Natal Parliament by the Government, with the object of exempting Indian women from payment of the annual licence, but Act 19 of 1910, as eventually assented to, merely places it within the discretion of magistrates to exempt women who are too old, or indigent, or whose health is too bad, for them to pay the tax.

"The Congress ventures to urge that the case quoted is a clear indication that it is unsafe to vest such discretion in magistrates. Moreover, since it was never the intention that women and young girls should be made to pay this tax, the Congress desires to press upon Government the urgent need to introduce legislation to free Indian women completely from the necessity of having to pay it. The tax itself is inequitable from every point of view, and is unknown in any other part of the British dominions. The monthly earnings of Indian women of this class are too small to enable them to pay such a tax, and its incidence acts as a direct inducement to immorality and vice, whilst checking marriage and enterprise.

"The Congress, accordingly, desires us to request the Minister to make the necessary investigations regarding the matters referred to above, and to ask

"Not for Ourselves"

To the women who are not yet ready to take their stand by our side we say: We are sorry for you, but we shall fight for you. It is because you are weak that we are determined to be strong. We do not fight for ourselves. This is not a fight for material advantage, not even for better laws; it is a fight for liberty, for the freedom of our spirit. We in this militant movement have won that spiritual freedom; we have thrown off the bondage; we have won our way through the prison-door; we are on the top of the hill; we breathe the air of liberty. There is nothing else for us to win for ourselves. But we know that the great majority of women cannot pay the price we have paid. So we have to continue the fight and win the battle for them. We have got to have it proclaimed in Parliament that henceforth women are free, that they are to be dealt with as human beings; and therefore our appeal is to the strong and free to do battle for those of our sisters who cannot battle for themselves. As recruiting sergeant for this great women's army I rejoice to tell you that such a host of volunteers have sent their names as have made glad our hearts. When we think of the great forces on our side we can afford to look with contempt, even with pity, upon those who stand against us. Do they really think that the womanhood of this country in the twentieth century can be kept any longer in submission? Neither their false preaching can hold us back nor their use of physical force—the weakest of all things in all the world; none of these, nor any weapon that they can imagine can hold back this movement. We go on like a triumphant army, encouraged by the great example of those who have fought and won such battles before us. We go on, and already we see the victory right in front of us.—MISS PANKHURST, at the Albert Hall, London, before ten thousand people.

that an assurance concerning the speedy introduction of legislation on the subject may be given to the Indian community by the Minister."

In reply to this letter the Congress has now received the following communication from the Acting Secretary for the Interior, under date the 14th instant:—

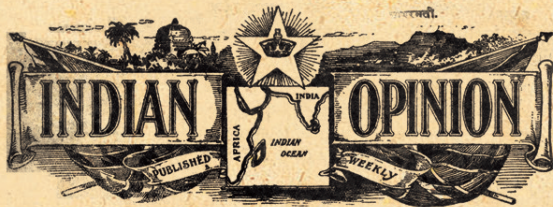
"With reference to your letter of the 19th ultimo, on the subject of the Indian women who were brought before the Magistrate at Newcastle and charged with having failed to pay arrears of the licences due by them under Act (Natal) 17 of 1895, as amended by Act (Natal) 19 of 1910, I am directed by the Minister of the Interior to state that he sees no reason for taking any immediate steps in the direction of altering the Natal law which so recently as last year was amended with the object of relieving Indian women from payment of the licence moneys upon grounds of ill-health, old age or for other just cause."

[NOTE: We refer to this subject in our editorial columns.—Ed. I.O.]

We understand that, in response to an appeal, Mr. H. C. Hull, the Minister of Finance, has issued a notice, instructing Magistrates not to press indigent Indians to pay the £3 annual licence, nor to sentence to imprisonment those who fail to pay the tax. We understand also that, when, next year, the poll-tax is removed from Europeans, it will be removed as well from natives, Indians, and coloured people.

We are now in possession of the judgments delivered by the Appellate Court in the Chotabhai case. We hope, in succeeding issues, to publish them.

Press Clipping from Indian Opinion reporting the effect of imposition of £3 Tax Law on Indian Women, 25 February 1911



No. 9—VOL. IX. SATURDAY, MARCH 4TH, 1911. Registered as a Newspaper Price Two Pence

IMMIGRANTS' RESTRICTION BILL

(1911)

662

Sn. 5209
L.n. 7

Re-printed from "The Union of South Africa Government Gazette Extraordinary," dated the 25th February, 1911.

Printed and Published by M. K. Gandhi, International Printing Press, Phoenix, Natal.

GOVERNMENT NOTICE No. 353 of 1911.

THE subjoined Bill, "To Consolidate and Amend the Laws in force in the various Provinces of the Union relating to Restrictions upon Immigration thereto, to provide for the Establishment of an Union Immigration Department and to regulate Immigration into the Union or any Province thereof," is hereby published for general information.

W. E. BOK,
Secretary to the Prime Minister.

Prime Minister's Office,
Cape Town, 24th February, 1911.

BILL

TO

Consolidate and Amend the Laws in force in the various Provinces of the Union relating to Restrictions upon Immigration thereto, to provide for the Establishment of an Union Immigration Department and to regulate Immigration into the Union or any Province thereof.

To be introduced by the MINISTER OF THE INTERIOR

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:—

Preliminary.

1 The laws mentioned in the First Schedule to this Act shall be and are hereby repealed to the extent set out in the fourth column of that Schedule, together with so much of any other law as may be repugnant to or inconsistent with the provisions of this Act.

2 In this Act, and in the regulations made thereunder, unless inconsistent with the context,—

"department" shall mean the Immigration Department established under this Act;

"immigration officer" shall mean the chief immigration officer or any other officer of the department, or any other person, whether an officer of the department or not, on whom powers have been conferred or to whom duties have been assigned by the Minister as to the carrying out of this Act or the regulations;

"magistrate" shall mean a chief magistrate or a resident or assistant resident magistrate;

"master" in relation to a ship, shall mean any person (other than a pilot) for the time being in charge or command of any ship;

"Minister" shall mean the Minister of the Interior, or any other Minister to whom the Governor-General may assign the administration of this Act;

"owner," in relation to a ship, shall, in addition to the actual owner, include the charterer of the ship, or any agent within the Union of the owner or charterer;

"police officer" shall mean any member of a police force established in the Union under the authority of a law;

"port" or "port of entry" shall mean—
(a) any place on the coast of the Union; or
(b) any railway station or place within the

Union at or near any border thereof, at which entry into the Union can be effected; "regulation" shall mean a regulation made and in force under this Act;

"ship" shall include any vessel or boat of any kind whatsoever used in navigation, whether propelled by sails, steam power, or other mechanical means, or by towing or oars or in any other manner whatever.

The Immigration Department

3 (1) The Governor-General may establish, and out of moneys voted by Parliament for the purpose, maintain a department to be known as the Immigration Department, which shall be under the control of the Minister.

(2) The function of the department shall be the performance of all work, whether within or outside the Union, necessary for or incidental to the prevention of the entrance of prohibited immigrants into the Union, or the entrance of persons into any Province wherein their residence is unlawful, or necessary for or incidental to their removal from the Union or any such Province. The department shall further carry out any other powers and duties specially conferred or imposed upon it by this Act or by regulation.

Cover Page along with the Immigrants Restriction Bill, 1911, 24 February 1911



S.N. 5210
L.N. "

1911

Immigration Bill

"Points affecting British Indian Communities"

Avowed object of measure stoppage of Indian competition in trade.

(See Smuts Speech recent motion 28th Feb.) Educational test of Law of 1906 (Cape), and Natal 1903, replaced by test which it may be impossible for any man alive to pass. Choice of language absolutely at discretion of Immigrant Officer. (According to Gregorowski's opinion, Verbruggen v. Union Government. C. T. R. 1910, 450. The Court cannot fetter the choice of language). Wives and minor children of domiciled Asiatics (and others) may therefore become prohibited immigrants. People domiciled here may be unable to obtain indispensable servants.

Wives and minor children of successful immigrants would apparently have to pass the language test as well as the latter. General Smuts assures Mr. Sandili that successful immigrants would be free to travel throughout the Union, and exempted from registration in the Transvaal. Sec 7 of the Bill does not appear to support that view. The General might be reminded that his good intentions are likely to be defeated, and that to avoid future trouble the whole position should be made quite clear.

POST OFFICE TELEGRAPHS,
TRANSVAAL.

T. 63.

No. of Message

Office Stamp.

756

A.

Prefix Code

Class

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Stamps to be affixed here and
Obliterated by clear impressions of

Office of Origin and Service Instructions.

Words.

Words Sent.

Office Date Stamp.

Charge.

At _____ M.

To _____

By _____

A Receipt for the Charges on this Telegram
can be obtained, price Twopence.

FROM

Please Write Distinctly.

TO

S. N. 5278
L. N. 76
Bias

Naidoo
Kimberley

Follow Mr. Rutch advice meeting
you should protest against Immigration
Bill regarding severity education test
uncertainty rights of domicile and
right of wives and children
discretionary power being given as
to issue of certificates domicile
authorise Mr. Rutch represent you
lose no time

11/3/11

M K Gandhi

Signature of Sender

Address

Waterlow & Sons Limited, Printers, London Wall, London.

N.B.—The Department is not liable for losses incurred through incorrect transmission, delay or non-delivery of Telegrams.

A Telegram from Gandhiji advising Mr.Naidoo to protest against
Immigration Bill, 11 March 1911

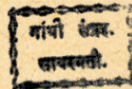
M. K. GANDHI.
Attorney.

21-24 Court Chambers,

CORNER RISSIK & ANDERSON STREETS.

TELEPHONE NO. 1634. P.O. Box 6522.
TELEGRAMS "GANDHI." A.B.C. CODE 5TH EDITION USED.

683



Johannesburg 2nd March, 1911.

Dear Mr. Gregorowski,

The enclosed Bill, of a copy of which I seem to be the only possessor, I must confess baffles me, the more so as I am suspicious of the intentions of General Smuts. I, therefore, do not trust myself to give a correct interpretation of it. May I, therefore, fall back upon you?

The following are my deductions:-

In as much as all laws to the extent that they are repugnant to the provisions of the Bill are to be repealed, an educated Asiatic passing the education test prescribed by an officer is a competent immigrant to the Transvaal, without the necessity of having to submit to the Registration Act No. 35 of 1906 (vid. Sections 1 and 4). It is not competent for the aggrieved party to have the decision of the officer imposing the education test brought in review before a Court of Law, no matter how ridiculously harsh the test imposed may be (vid. Section 4).

An Asiatic immigrant admitted under the education test will be a lawful immigrant even for the Orange Free State, in spite of its exclusive Asiatic Ordinance (vid. Section 1).

A Transvaal Asiatic will not be able to move to Natal or the Cape, because he will be excluded under Section 4 by means of a rigid education test, unless such Asiatic happened to have residential rights in either of those Provinces.

In virtue of Section 25 Sub-section 2, it seems that every Asiatic leaving South Africa or the respective Provinces in which he may be resident can be made a prohibited immigrant by the Minister declining to give him a certificate of domicile.

Will you kindly treat this letter as a Brief. I do not think I need send you the Immigration Statutes of Natal, because, being repealed, they have no bearing on the question.

Yours faithfully,

A letter from Gandhiji expressing his observation on the Immigration Bill, 2 March 1911

ਸ਼੍ਰੀ ਮੁਹੰਮਦ
ਕਾਸ਼ਾਲੀ

2 747

HONOURABLE THE SPEAKER
AND THE MEMBERS OF THE LEGISLATIVE ASSEMBLY
OF THE UNION OF SOUTH AFRICA,
CAPETOWN.

J.N. 5273
L.N. 71

The Petition of AHMED MAHOMED KASHALIA, in
his capacity as Chairman of the British Indian Associa-
tion of the Transvaal,

humbly sheweth that

The Members of the Association have read the Bill,
published in the Government Gazette Extraordinary
dated the 25th February, to consolidate and amend
the laws in force in the various Provinces of the
Union relating to restrictions upon immigration
thereto, to provide for the establishment of an
Union Immigration Department and to regulate immi-
gration into the Union or any Province thereof.

In conclusion, the Petitioning Association prays
that this Honourable House will take into consid-
eration the submission made herein, and amend the
Bill in the desired direction, or grant such other
relief as to this Honourable House may seem meet.
And for this Act of justice and mercy, your Petitioners shall, as in duty bound, for ever pray

Dated at Johannesburg, this 10th day of March, 1911.

CHAIRMAN, BRITISH INDIAN ASSOCIATION.

Excerpts from a petition by Chairman of the British Indian
Association of Transvaal on Immigration Bill, 10 March 1911

The Union of South Africa,

787

Department of the Interior,

Cape Town, Cape of Good Hope,

गांधी जींचे
सावरसती.

16th March, 1911.

Dear Mr. Gandhi,

S.N. 5300
L.N. 98

With reference to my telegram of the 4th instant, it was not meant to convey to you the idea that Chapter XXXIII of the Orange Free State Laws would be cancelled. No provision was made for this in the Schedule and it was never the intention of the Government to repeal the Chapter.

An amendment will be moved which will, in effect, exempt the educated Indian immigrant from registration under the Transvaal Act No. 36 of 1908. They will thus have full power to reside and to travel in Cape Colony, Natal and the Transvaal, but will not be able to reside in the Orange Free State without complying with the provisions of the local law.

With regard to the second point you raised, I regret to say that the difficulty is not appreciated by the department, and perhaps you will be good enough to give a more detailed expression of your views, when the matter will be again considered.

Believe me,

Yours sincerely,

Ernest F. C. Lane

private secretary.

M. K. Gandhi Esq.,
Johannesburg.

A letter from Mr. Lane to Gandhiji informing that an amendment to the Bill will be moved which will exempt the educated Indian immigrant from registration under the Transvaal Act no. 36 of 1908, 16 March 1911

- 2 -

NOTES.

EMIGRATION—A, APRIL 1911.

Nos. 8—9.

POSITION OF INDIANS IN THE TRANSVAAL.
REGISTRATION OF ASIATIC MINORS.

I file No. 16.

Pro. No. 8. FROM HIS MAJESTY'S SECRETARY OF STATE FOR INDIA, NO. 42 (PUBLIC), DATED 3RD MARCH 1911. Serial No. 2.

Forwards a copy of correspondence on the position of British Indian subjects in the Transvaal.

The despatch and its enclosures relate to the following matters:—

- (1) *Registration of Asiatic minors.*—With regard to this, please see last paragraph of Mr. Botha's Minute* of 25th November 1910. We have already been

*Pages 3 and 4.
informed in Secretary of State's telegram of 3rd instant that the Union Appeal Court at Bloemfontein has decided in favour of the Asiatic contention that the minor child of an Asiatic lawfully resident in the Transvaal, although born outside the colony and not actually present there at the time of the coming into force of Act 36 of 1908, is entitled to registration under that Act.

The latest telegram from the Secretary of State, which is being considered in a separate file, mentions further action being taken by the South African Government as regards Asiatic minors.

A. C. McW.,—4-4-1911.

- (2) *Alleged misrepresentations by the Transvaal Government.*—Mr. Gandhi has criticized certain statements made by the Union Ministers in their Minutes No. 123, dated 29th June 1910 and No. 258, dated 25th July 1910.

Pages 13 to 15.

The following statements are denied by him:—

Page 13.

- (a) that the so-called Indian passive resisters are not differentiated against in the Transvaal prisons;
(b) that every opportunity was offered to the deportees sent to India of proving domicile or South African birth.

With regard to these denials we may await the reply of the Union Government which has been asked for.

Page 27.

But Mr. Gandhi also claims to have shown the Transvaal Government to have been in the wrong in so far as persons possessed of educational qualifications and thus eligible for admission to the other South African Colonies and also persons known to the Magistrate as having been registered were deported to India.

The arguments advanced by Mr. Gandhi are not convincing. In particular, it may be mentioned that his distinction between "deportation sections" and "sections for non-production of registration certificates" is not understood.† Nor does it exactly appear what he means by saying that the deportees were at first tried judicially and imprisoned but were subsequently tried administratively and ordered to be deported. Probably what is meant is that formerly they were tried under the Restriction Act and then under the Registration Act, sections 7, 8 and 9 of which confer administrative powers on the Police and the Magistrate.

Mr. Ritch's letter‡ of 4th January 1911, as regards Latchman Moorgan and others does not prove either, as he claims that there were "important inaccuracies in the representations made to the Secretary of State by Ministers of the Union" in their Minute No. 258, dated 25th July 1910.

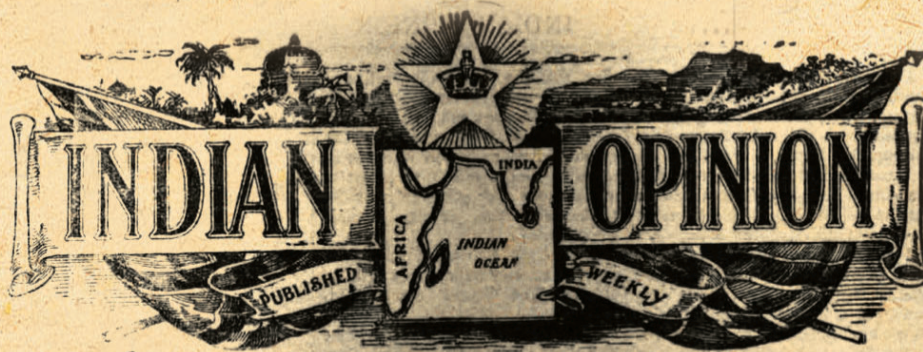
†Page 15.

- (3) *Death of deportee Naryansamy on board S.S. Gertrud Woerman.*—The death seems to have been partly due to neglect on the part of the doctor on board. (Please see Mr. Ritch's letter of 28th December 1910.) The report

Page 23.

of the Colonial Government asked as to this may be awaited.

**Excerpts from the Notes of the Commerce and Industry Department
on position of Indians in Transvaal regarding registration of
Asiatics Minors, 3 March 1911**



No. 17—VOL. IX

SATURDAY, APRIL 29TH, 1911.

Registered as a Newspaper
PRICE THREEPENCE

THE END OF THE STRUGGLE IN SIGHT

NEGOTIATIONS BETWEEN GENERAL SMUTS AND MR. GANDHI

As announced by General Smuts in Parliament, on Wednesday, the Immigrants' Restriction Bill is withdrawn and the question of a new Bill is held over until next session. The following correspondence, however, gives an idea of the negotiations which have been going on between the Secretary to the Minister of the Interior and Mr. Gandhi and which, it is hoped, will lead to an early conclusion of the passive resistance campaign.

On the 20th instant, Mr. Gandhi addressed the following letter to General Smuts's private secretary:—

Dear Mr. Lane,—I wired yesterday the gist of the conversation with General Smuts to the Congress at Durban and the Association at Johannesburg.

The following wire has been received from the Congress:—"Congress disapprove stopping agitation Transvaal trouble. Should be settled this session. According Government promise matter should be completed before Coronation, even if prolongation session necessary."

The Association wires as follows:—"Your wire 19th. Committee resolved continue agitation unless law altered this session and to cable England and India immediately."

I have been discussing the matter with the Cape Indian leaders too. They unhesitatingly state that suspension of the agitation in the manner suggested by General Smuts is impossible.

As I have now gathered from the General that he has definitely decided to drop the general Bill for the present session and that he will not adopt the alternative solution suggested by me, I have dissuaded any public announcement or the sending of cablegrams to India and England.

I still hope that, if the Free State members cannot be conciliated, the alternative solution which, in my opinion, can offer no difficulty, will be acted upon during this session. In

any case, may I know General Smuts's definite decision as soon as possible?

On the 21st instant Mr. Lane wrote as follows:—

Dear Mr. Gandhi,—I am in receipt of your letters of the 19th and 20th April, in regard to the draft Immigration Bill, and have submitted them both to the Minister.

General Smuts has asked me to say to you that he regrets that, in view of the probable prorogation of Parliament early next week, it will not be possible for the Government to proceed with Immigration legislation in any form this session.

The Government are keenly desirous of arriving at a solution of this vexed question and in the recess they will go into the matter again and see what can be done to secure a settlement.

In the meantime, General Smuts feels that the passive resistance movement, which has caused and still continues to cause considerable suffering, might now well be brought to a close. Its continuance only tends unnecessarily to complicate the situation, and when the Government are endeavouring to fix a satisfactory solution of the question of Indian immigration the Indian community should not embarrass matters by maintaining their campaign.

General Smuts notes that Mrs. Sodha's appeal comes up at Bloemfontein on Saturday next, and requests me to say that your representations on her behalf are receiving his favourable consideration.

On the 22nd instant, Mr. Gandhi wrote as follows:—

Dear Mr. Lane,—I beg to acknowledge your letter of the 21st instant.

I regret that General Smuts finds it impossible to settle the Transvaal Asiatic trouble during this session. I am, however, grateful for the statement

contained in your letter that the matter will engage General Smuts's attention during the recess with a view to bringing about a settlement during the next session.

I share General Smuts's anxiety that passive resistance may now be brought to a close. May I then suggest the following for his consideration so that the suspicion that is sure to be roused among my countrymen, owing to a postponement of the solution, may be allayed?

An assurance should be given that

(a) legislation will be passed next session repealing Act 2 of 1907 subject to the reservation of the rights of minor children in terms of the Chhotabhai judgment and restoring legal equality as to the immigration of Asiatics into the Transvaal and maintaining existing rights. If the racial bar in the present Immigration Act of the Transvaal is removed by a general bill, such bill should naturally be free from a racial bar throughout the Union.

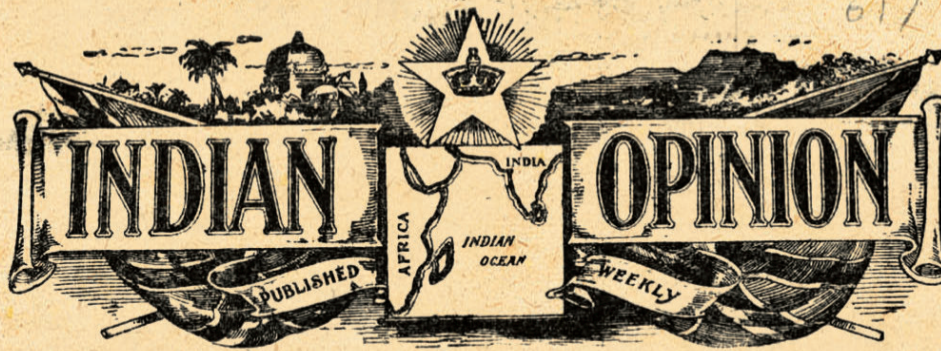
(b) passive resisters who but for their resistance would have been entitled to registration should now be so entitled notwithstanding anything to the contrary in Act 36 of 1908.

(c) educated passive resisters who are now in the Transvaal but who are not registerable under the Asiatic Act should be allowed to remain in the Transvaal as educated immigrants in anticipation of the forthcoming legislation, their number not to exceed six. They may have special certificates in order to enable them to move to and fro without hindrance.

If the above assurance be given I do not anticipate any difficulty in persuading my countrymen to suspend passive resistance.

I trust General Smuts will recognise that in asking for the above assurance, I am simply requesting ratification of what he has so often publicly stated.

Press Clipping from Indian Opinion reporting on the negotiations between General Smuts and Gandhiji, 29 April 1911



No. 19— IX

SATURDAY, MAY 13TH, 1911.

Registered as a Newspaper
PRICE THREEPENCE

THE PRESENT POSITION

TRANSVAAL INDIANS' PETITION TO THE IMPERIAL GOVERNMENT

THE following petition to the Right Honourable, the Secretary of State for the Colonies, has been forwarded to London:—

The Petition of A. M. Cachalia, Chairman of the British Indian Association,

HUMBLY SHEWETH THAT:

The painful struggle over the legal status of Asiatics, that has gone on in the Transvaal for the last four years, now gives promise of a happy ending. In view, however, of the approaching meeting of the Imperial Conference, the British Indian Association ventures to draw the attention of His Majesty's Government to the present actual position of British Indians residing in the Transvaal.

The struggle arising out of the passing of the Asiatic Registration Act (No. 2 of 1907) has caused such intense suffering among the Asiatic communities residing in the Transvaal, and has so much occupied the attention of both Asiatics and Europeans, that it has not been possible for the Association to devote much energy to securing a redress of the disabilities which were in existence at the commencement of the struggle and of others which have since been imposed, but to which passive resistance did not extend.

The Present Position in regard to the Registration and Immigration Laws

In terms of a letter addressed by the Private Secretary of General Smuts to Mr. Gandhi, and dated the 22nd April, the proposals in which were submitted to a meeting of British Indians on the 27th April, and accepted by a Resolution carried with but six dissentients,

(a) Law 2 of 1907 is to be repealed during the forthcoming Session of the Parliament of South Africa, subject to the reservation of the rights of minor children in

terms of what is known as the Chotabhai judgment;

(b) legal equality in respect of immigration of Asiatic immigrants with European immigrants will be restored, subject, however, to differential administrative treatment as distinguished from statutory differentiation;

(c) in the legislation to be passed, the existing rights of British Indians will be maintained, that is, if it is Provincial legislation, the existing rights of Asiatics in the Transvaal shall not be interfered with, if it is legislation applicable to all the Provinces, the existing rights in the Provinces as well as in the Transvaal shall be preserved;

(d) if the legislation should be provincial, not more than six highly educated Asiatics will be allowed in any one year to pass the education test and be admitted as immigrants to the Transvaal;

(e) passive resisters who, but for passive resistance, would have been entitled to registration, if they had applied within the proper time, will be now allowed to register;

(f) educated passive resisters not registerable under the Registration Act will be allowed to remain in the Transvaal in anticipation of the forthcoming legislation, and will be deemed to be Asiatic immigrants for the current year;

(g) passive resisters who are suffering imprisonment as such will be recommended to His Excellency the Governor-General for discharge, upon an assurance being given that the community will suspend passive resistance for the time being.

My Association takes this opportunity of tendering its thanks to the Union Government for the obviously conciliatory and generous manner in which they have met it, and also to His Majesty's Government for their friendly and effective intervention to

bring to a happy ending the unfortunate situation.

But the suspension of passive resistance now agreed upon does not mean that the British Indian community in the Transvaal has obtained redress of all its most serious grievances. The British Indian Association, therefore, craves leave to mention the most prominent of these that the community is still labouring under.

Law 3 of 1885

which was the subject-matter of correspondence, up to the time of the outbreak of hostilities, between His Majesty's Government and the late South African Republic still remains on the Statute-Book of the Union, save for the removal of the £3 fee for the registration of those Asiatics who settled in the Transvaal for the purposes of trade; and it excludes British Indians and other Asiatics from

(a) Burgher's rights,

(b) ownership of landed property except in bazaars and locations,

(c) residence in towns, except in bazaars or locations set apart for their residence.

Owing to the unfortunate prejudice against Asiatics prevalent in South Africa, the Association regards as outside practical politics any demand at present for burgher's rights, i.e., rights for the political franchise.

The deprivation, however, of the right to own landed property except in bazaars or locations is a very serious disability, and it naturally interferes with the progress of the community, and strange as it may appear, the absence of building enterprise on the part of the community owing to this disability is used as an argument against the community, and so fosters prejudice. Though residence of Asiatics is restricted under this law to locations or bazaars, there being no penalty prescribed for non-residence therein.

Excerpt from the Indian Opinion reporting on the petition submitted by Chairman of the British Indian Association on the position of Indians in Transvaal, 13 May 1911

B Exp. July 12 - no. 6

-16-

File No. 16/1511

11. Bolaram Ghose St.

Calcutta.

January 2, 1912.

Urgent

To the Secretary to the Government of India
in the Department of Commerce and Industry,
Calcutta.

Sir,

In pursuance of my conversation yesterday with the Honourable Mr. Clark, I have the honour to place the following facts before the Government of India.

Having been deputed to represent to Government the grievances under which the Indians of South Africa still labour, I have received the following telegraphic message from the Transvaal British Indian Association and the Hameedia Islamic Society :-

+ N/16

"Vrededorp Indians under notice remove eighteenth February virtue Vrededorp Ordinance; if enforced thousands pounds worth stock valueless, book-debts lost. All old standing merchants."

Please see A
March/12-3 - N

The circumstances in which the Vrededorp Ordinance (1906) was passed, and sanctioned by His Majesty's Government, against the strong protests of the Transvaal Indians and of the South Africa British Indian Committee in England, are narrated in Blue Book [Cd. 3308], at pages 15 (No. 13), 28-30 (No. 22 and Encls.), 49-56 (No. 33 + Encls., + No. 34) and 60-61 (No. 46).

The above Ordinance was repealed by the Vrededorp Oaths Act (1907), in the circumstances set forth in Blue Book [Cd. 3887], at pages 46-52 (No. 24 + Encls.), & 82 (No. 66).

I have therefore to most respectfully that the Government of India will do whatever lies in their power to protect the Indian resident in their towns, & prevent their removal; or, if that be impossible, to secure for them ample compensation for the irreparable loss that these men, without any other resources, are bound to sustain.

I have the honour to be,

Sir,

Your obedient servant,

H.S.L.

An excerpt from the letter from H.S.L. Polak stating about the grievances received from the Transvaal British Indian Association and Hameedia Islamia Society, 12 January 1912

-6-

14 Boloram Shree St.
Chamberger,
Calcutta

January 8, 1912.

File No. 1
S.No. 1



The Secretary to the Government of India
in the Department of Commerce & Industries,
Calcutta.

Sir,
I have the honour to request the serious attention of the Government of India to one of the most strongly felt of the grievances of the South African Indian community, namely, the £3 annual licence imposed upon those Indians, male and female, whose terms of indenture have expired, since the year 1901, and who do not elect to return to India or to re-indenture, and upon their children of a certain age.

In 1895, and after the system of indentured Indian immigration has been in vogue for a number of years

an outcry arose, on the part of the European colonists of Natal, against the large increase in the free Indian population. An attempt was made to induce the Government of India to consent to the termination of indentures in India, involving compulsory repatriation. For a variety of reasons, the Government of India declined to assent to this proposition, but they accepted a proposal to pass a measure imposing an annual tax upon such Indians as, upon the expiry

I accordingly venture respectfully to impress upon the Government of India the immediate need to urge the Union Ministry to reconsider their decision and repeal this most burdensome impost, in the interests alike of public morality and Imperial obligation.

I have the honour to be, Sir,
Your obedient servant,
H.S.L. Polak

A letter from H.S.L. Polak inviting attention of the Government of India on the grievances of South Africa Indian Community with regard to the £ 3 annual licence, 8 January 1912



No. 9—VOL. X.

SATURDAY, MARCH 2ND, 1912.

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

FIFTY MEN GO TO GAOL

PASSIVE RESISTANCE BY INDENTURED INDIAN LABOURERS

ON Sunday, the 18th ultimo, a number of indentured Indians on Mr. Balcomb's estate at Kearsney, near Stanger, were asked to clean the barracks and the land about it.

One of the men refused to do such work on Sunday. He and the sirdar exchanged some words. For this so-called insolence on the part of an indentured coolie, he was arrested. The other men then refused to work unless their comrade was released.

The leader was handed over to the police to set an example to the others. All, numbering 52 men with their women and children, followed to lay their complaints before the Magistrate against working on Sunday, thinking in their old Indian way that an Officer of Justice would rectify all hardships suffered by them through the harshness of their superiors. But they found that the law of the land protects the strong and wealthy against the weak and poor.

The Magistrate at Stanger found all the men guilty of leaving work "in a body" without permission, and inflicted upon each of them a fine of One Pound (more than a month's wages) or one month's imprisonment with hard labour. The men went to gaol. The women were asked to return home. They all went weeping to Mr. Balcomb, and asked him to release their husbands.

After one day in gaol, Mr. Balcomb, it seems, paid the fines and the men were released. Without their husbands these poor women were helpless and unprotected. What they now fear is that, at the end of the month, they will be without food for themselves and their children if, as they have reason to fear, their husbands' wages will be forfeited to pay the fines.

On inquiry it was stated that the employer was willing that representative men amongst the Indians should proceed to Stanger to lay their com-

plaint, but the men felt so indignant that they would not listen to such a proposal, and so went "in a body," which the law says they must not do.

It was also stated that there was a condition of the contract of service which states that the immigrant was bound to work two hours on Sundays.

The Magistrate refused to show the record of the prosecution, and so we have to rely on information from un-official sources, which, however, we believe to be thoroughly reliable.

[We refer to the above in our leading columns.—Ed. I.O.]

A Verulam Employer Cautioned

On Tuesday (writes our Verulam correspondent) a remarkable occurrence took place before the Court in which about 70 indentured Indians and their employer were concerned. On that day the men and women employed by Mr. William Starr, near Verulam, did not attend the roll-call and refused to work. Their complaint was that their wages for the last two months had not been paid, their rations had not been fully given, and they, both men and women, were compelled to work until late at night. When they asked their employer for permission to go to the Magistrate and lay their complaint, they were refused. So they decided to go without permission. They appointed two men as leaders, but the whole of the people followed them, saying: "If our leaders are sent to gaol, we shall not leave the Court until we, also, are sent to gaol." In the meantime Mr. Starr had reported the matter to the Magistrate who sent a policeman to investigate. Before he reached the place, however, he met the Indians coming to the Court.

On their arrival in the village, the Indian Committee took up the matter

and engaged Mr. Dickinson to defend them.

The Magistrate, after hearing the complaints, cautioned Mr. Starr, and made an order that the wages of the Indians be paid at once and full rations given. He also ordered that no task-work be imposed upon them. To the Indians the Magistrate said: "You are all to work on the farm for nine hours a day, and if you have any complaints to make, you should appoint one of your number to come to me."

The charge against the Indians was withdrawn and they were allowed to go free, having thus gained their point by passive resistance.

Prosecutions at Durban

In the Durban Court on the 13th ultimo Raajan, an Indian, was charged with desertion. He stated in the dock that he would prefer to serve five years in prison rather than go back to his employer. Sentence: Thirty days.

On the 17th instant, Jadubansi, an Indian woman, was charged with desertion from service and refusing to return, and admitted five previous convictions, and refused to go back. Thirty days.

Mommout and M. Ramsamy pleaded guilty to desertion, and admitted previous convictions. First accused said he was determined not to go back to his employer, and was sentenced to five days' hard labour. The second accused said he would go back, and was discharged.—*Natal Advertiser*.

Press Clipping of the Indian Opinion reporting about the arrest of passive resisters, 2 March 1912