



MAHATMA GANDHI

Volume IV

SATYAGRAHA AT WORK

By

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MAHATMA GANDHI-SATYAGRAHA AT WORK

Satyagraha as conceived by me is a science in the making.

M. K. Gandhi



Dedicated to
the memory of my saintly brother
PYARELALJI
who was to me
a Father Figure, a Friend and a Teacher



FOREWORD

It is a matter of deep satisfaction to me that I should write the Foreword to the book *Satyagraha at Work* which has been prepared by Dr Sushila Nayar. The volume takes forward the narration of Mahatma Gandhi's historic saga, begun by Dr Sushila Nayar's distinguished brother, the late Sri Pyarelal.

Pyarelalji joined Gandhiji's secretarial staff at the tender age of nineteen. The Mahatma's Secretariat was already headed by the incomparable Mahadev Desai. Gandhiji and Mahadev Desai saw in Pyarelalji a rare combination of devotion and calibre. Needs and resources attract each other like a magnet. Mahadev Desai required someone to share his work, someone who was earnest, able and capable of selfless service. A student of English literature, possessed of a fine turn of phrase and an unerring grammar, Pyarelalji impressed Gandhiji who was himself a perfectionist with words. Pyarelalji's ability to identify himself with the task at hand was so remarkable that very soon everyone came to know of this fresh young recruit who, sitting ramrod straight, took down in speedhand every significant conversation of Gandhiji's, typed and indexed it. He was also, like Mahadev Desai, an unflagging diarist, leaving out no detail that pertained to Gandhiji, be it ever so minor. Accompanying Gandhiji and Mahadevbhai to the Second Round Table Conference in London in 1931 and in their internal tours, Pyarelalji became inseparable from Gandhi and, in course of time, with Gandhiana.

Hundreds of books have been written on Gandhiji and doubtless many more will be written. Some of these are factual, some interpretative. But while valuable insights have and may continue to come from other pens, there will be one and only one definite biography of Gandhiji and that will be Pyarelal's, now being completed by his sister, Dr Sushila Nayar. This work, being based



on original documentation and total fidelity to fact, can only be ranked to the direct accounts of the Saints: John, Matthew, Mark and Luke whose records of the Life of Jesus comprising the New Testament can never be dislodged by any other. Posterity owes a deep debt to Pyarelal and to Sushila Nayar for having documented a Life and a Revolution. Because this work was so personalized and so thorough it necessarily had to be time-consuming.

Pyarelalji published two volumes covering the Last Phase and two volumes covering the Early Phase. He had begun his labours with the Last Phase which was fresh in his own experience and then turned to the very early years, because those needed consultation with Gandhiji's early associates whose health and memory were failing them. The formation and the culmination of the Gandhian epoch thus came to be covered. It was Pyarelalji's idea that he would bridge the intervening gap; but that was not to be.

When Pyarelalji passed away in 1982 suddenly, he had left in near-complete shape the fifth volume dealing with a crucial and determining period of Gandhiji's life; the years when in South Africa a historic revolution was taking birth. This was when he set up his first paper *Indian Opinion*, instituted his first ashram and launched his first satyagraha campaign and forged the instruments of non-violent battle as well as his spiritual strength. This enabled him to see how effective Indians could be if only they sunk religious or linguistic barriers and worked together. Let us not forget that it was a Moslem-Dada Abdullah-who sent him to South Africa; a Parsi-Rustomji-who was his loyal supporter in South Africa; a Jew-Kallenbach-who ran the Tolstoy Farm for him and a Christian priest-Rev Joseph Doke-who wrote the first book on him entitled *An Indian Patriot in South Africa*.



By collecting, even after his Master's death, more and yet more data, Pyarelal created a rich mural, which is made up of deep-minded and well-polished minerals of research. And by continuing that work, Dr Sushila Nayar has continued the sacrament.

Dr Sushila Nayar imbibed from her brother the qualities of diligent application to detail in her gathering of materials for this book.

She has studied original sources and delved deep into published material of that period collected by Pyarelalji. Her pen-sketches of Gandhiji's colleagues in South Africa are life-like and have the ring of truth. Gandhiji's many-sided activities within South Africa, his interaction with different denominations, European and the authorities come vividly to life in this book.

Pyarelalji and Dr Sushila have done a colossal amount of research for re-creating this chapter of history.

Given the difficulties imposed by the Pretoria regime, the task was by no means simple. But through correspondence, Pyarelalji collected a body of material as imposing in its volume as it is impeccable in its authenticity. What is more, it re-creates the atmosphere of the times.

In many ways, Gandhiji's work for the Indians in South Africa presaged the work that is now being done and needs to be done, for the masses of South Africa. I cannot but recall on this occasion the resounding words of Mahatma Gandhi, uttered almost seventy years ago at a meeting in the Transvaal:

It is not at all impossible that we may have to endure every hardship that we can imagine, and wisdom lies in pleading ourselves on the understanding that we shall have to suffer all that and worse. If someone asks me when and how the struggle may end, I may say



that if the entire community manfully stands the test, the end will be near. If many of us fall back under storm and stress, the struggle will be prolonged. But I can boldly declare, and with certainty, that so long as there is even a handful of men true to their pledge, there can only be one end of the struggle, and that is victory.

The struggle which Gandhiji launched in South Africa was, of course, waged for the Indians there. But it is clear that the principle underlying it was universal. And that principle is : the Dignity of Man.

In documenting the period 1906-1914 spent by Gandhiji in South Africa Dr Sushila Nayar has immeasurably helped our understanding of that determining phase which continues to be of intensifying relevance to our times.

New Delhi August 9, 1989

R. Venkataraman

President, Republic of India



PREFACE

Three volumes of the authentic biography of Gandhi are already in the hands of the readers. After the sudden passing away of Pyarelalji, the great work he had begun has been continued by his own dear sister Dr Sushila Nayar. Fraternal love for the devoted biographer of Gandhi and much more, her own close association with Bapu urged her to continue the work so well-begun.

In her introduction to the third volume, Dr Sushilabehn has taken the readers into confidence and told them how two devoted Gandhian scholars have closely collaborated and made it possible for her to maintain the authenticity and quality of the great biography.

This Volume is titled as “Satyagraha at Work”. In fact it is a continuation of the Saga of Satyagraha already begun in the earlier volume. Saga it is, a story of the adventure of the awakened human soul, inspired by the Spirit within. It was a fight against gross injustice entrenched in power, without using violence of any kind; it was relying on the inner resources, moral and spiritual. The will to suffer willingly and even joyfully in a Satyagraha struggle, is the gift of ‘Faith in the triumph of Truth’ pursued through Ahimsa (non-violence) without even so much as illwill against the opponents or aggressors. There is no doubt that Satyagraha is a superior and more civilised weapon as against brute force. Gandhi called Satyagraha the path for heroes. *Aa Veerono marg chhe!* (in Gujarati)

The satyagrahi, who wages a war (a war it is) against the evil-doers, does not seek the death or destruction of the opponents but the destruction of the evil and the realisation of it by the opponents-Gandhi always made a



distinction between the evil and the evil-doers. His aim was to reform the evil-doer by making him realise the evil and shed it for ever.

It is commonly believed that Humanity is in evolution. The present phase of transition is named Homo Sapiens (man the wise). It began about 60,000 years ago according to Anthropologists. Inequalities of all kinds and at all levels, as well as exploitation of various types persist. As a result conflicts too of different kinds do continue. Therefore, Conflict-Resolution has been the immediate need, an urgent but defiant problem for the whole of the human race.

It is said, humanity while “in the raw” might have begun “tooth for a tooth and a nail for a nail” in all conflicts of individuals or groups. In the course of an evolutionary experience some Saint said, “Thou shalt love thy neighbour as thyself”. Gandhi as a step forward could be imagined to have called upon people “to love neighbours and all others more than themselves”, so that they would at least begin to love them!

Gandhi too believed in evolution. He has gone on record as having said, man has decoded the atom and released unlimited energy; one day he is sure to be able to control his own energies and convert his fear and hatred for others into love and concern for all.

The struggle in South Africa was not of Gandhi's seeking nor of the British Indians and other settlers. It was the racial pride and naked selfishness of Whites to reserve the land and resources there for their future generations and that too, out of the imaginary superiority of their own civilization.

Gandhi had already a bitter taste of their vaunted pride. While he was travelling by rail in South Africa he was thrown out of his legitimate seat in a



train at night. In sheer helplessness, Gandhi had to shiver all night on the platform at Maritzburg.

One well-known writer on Gandhi has said, “over-night Gandhi was baptised as it were, as a Dwija.” He had a second birth according to the Hindu tradition! He was transformed from a common human being in flesh and blood into a spiritual being. That was perhaps the seed of his future power and inner strength. Since then he decided to fight the evil, which he himself suffered that night as against man by man. He called the method of fighting, which he evolved to its full strength, Satyagraha. That was the name given to it by Gandhi himself. His innovative genius could thus add a new compound-word with Satya, namely Satyagraha, to the most ancient literary language Sanskrit.

The two volumes, this and the previous one, have given the minutest details of the struggle which Gandhi conducted in South Africa. I need not repeat the same here. But at the same time it is necessary for everyone who wishes to see and study Humanity's struggle for progress and to live in peace and harmony. One must study how meticulously Gandhi conducted the Satyagraha in South Africa. It was an armless struggle against racial pride drunk with power, blinded by political authority and all that for selfish gain. Such a study will certainly help understand Gandhi's later fight conducted on a continental scale against the mightiest Empire ever.

I would here quote a small but significant incident regarding Gandhi's own estimate and confidence about the struggle he was conducting in India on the basis of Satyagraha. Along with some friends from Karnataka I happened to be in Bombay in January 1932. We met Gandhi in a group meeting. We made bold to ask Gandhi if there was a single example in history of



people winning their freedom by ‘non-violent’ means. Gandhi who was in our midst looked at us in the face and shot back, “We are writing new history!” It may be noted, this was in 1932, fifteen years before our Constituent Assembly met at mid night in Delhi and Jawaharlal declared, saying, “We had a tryst with destiny and we are today a free Nation”. So, here was a Nation great and ancient which had freed itself by Satyagraha, the weapon which Gandhi invented and had used earlier in the racial conflict in South Africa.

In this Preface, I thought it may be interesting to note how other than Indians have thought about Gandhi and Satyagraha. In South Africa, men of religion raised their voice in favour of Indians. On 12 January 1908, while addressing the congregation at the Central Baptist Church in Johannesburg, Rev Joseph J. Doke (earliest biographer of Gandhi) said:

You do not need to go back three or four hundred years to see a heroic struggle for Conscience’s sake; I believe you have it here today. But the marvel of it all is that a little handful of Indians and Chinese should have so imbibed the teachings of Christ in regard to the ‘inherent nobility of man’ that they should become teachers of a mercenary age, while Christians stand by and smile or are silent as they suffer!

It is well-known that Reverend Haynes Holmes of United States of America, even before Gandhi was famous all over the world, hailed him as ‘Prophet of the Twentieth Century’. He wrote about it as well as sermonised at the pulpit.



Einstein, the greatest of modern scientists, after reading Tendulkar's Mahatma in Eight volumes said "scarcely will people believe that such a man walked the earth in flesh and blood."

Tolstoy welcomed Gandhi's Satyagraha in Transvaal and wrote to him, "what you are doing in Transvaal is not only good for the settlers there but for the whole of humanity." Tolstoy was held in high esteem by Gandhi himself, he looked upon him as a godly person who believed in ways of non-violence and love. He was a big land lord but he treated his farmers and all others with equal respect on the basis of his philosophy. Therefore the tribute by Tolstoy was far more important than that of others, but he had never dreamt that non-violent action could be a weapon to fight against all evil and injustice.

Toynbee the great Historian as well as one who wrote about the philosophy of History chose to pay tribute to Gandhi as one imbued with spirituality. He wrote saying, Gandhi though one of the greatest activists, who was all the time serving humanity, never allowed his spiritual discipline to suffer. "Gandhi entered politics which is the slurrriest of human affairs and yet he came out uncontaminated." Albert Schweitzer the protagonist of "Reverence for Life" has deprecated Indian Philosophy as the most other-worldly. But in contrast to this opinion, while speaking about Gandhi he says, "by a magnificent paradox, Gandhi brings the idea of activity and the idea of world and life-negation into relationship in such a way that he can regard 'activity' in the world as the highest form of the renunciation of the world."

Incessant search after truth through Ahimsa alone and determination to establish it in human affairs by non-violence, namely Satyagraha, and self-



suffering without illwill, even against the opponent is affirmation of the highest order. Who can daresay this is world negation!

There are many more important things about Gandhi which are like guidelines to humanity. These two volumes on Satyagraha are the most useful and important. In fact Satyagraha and Gandhi can be said to be almost synonymous; and yet we may have to concede that Gandhi, as the inventor of this moral equivalent to war, was greater than Satyagraha!

It was Prof. William James of America who said that the method of fighting against all injustice and evil promoted by Gandhi is the moral equivalent to war. It was Gandhi's unique personality which was behind the fashioning of this new kind of weapon which could be used by all oppressed and suppressed people and those suffering from injustice. Gandhi can be described as one, who was one degree higher than Satyagraha. This can be described by a famous Sanskrit half-sentence "*Atya Tishtath Dasangulam.*"

Gandhi is greater than the doctrine of Satyagraha anyway. Today even UNO is using in international affairs Non-cooperation (a step in Satyagraha) with Apartheid, an unmixed evil. Gandhi as the scientist-inventor of Satyagraha has invited humanity to explore further its potentiality.

Gandhi's greatest concern is to find the path for humans to live together in peace and harmony. On the day the bomb burst on Hiroshima, Gandhi exclaimed, 'now Ahimsa (non-violence) alone can save humanity'.

Gandhi believed in selfless dedicated action (*anasakta*). 'My field is action' he said, and added 'an ounce of action is worth a ton of theory'. Life is action. An English author has said, 'Life is the infinite conjugation of the verb to do.'



Gandhi, the eternal optimist, said:

In the midst of darkness light persists;

In the midst of death life persists;

In the midst of hatred Love persists.

All that I have written so far is but an introduction. I must now conclude with a *Bharat-Vakya* as it is called in Sanskrit.

There is no end to Gandhiana pouring out of the World press, I mean the literature on Gandhi. There is very little, however, on his personality as a Mystic, a Yogi, as a Man of God, as a spiritual and moral being and as a Man of Selfless Action par excellence, trying to reduce himself to zero. Ninety biggish volumes of Gandhi's own writings are already there. The learned editor of those tomes told me, five more are expected. I said, you may have to add still more five to make it a century!

In the present series of the authentic biography of Gandhi begun by Pyarelalji and now continued by Pyarelal Trust, the third and fourth volumes are crucial. They could be named, the real history of the "Birth and Coming of Age of Satyagraha". The sowing of its seed, its nascent sprouting and its successful use by a random mass of oppressed and suffering Indians in a foreign land ruled by heartless Whites, blinded by racial pride and unscrupulous in the use of violence are all here. Along with it is the emergence of the sponsor, inspirer, and the unerring guide of Satyagraha, Gandhi. He was slowly but surely rising to eminence leading the helpless to victory through Ahimsa and self-suffering of almost super human dimensions on the strength of their own Soul-force.



This story of Satyagraha has to be specially studied by those interested in the social dynamics aspect of it. It was neither by chance nor as a fluke that Gandhi stumbled on a new way of conflict-resolution. His life was an Experiment with Truth. This whole story of his work in South Africa reveals the Social Scientist in him as well as the Social Technocrat who went about raising human social living to a higher level of moral dignity. The last three chapters are specially worthy of study. They sometimes seem to be fiction. But here one sees facts stranger than fiction. They reveal higher levels of the human psyche which can conquer the worst forms of violence of man against man, and thus prove that 'in spite of hatred Love can persist' and change an enemy into a friend!

Like Mercy, does Satyagraha blesseth him that gives and him that takes!
Be it so!!

R. R. Diwakar



INTRODUCTION

1

The years that Gandhiji spent in South Africa were the most formative period of his life. Gandhiji had come to South Africa in 1893 as a young man of 24, who had returned from England in 1891 after getting his degree of Barrister of Law (Bar-at-Law) from the Inner Temple. He had not been able to adjust himself to the conditions of life in his home-state in Kathiawar nor make a success of his practice of law in India. He was young and was naturally eager to see other lands. Therefore when an offer came from Dada Abdulla, a Muslim businessman of Kathiawar in South Africa, to go to that country to help his firm in a law suit, he readily agreed. He had no idea at that time that he would be living in South Africa for 21 years and that during his years of struggle in South Africa for the rights of the Indians there, he would discover and give to the world the mighty weapon of Satyagraha.

This unique weapon of Satyagraha was to enable the weak and the oppressed to fight injustice and exploitation and in the process make the oppressor and the oppressed better human beings. It was not a weapon of the weak. It was more powerful than any weapon of violence. It did not derive its strength from physical force, but from the spirit within. It aimed at mobilising the spiritual strength and the forces of love in order to overcome hatred. It was to enable the satyagrahis to discover and realize their own divine origin and through voluntary self-suffering kindle the spark of divinity in the opponent's breast as well. This would bring about a change of heart in the opponent in such a way that he would give up the wrong path of injustice of his own free will. Thus in Satyagraha there is no vanquished and no victor at the end. There is only victory all round.



Gandhiji had intended to stay in South Africa for one year when he accepted Dada Abdulla's offer. He had plenty of time in South Africa to read, make friends and study the problems which the Indian community there was facing, besides attending to the work he was hired for.

There were three types of Indians in South Africa:

(a) The largest group was that of indentured labourers, who had first gone to South Africa in 1860 under a contract. This contract stipulated recruitment of Indians in India by Indians under the supervision of approved emigration agents appointed by Colonial Government to be sent to Natal as workers. Contracts were for five years and had to be concluded in the presence of the Protector of Emigrants who was expected to protect the interests of the recruited men. The Protector was to prevent recruitment by fraudulent means and arrange for pre-embarkation medical examination and ensure safeguarding of the labourers' savings. The indentured labourers were to get free food, housing, clothes and medical treatment and besides these, receive 10 shillings per month as wages. After completing three years of service, they could buy freedom for the remaining two years by paying £ 5 under the terms of Law 14 of 1859. This provision was rescinded by Law 17 of 1864.

After completion of five years of indenture, the labourers were free to work elsewhere on better wages. After completion of 10 years, they could get a free passage back to India, or if they did not wish to go back, they could be given land equal to the value of free passage back to India. Most of them did not go back to India and settled down in South Africa.



Vol. III, *Birth of Satyagraha* has a chapter on indentured labour including the frauds and ill-treatment endured by the recruits under the scheme, resulting in several deaths during the passage from India to South Africa, and the brutal treatment meted out to many of them by their white masters in South Africa. This had led to an increasing number of suicides. The Protector of Emigrants and his staff generally sided with the white masters rather than their brown-skinned victims.¹ All these malpractices ultimately resulted in ending the system of indentured labour, which was nothing less than a form of semi-slavery.

(b) The second group of Indians was the colonial-born children of the indentured Indian labourers who had settled down in South Africa after completing their indentures.

(c) The third group of free Indians was the smallest. They were called “passengers” because they had paid their own fare on the boat to come to South Africa. They were mainly traders, big and small, and hawkers, who had come in search of a living. They were successful as businessmen thanks to their hard work and thrifty habits. But there was a feeling of superiority among the Whites, and they harboured a strong colour prejudice against Indians. The Indians made good money but there was no peace for them. Their economic success gave rise to trade jealousies which intensified the colour prejudice against them among the white settlers and created many problems for them.

All the three groups of Indians had to face tremendous difficulties. Gandhiji himself had a painful experience of colour prejudice and white racial arrogance within a week of his arrival in South Africa. When he narrated his experience of being thrown out of a first class compartment



and being assaulted while travelling in a stage coach because he would not agree to sit at the driver's feet, the Indian traders were neither shocked nor surprised. They had had similar experiences. They said Indians had to put up with indignities and insults because they had come there to earn money and had no means of resisting the ill-treatment meted out to them by the Whites. Gandhiji educated them and made them aware of their rights and responsibilities. He organised them and made them conscious of their own strength. He impressed upon them the need for the unity of all sections of Indians if they were to fight for their rights.

Gandhiji's work lay in Natal from 1893 to 1901. Indians outnumbered the Whites in Natal. Most of them were indentured labourers. Gandhiji interested himself in their problems and tried to help them in every way he could. The Indian community therefore would not let him go back to India when Dada Abdulla's case was settled.

Gandhiji had decided to leave at the end of 1893 after settling the case. But at the farewell party arranged for him before his departure for India, he saw a brief news item in a newspaper about a bill to be introduced in the Natal legislature which would deprive Indians of their right of franchise. He brought it to the notice of his friends who had gathered for the farewell party and told them that they should resist it. They said they could do so only if he would stay back and guide them. He agreed after some thought.

He decided to set up his law practice at Durban. The Indian businessmen helped him by giving him retainers. He brought his family from India and his practice of law flourished in spite of the fact that he would never accept a case unless it was based on truth. If he discovered in the middle of the



case that it was not so, he would give it up and return the fee. Thus he came to have a high reputation among the people (white and non-white) as well as the judiciary, which was helpful in his social and political work.

It was in South Africa that Gandhiji found himself and discovered his own talents. He matured into a successful practising lawyer, and an able organiser of men, a great leader who knitted the Indians of South Africa together. They came from diverse backgrounds and from different parts of India, spoke different languages and professed different faiths. But they became a close-knit community under Gandhiji's leadership. He organized the Natal Indian Congress as their mouth piece to express their views on different matters affecting the community.

Those indentured labourers who, after completing their indentures, had elected to stay back in Natal, were given land equal to the value of their passage back to India, which was about £ 10. They were the majority. They were good farmers and grew vegetables on their plots of land and sold them. Some of them became hawkers and petty traders. They soon became prosperous and were able to rear families and educate their children. But they were still called coolies by the Whites. Even the "passengers" who had established flourishing business were called coolies. All of them had to face indignities born of colour prejudice and a feeling of racial superiority on the part of the white settlers.

The Whites were afraid of competition from the Indians. In the year when Gandhiji arrived, it was estimated that the Indian population in Natal was 46,000. The trading class numbered about 5,000. This figure did not represent the number of licence-holders only. It included their families and dependents as well.² It is interesting to note that out of an Indian population of 30,159 in



1885 there were 26 storekeepers drawn from the ex-indentured group and 40 from the "passenger" group in the Durban borough, where the greatest concentration of Indian businessmen was to be found.³

2

The sufferings of indentured labourers at the hands of their white masters were heart-rending. Many deserted their posts. Some committed suicide. Instead of examining the root cause, a monstrous Act was introduced in 1891⁴ which stipulated that aggrieved labourers could not absent themselves from work, except singly, "on the pretence of making any complaint against their employer... whether such complaint shall or shall not be adjudged to be groundless or frivolous, and notwithstanding that such complaint shall be successful." Strikes and collective protest were thus ruled out and the only powerful weapon in the hands of the labourers was removed.

In 1893 Natal was given Dominion-status and became self-governing. The government sent a delegation to India to work out a system under which the indentured labourers would not settle in Natal as free Indians, firstly through an arrangement under which indentures would expire in India and secondly in the case of those whose indentures expired in South Africa, by the imposition of a tax on the stipulation that non-payment of £ 3 tax would not constitute a criminal offence.

The Attorney General of Natal justified the imposition of the tax. He stated that "a man who has broken his contract is not one we would naturally wish to see in the place in preference to all others... We understand generally that it was the wish of the Colony that if these Indians are brought here, they are brought here for the purpose of supplying labour which is necessary



for the development of local industries and enterprises, and they are not to form a part and parcel of the South African nation.... The Indians are to come here, appreciated as labourers but not welcomed as settlers and competitors.”⁵

It is to be borne in mind that the original contract had included the clause which enabled the Indians to settle in Natal after completing their term of indentured labour. Those who had settled had broken no contract. The Whites now wanted the benefit of the Indians’ labour in order to become rich, but they did not want the Indians to share in the prosperity which they had worked hard to bring about. The £ 3 tax was an anomaly and was patently unfair.

The tax was not strictly enforced at first. Its provisions were extended to include minor children also in 1903.⁶ It still failed to achieve its objective of sending Indians back after completing their indentures. It was a real hardship on the ex-indentured Indians to pay the tax when it was enforced, in view of the low wages (a mere ten shillings per month for indentured labourers). It provided an important plank in the latter part of the Indian struggle in South Africa.

The third legal hardship suffered by the Indians related to the franchise question. The Natal Charter of 1856 provided that all male adults (and this, of course, included Africans and Indians) in possession of immovable property valued at £ 50 or who rented property to the value of £ 10 per annum qualified for the parliamentary franchise. Very few Indians had taken advantage of this provision and enrolled themselves as voters.

In 1880 there were 181 registered Indian voters in Natal. In 1895 the figure had risen to 251, a very slow increase indeed. The European voters were many times more than the Indian voters.⁷ Yet the Europeans were afraid of



possible Indian domination if they had the right of vote and decided to take away the franchise from them. Faced with legal disenfranchisement in 1894, Indians turned to Gandhiji for help and Gandhiji did help them. He enabled them to bring into operation all the available forces of protest which surprised the Government of South Africa and the white non-Governmental circles.

It awakened the Indian community and made them conscious of their strength. They decided to stand up and not let their rights be taken away without protest. It was the start of their political education and training (eventhough they did lose the franchise), which was to continue and culminate in the great Satyagraha movement for the rights of all Indians in South Africa.

The fourth serious disability against which Gandhiji had to fight on behalf of Indians related to the economic issue of trading licences for the Indians in South Africa. An Act was passed in 1897 which conferred on the licensing authority absolute powers to grant or refuse a licence and to use these powers to the disadvantage of the Indians.

In the same year restrictions were placed on the entry of free Indians into Natal. The Immigration Restriction Act of 1897 imposed an education test in any European language. This was a serious hurdle for the Indian immigrants. It blocked the entry of those Indians whom the trading community might like to bring in to help them in their trade or to meet their religious and cultural needs .

Gandhiji thus had to face five important and complex legal issues during his first five years in South Africa. The story of how he faced this



challenge as an inexperienced young man along with the local Indians who were just starting their political education and training, has been told by Pyarelal in Vol. II, *The Discovery of Satyagraha-On the Threshold*.

3

At the end of 1901 Gandhiji felt that he had done all that he could and was necessary for Natal and decided to go home. He was allowed to go on giving a promise that he would come back if the Indian community in South Africa needed him. They did need him before long. He was called back within a year. He returned in December 1903 and had the experience of being lynched by the white mob. This time it was the Transvaal that needed him. He set up his practice at Johannesburg and rejuvenated the British Indian Association to act as the mouth-piece of the Indian community in the Transvaal.

In 1903 he started a weekly journal *Indian Opinion* to communicate with the Indians as well as with the Whites. It was to prove a most useful tool in the coming Satyagraha struggle. He underwent a rapid spiritual growth after his return to South Africa. He had studied his own religion as well as Islam and Christianity. He had come to the conclusion that the basic principles of all religions were common and could be summed up in the twin principles of Truth and non-violence or love. The writings of Thoreau, Ruskin and Tolstoy had made a deep impression on his mind. In 1904 he decided to change his mode of life, bought a piece of land and set up the Phoenix Settlement. He shifted *Indian Opinion* and his family to Phoenix. In 1906 he took the vows of *Brahmacharya* (abstinence from sex) and voluntary poverty.

Vol.III, *Birth of Satyagraha-From Petitioning to Passive Resistance* by Pyarelal narrates the story of Gandhiji's life and work from January 1902 to



September 11, 1906, when the Indian community took a vow, with God as witness, not to submit to the Black Act, which called for registration of all the Indians for the third time and required them like criminals to give finger impressions of all the ten fingers. It was most humiliating to be forced to do so. The Indians under Gandhiji's leadership decided to resist it.

The present volume picks up the story from there. It narrates the evolution of the technique of Satyagraha, the great struggle in South Africa which spread over eight long years and ended in the famous Gandhi-Smuts Agreement of 1914 vindicating the stand taken by the Indian community.

Gandhiji had no idea of Satyagraha when he agreed to lead the Indians in resisting the Black Act in the mass meeting of Indians on 11 September 1906. He was impressed by the passive resistance movement of the women suffragettes in England. He had also known of and appreciated the resistance offered by certain Church leaders to the Education Act in England. But on the whole he had to grope his way and evolve the technique as well as discover an appropriate name for the Indians' struggle. It led him to Satyagraha.

Gandhiji led a deputation to London in 1906 with great confidence. But by the time he led the second deputation to London in 1909, he had lost all interest in the old methods and was convinced that Satyagraha and self-suffering by Indians in gaol would speak louder for the Indian cause than any deputation could ever do. Negotiations and defiance of law continued side by side. The struggle purified those who participated in it and drew worldwide attention.

Gandhiji suspended the struggle in 1911 on certain assurances given by the Government. When it became necessary to re-start it in 1913,



Gandhiji would not embarrass the Government and patiently waited for them to reply to his letters, giving them ample time to deal with the strike and law and order problem in Johannesburg. He had suspended not only active pursuit of the points at issue, but had even suspended press publicity for his cause during this period. But the Government had no hesitation in giving a cold shoulder to the satyagrahis once their own troubles with white labour had been sorted out. This led to resumption of Satyagraha in October 1913. The Government did their best to crush it, but could not.

Women came into the last phase of the struggle when laws in South Africa made all Indian marriages illegal and children born of such wedlocks as illegitimate children. The women's movement was ably led by Kasturba Gandhi. She was assisted by other women of the Gandhi family, as well as by many women among ex-indentured Indians. They hailed from South India. Gandhiji's sons also went to gaol. The youngest satyagrahis included the 16 year old Ramdas Gandhi, Kasturba's third son.

The news spread and the coal miners, all indentured Indians, went on a strike. Gandhiji led the great march into the Transvaal because there he could keep them busy on Kallenbach's Tolstoy Farm and also make them productive, so that they could supply some of their own needs. Gandhiji was arrested and so were the miners in the end. But the strike continued to spread.

The Government tried to crush the movement with brute force. They mistreated the satyagrahis in gaols and tried to force the labourers to go back to work. But the more they let loose the repression, the greater became the number of Indians who struck work. Bullets could not break their spirit.



The brutalities horrified India and also Britain. The Viceroy, Lord Hardinge, openly supported the Indian movement in South Africa. The Imperial Government was taken to task by public leaders in London and told to stop the genocide in South Africa.

At last Smuts had to appoint the Solomon Commission as a result of which the Smuts-Gandhi agreement was reached and on 18 July 1914 Gandhiji left the shores of South Africa for good. The young anglicised barrister M. K. Gandhi had become disillusioned with western civilization. He returned home in peasant's clothes. He was no longer a house-holder. He had become a servant of humanity, a Mahatma. He was destined to lead India to independence by using the weapon of Satyagraha which he had discovered and developed in South Africa.

Professor James Hunt has been most generous with his time and labour and has read each chapter and made valuable suggestions for improvement in many places. I am most grateful to him for his guidance, help and support.

My grateful thanks are due to the I.C.S.S.R. for their financial support which made it possible for me to have the nucleus staff and the contingencies so necessary for a project of this nature.

Last but not the least I must mention Professor Jagadisan of Madras, Secretary of late Srinivasa Sastri a great scholar, a great leader and a close friend of Gandhiji. Professor Jagadisan wrote to me after my brother's (Pyarelal's) sudden death in 1982 that I was the only one left out of Gandhiji's inner circle and it was my duty to complete my brother's work. I protested. I was not a scholar like my brother. I am not a learned person like



him. How could I do what he was doing? But Prof Jagadisan and a few other friends persisted that I must take it up. They had seen a few of my writings in *Harijan* during Bapu's life-time and they encouraged me and coaxed me to take up the work. As I went into it, I became more and more interested. I was fascinated to learn how a young man of 24 had faced the situation and in the process matured and made history. I have worked hard for two and a half years. Mine has been a labour of love. It is for the readers to judge to what extent the effort has been worth-while.

I dedicate this book to my late brother Pyarelal who was like a father to me. He was my guide and teacher. He tried to live according to his master's ideals. I owe to him the rare privilege of having sat at the feet of Ba and Bapu, to serve and learn a little in gaol and outside in the Ashram.

The world needs Gandhiji's ideals more than ever. I hope this book will stimulate some rethinking of our own values in present day India.

SUSHILA NAYAR

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1. Pyarelal, *Mahatma Gandhi, Vol.III, Birth of Satyagraha*, pp 407-428.
 2. The Binns-Mason Report, 1894, cited in C.S.O. 5549/1893. Natal Archives.
 3. Pachai, B. "The Emergence of the Question of the South African Indian as an international issue," Ph.D. thesis, University of Natal, p 19.
 4. Act 25/1891, Natal Laws, 1890/1894
 5. Henderson (ed). *Speeches of Harry Escombe*, 1903, pp 292-3
 6. Act 17/1895 and Act/1903
 7. M. K. Gandhi, *The Indian Franchise*, pp 8-9



EDITOR'S FOREWORD

This volume covers the whole of the Satyagraha campaign in South Africa. It opens shortly after the Indian community vowed resistance to the registration act in September 1906, and ends in 1914 as Gandhiji leaves the country after the passage of the Indians' Relief Act. In these eight years both the weapon of Satyagraha and its discoverer undergo fiery trials and emerge with greater strength. Ahead lies a still greater task in the motherland.

No other study examines the struggle in such detail. In its constant attention to particular events and persons, as well as in the effort to set the struggle in the context of the British Empire, this volume joins its predecessors in a significant series. It will be a rich resource for all future scholars of the life and message of one of the greatest figures of our century.

Dr Sushila Nayar, after being for many years a steady supporter of her brother's enterprise, has now shouldered the burden herself. Pyarelal had completed the two volumes of Mahatma Gandhi: *The Last Phase* and two volumes of the beginning of Gandhiji's life when he left us in 1982. Dr Nayar undertook the arrangements for completing Volume III, which was published in 1986 and resolved to complete the series. The volume in hand is the first fruit of her effort.

Readers who are not familiar with her career should know that her association with Gandhiji was of very long duration. As a child she first saw him in 1920 and often visited the Ashram where her brother lived and worked as Gandhiji's Secretary. After obtaining her degree in Medicine from Lady Hardinge Medical College in 1937, she became Gandhiji's physician. She continued her medical studies and received the doctorate in internal



medicine and pediatrics in 1942. Soon after that in August 1942 she was arrested and interned with Gandhiji and Kasturba in the Aga Khan Palace at Pune. Her journal of that 21 month imprisonment published as *Bapuki Karavas Kahani* which won President's award, will soon be issued in English. After independence she obtained a doctorate in public health from Johns Hopkins University in the United States. Returning to India, she was made Minister of Health, Rehabilitation and Transport for Delhi State in 1952 and became Speaker of the Delhi State Legislative Assembly in 1954. She was elected to the national Parliament, the Lok Sabha, in 1957 and re-elected in 1957, 1962, 1967 and 1977 and was Minister for Health, Local Self-Government, and Country and Town Planning and Family Planning for India from 1962 to 1967.

In 1969, the Centenary Year of Kasturba and Mahatma Gandhi, she founded the Mahatma Gandhi Institute of Medical Sciences at Sevagram, a Gandhi Centenary Project, which she currently serves as a teacher and policy Director. She is also Chairman of Kasturba Gandhi National Memorial Trust and President of Kasturba Health Society. Her administrative abilities and her scientific training are reflected in her writing.

I have had the privilege of reading these chapters at three stages of their development and have witnessed their growth as the author strove for greater perfection in accuracy and in expression. From my point of view there are many pleasing features in the final product. Personal narratives recounting the experience and observations of a number of Gandhiji's associates, some not until now available in English, are woven into the account. Great attention is given to examining the correspondence and discussions at crucial points in the campaign. The narrative moves between



the personal life of Gandhiji and the great figures and forces of the British Empire which were his antagonists, but at every stage the author is concerned to examine each significant action as a manifestation of the philosophy of Satyagraha. Indeed, it may not be an exaggeration to say that the true subject of the volume is not Gandhiji the person but his gift of Satyagraha to the world. If so, I would think that he would agree that her priorities are in the right order.

June 22, 1988

Shaw University

James D. Hunt



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I am grateful to Shri R. Venkataraman, President of India, for finding the time to write a foreword for this book in the midst of his busy schedule.

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Last but not least I must thank the Indian Council for Social Science Research without whose financial assistance this book could not have been produced.

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PART ONE
ADVENT OF SATYAGRAHA



CHAPTER I: DEPUTATION TO LONDON

1

The historic meeting held at Johannesburg on 11 September 1906 by Indians in the Transvaal proved an event of great significance not only to South Africa and India but to the whole world, as it saw the birth of Satyagraha - a unique weapon evolved by Gandhiji, which could be used by all to fight exploitation, oppression and injustice of all kinds anywhere in the world. At that meeting, Indians had taken a vow, with God as witness, to resist the Asiatic Law Amendment Ordinance No. 29 of 1906. It required the Indians to register themselves once again, having done so twice already, and in addition, to give, as identification marks, impressions of all the ten fingers. This law applied only to Asiatics (Chinese and Indians), many of whom were traders. Trading licences were to be refused to them unless they produced fresh registration certificates.

Indians naturally felt outraged, as the Ordinance had further deprived them of even their meagre existing rights and was a serious attack on their dignity and self-respect. It equated them with criminals. Not having the right to vote and hence with no voice in the legislature, their protests and petitions to the Government and to the elected representatives in the legislature, who were all white, had fallen on deaf ears. What were they to do? They looked to Gandhiji for the answer. As their leader he had to show them a way to resist the new degrading law and save their self-respect.

In her Proclamation of 1858, Queen Victoria had promised to the Indians that there would be no discrimination on the basis of colour or creed anywhere in the British dominions and they would enjoy equal status



with all others as citizens of the British Empire. But in South Africa especially, this promise was honoured more in the breach than in its observance. Lieutenant-Governor Arthur Lawley in his despatch to Governor Milner on 13 April 1904, advocating legislation to control the Asiatics, had openly said, “If the redemption of the (Queen’s) pledges means that in fifty or a hundred years this country will have fallen to the inheritance of the Eastern instead of Western populations, then from the point of view of civilization, they must be numbered among promises which it is a greater crime to keep than to break.” [Lt Governor Lawley to Governor Milner, 13 April 1904; Cd. 2239 (Parliamentary Command Paper No. 33)]

In a letter written to the London *Times*, Lionel Curtis, a young protege of Lord Milner and the principal author of the new objectionable legislation, stated that “the vital point” was “whether the white man in this country is to maintain this place for himself and his kindred, or yield it to the Asiatics. Englishmen who believe in the excellence of their civilization cannot really desire to see their Empire used as a means for propagating the society and institutions of the East in new countries, to the exclusion of their own.” Asiatic businessmen and workers, according to him, were driving the British shopkeepers and artisans out. If Asiatics were allowed to dominate, it would not be possible to form a self-governing society of pure whites. It was therefore necessary, Curtis said, to oppose the theory “that all subjects of the Imperial rule enjoy equal political rights in every part of the king’s dominions.” [Lionel Curtis, Letter to the *Times* 4 May 1907]

The new legislation was thus intended to discourage the Asiatics from settling in the Transvaal, so that the colony could have a purely white self-governing society. Gandhiji “saw nothing in it except hatred of Indians” [M. K.



Gandhi: Satyagraha in South Africa (S.S.A.), (August 1961) p.99] as he recalled in his memoirs written many years later in India. He had to find a way of resisting the new law which the Indians had named “the Black Act”.

The Boer War (1899-1902) was claimed to have been fought, among other things, for redressing the wrongs suffered by Indians. But after the War when the Transvaal had become a Crown Colony under Britain the non-Boer British Whites had made the condition of Indians far worse than under the Boer Government before the War. The new ordinance for re-registration of Indians for the third time was the last straw on the camel’s back. The Indians therefore had decided not to submit to it under any circumstances.

The new ordinance, although passed by the interim legislature of the Transvaal, had to have the approval of His Majesty’s Government in London before it could be promulgated. The leaders of the Indian community in South Africa therefore decided to send a deputation to England to explain their point of view to the Imperial Government in an endeavour to persuade it not to give Royal Assent to the objectionable new legislation.

The idea of sending such a deputation to England had been under contemplation for several months. In March 1906, when Dr Abdurrahman, an important leader of the Coloured people in the Cape Colony who had become a member of the Cape Parliament (before this right was taken away after the formation of the Union of South Africa in 1910), said in Johannesburg that his community was planning to send a deputation to London.



Gandhiji said, “We should also attempt something similar.” [*Indian Opinion*, I.O.), (Gujarati), 24-3-1906]. He had written about it to Sir William Wedderburn, Chairman of the British Committee in London of the Indian National Congress, who suggested that the deputation should go to London in July. On 6 June the British Indian Association, the Transvaal counterpart of the Natal Indian Congress, of which Gandhiji was honorary secretary, proposed that Gandhiji should go to London with two Muslim leaders, H. O. Ally and Haji Habib.

But it could not be immediately acted upon, as Gandhiji had in the meantime offered his services to the Government of Natal in the context of the Zulu rebellion, which had been accepted. He was kept busy rendering humanitarian military service as leader of the Indian Stretcher Bearer Corps from 22 June to 19 July 1906 as described in detail in *Birth of Satyagraha* Vol. III. [Pyarelal: *Birth of Satyagraha*, pp 475-9]. The Corps had been mainly attending to the wounded Zulus who had been sadly neglected by the white hospital staff and might have died of infection but for the services rendered by Indians under Gandhiji’s leadership.

The experience of the Zulu war made Gandhiji very despondent. He did not even like to talk about it. Perhaps he had doubts as to whether he should have at all ranged himself on the side of the British even in a mission of mercy.

Gandhiji came back from the theatre of war and joined his family and friends on 20 July. On 27 July 1906, a committee of the British Indian Association decided that it was “still necessary to send a deputation to England,” [I. O., 11-8-1906; *Collected Works of Mahatma Gandhi*, (C.W.M.G.), V, p 377] as the Liberal Government there intended to grant a new constitution to the Transvaal, which was likely to have far-reaching implications for the Indian community.



The deputation was to press the Indians' case at the time His Majesty's Government was finalizing the new constitution for South Africa. It was to include "Mr Gandhi and a member from the trading class", [I. O., 4-8-1906; C.W.M.G., V, p 378] and was to leave for London in September. The number of members of the deputation had been reduced from three to two, most probably on financial grounds.

2

A brief mention of the events before the deputation left South Africa might be useful. The famous fourth resolution of the 11 September meeting, which called for resistance against the Black Act, had been seconded by Ally and Haji Habib. Ally had founded the Hamidia Islamic Society in 1906 and some doubt had arisen among the people as to whether the Society had been formed as a rival to the British Indian Association, which had become well established in the Transvaal. Gandhiji tried to put an early end to this controversy. Addressing the Hamidia Islamic Society on 12 August 1906, he assured the people that the two associations in fact would help to strengthen each other. [I. O., 25-8-1906; C.W.M.G., V, p 392]

In the meantime, the Government and the press in South Africa and many white businessmen and other leaders had kept up their propaganda to impress on all concerned that the new legislation was good for Indians, even though Indians considered it detrimental to their interests.

The draft legislation was gazetted and the *Civil and Military Gazette* published it on 13 September.

As compensation for the trouble of re-registration and certainty of the strict enforcement of the law in future, the papers in South Africa



explained that the Asiatics were being given redress of certain grievances in the new legislation.

On a close scrutiny, it was clear that all these so-called concessions were illusory and meaningless. Pyarelal explains this in his *Birth of Satyagraha*, (*From Petitioning to Passive Resistance*), as below:

- (a) the remission of the £3 registration tax had no significance, as it was a one-time tax and all Indians in the Transvaal had already paid it. No new Indians were being allowed entry into the colony;
- (b) the transfer of property to heirs concerned only one case, which had already been settled;
- (c) the right to own land for religious purposes had already been granted by the Supreme Court;
- (d) the issue of temporary permits was too insignificant a matter; and
- (e) the relaxation of the Liquor Licencing Ordinance was of no interest to Indians. [Pyarelal: *Birth of Satyagraha*, *From Petitioning to Passive Resistance*, p 486]

Gandhiji had seen through the hollowness of these concessions. Despite his pointing this out to the Imperial Government and the Government of India, they had been taken in by the Governor of the Transvaal, Lord Selborne, who claimed that the new Act was good for the Indians. They had not made a deep study of the question, as Gandhiji had.

It was only on 28 September 1906 that the Government of India had received copies of all the correspondence between the Government of the Transvaal and Lord Elgin, Secretary of State for Colonies and John Morley,



who was Secretary of State for India, up to 28 July 1906, when the final decision of the Colonial Secretary, giving his clearance for the oppressive legislation, was communicated. The Government of India hardly took any interest in the matter. The fact that Elgin had already cleared the objectionable draft legislation was perhaps the reason for their acceptance without a word of protest. It may be noted that his decision was taken in spite of the receipt of a cable from the Indian community in the Transvaal on 8 September 1906, protesting against the new legislation. [Pretoria Archives, I G File No. 93, Asiatics]

Selborne had transmitted the resolutions passed by the Indian community at its meeting of 11 September 1906 to the Colonial Secretary, Elgin, on 13 September. He received a reply which stated that “while delegates from the Transvaal, if sent, will be given opportunity of stating views, I do not consider that any useful purpose is likely to be served by sending deputation.” [Cd. 3308, p 14] This indicated that His Majesty’s Government had made up their mind to accede to the wishes of the Government of the Transvaal.

The ordinance had its third reading in the Legislative Council of the Transvaal on 12 September and received the assent of the Governor on 13 September. Selborne felt it necessary to address Elgin especially on this ordinance, as its publication had aroused strong feelings of opposition among the Asiatic population, which in his opinion were not justified by the provisions of the measure itself.

He wrote that the question of future Asiatic immigration into the Transvaal must be settled by a responsible government in consultation with His Majesty’s Government. The new legislation did not affect conditions of Asiatic immigration except for section 17 which “provides that government



may issue temporary permits of entry to Asiatics.” Its absence had caused difficulties in the past. [Cd. 3308, p 16]

The ordinance, said Selborne, provided for stricter administration of the registration system and “is necessarily more detailed in its requirements than the existing law, which . . . is altogether inadequate.” The object was to “ascertain and identify those Asiatics who are properly entitled to settlement here The ordinance contains no provisions of such character as to justify them in advising its disallowance.”

A few resolutions passed by different chambers of commerce were also enclosed by Selborne in support of his argument. The views of various town councils and organisations regarding the ordinance were also telegraphed to guard against the ordinance being vetoed. [*Ibid*, p 20]

The Indian community had prayed to the Secretary of State for the Colonies through Selborne that Royal Assent for the Act be withheld, pending the arrival of the deputation. [C.W.M.G., V, p 459, quoting Lt Governor Transvaal File No. 93, Asiatics]

Between 20 August and 17 September 1906, Elgin received three letters from Dadabhai Naoroji about the Indian grievances against the ordinance. Dadabhai submitted to the Colonial Secretary all the papers sent to him by Gandhiji from Johannesburg. Acknowledging all these letters on 22 September, the Under-Secretary of State, Winston Churchill, replied saying that “it does not appear to Lord Elgin that any useful purpose is likely to be served by sending a deputation from the Transvaal to this country, but if the delegates are sent, they will be given an opportunity of stating their views.” [C.W.M.G., V, p 459, quoting Lt Governor Transvaal File No. 93, Asiatics]



Elgin, however, informed Selborne telegraphically on 11 October that “King’s pleasure upon ordinance will not be signified until the deputation has arrived and has received a hearing.” [Cd. 3308]

3

The passage of the delegates, Gandhiji and Ally, was booked on 29 September. The delegates were to leave by Cape Mail on 1 October to reach s.s. *Armada Castle* in time. The station master sent word that the deputation could leave only by the 8 o’clock train in the evening. This meant that the deputation would not reach Cape Town in time to catch s.s. *Armada Castle* on 3 October and their departure would be delayed by a week or so. Gandhiji immediately spoke to the General Manager of the Railways over the telephone and after an hour received a message that the deputation could travel by Cape Mail.

The deputation boarded the train at 6.15 p.m. on 1 October and left Johannesburg for Cape Town. Several leaders of the Indian community — Abdul Gani, Essop Mia, Coovadia, Omarji, Shahbuddin, Fancy and Bhikhubhai, among others saw them off. [I. O. 10-11-1906; C.W.M.G., V, p 466]

On the train to Cape, a thousand-mile journey, Ally suffered a severe attack of rheumatism, and Gandhiji had to nurse him. [*Ibid*, p 466]

Gandhiji spent 2 October, his birthday, on the train. The train reached Cape Town at 2 p.m. on 3 October. Yusuf Hamid Gool, Amod Gool, Lachhiram and Abdul Kadar, leaders of the community in Cape Town, had come to the station to receive them. They had their meal at Yusuf Hamid Gool’s place and left Cape Town at 4.45 p.m. on board s.s. *Armada Castle*. All the leaders had come to the steamer to see the deputation off.



Among the fellow-passengers on the ship was the Acting Lieutenant-Governor of the Transvaal, Sir Richard Solomon, who, accompanied by Lady Solomon, was going especially to see Elgin. [*Ibid*, p 467]

On the 3 and 4 October, Ally was obliged to stay in bed. [*Ibid*, p 468]
On 5 October, the ship's doctor gave medicine for perspiration. As a result Ally could leave his bed, but he was not completely cured.

On about 8 October Gandhiji recommended to him to take nature cure and prescribed Kuhne's treatment. As a result, in three days Ally felt better. His diet consisted of fish, green vegetables, ginger ale, pudding and coffee.

During the first three days, Gandhiji, finding three meals unnecessary for himself, cut them down to two, consisting of milk, bread, potatoes, soda water or ginger ale and stewed fruit and cream. Due to a molar tooth trouble he did not eat raw fruit and nuts. This food, though scanty, did not adversely affect him. He wrote: "I feel quite satisfied with this diet and can do a lot of work." While searching for the reason, he concluded that "the stomach has rest till 1 p.m. and finds the food satisfying." [I. O., 17-11-1906; C.W.M.G., V, p 468]

Gandhiji was a voracious reader. He studied Tamil and read Forbes' *Rasamala: A History of Gujarat and Alien Immigration Report*. Ally, despite his illness, read Justice Amir Ali's *Spirit of Islam* and Washington Irving's *Mohammad and His Successors*. With Madeira approaching, Gandhiji started writing his despatch for *Indian Opinion*. [I. O., 24-11-1906; C.W.M.G., V, p 473]

Gandhiji also spent time thinking a great deal about the possibilities of success or failure of their mission and of the possible necessity to resort to passive resistance in case of failure. He wanted the community to be ready



for the ordeal. He continued writing for *Indian Opinion* regularly during the passage and later from London. In its Gujarati edition of 6 October he wrote of the duty of resistance, and on 20 October gave detailed instructions regarding preparation for going to prison and for arranging legal defence when arrested.

Gandhiji had constantly endeavoured to educate public opinion, European as well as Indian, through the columns of *Indian Opinion*. To the whites, he tried to explain that Indians came of an ancient civilization and their presence in South Africa was not a threat to the whites. He advised the Indians that they should meet the objections of the whites by raising their standard of living and improving the sanitation of their homes and places of business.

Gandhiji and Ally had a talk with Sir Richard Solomon, on board the ship near Madeira about the problem of British Indians in the Transvaal. After the whole question had been discussed Solomon told them that he would consider the idea of appointing a commission to go into the Indian question at some future date. But surprisingly the very next day he advised Ally to accept the new Act. This indicated that Solomon had in the meantime given up the idea of appointing a commission. The reason for this *volte face* might have been his aspiration to become Prime Minister under the forthcoming responsible government in the Transvaal and he might have feared that his ambition might be thwarted if he accepted the Indian plea for a commission of inquiry. [I. O., 24-11-1906; C.W.M.G., V, p 473]

A contrast between the Englishman and the Indian struck Gandhiji as he watched the Englishman on board the ship. Arrangements were made for sports on the ship and subscriptions were collected for giving away prizes.



Solomon took part in the sports. At night the passengers would dance and the band played twice a day. Ally, due to his poor health and Gandhiji being absorbed in his studies, did not take part in these activities. They were also probably not interested.

Gandhiji saw the Englishman in a different light while observing him from close quarters. Writing his impressions in a reflective mood for *Indian Opinion*, he said :

When he (Englishman) chooses to enjoy wealth and power, he excels in doing it and he makes the best of poverty too. He alone knows how to give orders, and he knows too how to take them. In his behaviour he is great with the great and small with the small. He knows how to earn money and he knows how to spend it. He knows how to converse and move in company. He lives in the knowledge that his happiness depends on the happiness of others. The (English) man I observed during the war seems to be an altogether different person now. Then he did all his work himself, trekked over long distances and felt happy with dry bread. Here on board the ship he does not do any work. He presses a button, and an attendant stands before him. He must have nice dishes of all kinds to eat. Every day he puts on a new dress. All this becomes him, but he does not lose his balance. Like the sea, he can contain all within himself. Though, generally speaking he has little sense of religion, yet living in society, he is disciplined and observes Sabbath. [I. O., 17-11-1906: C.W.M.G., V, p 469]

Gandhiji knew well the darker side of the Englishman too. He said, “It should not be our business to examine the reverse side. Just as a swan, as the saying goes, separates milk from water and drinks only the former, so must



we learn to recognize our ruler's virtues which alone we should follow." [I. O., 24-11-1906; C.W.M.G., V, p 472]

Of the steamer and its surroundings, Gandhiji wrote:

The steamer is as big as a small town. There must be about a thousand persons on board, but there is no noise, no disorder. Everyone is absorbed in his or her own work. Only the waves make music and remind us of their ceaseless motion. [I. O., 17-11-1906; C.W.M.G., V, p 470]

No activity on the steamer could escape Gandhiji's attention. Human nature seemed to have interested him a great deal. Passengers read "not for pleasure, but because it is necessary." "The crew discharge their duties punctually to the minute. Looking at the vanities around them they do not forget their station in life Envyng none, they remain absorbed in their work."

What about Indians? He said: "We Indians, too, behave in much the same way, and in certain respects excel them. But if we take an over-all view, the balance-sheet will show more to the Englishman's credit." [I. O., 24-11-1906; C.W.M.G., V, p 472]

4

After the long voyage of about 6000 miles the deputation arrived at Southampton on Saturday 20 October 1906. This was Gandhiji's first visit since he had left England after completing his law studies in 1891, about 15 years earlier. He had been pressed to go to London in 1897 by some of his co-workers in Natal. But he had sent Nazar instead and had given him a list of contacts. He had gained a great deal of experience in the intervening years. He was now a mature man of 37, a leader of his people and a successful practising lawyer of the Supreme Court of the Transvaal.



He was an accredited spokesman of the Indians in South Africa, and he was to speak to the highest in London on their behalf. He had come to impress on His Majesty's Government the need to refuse Royal Assent to the Black Act.

The deputation was met on board the ship on arrival at Southampton by a representative of *Tribune* and by a reporter of *Morning Leader* at Waterloo railway station. To both of them Gandhiji explained the objectionable features of the new legislation. He said that the object of the deputation was to meet Lord Elgin and request him to refuse Royal Assent to the new law requiring the Indians in South Africa to register for the third time. The Registration Act applied only to the Asiatics and was therefore a humiliating class legislation, based on racial discrimination which was contrary to British policy and promises. It may be noted here that Gandhiji was not asking for equal rights for Indians in the Transvaal. He said, "Recognising the prejudice that there is against colour in the Transvaal, we have always accepted the principle of restriction of further immigration under well-defined regulations, which should not be harsh nor savour of class legislation." [*The Tribune*, London, 22-10-1906; C.W.M.G., VI, p 1]

The representative of *Morning Leader* reported: "Mr Gandhi states that the Indians are greatly stirred over the matter and are prepared to go to gaol rather than submit." [*The Morning Leader*, London, 22-10-1906; C.W.M.G., VI, p 3]

Gandhiji had loved London as a student. He had great admiration for Englishmen as seen from his despatch from the ship for the Gujarati edition of *Indian Opinion*, giving his musings on the character of Englishmen. He had unbounded confidence in himself and in the righteousness of his cause.



He had decided that he was going to be absolutely correct and behave as an Englishman of high standing with regard to his dress, his place of stay and the manner of his work in connection with the deputation.

The deputation was met at the Waterloo railway station by J. H. Polak, Henry Polak's father, L. W. Ritch, who had studied law under Gandhiji as an articled clerk like Henry Polak, and a few Indian students from South Africa who were studying in London. From Waterloo they took the suburban train to Highgate. Ritch had arranged their accommodation at India House. After a meal, Gandhiji went to the Saturday night meeting of the London India Society. There he met Dadabhai Naoroji with whom he made an appointment for Monday.

On the morning of Sunday, 21 October, Gandhiji met some young Indians at India House and spent the afternoon with Henry Polak's family. In a letter to Henry he playfully wrote that he had been charmed by his sisters. "If I was unmarried, or young or believed in mixed marriages, you know what I would have done." [S. N. 4406; C.W.M.G., VI, p 19] Polak's family proved most helpful to him in many ways, such as arranging office assistance and useful contacts. Polak's circle of friends and acquaintances proved useful for his mission and his family could also provide recreation on Sunday afternoons when he could spare time to go to Polak's house.

On Sunday evening, Gandhiji met Shyamji Krishnavarma, the well-known revolutionary, scholar and founder of the India House and of the Indian Home Rule Society, and had a long talk with him. Shyamji Krishnavarma (1857-1930) was a barrister and former Reader in Indian languages at Oxford. He was the first Indian to receive an M. A. degree from Oxford and was appointed assistant to Sanskrit scholar, Monier Williams. He taught Sanskrit,



Marathi and Gujarati at Balliol College, Oxford. Later, he served as Diwan in the State of Udaipur in Rajasthan for some time. He went back to England to undertake philanthropic work and to promote Indian nationalism. In 1904, he gave £1000, a very big sum in those days, to set up a Herbert Spencer Lecturership at Oxford. He also offered scholarships to young Indians to study in England on condition that none of them would accept any position under the British Government. *Indian Sociologist*, a monthly journal, published by Shyamji Krishnavarma carried a quotation from Herbert Spencer on the front page, which said, “Resistance to aggression is not simply justifiable, but imperative. Non-resistance hurts both altruism and egoism.” Shyamji Krishnavarma founded an Indian Home Rule Society and purchased a huge house at 65 Cromwell Avenue, Highgate. He converted it into a hostel which could accommodate 25 young Indian nationalists. This became the India House. [James D. Hunt, *Gandhi in London*, pp 93-4]

Shyamji Krishnavarma had been critical of Gandhiji volunteering his help to the Government of South Africa in the Zulu rebellion. His *Indian Sociologist* castigated Gandhiji’s volunteer work in suppressing the Zulus in its July issue. Gandhiji, on the other hand, admired Shyamji Krishnavarma’s good work and had taken note of it in *Indian Opinion*.

Shyamji Krishnavarma was keenly interested in the training of Indian students in London for the nationalist cause. Gandhiji too was interested in training a few South African Indians in London. They exchanged ideas and had long talks on three Sunday evenings and later corresponded with each other. Gandhiji paid compliments to Shyamji Krishnavarma’s vision and patriotism. But there is left no record of the political discussions which they must have had during their long Sunday evening talks. Indeed, Gandhiji’s



spending three Sunday evenings with Shyamji Krishnavarma is illustrative of his life-long habit of going out of the way to meet his critics face to face and trying to win them over.

After spending two nights at India House, Gandhiji shifted on Monday 22 October to Hotel Cecil, the biggest and most luxurious hotel in London at that time. It claimed to be “the most magnificent in Europe”. It was founded in 1896 and located on the Strand beside the Savoy. Being close to Charing Cross Station and just half a mile from Parliament House and Whitehall, Gandhiji found it convenient for his work.

When he was a student in London, he had lived in a bed-sitting room in Tavistock Street, only a block away from Hotel Cecil. But he had now no time to think of it or visit his old haunts or seek his old friends. He took room No. 256 in that “prestigious and expensive” Hotel to launch on his political activity. He believed at that time that Indians should have a high standard of living like Europeans in order to maintain their dignity and self-respect. [James D. Hunt, *Gandhi in London*, p 65]

The same evening he met the 81-year old Dadabhai Naoroji, endearingly known as the “Grand Old Man of India”. Dadabhai had been elected President of the Indian National Congress in 1886 and 1895. He had again been nominated for that position in 1906. The militant nationalists in India were not happy with his nomination, as they were greatly attracted by Bal Gangadhar Tilak and wanted him to take over the stewardship of the Congress. Dadabhai’s was the only name which could stand against Tilak’s popularity and hence the moderates re-nominated him despite his age. Shyamji Krishnavarma sought Gandhiji’s help to persuade Naoroji to withdraw and threatened to write against Naoroji if he did not. Gandhiji explained to



Shyamji Krishnavarma that to write against an eminent national leader and an old patriot like Naoroji would be a sin and a crime, but it did not have any effect on Shyamji Krishnavarma. He did write two unsavoury articles on Naoroji in *Indian Sociologist* and *Justice*. Dadabhai was however elected President of the Indian National Congress in 1906.

Dadabhai wielded considerable influence with the ruling Liberal Party in England. He had been elected to the British House of Commons on the Liberal Party ticket in 1892 but had lost the election in 1906. He was a member of the British Committee of the Indian National Congress, and put Gandhiji in touch with the Chairman of the Committee, Sir William Wedderburn, and with Sir Henry Cotton, who was the chief advocate of Indian nationalism in the British Parliament. Both Wedderburn and Cotton had been in India in the Civil Service. After retirement they were championing the cause of India in their own way in their native land.

Gandhiji thus got entry into the Liberal circles through the help of Naoroji. Gandhiji knew that in the interest of the cause that he represented, he should seek the support of all parties. He therefore called on Sir Muncherjee Bhownaggee soon after his arrival. Bhownaggee introduced Gandhiji to the Conservative circles, as he had been a Conservative Member of Parliament since 1892, although he too had lost his seat in 1906. He and Wedderburn were members of the Council of the East India Association which represented the views of British officers who had served in India. This helped Gandhiji to seek the support of this body as well for his cause. Dadabhai, a founder member of the association, was not in the Council at that time.



The Liberal Party, which had been out of power since 1895, came to occupy the seat of Government in December 1905 and also won a sizable majority in the general election of January 1906, winning 377 seats out of 670. The opposition, consisting mostly of Conservatives, got only 157 seats. Out of the 377 Liberals as many as 318 were new Members elected to Parliament for the first time, and they were mostly young men with reformist ideas, coming as they did from the ranks of small businessmen, writers, barristers, journalists and the like. They naturally aroused high hopes in the hearts of the people, especially those who wanted to see a change. [James D. Hunt, *Gandhi in London*, p 67] Gandhiji had every reason to expect a favourable response from the Liberals.

Among the new M.P.s were several who were interested in India. They revived the old unofficial Committee for India, which had been first set up in the Liberal Parliament of 1893 but had languished thereafter. Sir Charles Schwann, who was a member of the first committee, was appointed chairman. Other prominent members of the Committee were Sir Henry Cotton, V. H. Rutherford, C. J. O'Donnell and many Labour M.P.s like Keir Hardie, James O'Grady and Ramsay MacDonald. [*Ibid*, pp 67-68]

John Morley, a noted intellectual, philosopher and statesman, became Secretary of State for India in the Liberal Government. He was known for his staunch support for Irish Home Rule. This kindled hope among Indians for a more liberal approach to their problems from the new Government, especially the new Secretary of State for India. But he proved most disappointing. Cotton and others appealed to John Morley at the opening debate in the House of Commons for the annulment of the partition of Bengal. But Morley,



with the same Imperial veneer characteristic of the die-hards in Britain, declared that the partition was “a settled fact”.

Morley revealed the new Government in its true colours. His attitude disappointed not only the Indians in India but also those in South Africa. Gandhiji gave vent to this disappointment when he said, “Mr Morley’s views are similar to those of the average Anglo-Indian, and they are likely to change only if we put in the requisite effort. It will be futile to hope that he would exert himself in our favour as he did for Ireland.” [I. O., 10-3-1906; C.W.M.G., V. p 229]

But more than Morley, it was Lord Elgin, Secretary of State for the Colonies, who was of direct concern to Gandhiji so far as the Indian question in South Africa was concerned. Elgin had been Viceroy of India during 1894-99, before Curzon. He has generally been discredited by historians as “the worst of India’s Viceroys”. [K. M. Panikkar in Foreword to I. Narain’s *The Politics of Racialism*, (Ahmedabad, 1957)] He was nominated, on his return from India, Chairman of a Royal Commission to investigate the conduct of the South African war. In 1905 he became Secretary of State for the Colonies in Campbell-Bannerman’s cabinet.

Next to Elgin in the Colonial Office was Winston Churchill, who as Parliamentary Under-Secretary sat in the House of Commons. He had been a soldier, author and war correspondent and brought to his new office an exuberance and boisterousness all his own, characteristic of his youthful 32 years. He even used to boast to his friends that it was he who really ran the Colonial Office.

The Colonial policy of the new Liberal Government was dictated by their professions of liberty as the cardinal principle of the empire, and this



they applied in the case of South Africa also. The Boers who had been defeated and reduced to the status of British subjects had to be reconciled and persuaded to stay in the empire by being given self-government. Campbell-Bannerman, as Prime Minister, set out this policy with a small, pithy sentence, which became a favourite quotation of Gandhiji — “Good... government is no substitute for self-government.”

Accordingly, the Transvaal was the first to be granted self-government in 1907, to be followed by the Orange Free State and then a new Union of South Africa was forged in 1910. The letters patent defining the new government of the Transvaal was drafted in London during October-November 1906 with the assistance of Sir Richard Solomon, who had sailed to England on the same ship with Gandhiji. It may be noted here that while the Liberals gloated over the grant of self-government to their defeated erstwhile white enemy in South Africa as an instance of their readiness to practise the principle of liberalism, they were not prepared to extend the same principles to races other than the white either in South Africa or elsewhere. Their conception of liberalism and the empire was vitiated by their belief that only the white settler communities, which were to form the core of the empire as it were, were to enjoy self-government and other races were to be subordinate to the white communities. They genuinely believed the whites signified a higher level of civilization.

Gandhiji settled down to work, without wasting a single moment, after his arrival in London. He sent Ally to Lady Margaret Hospital under the care of his old friend Dr Oldfield. He started writing letters to all prominent men who could be of help to the deputation. Within a week of his arrival,



with the help of Bhownagree and Dadabhai Naoroji, he succeeded in forming a 14-member deputation to meet the Colonial Secretary, Lord Elgin.

Elgin consented to receive the deputation on 8 November at 3 p.m. Sir Lepel Griffin headed the deputation. Gandhiji could not add more members, because of the restriction imposed by Elgin who had written that there should be no more than 12 members. The deputation as constituted was at once non-party and entirely representative, being composed of members of both the political parties and of representatives of the East and the West. It would have been difficult to constitute a stronger team.

Gandhiji did not know most of the people he was to work with. But he built a new and impressive team of old experienced, and young eager politicians, representing all shades of opinion. He had to work single-handed as Ally had been hospitalized. He had to work very hard, burning the midnight oil, but the results made it worth his efforts. The way in which he mobilized general opinion in favour of the cause he represented, and impressed upon the English gentlemen the genuineness of the Transvaal Indians' grievances and the urgency of finding ways of relief, was without precedent in the history of overseas Indians.

Gandhiji realised that a deputation without the backing of public support could not produce the desired effect. On 26 October he was taken to both the Houses of Parliament by Polak and introduced to a young Liberal M.P., Alfred H. Scott, who in turn introduced them to J. M. Robertson. Both Scott and Robertson took interest in the South African question and suggested that Gandhiji should address members of the House of Commons. A similar suggestion had also been made by F. Mackarness, another Liberal M.P.



Gandhiji placed the suggestion before Sir William Wedderburn. Sir William agreed and said that “there should be a meeting like the one mentioned” [S. N. 4414] by Scott. Gandhiji thereupon wrote to Scott:

I feel it would strengthen our hands, as also Lord Elgin’s if the meeting referred to above could take place before Thursday next (8 November) and resolution passed thereat which could be conveyed to Lord Elgin. [S. N. 931]

Gandhiji felt that such a meeting would prove effective if it was restrained in its deliberations and represented all parties. The ruling Liberal Party might, he thought, feel embarrassed to do anything favouring Indian interests in South Africa in the teeth of antagonism of other parties. He therefore took special care to ensure that support from all quarters was equally forthcoming. He wrote to Mackarness, “I venture to think that, unless local circumstances prevent it, it need not necessarily be a meeting of Liberal Members only, as there is no division of opinion on the question of the treatment of British Indians in South Africa.” [S. N. 4414]

At last, a circular letter under the joint signatures of Sir Henry Cotton, H. Cox, Charles W. Dilke, R. Lehmann, J. M. Robertson, A. H. Scott, Charles Schwann and J. Ward was issued on 5 November announcing that, “a meeting of the Liberal, Labour and Nationalist Members of the House will take place at 6 p.m. on Wednesday next the 7th instant, in the Grand Committee Room, to hear the British Indian deputation that has arrived from the Transvaal in connection with the Ordinance passed by Legislative Council of that Colony, termed the Asiatic Law Amendment Ordinance, and to pass a resolution.” [S. N. 941] The circular also added that “they (delegates) contend



that the Ordinance in question is in contravention of promises repeatedly made by the British Ministers and in conflict with British traditions.”

The meeting was duly held. In the words of Gandhiji, “A most striking illustration (of support for the deputation) perhaps was afforded by the meeting of the Liberal, Labour and Nationalist Members of the House of Commons, under the chairmanship of Sir Henry Cotton. The attendance was full hundred. The members gave the delegates a very sympathetic hearing A resolution supporting the objects of the delegation was unanimously adopted.” [S. N. 4511; C.W.M.G., VI, p 107] The object of the organisers to keep the meeting above party politics was successful. Sir Charles Dilke said, “It becomes a question of Imperial importance. The proceedings ought to strengthen the hands of Lord Elgin and encourage him to veto the Ordinance, or at least appoint a commission, on which the delegation lay so much stress.” [S. N. 953]

7

Side by side, a petition signed by merchants residing in the U.K. and representing wholesale business houses in South Africa was submitted to Elgin before 8 November. It stated that Indians being an “honest and honourable body of men” were “a distinct gain to the Transvaal community in general”. Their presence reduced the cost of living expenses to those who could least afford to pay the exorbitantly high prices. The petitioners therefore prayed to Lord Elgin to “disallow the Ordinance”. [S. N. 4510; C.W.M.G., VI, p 106]

Gandhiji found time to devote his attention also to the South African students studying in England and at his instance a petition signed by them was submitted to Elgin. The petition stated, among other things, that according to the Ordinance, “all of us would be unable to proceed to the Transvaal,



because we are not pre-war residents of the Transvaal,” although “we are either born or brought up in South Africa”. [S. N. 934-35]

The Chinese labourers in the Transvaal were equally affected by the Ordinance. They had therefore addressed a petition to their Ambassador in England. Gandhiji felt that now was the time for them to act. They should strike when the iron was hot. He contacted on 26 October Mr Yuk Lin Lew, the Chinese Consul-General in the Transvaal who had promised to send him a copy of the Chinese petition. The petition was needed to facilitate Gandhiji’s drafting of a representation for the Chinese community. [S. N. 934-35] By 2 November, Gandhiji had drafted the representation and sent it to Mr Lew. [S. N. 4468]

Gandhiji thus took care to mobilize all possible pressures to impress on the British Government the genuineness of the Indian case and the urgency of doing something about it. It was, however, not all smooth sailing; he had to face several difficulties.

The first difficulty was caused by the adverse publicity given to the deputation and its mission in London. The South African correspondents had publicised in the London papers that the Black Act was a piece of legislation which was both desirable and in the interests of all, including the Indian community in South Africa, which was not true.

The Johannesburg correspondent of the *Times* wrote in its issue of 22 October, in connection with the British Indian deputation, that “the present Ordinance provides for the complete registration of all Asiatics in such a way that personation in which the Asiatic is a past master, would be made impossible,” and that the Ordinance would give full title to Asiatics already domiciled in the Transvaal. He was most unfair when he made a



personal attack on Gandhiji by stating that as a principal agent through whom permits were issued to enter the Transvaal, Mr. Gandhi had in the past earned money and made it a lucrative business. [C.W.M.G., VI, p 5]

Gandhiji refuted all these charges. He wrote that, “any influx of Asiatics into the Transvaal on a wholesale basis had been all along denied by the British Indian community, whose position today is infinitely worse than it was under the Boer regime.” He added, “the British Indian community is prepared to meet in a perfectly fair spirit (the fear) as to undue influx of Indians or undue competition in trade; but it claims for the resident Indian population the ordinary rights of citizenship, namely, freedom to hold landed property, freedom of locomotion and freedom of trade under general regulations without class distinction.” [S. N. 4385; C.W.M.G., VI, pp 5-6]

Gandhiji had an interview with the representative of the Reuter on 27 October who “saw immediately that the Ordinance was practically useless and tyrannical.” [S. N. 4411; C.W.M.G., VI, pp 31-33] He had lunch with H. Rose MacKenzie, a correspondent of the *South Africa*, on 1 November [C.W.M.G., VI, p 55] and after much effort had substantial success in counteracting the adverse publicity. In a letter addressed to Ally on 27 October he wrote that now the *South Africa* editor had become moderate, “you might not have seen his violent articles three or four weeks ago.” [S. N. 4411; C.W.M.G., VI, p 33]

Another difficulty Gandhiji had to face arose from the temperament of the heterogeneous elements whom he had to utilise for his mission. Soon after he had reached London, he requested Sir Lepel Griffin to head the delegation. On Sir Lepel’s refusal, he telegraphed to Sir George Birdwood thinking that the latter would be acceptable as a neutral man and would be the next best person to lead the deputation. Sir George telegraphically



accepted the offer, provided Sir Muncherjee agreed. But when the matter was reported to Sir William and Dadabhai, both of them thought that Gandhiji “had done a rash act in asking Sir George Birdwood to be the spokesman, as the proposition might not be acceptable to the other members of the deputation”. They suggested Bhownagree, and hence Gandhiji approached Cotton enquiring whether he also approved of the proposal made by Sir William and Dadabhai that Muncherjee should be the spokesman. [S. N. 886] The tangle was fortunately resolved when finally Sir Lepel consented to head the deputation.

By 31 October Gandhiji had thoroughly organized the deputation. A circular under his signature was issued requesting all the members of the deputation to come to the Colonial Office at 2.30 p.m. on 8 November so that “there may be a short conference between the members of the deputation. Sir Lepel Griffin has now consented to head the deputation and to introduce Mr Ally and me.” [S. N. 897] Although Shyamji Krishnavarma and other Indian radicals were highly critical of Gandhiji selecting an Anglo-Indian as the spokesman for the delegation, Gandhiji, in his practical wisdom and acting on the advice of Dadabhai Naoroji, had realised that only a retired English civil servant from India and not a “native” would be able to carry weight with the Imperial Government.

Gandhiji had also in the meantime completed the drafting of the representation to be submitted to Elgin on behalf of the Transvaal Indians. It was signed by him and Ally and despatched on 31 October. On 2 November, a precise of the Asiatic Law Amendment Ordinance was also sent to Elgin to refresh his memory. [S. N. 923-4] Copies of the representation were made out



for each member of the deputation. Twenty-five copies were sent to Polak in South Africa by 2 November. [S. N. 925]

The joint letter, as the representation was called, impressed the members by “its wonderful cohesion, lucidity and logic”. Birdwood wrote to Gandhiji that he had read it “with the greatest personal delight, for the evidence it affords of the ability and wisdom with which young Hindoos like you can handle such intricate and trying Imperial policy.” He continued:

Your letter is (a) model of clear, simple and convincing statement of logical and weighty argument, moderation of spirit and courteous language....

He added:

A wanton outrage against their (Indians’) racial pride, such as that by which they are affronted in South Africa, will strike a deadly blow at their loyalty towards the British ‘Raj’ which is the mightiest corner-stone of our world-wide Empire. [S. N. 940]

It was understood from Dilke’s letter that he might not be able to accompany the deputation. Gandhiji wrote to him on 3 November that, “if you cannot possibly come, I venture to hope that you will be good enough to send on Wednesday a letter of sympathy which could be read to Lord Elgin.” [S. N. 4476]

As Elgin had fixed the maximum number of the delegation to be not more than twelve, Gandhiji meticulously tried to accommodate his wishes. While therefore sending the list of the members of the deputation on 6 November, Gandhiji wrote to the Private Secretary to Elgin that “including the two delegates from the Transvaal, the number has reached 14, but I



hope that Lord Elgin will be graciously pleased to excuse my having exceeded the number, as Sir Charles Dilke has written saying that although he will try to be present, it may not be possible for him to do so as there is a committee meeting of the House of Commons, at about the same time, which Sir Charles has to attend.” [S. N. 945]

The deputation consisted of fourteen persons including two absentees. Of these, Sir Lepel Griffin (68), who headed the delegation, was Chairman, and John D. Rees (52) and Thomas H. Thornton (74) were members of the Council of East India Association. All of them were retired I.C.S. Officials, as also Sir Henry Cotton (61), who had once been President of the Indian National Congress. Sir George Birdwood (74), an authority on Indian art and folklore, had also seen service in India. Harold Cox (47) was an economist and journalist and had once been professor at Aligarh College in India. Lord Edward Stanley of Alderly (67) was a former Vice-Chairman of the London School Board, while Sir Charles Dilke (63) was known for his interest in labour and the Aborigines Protection Society. Sir Charles Schwann (62) was a member of the British Committee of the Indian National Congress and Chairman of the Indian Parliamentary Committee. Dadabhai Naoroji (81) was a founder-member of the East India Association and Sir Muncherjee Bhownaggee (55) was a member of its Council, as also Ameer Ali (57), a former judge of the Calcutta High Court. The delegation of 14 included Gandhiji (37) and Ally (53), but Dilke and Schwann were absent at the time of the meeting. [James D. Hunt, *Gandhi in London*, pp 72-3]

Elgin met the deputation at the Colonial Office in Downing Street on Thursday, 8 November at 3 p.m. in spite of inclement weather. Sir Lepel introduced the delegates from the Transvaal and explained how the position



of Transvaal Indians had deteriorated under the British regime after the Boer War. He compared the contemplated Transvaal Ordinance to Russian legislation against the Jews and said that it was insulting to both the Indian citizens as well as the Indian Civil Service officials. He was sure that such a measure was instigated not by “the best part of the British community in the Transvaal” but by the “the alien foreign population, the very off-scouring of the international sewers of Europe”. [*Ibid*, p 74]

Gandhiji put the whole position succinctly. He said:

It will be a most surprising thing, if, after repeated promises and pledges, an ordinance of this nature is countenanced by your Lordship. I shall venture to quote extracts from Mr Chamberlain’s despatches and also from those by Lord Milner and Mr Lyttelton to show what they intended to do after the war. We have been asking all these years for bread, but we have received stones in the shape of this ordinance. [S. N. 968-70]

He refuted the propaganda carried on in a section of the press that the Ordinance was in the interest of Indians, and explained how the various concessions offered, like remission of £3 tax, temporary permits and recognition of land rights etc. were all illusory and mere camouflage. Showing his own registration certificate and Ally’s receipt for £3 tax to Elgin, he maintained that they were quite adequate and no further registration was necessary. He refuted the allegation that there was large-scale illegal influx of Indians into the Transvaal and demanded a commission of enquiry to establish the facts. Lastly, he also spoke of the determination of the Indian community in the Transvaal to go to prison rather than submit to the objectionable legislation.



Speaking next, Ally appealed to Elgin for justice and said that the Indians were loyal British subjects entitled to the fullest protection. They did not ask for any political rights. They were willing to accept the dominant position of the white man in the Transvaal. What they were asking for were the ordinary rights a British subject was entitled to, [India Office. Judicial and Public Records, 4287/06; C.W.M.G., VI, p 120] so as to live with dignity and self-respect and earn an honest living.

Ally was followed by Cotton, Bhownaggee, Rees, Naoroji and Ameer Ali, and none of them spoke of equality or political rights for the Indians. This indicates the temper of those times.

Elgin, in his reply, stated that the government of the Transvaal had affirmed “that they had no intention whatever, in the legislation they brought forward, to do otherwise than to improve, rather than to make worse, the condition of the British Indian community”. The new registration “would give a final and undisputed title to those who are registered, to live in the Transvaal” and the concessions offered were an improvement on the old position. He found nothing debasing in the use of finger-prints and his information was that the certificates would probably be checked only annually. Elgin therefore found nothing wrong with the Ordinance, which in his opinion, would give the Indians permanent title. Finally he hinted at the appointment of a Royal Commission as a possible course, but said that he was unable to express a definite opinion on the matter.

While promising to consider the arguments put forward by the delegation, Elgin cleverly referred to the telegram [Telegram from Governor Selborne to Lord Elgin, Cd. 3308 No. 17] he had received from the Transvaal concerning a petition from Indians “in opposition to the views which have been placed before me



today.” The petition alluded to was from William Godfrey, an Indian Christian in the Transvaal, who had studied in Edinburgh and had a British wife and was keen to be included in the delegation. He had also seconded the fourth resolution of 11 September meeting along with Ally. When Ally was selected and not Godfrey, he conspired with another Indian, C. M. Pillay, to arouse feelings of resentment among the Tamil and Colonial-born South Africans against the leadership of Gandhiji, a Gujarati, and of the Muslims. He fraudulently obtained 107 signatures on a letter of protest and posted it to Lord Elgin on 1 October, even before Gandhiji had left Johannesburg.

Another petition with 270 signatures was sent less than two weeks later, making baseless charges. It said, “Mr Gandhi is a well-known professional political agitator whose mischievous political views upon the Indian question in South Africa has (sic) been productive of the greatest possible harm to the Indian community; and that the anti-Asiatic laws in the various colonies here has (sic) been the direct outcome of such views from which Mr Gandhi derived considerable financial advantage, while the Indians in South Africa gained nothing.” [India Office Records L/P & J/6/ 791/4289]

For Gandhiji the cruelest and the most unkind cut of all was this attack by his own countrymen, for whom he had sacrificed his all and on whose behalf he was leading the deputation. Signed by Godfrey and Pillay, it contained wild allegations against Gandhiji, Ally and Abdul Gani. It was given wide publicity in order to prejudice the minds of the authorities against the deputation. As could be expected, it made a strong impression in the official circles. The petition was, however, kept a secret from Gandhiji. When therefore he came to know of it from the Colonial Secretary at the time of the deputation’s meeting with him, it was like a bolt from the blue.



He concluded the interview by saying that some of the information which Lord Elgin had received was incorrect and once again pressing for the appointment of a commission to find out the truth regarding large-scale illegal influx of Indians.

As regards the mysterious telegram, Gandhiji immediately asked the Colonial Office for full details and also wrote to Polak in South Africa making a guess that “I suppose it is Dr Godfrey.” [S. N. 4530; C.W.M.G., VI, p 135] On receiving a cable from Polak that “Godfrey obtained signatures blank paper false pretences ...” he passed it on to Elgin, explaining why Godfrey had acted as he did. “Dr Godfrey is a hot-headed youth, without any experience of practical life in the world He himself attended the mass meeting and spoke on the principal resolutions, including the resolution condemning the ordinance When the time came for selecting the delegates, he came forward as a candidate but was not selected The disappointment in this connection seems to have unhinged his mind.” [C.W.M.G., VI, pp 199-200]

Gandhiji also wrote to Sir Henry Cotton and the *Times* on the subject, but the paper deliberately did not publish the letter. He therefore had the younger Godfrey brothers in London send a letter to the *Times*, which was printed.

In spite of this setback, Gandhiji felt elated after the deputation had met Elgin. He wrote to Polak on 9 November: “The interview ... was exceedingly good Everybody considers that a stronger deputation on Indian affairs has never yet waited upon the Government. There seems to be every reason for hoping that Lord Elgin will grant a commission.” [*Ibid*, pp 133-4] But at the interview, Elgin had merely mentioned that the appointment of a commission was “an alternative which might be adopted; but I am not in a position



today to say whether it is so or not.” [Ibid, p 125] Along with this non-committal reply he added, “I have now heard what Mr Gandhi had to say ... and the other gentlemen who have accompanied him. I will give the best consideration to their representations, and I shall think it my duty to make up my mind with the full responsibility which I have to assume.” This made Gandhiji assume that Elgin “did not regard the demand for a commission as unreasonable and felt that “the matter deserved consideration” and he would therefore reply after giving it sufficient thought”. [Ibid, p 138]

9

Gandhiji was cautious in that he might not give any cause to anyone to charge him with a breach of trust. Politicians generally are not averse to leaking news provided it gives them publicity. But Gandhiji never sought publicity and certainly not at the cost of others. Elgin had allowed “the minutes of the deputation to be given to the Press, provided that they were printed as a whole and without any omission”. [S. N. 583] Gandhiji therefore instructed *Indian Opinion* to publish the minutes in toto. [S. N. 583] Pressmen approached Gandhiji for news specially in view of the *Times* having published what had leaked from the Colonial Office. Gandhiji sent them the minutes in compliance with their request and wrote: “Unless you wish to publish them in toto, I shall thank you to return the same after use.” [Ibid, 4612]

Immediately after the meeting with Elgin, Bhownaggee and others suggested that the delegation should see John Morley as well. So Gandhiji sought an appointment with the Secretary of State for India. On 12 November Morley replied agreeing to receive the deputation on 22 November. [S. N. 1012] Gandhiji circulated a notice to all members of the deputation on 13 November. [Ibid, 1011] This time, the delegation included all the earlier



members except Sir George Birdwood and out of the ten new members added, Theodore Morrison was a prominent publisher and reporter for the *Times of India*, Bombay. Sir Lepel again headed the delegation. At the meeting, John Morley did not agree to the appointment of a commission, as a commission hardly solved any problem. He pointed out the difficulties in trying to dictate to the colonies, but promised “as much support as I find myself able to give.” He was prepared to back “the Colonial Office in any representations that they may wish to make or possibly even to go a little in front.” [C.W.M.G., VI, p 217] Sir Lepel thanked Morley on behalf of the delegation.

At a meeting of the members held on 26 November, it was decided to seek an interview also with the Prime Minister, Sir Henry Campbell-Bannerman. The Prime Minister received a select group the next day and promised to discuss the matter with the Colonial Secretary. Things moved fast thereafter. The same day (27 November) at 3.45 p.m. Elgin sent a cable to Selborne:

... I cannot without further consideration advise His Majesty that the Ordinance should be brought into operation.... I shall therefore announce that in the meantime ... it will not be further proceeded with. [Cd. 3308, No. 39]

This decision was, however, kept secret until Churchill made an announcement in the House of Commons on 3 December.

On 27 November Gandhiji had an interview with Churchill. It was “courteous but inconclusive”. [Hunt: *op cit*, p 78; S. N. 1050] He and Ally called on



Milner on 22 November, [S. N. 1042] and on Lyttelton and Arthur Balfour, the former Prime Minister, on 23 November. [S. N. 4613]

Gandhiji was clear in his mind that no work could lead to the desired result unless it was continuously pursued. He, therefore, felt that if the British Indians in South Africa were to derive any lasting benefit from the London deputation, there must be a permanent committee in London. It would ventilate the Indian grievances in England every now and then. In a letter to Polak on 26 October, he said, “I think that it is quite possible to have here a very strong committee solely devoted to the affairs of British Indians in South Africa. Sir Muncheijee is very enthusiastic. Sir William has approved the suggestion Ally entirely approves of the idea. We would not only then do more through it (the committee) than through a very temporary deputation, but would do it at perhaps one-tenth of the cost of the deputation.” [S. N. 875-9] He was however conscious that mere words could not bring about such a committee. “It requires a proper plan, it requires funds also.” Nearly £300 was needed for a year, the expenditure being calculated at the rate of about £25 a month. He, therefore, instructed Polak to “call a meeting of the British Indian Association and place the whole position before them. If they agree, let me have a cable saying ‘yes’.” [*Ibid*, 875-9] As a precaution, he added “At the same time you should have funds ready. Do not send me the affirmative cable unless you get the funds in your possession.” [S. N. 882-3]

Gandhiji wrote to Ally :

I have been discussing with Sir Muncherji and Sir William Wedderburn the advisability of establishing a permanent committee for British Indians in South Africa. Perhaps you recollect that you made



the suggestion long ago. I think that our work could be usefully continued if such a permanent committee composed of people representing all shades of opinion is established, say for one or two years. I am therefore most anxious that such a committee be formed. ... Let me know your opinion in the matter. [S. N. 882-3; C.W.M.G., VI, p 26]

On receipt of a cable from the British Indian Association approving of the establishment of a permanent committee and expenses involved, Gandhiji formed the South Africa British Indian Committee for follow-up work late in November 1906, with L. W. Ritch as Secretary and Lord Ampthill as its Chairman. A strong committee was formed. [S. N 1020] He wrote to Polak, "A room has been engaged for the permanent committee at £40 per year. Furniture has been bought for £25." [S. N. 1026] The object of the committee was "(a) concentrating on and giving continuity to the efforts (to secure fair and just treatment to British Indian settlers in South Africa) of those friends who have heretofore exerted themselves to that end in Parliament and in other ways; (b) and of helping the Imperial Government to arrive at a proper solution of this difficult problem." [I. O., 26-12-1906, p 990] On a motion of A. H. Scott, the Committee was inaugurated on 29 November 1906 at a farewell party for the deputation. The motion was seconded by Sir George Birdwood. [*Ibid*, p 990]

The inside story of the sordid deal, the way in which Elgin misled Indians into believing that he was disallowing the Royal Assent to the Black Act in order to protect their rights while giving a private assurance to Sir Solomon that it was not disallowance but postponement, and that the same Act passed by the elected Parliament of the Transvaal would get the Royal



Assent, has been collected by James D. Hunt with painstaking research from the colonial records and private correspondence of the principal persons involved in the drama.

In his *Gandhi in London* James Hunt writes that the records showed that the decision to disallow the Black Act had been taken very early. But the announcement was delayed in order to force the new Transvaal Legislature to shoulder the burden of passing the obnoxious Act. His Majesty's Government was not bothered as to what happened to Indians in South Africa. They were only anxious that His Majesty's Government did not attract any blame.

Hunt narrates that when the proposed Ordinance was formally transmitted to the Colonial Office in London on 24 September 1906, Selborne had also sent along with it a confidential report in which he had assured Elgin that the effect of the measure would be "to improve the status of the Asiatic in the Transvaal by regularising his position by giving him a secure right to remain in the country." [Hunt, *Gandhi in London*, p.84] The measure would also do away with the 'permit agents' of whom Mr Gandhi was said to be 'the ablest and most successful', he added. Selborne had further warned Elgin that Mr Gandhi was "not really a disinterested person."

The insinuation was picked up by Sir Montagu F Ommanney, a permanent Under-Secretary in the Colonial Office, for comment on the official file to the effect that "the deputation is a good deal discredited, being apparently mainly representative of the interests of the permit agents whose occupation is threatened."

The attempt at discrediting Gandhiji by the Governor was further strengthened by Dr Godfrey's petition, which also had made similar baseless



accusations. According to Hunt, Gandhiji selected Sir Lepel Griffin, an Anglo-Indian, as spokesman of the deputation, in order to overcome the ‘formidable obstacle’ created by this insinuation, in spite of bitter criticism of his choice by the Indian radicals. This however could not have been a consideration with Gandhiji as he was not aware of these accusations when he selected Sir Lepel Griffin to lead the deputation. But he certainly had other far weightier reasons for selecting him as narrated earlier in this chapter. His main objective was to succeed in his mission.

Sir Frederick Graham, an assistant Under-Secretary, minuted on the file that, “it is fortunate that Sir Richard Solomon will be here when the deputation arrives”. To this minute Ommanney added that “Solomon should be heard before the deputation”. A solid wall of prejudice was thus sought to be built up by the officials against Gandhiji and the deputation.

In another file the officials had actually proposed that the Act be disallowed. Ommanney had observed in the file containing the printed petition of the deputation that the petition was very well written and the government would find it difficult to support a policy of imposing more restrictions on Indians under the Crown Colony Government than during the Boer regime. He wrote on 3 November 1906, before the deputation met Lord Elgin, “I think the law should be disallowed and the matter left to the new legislature.” Agreeing ‘entirely’ with this suggestion Winston Churchill, Parliamentary Under-secretary, wrote:

We are in a wholly indefensible position. The deputation will certainly stir up difficulties in the House of Commons. What can we say, after what we said to Kruger? The new Parliament may shoulder the burden. Why should we? Dawdle or disallow — preferably the former.



[CO. 291/ 103/39670, minute by Churchill, 4 November 1906, quoted by Hunt, *Gandhi in London* , p 85]

After the deputation had met Elgin on 8 November, Graham wrote on the file the next day, “Lord Elgin has seen the deputation and has, I understand, decided it will be difficult to proceed with the Ordinance.” He mentioned as one of the reasons for the decision, “the sympathy for the British Indians that had been manifested in the Press, Parliament and outside.” [*Ibid*, minute by Graham, 9 November 1906, p 86]

But this decision was kept a secret for about three weeks and was communicated to Selborne only on 27 November after Prime Minister Campbell-Bannerman had been made to take interest in the matter by friends of the deputation. During the intervening period, there were suggestions and counter-suggestions within the Colonial Office regarding the transmission of the decision to the Transvaal Government. Elgin proposed that the Governor should be informed immediately. He suggested that a short telegram be sent to the effect that he had explained to the deputation which met him on 8 November, that the Act was not intended to prejudice the position of British Indians legally qualified for residence in the Transvaal, but that he did not give them any indication of his decision not to sanction the Ordinance without further consideration. A telegram was actually drafted to this effect, but it was not despatched.

Blissfully unaware of all these happenings in the Colonial Office, Selborne continued his barrage of reports and copies of resolutions passed by Town Councils and Chambers of Commerce in the Transvaal urging the immediate approval of the Ordinance. On 16 November he telegraphically warned Elgin that if the Ordinance was disallowed, the Asiatic question



might be made an issue in the coming Transvaal election, and that the new Parliament might come up with a worse legislation. [CO. 291/105/42335, Cable from Selborne to Elgin 16-11-1906] On receipt of this telegram the officials of the Colonial Office urged immediate communication of Elgin's decision to Selborne. Churchill however simply wrote one word on the file 'Dawdle'. [*Ibid*, Churchill's minute of 21-11-1906]

This advice was followed until 24 November when Elgin wrote a private letter to Selborne and attached it to the official communication of 23 November. These letters could not be expected to reach Pretoria before 13 December.

But before they could reach South Africa, Elgin had to send a cable to Selborne on 27 November that the Ordinance could not be given His Majesty's Assent. Some members of the deputation had met the Prime Minister Campbell-Bannerman on 27 November and this had forced the issue into the open.

Selborne, in his telegram of 29 November 1908, regretted the decision of the Imperial Government for the following reasons:

- (i) that the Ordinance was intended to carry out definite pledges, which he had given (as he understood, with Lord Elgin's concurrence) that the Government would maintain, as regards the Asiatic immigration, the *status quo*, pending the establishment of responsible government.
- (ii) that the strong Colonial feeling against Asiatics which he had laboured so hard and not unsuccessfully to allay, would be excited again. [Notes: Emigration-A (March 1907) No. 24: Disallowance by the Govt. of the Transvaal Asiatic Law Amendment Ordinance, 1906 (File No. 34 of 1907). Procs No. 24. From Sec. of State for India to Govt. of India. Encl. No. 6. p 54]



On 29 November Elgin wrote to Selborne saying that the provision of the ordinance “fell far short of the reforms which Her late Majesty’s Government repeatedly pressed upon the Government of the late South African Republic” and that “they did not contain more than an instalment of the measures of relief which had been advocated by my predecessor.” [Cd. 3306, p 38]

While accepting the responsibility for having approved the original drafts of the two earlier ordinances, he tried to justify his changed attitude and said, “The two drafts of the ordinances which you submitted earlier have been replaced by a single ordinance; their provisions have been entirely redrafted and in regard to some points at any rate, the alterations affect the substance as well as form.” [*Ibid*, p 38] Continuing, he added that he had never doubted the intentions of the Transvaal Government to improve the position of British Indians in the Colony through the new legislation and had tried to impress this view on the deputation. But they persisted that the legislation “actually aggravates the disabilities from which they at present suffer. They would prefer retention unamended of the provisions of Law 3 of 1885 than accept the new ordinance. It was therefore not easy for me to urge them to accept as advantageous a measure which they repudiate as detrimental to their interests.”

Under the circumstances and in view of the near approach of responsible government in the Colony, Elgin thought it expedient to announce that “it is not proposed in the meantime to proceed further with this measure.” [Cd. 3308, pp 58-9]

On 3 December, Patrick Duncan wrote to Selborne:



Under the existing law, we have no power to insist upon finger-impressions being furnished or to require production of registration certificates by those who allege they had (been) registered here. We have been acting as if we had power to do both these things, simply because without them the whole thing is a farce; but I understand that upon both points, our action is likely to be tested in the Courts, and, of course, we shall be beaten. [Dept, of Commerce & Industry (May 1907). File No. 34 of 1907 Restrictions upon immigration of Asiatics into the Transvaal. From Lt Governor to Lord Selborne]

Elgin had disallowed the Ordinance in consultation with Solomon. Now that responsible government was imminent in the Transvaal, Elgin had assured Solomon that “if an identical measure was passed by the Transvaal legislature constituted after the grant of responsible Government, it would not be refused the Royal Assent.” [Dept, of Commerce & Industry (May 1907). File No. 34 of 1907 Restrictions upon immigration of Asiatics into the Transvaal. From Lt Governor to Lord Selborne]

The Indian delegation was blissfully unaware of this betrayal of the Indians by the Imperial Government when they left London.

Before we conclude this chapter, we should record some of the other interests and activities which Gandhiji was engaged in during his stay in London. There were friends, both Indian and European, who helped him in his work. He found time to extend his sympathy and support to students and others in need.

Ally had been suffering from rheumatism right from the time he left Johannesburg. After reaching London Gandhiji got him admitted into the Lady Margaret Hospital under Dr Oldfield, so that he might be free from



anxiety on Ally's account, as he had faith in the competence of Dr Oldfield. He wrote to Ally on 27 October: "Follow Dr Oldfield's instructions implicitly. You are in the safest hands." [S. N. 886] Heavy pressure of various types of work notwithstanding, he never forgot to give a word or two of brotherly advice to Ally: "I beseech you to keep yourself religiously away from cigars." But he knew the difficulty of giving up the smoking habit once formed and pursued for a long time. He therefore suggested: "Certainly have as much as you like of the hubble-bubble (the Indian smoking device called *hukka* in which the smoke passes through water before entering the lungs). He wanted Ally to recover in time, before the Parliament House Meeting, as he would not like to address the members of the House of Commons without him. [S. N. 886]

Ally therefore could not help Gandhiji in the preparatory work of the deputation. Even to get his advice, Gandhiji had to call on him, and the volume of work made it difficult for him to leave London. Writing letters to different people, persuading them, one by one, to accept his viewpoint, refuting false allegations made in the press, drafting representations and petitions, not only for himself but also for others, keeping in touch with the Chinese and the Japanese, giving interviews to the press and to individuals who called on him, and paying visits to members of the deputation, besides keeping his Johannesburg people regularly informed and also looking after the affairs of Phoenix as well as *Indian Opinion* — all these combined were a gigantic task for any one man. He had to cut down his sleep and utilise every moment for his work. On 26 October, he wrote to Polak: "I have not allowed myself a moment's rest ever since my landing here. Work commenced on Saturday immediately on landingI have not



gone to bed before 1 o'clock, except on Wednesday night." [S. N. 875-9] In one of his letters to Ally, he wrote: "As you may imagine, I have not been at all idle. I have been seeing people here and there." [S. N. 886]

Again he wrote to Ally on 31 October: "I can only tell you that I am working under greater pressure than in Johannesburg. I went to bed last night at 3.30 in the morning." [S. N. 905] He wrote pathetically to Polak on 2 November: "I am sending you only a short note by this mail; I have not the energy to give you more. It is now 1.45 (a.m.)." [S. N. 925]

To Kallenbach he wrote: "I am working under greater pressure than in Johannesburg. Except for one night I have not gone to bed before 1 o'clock. At times I have sat up till 3.30 in the morning and I do not know when I shall retire tonight. It is now 10.45." [S. N. 933 A]

The undue pressure of work left Gandhiji little time to attend to his health needs. On 27 October, he wrote to Dr Oldfield about his "sorrow". "When I was in Bombay I had lost my sense of smell; as the doctor put it I am supposed to be suffering from 'chronic ozena'. I have chronic catarrhI think it was when I was carrying on a fruit and nut diet experiment that I damaged my teeth." He wanted the doctor's advice but "friends though we are, if you are going to attend to either of the two complaints, you must do so professionally, if only because whatever you receive, I know, goes to humanitarian purpose." [S. N. 887]

He wanted to make an appointment, but unfortunately there was not enough time left for the purpose. He went on requesting for more than one appointment. He wrote "I have to interview so many people that it is not possible for me to make a definite appointment." [S. N. 887] On receipt of a



note from Dr Oldfield, he wrote on 31 October that he would call on him at 145 New Kent Road, Elephant and Castle, by “encroaching upon my dinner hour.” [S. N. 4436] Later on to Ally he wrote: “I have sent a phone message that I shall probably come to Bromley tomorrow (1 November).” [S. N. 905]

After consultation, Dr Oldfield decided that Gandhiji needed an operation. It was fixed for 10 November. But on 9 November Gandhiji wrote: “I see, however, that I must not do so for the present, things having taken a turn for the better as also for the worse. I must keep myself busy in connection with the deputation work. I find that I cannot possibly leave next week. I may therefore be ready for treatment Saturday next.” [S. N. 938]

He needed medical attention, but he had no time for it. He wrote to Dr Oldfield on November 25: “My teeth are more shaky than when you saw them, and yet I am afraid that I will not be able to undergo the operation at the hospital either for the teeth or the nose.” [S. N. 4634] Due to his molar trouble, he could not eat raw fruits. As the date for his leaving England was drawing near, he wrote on 24 November, “If you can perform the operation at the hotel without tying me down to the room for the rest of the day, or if you can perform it any time after 8 o’clock in the evening so that you would free me for the next day’s work, I should have it and feel greatly relievedYou may come up to room No. 256 and await my arrival. In any case should I be later than 5 o’clock and if you can have tea and then perform the operation or do whatever you like with me, I will endeavour to keep the whole of the evening free.” [S. N. 4659] His own health needs were subordinated to the work for which he had come to England.



Ultimately he did snatch a few minutes from his meetings when Dr Oldfield came to Hotel Cecil and, with a pair of borrowed dental forceps, extracted the painful tooth without anaesthesia. Dr Oldfield said, “He sat still for a few minutes, thanked me gently and earnestly, and went back to his committee.” Josiah Oldfield: *Gandhi As I Knew Him* - *John O'London's Weekly* 29 March 1903 p 1000 (quoted by James D. Hunt, p 100)

Though Gandhiji had little time for his own health needs, he found time to take care of others' needs. Mr Suliman Manga, one of the South African Indian students studying in London, was instructed by Dr Oldfield to take a “change or rest for a week or two.” On 5 November Gandhiji wrote to the sister-in-charge of St Edmund's Broadstairs, about accommodation for Manga. [S. N. 4488] Manga got it. Since he did not write his reaction after settling down in the new place, Gandhiji wrote to him on 10 November, “You have not told me how you are getting on, how you like the place, what the people are like and what they charge you etc. We should like to have all information about the place. Please write to me fully. There is no excuse for you to give me only scrappy information.” [S. N. 4540; C.W.M.G., VI, p 140]

A. Tanzi, a waiter in Hotel Cecil, was suffering from rheumatism and naturally drew Gandhiji's attention. Gandhiji wrote to Dr Oldfield on 6 November sending Tanzi: “I shall thank you to charge him the poor man's fee and let me know it.” [S. N. 4498] This trait of looking after all he came in contact with was ingrained in his nature.

Of the Indians and Englishmen, who helped Gandhiji in his work in London as volunteers, Gandhiji talked eloquently of Simmonds. “Simmonds was private secretary to Sir George Farrar, one of the millionaires of



Johannesburg. He was an expert stenographer. He happened to be in England when we were there. I did not know where he was, but the noble Englishman found us out, as our public work had secured for us newspaper publicity. He expressed his willingness to do for us anything he could. ‘I will work as a servant if you like’, he said, ‘and if you need stenographer, you know you can scarcely come across the like of me.’ We were in need of both these kinds of help, and I am not exaggerating when I say that this Englishman toiled for us day and night without any remuneration. He was always on the typewriter till twelve or one o’clock at night. Simmonds would carry messages and post letters, always with a smile curling round his lips. His monthly income was about fortyfive pounds, but he spent it all in helping his friends and others. He was about thirty years of age. He was unmarried and wanted to remain so all his life. I pressed him hard to accept some payment, but he flatly refused and said, ‘I would be failing in my duty if I accepted any remuneration for this service.’* I remember that on the last night he was awake till three o’clock while we were winding up our business and packing our things. He parted from us the next day after seeing us off on the steamer, and a sad parting it was. I have often experienced that benevolence is by no means peculiar to the brown skin.” [M. K. Gandhi, S.S.A., (August 1961), p 121]

Gandhiji, throughout his life, was deeply interested in training young men and women as leaders. Gokhale has said that he made “heroes out of clay”. His methodology was always to train men and women on the job. In London he made full use of the Indian students from South Africa who were staying in London at that time and put them to work in the office of the deputation. He needed workers, but more important than his need for help was the need he felt to induct these young men into the responsibilities



of public work. They were made to address envelopes, deliver letters and invitations to Members of Parliament and run errands. He inspired them to prepare a representation of their own which they sent to Elgin. In order to make them feel it was really their own representation he made them pay out of their own pockets the cost for getting it printed.

Joseph Royeppen was the most capable of the group. He was the son of an indentured labourer and he graduated from Cambridge as well as from the Law School. He was always available for help to Gandhiji in London. Later, back in South Africa, he became a satyagrahi and a resident of Tolstoy Farm.

Another helper was Suliman Manga, also a law student, who had already figured in *Indian Opinion* because of the problems he had faced in getting a temporary permit to enter the Transvaal. [C.W.M.G., VI, p 259]

Other helpers were Adam H. Gool, the son of a Cape Town man, and Ruthnam Pather, aged 18, in whose education Gandhiji had shown much interest.

Then there were the Godfrey brothers, George and James, who, besides helping in the office, had a special responsibility thrown on them because of their elder brother, William Godfrey's anti-deputation and anti-Gandhiji petition to Elgin. Their letter to *The Times* dissociating themselves from their brother's activities was published by that paper, while Gandhiji's letter refuting William Godfrey's charges had been ignored. All the three brothers were able, ambitious and energetic. Colonial-born sons of an Indian Christian schoolmaster, George, was a medical student and James studied law. James read a paper on "The Englishman as I find him" at the London India Society in which he noted their "dogged perseverance, tact, zeal, and



energy, their pride and affection for their race” and their “solidarity or (sense of) responsibility and trust in one another.” [C.W.M.G., VI, p 174]

Even during this most busy period in London, Gandhiji’s services for the needy were continued. The Indian student, Ruthnam Pather, got admitted into Lincoln’s Inn. [C.W.M.G., VI, p 181] His previous education in Durban was very poor. Gandhiji wished that he should be admitted into a school in London. He spared no pains to help him. He utilised the services of J. H. Polak also to that end. He wrote to him on 29 November: “I would like Miss Weenen to give him all the education she is capable of giving. Perhaps she can also secure a private tutor or admission for him to a school or class in Westcliffe. Under the above proposal, Ruthnam Pather need not take out a railway season ticket as he would be going to town only six days every term. I would like Miss Weenen to treat him as a member of the family, to be perfectly frank and open with him and never hesitate to point out to Ruthnam his defects either in speech, or manners or his mode of living. He should in short be treated as a very young lad and receive loving supervision.” [C.W.M.G., VI, pp 249-50]

That Gandhiji looked into every aspect of any matter to avoid unnecessary expenditure can well be seen from the letter he addressed to the Secretary, County School, on 17 November in connection with Ruthnam’s education: “I notice that the current term is half finished. Will there be any reduction on that account?” [*Ibid*, p 180]

Gandhiji had written a *Guide to London* for students a few years before he came back to London. Even now he was interested in Indian students going to England. So when he saw an advertisement, he wrote to Miss E. J. Back on 22 November: “I shall thank you to let me have the



book of instructions for Indian youths coming to England for education, as per advertisement in the magazine.” [C.W.M.G., VI, p 220]

Gandhiji always attached the highest importance to meticulous keeping of accounts of all public funds. During his visit to London for the work of the deputation he used to maintain accounts carefully. He wrote later, “We were so punctilious in keeping the accounts of the deputation that we preserved even such trifling vouchers as the receipts for the money spent in the steamers upon, say, soda water. Similarly, we preserved the receipts for telegrams. I do not remember to have entered a single item under sundries when writing the detailed accounts. As a rule, sundries did not figure in our accounts at all, and if they did, they were intended to cover a few pennies or shillings the manner of spending of which we could not recall at the time of writing the accounts at the end of the day.” [M. K. Gandhi, S.S.A., p 122]

Gandhiji was particular that nobody should have to feel embarrassed on his account. An “Empire” brand typewriter was hired for him at 15s per month. [S. N. 4589] It seems a new typewriter was sent to him while the rate paid was for an old typewriter. When he came to know of some misunderstanding having been created by somebody somewhere, he wrote at once on 20 November: “My representative who called on you tells me that the terms arranged with you were 15s per month for the typewriter I am using. He tells me also that it was out of your personal interest that you gave the new typewriter in order to advertise the machine. If, therefore, you think that you would much rather that I used an old machine for 15s, the new one may be removed and an old one sent instead.” [C.W.M.G., VI, pp 188-9]



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- * He, along with another helper, Miss Lawson, did however receive payment, though they did not work merely as wage-earners. *Vide* CWMG, VI, p. 259.

12

In spite of his preoccupation with the work of the deputation Gandhiji kept his interest in religion. He did not attend religious services of any group and he did not make any attempt to contact his former Theosophist or esoteric Christian friends. A new religious group had emerged, one which seemed to have identified as the core of religion that aspect on which Gandhiji himself placed the utmost emphasis, ethics. The Ethical Societies were a young movement with but a few congregations in Europe and America. They appealed to both Jews and Christians who found the ancient language of theology irrelevant to modern concerns. They wished to focus attention on ethics in life rather than salvation after death. Gandhiji perhaps first encountered the movement through Henry and Millie Graham Polak, both of whom had been interested in the work of the South Place Ethical Society, the most influential of the London Ethical Societies and today the sole survivor. Henry had come to it from a Jewish background, and his bride Millie Graham Polak from a Christian heritage.

In London Gandhiji made contacts with some officials of the Ethical movement. On 12 November he met Charles P. Cooper, Secretary of the International Committee of the Union of Ethical Societies, and Miss Florence Winterbottom, Corresponding Secretary of the Union, in the hope of her arranging meetings to enable him to explain the Indian cause. Miss Winterbottom became one of his most steadfast supporters, and her friendship with Gandhiji was sustained until her death in 1927.



A sign of Gandhiji's interest in Ethical Societies was his translation into Gujarati of William MacIntyre Salter's *Ethical Religion*, which appeared in *Indian Opinion* in instalments beginning 5 January 1907. The text has been republished as an original work of Gandhiji's. In a sense this is true, for it was by no means a strict translation but rather a paraphrase and interpretation of the original. To this he has added appropriate Gujarati verses. The text emphasized the power of man's moral nature, and it must have reinforced his belief that the inner qualities of the Indians and not the politics of the British held the key to the destiny of his people. In the introduction, he gave a description of Ethical Culture which perhaps reflects much of his own religious philosophy :

A society has been founded which has shown, after an investigation of all the religions, that not only all of them teach morality but they are based for the most part on ethical principles; that it is one's duty to obey the laws of ethics whether or not one professes a religion; and that men who would not obey them could do no good either to themselves or to others, in this world or in the next. The object of these societies is to influence those who have been led to look down upon all religions because of the prevailing hypocrisy. They find out the fundamentals of all religions, discuss and write about the ethical principles common to them and live up to them. This creed they call Ethical Religion. It is not among the aims of these societies to criticise any religion. Men professing all religions can, and do, join these societies. The advantage of such a society is that members adhere to their own faith more strictly and pay greater attention to its moral teaching. [S. N. 4496]



Gandhiji's involvement with this Society was to grow deeper in the next few years.

Here is an instance of Gandhiji's feeling for the cause of vegetarianism even when he had so little time to think of anything else except the deputation. Miss Bissicks owed some money to Gandhiji. She died. Gandhiji wrote to Mr Bissicks: "I fully sympathise with you in your troubles, and I do not at all expect you to pay anything towards the advance made by me to the late Miss Bissicks; it was my contribution to the cause of vegetarianism." [C.W.M.G., VI, p 71]

Nor was Gandhiji's vigilance over Phoenix relaxed. On hearing that Mr West had decided to bring his sister there, Gandhiji wrote to Chhaganlal on 26 October: "I think it is a wise step. She appeared to be simple and willing. We want some English ladies there. Do please make the best use possible of her. Let your wife and other ladies mix freely with her, and let her feel that there is no distance between her and us, and make her as comfortable as possible. Let the ladies learn from her and give her all that can possibly be given to her in the way of teaching. Each party has very strong points for the other to imbibe. I do hope all the womenfolk go to the press, especially on Saturdays. Let there be a real effort in that direction." [S. N. 871]

On 10 November he wrote to Mr West: "I hope that Miss West is getting on nicely, that she is comfortable, and that Mrs Gandhi received her well." [S. N. 4453]

He also wrote to Chhaganlal about *Indian Opinion*: "I hope to place the London correspondence on a very strong footing before I come away." [S. N. 871] He appointed J. C. Mukherji as *Indian Opinion's* London correspondent, [S. N. 4453. The appointment is only suggested in this document. It is not known whether Mr



Mukherji was actually appointed or not] and Abdul Qadir, a graduate of Punjab University, its honorary contributor. [S. N. 455; 4541] He also secured a contribution from Dr Oldfield.

Gandhiji had been greatly moved by the women's suffragette movement during his visit to London. On 23 October 1906, three days after his arrival in London, the Women's Social and Political Union led by Mrs Emmaline Pankhurst held a demonstration in the lobby of the House of Commons. This resulted in the arrest of eleven women. It was the largest group to court arrest. The next day all of them were sentenced to three months' imprisonment on their refusal to pay the fines. The movement which had begun a year ago was growing in strength and turning militant when Gandhiji was in London.

When put in prison the women showed high spirits and remarkable courage. When placed in the second class as common criminals, they demanded to be removed to the first class as political prisoners. [Hunt, *Gandhi in London*, p 102]

They were strongly supported by their comrades outside. Some of them committed new offences merely to court arrest and join those in prison. While a few unused to the harsh conditions of prison life had to be released early because of danger to their health, the others would not accept any special privileges. Thus Mrs Cobden Sanderson, who was offered special treatment, refused it, saying, "No matter how I suffer, I shall seek no favour from you. I am in gaol for my own and my sisters' rights and I will live like a common prisoner until the franchise is granted." [C.W.M.G., VI, p 86] Another lady, Miss Alice Milne, similarly refused to pay a nominal fine of ten shillings and chose a jail term of a week instead for attempting to make



a speech in front of the Parliament House on 19 November. [*Ibid*, p 223] Finally all the prisoners were released on 24 November, having served only one-third of their sentences.

It is not clear whether Gandhiji actually met any of the leaders of the suffragette movement in 1906, but he was certainly deeply impressed and fascinated by their courage and sacrifice. In the suffragette movement he saw more or less an echo of his own concept of passive resistance. He wrote immediately an article for the *Indian Opinion* under the title “Deeds better than Words”, to share with his Indian brethren what he had seen. He wrote:

It is no wonder that a people which produce such daughters and mothers should hold the sceptre. Today the whole country is laughing at them, and they have only a few people on their side. But undaunted, these women work on, steadfast in their cause. They are bound to succeed and gain the franchise for the simple reason that deeds are better than words. Even those who laughed at them would be left wondering. If even women display such courage, will the Transvaal Indians fail in their duty and be afraid of gaol? Or would they rather consider the gaol a palace and readily go there? When that time comes, Indians’ bonds will snap of themselves. [*Ibid*, p 30]

Gandhiji and Ally were now satisfied that everything possible had been done to put the case of Indians before the Imperial authorities to get redress. On 29 November (Thursday) eminent supporters of the Indian cause gathered for a farewell breakfast, at which the organisational matters of the South Africa British Indian Committee were settled. Expressing his feeling of



satisfaction in a note in *Indian Opinion*, Gandhiji said, “The last week (of November) will abide in our memory for ever. Every moment strengthened our confidence that the mission on which the delegates went to England would succeed.” [*Ibid*, p 257; I.O. 29-12-1906]

Gandhiji and Ally left London on 1 December 1906 by r.m.s. *Briton* and reached Johannesburg on 22 December 1906.

As regards Gandhiji’s masterly strategy and the deputation’s work against the Ordinance, Albert Cartwright, the London correspondent of *Rand Daily Mail* in South Africa, observed:

They (the deputation) have unquestionably made a deep impression on political and other circles here. Many influential Conservatives have associated themselves with the case put forward by the deputation. The choice of delegates has impressed everybody as singularly felicitous. Mr Gandhi’s marshalling of the facts and his submission of them in printed form betrayed a skill as well as a determined hand. [*Rand Daily Mail*, 30 November 1906]

Even the *Times*, London, in a leading article on 30 November, expressed sympathy for the cause of Indians in South Africa. *India*, in an editorial on 7 December, put the achievement of the deputation in a picturesque style. It said. “Mr Gandhi and Mr Ally came, they saw Lord Elgin and Mr Morley; and ... they have conquered.” [*India*, 7 December 1906]



CHAPTER II: BETRAYAL BY BRITAIN

1

Gandhiji and Ally left England on 1 December 1906 by r.m.s. *Briton*, unaware of the decision of His Majesty's Government to refuse assent to the Black Act. Gandhiji might have been disappointed that the commission of enquiry he had asked for had not been agreed to. Lord Elgin had been non-committal. Lord Morley had flatly refused it. But he had not given up hope. He repeated his request in his follow-up letters and lowered his demand from a commission to a "committee of local, but independent and impartial men." [C.W.M.G., VI, p 230] Such a committee would not only provide correct information on the extent of illegal Indian immigration but also give an opportunity to him to present the Indian case before a public body. But his plea was of no avail. His Majesty's Government was unwilling on the eve of elections in the Transvaal to do anything which the Government of the Transvaal might regard as "interference".

As he left England, Gandhiji was on the whole satisfied with the work done by the deputation, although he was also preparing himself and his community for disappointment and was thinking of the action to be taken in case their efforts failed to get the Black Act finally rejected.

Two or three days out from London, r.m.s. *Briton* touched Madeira, where cables from both London and Johannesburg awaited Gandhiji and Ally with the news that the Ordinance had been refused assent by His Majesty's Government. "This was more than we had hoped for," Gandhiji wrote on board the steamer. "But God's ways are inscrutable. Well-directed efforts yield appropriate fruit." [*Ibid*, p 259]



He did not know anything about the secret understanding given by Lord Elgin that the same Act, if passed by the elected Parliament of the Transvaal, would not be vetoed by His Majesty's Government. He however warned the Indian community that much of the struggle lay in the future.

In his memoirs of the struggle, *Satyagraha in South Africa*, written almost two decades later, he described his feelings on that occasion: "Our joy knew no bounds. The steamer took about a fortnight to reach Cape Town from Madeira and we had quite a good time of it during these days and built many castles in the air about the coming redress of many more grievances." [M. K. Gandhi, S.S.A., p 120]

Gandhiji and Ally reached Cape Town on 18 December 1906, where they received as many as thirty messages of greetings from Durban in addition to a few from Mafeking. [I.O., 22-12-1906; C.W.M.G., VI, p 260] They arrived at Johannesburg on the morning of 22 December by African Express and were received by the British Indian community and European friends. They looked well and hearty. After the usual customs delay, they were driven to Suleman Ismail Mia & Co's premises, where a light repast was served for over 200 guests. [I.O., 29-12-1906, p 991]

On 23 December an address was presented to them in the Hamidia Islamic Society Hall. The hall overflowed with Indians. Abdul Gani welcomed the delegates and Polak read the address. Gandhiji and Ally thanked the audience and said that their work had only just commenced. They had to show to the European colonists that the Indian claim was just and reasonable and such as no sober colonist would take exception to. [C.W.M.G., VI, p 260 fn]



Three resolutions were then put from the chair and passed unanimously. The crowd was so great that formal moving and seconding of the resolutions had to be dispensed with.

The first resolution thanked Gandhiji and Ally “for having undertaken their difficult task in a spirit of self-sacrifice and patriotism”.

The second resolution thanked the friends in England who had “helped the delegates by their active support” and authorised the acting chairman to send them letters of thanks.

Resolution number three placed on record the “respectful desire of the Indian community to work in cooperation with European colonists and yield to their wishes in all reasonable ways”, and hoped that they would reciprocate “by helping the Indian settlers in the Transvaal to live in the colony with self-respect and dignity” and enjoy “those civic rights which all well-behaved citizens under civilized government” had the right to possess.

On 25 December, further addresses lauding the delegates’ work were presented at the Gujarati Hindu Society’s Hall by the Pretoria, Pietersburg, Boksburg and Germiston Hindu communities. [I.O., 29-12-1906] At Durban, a reception was given in honour of the delegates by Omar Haji Amod Zaveri at his house on 26 December. While thanking everyone present, Gandhiji said that the time had now come for all of them, Hindus and Muslims, “to remain united and to carry on real struggle.” [C.W.M.G., VI, p 261]

On 29 December when the Verulam Indian community gave a reception at which Ally could not be present, Gandhiji referred to the annual £ 3 tax and said, “We did put up a stiff fight when the tax was imposed on them (indentured labourers who stayed on in South Africa after the



completion of their indentures).” He added, “it is very difficult now to get any redress in the matter.” [C.W.M.G., VI, p 261. This tax was to figure prominently in the subsequent Satyagraha struggle in South Africa and was removed at the successful end of the Satyagraha in 1914]

Perhaps the largest meeting of Indians ever held in Durban took place on the evening of 1 January 1907, when over 1500 Indians assembled to honour the delegates. The rush was so great that the Congress Hall, where the meeting was advertised to take place and which was elaborately decorated, proved too small to accommodate the people. They had begun to arrive two hours before the advertised time. The Reception Committee, therefore, decided to accept the offer of Abdoola Haji Adam, who placed his covered market in Pine Street at the disposal of the committee, where ultimately the vast crowd proceeded in an orderly manner. Every stall and every corner was taken up by Indians who were eager to hear the delegates. Representatives from all parts of the colony attended the meeting.

Welcoming the delegates, Dawad Mahomed, President, said that it was the duty of the Indians throughout South Africa to show their appreciation of the delegates’ work in England. The result of their labours went beyond the confines of the Transvaal. It was the duty of Indians, whenever necessary in self-defence, to approach the Imperial Government, but their real and permanent work was with the colonists themselves.

Gandhiji had no doubt that ultimately Indians would be able to convince the white colonists of the justice of their cause. Had not the delegates proved to the British public that their cause was just and their demands moderate? Their fellow-countrymen in the Transvaal had shown by their resolution to go to gaol rather than submit to indignity, that Indians



were determined to live in South Africa with dignity and self-respect. By sending a deputation to England, they had proved themselves capable of self-sacrifice and of carrying on constitutional agitation. Now they had to show that in their success they could remain calm, and that they intended to continue their struggle for civic rights by working among and through the colonists. The Indian community was grateful to the many friends and sympathisers who had assisted the delegates in England.

Omar Haji Amod Zaveri then read the address, which was presented in duplicate. [I.O., 5-1-1907, p 3] The address congratulated Ally and Gandhiji for the work done by them and on the success of their mission in England. It complimented them on the wisdom of setting up a permanent committee in London to watch the interests of British Indians in South Africa and help in finding a true and just solution for the difficult question of the status of British Indians in South Africa. It endorsed the delegation's farewell message to the British public emphasising that Indians in South Africa did not ask for unrestricted immigration from India and that they had to work to secure the good will of leaders of public opinion in South Africa.

Messrs Anglia, Peeran Mahomed, Dr Nanji, Ambaram Maharaj, Chhabildas Mehta and U. M. Shelat then spoke about the delegates in laudatory terms. Chhotabhai read an address from Stanger signed by Seedat and others. Nanji read an address signed by Mr Desai and others. Talewantsingh of Verulam, Rooknudeen, Kilamaia and Shivilal Dharsi also spoke.

Gandhiji and Ally, who were greeted with vociferous cheers, then made a suitable reply, giving a gist of their work in London. They told the meeting that the future was in their hands. They spoke in grateful terms of their reception in England. Both the delegates were profusely garlanded. The meeting



terminated at midnight with three cheers for the King Emperor. [I.O., 5-1-1907, p 5]

Durban was the venue of another large meeting on the night of 3 January 1907, called by the members of the Mahomedan Association. It was held at the Indian Theatre in Victoria Street. Over 1000 men attended. The platform was crowded and so was the well of the theatre. Mr Osman Ahmed Effendi, President of the Association, chaired the meeting. His speech was followed by those of several prominent Durban Indians. An address heavily framed was presented in duplicate to the delegates and was read by Mr Goolam Hoosen.

The address publicly recorded their cordial appreciation of the deputation's patriotic services in connection with the disallowance of an un-British Act in the Transvaal. The "moderation of your demands in England, the establishment of an influential and permanent committee in the centre of the Empire, the achievement of sympathy and support from all sections of the British press and public, added to the justice of our demands throughout South Africa" would result, they believed, in their just cause being recognised by their fellow-subjects in South Africa.

After several members, including Dawad Mahomed and Omar Haji, had spoken, the delegates thanked the Association for the address and recounted their experiences. Ally made a powerful speech with humorous touches and carried the audience with him on all the points. He desired specially that the reporters should mention the fact that the delegates had received special help from Muncherjee Bhowmagree and Mr Amir Ali, as indeed from all those whom they had met. Three cheers for the delegates and the King Emperor closed the proceedings. The meeting also passed



unanimously a resolution of thanks to their sympathisers in England. [I.O., 5-1-1907]

In addition to these meetings, dinners were held in honour of the delegates by Parsi Rustomji on 1 January, Camroodeen & Co. on the 2nd and by Mian Khan & Co. on the 3rd January 1907.

2

The euphoria did not last long. The day after Churchill's announcement in the House of Commons on 3 December that the Ordinance was not being given the Royal Assent, the *Daily Mail* observed: "Lord Elgin gives no indication that should precisely the same law be passed by the newly elected Parliament of the Transvaal, it would not receive the Royal Assent."

Friends of India and leaders of the Indian community began to suspect that there was something fishy. Lord Elgin had made it appear that the Black Act was being disallowed on the grounds of justice and the rights of the Indians as equal subjects of the Empire, irrespective of the colour of their skin. But in reality he was only interested in avoiding any criticism of the British Government. The fate of the British Indians did not seem to worry him. He was anxious to please the Transvaal Government. People began to suspect that there was probably a secret understanding between Whitehall and the Transvaal Government and that the re-enactment of the same measure by the elected Parliament would get the Royal Assent on the basis of being the strongly expressed will of a self-governing colony. These suspicions were well-founded, though the Indians were not aware of it at that time.

The trick played by the Home Government in collusion with the Transvaal regime could not, however, be kept a secret for long. For with the starting of the election campaign in January 1907 the betrayal of the



Indian cause could no more be camouflaged. Commenting on this, long afterwards, in *Satyagraha in South Africa*, Gandhiji said, “I have characterised this as crooked policy, but I believe it could be given a still harsher name with perfect justice.” [M. K. Gandhi, S.S.A., p 124]

Reminiscing over this event he also said, “In Johannesburg, therefore, the sole topic of conversation was the trick played upon us by Lord Elgin and the Imperial Government. Our disappointment in South Africa was as deep as had been our joy in Madeira.” [*Ibid*, pp 125-6]

The emotions of 1906, as reflected in the records of 1923-24 quoted above, indicate a correct picture. But the surviving documents of that period do not show any evidence of discouragement. Instead, they show Gandhiji discussing the implications of the victory which they thought they had won. In this year-end review on 29 December 1906, he predicted that the policy of His Majesty’s Government withholding sanction for discriminatory legislation against the Indians would also result in the rejection of the Vrededorp Stands Ordinance and the Natal Municipalities Franchise Bill which were both based on racial discrimination. [C.W.M.G., VI, p 262] This however did not happen.

Gandhiji still continued to have full confidence in the British Government’s sense of justice. In a series of speeches in Durban on 1, 2 and 3 January 1907, he forcefully stated: “We have seen that British rule is essentially just and we can find redress for our grievances through representations.” [*Ibid*, p 264]

On 7 January 1907 Sir Richard Solomon, Acting Lieutenant-Governor, arrived in Cape Town after his brief stay in London. When Press representatives met him at Cape Town, he declined to express any opinion



or to give any information. They wrote “He intends to resign and enter Parliament. People are eager to know which party he will join. Some persons are displeased because he has not expressed his opinion, and they accuse him of playing a double game.” [*Ibid*, pp 287-8]

With the announcement of the polling date, the post of Lieutenant-Governor was abolished. So Solomon did not have to resign. Selborne was reappointed Governor of the Transvaal. [*Ibid*, p 296]

On the evening of 21 January 1907 Solomon spoke in support of Nationalist Party, which he had joined. He addressed a large audience in furtherance of his own candidature for Parliament and said that there was a large number of Asiatics in the Transvaal, mostly British Indian subjects, who had come into the colony according to the law and had acquired rights according to the law. There were also others who had entered by evading the law. It was therefore necessary to have a complete register of Asiatics for the protection of those who had come according to the law, and to prevent the evasion of laws that might be enacted in the future for their exclusion or limited admission. He justified the Ordinance which had been passed requiring every Asiatic male above 16 to take out a register and give finger impressions upon it, so that it could not be passed on to anyone else. He regretted that the Indian agitation had resulted in the disallowance of a perfectly fair Ordinance by His Majesty’s Government. He was, however, sure that a similar law, when passed by the Parliament of a colony to which responsible government had been granted, would be assented to by His Majesty’s government. The truth was at last out.

Then he referred to the future Asiatic immigration into the colony and justified the apprehension of the white traders that if Asiatics were



admitted and allowed to trade, they would take away the trade from the whites, “because the competition is unfair owing to different standards of living adopted by Europeans and Asiatics.” He sympathised with that feeling and considered it necessary that Parliament should pass a law at the earliest “excluding entirely Asiatics from this country or giving them only limited admission — the right they have in Cape Colony or Natal.”

He went on to say that the laws of Cape or Natal, if adopted, might keep out ordinary coolies, but not the traders and they would then have to pass laws prohibiting Asiatics, coming into the country, from taking out trading licences.

I wish to be perfectly open. I would very much prefer to exclude Asiatics altogether from this Colony. With certain exceptions, for instance of persons coming here on a visit, I prefer to exclude Asiatics altogether to allowing them to come in and forcing upon them disabilities which will bring about friction between the Government of this colony and the Imperial Government. And therefore I am quite in favour of a law excluding in the future Asiatics from coming into this colony, similar to the law in the Orange River Colony which was passed there before the war, and has never been interfered with by the Imperial Government, at the same time giving full protection to the rights acquired by those who have lawfully come into this country and are here now. [I.O., 26 January, 1907]

Solomon was repeatedly cheered by the audience as he spoke. He was in tune with the white sentiments. His speech must have given rise to anxiety among the Indians who were unaware of the secret assurances given by Elgin to Solomon and to Selborne.



It must have been hard for the Indians to go on hearing baseless accusations by the whites of illegal infiltration and the urgent need for legislation to stop it, while the authorities took no note of the Indians' denial of a flood of illegal Indian infiltrators and their repeated request for a commission of enquiry to verify the facts.

4

The polling date for parliamentary elections was fixed for 20 February 1907. The fact that whoever Boer or Briton won the election, neither would fail to introduce the rejected anti-Asiatic Bill and the Bill thus passed would secure His Majesty's Assent, was by now clear to Gandhiji. The Indian community had been jubilant over the success of the deputation to England. But he had warned them as early as 26 December "not to be overjoyed at the cancellation of the Ordinance." [C.W.M.G., VI, p 261] Again, on 1 January 1907, he had told a big gathering at the Natal Indian Congress hall that "we should not be elated by our success. Our struggle has just begun." On 2 January also he had reiterated the same stand, and added, "but we need not despair of the future." [C.W.M.G., VI, p 265]

It is doubtful whether the other leaders of the Indian community in South Africa were aware of the coming struggle but Gandhiji had certainly contemplated something of the kind. He was undergoing a profound change at this time. His faith in God was growing deeper and stronger. He was convinced that truth and justice always succeeded and that these were on the Indian side. On 3 January he had exhorted his would-be Satyagraha soldiers: "I believe God is always near me. He is never away from me. May you also act in this faith. Believe that God is near you and always follow the truth. This is all I ask of you." [C.W.M.G., VI, p 265]



He was furiously thinking and working out the implications of passive resistance or Satyagraha. As he worked out the meaning and implications of Satyagraha, it became clear to him that “a satyagrahi is required to love his opponents and respect their views.” It has to be remembered that the word ‘Satyagraha’ had not yet been coined.

Gandhiji began to educate the Indian community in a subtle manner. He felt that Indians must continue to try to convince their neighbours that the Indian presence in South Africa was beneficial to the colony. They must work side by side with the European colonists and give them due respect. [Ibid, p 266]

He believed that a satyagrahi must by his conduct raise himself in the esteem of others, especially his opponents. “He has an ideal, for the fulfilment of which he works.” In Gandhiji’s concept this ideal was service of the community and to do one’s duty by “working actively with body, mind and wealth for the good of the community.” [Ibid, p 265]

Gandhiji also intensified the political education of Indians. “Without knowledge, the outlook does not widen,” he said, “and without width of vision, nobody can progress. A satyagrahi with a strait-jacketed mind is unthinkable. His mind should always be receptive. For this, all-round training is needed.” Gandhiji started the education of the Indians by writing in *Indian Opinion* and explaining in Gujarati the difference between a responsible government and a Crown Colony and a dependency. [Ibid, p 296]

Gandhiji had made a deep study of the *Bhagvad Gita*. In the 16th discourse of the *Gita*, Lord Krishna narrates the attributes of the man with godly as against the man with satanic qualities or attributes. Among the qualities of the man with godly nature, the first place is given to fearlessness (*abhaya*)



and the second to truth (*satyam*). This had great significance for him. He was convinced that fearlessness was the first requisite of a satyagrahi. To help Indians remove fear from their hearts he wrote several articles in *Indian Opinion*. “Let us be as courageous as Nelson and, like him, know what our duty is. Let us also be patriotic like the nation to which Nelson belonged. Let us forget all thoughts of ‘I (am) a Hindu’, ‘You (are) a Muslim’ or ‘I (am) a Gujarati’, ‘You (are) a Madrasi’. Let us sink ‘I’ and ‘mine’ in a common Indian nationality. We shall be free only when a large number of our people are determined to swim or sink together. How can we walk without a staff so long as we are lame ?” [I.O., 28-10-1905; C.W.M.G., V, p 118]

Said Gandhiji, “it is the moral nature of man by which he rises to good and noble thoughts.” To train the people in ethical principles, he therefore translated into Gujarati a book on Ethical Religion, so that Indians could learn to strengthen their character. He wrote: [C.W.M.G., VI, pp 273-4]

Hypocrisy has nowadays increased in the world. Whatever a man’s religion, he thinks only of its outward form and fails in his real duty. In our crazy pursuit of wealth, we seldom think of the harm we cause, or are likely to cause, to others. Women in Europe do not hesitate in the least to wear soft (kid) gloves even though these are made by killing young tender animals. It is known the world over how Mr Rockefeller, said to be the richest man in the world, violated many rules of morality in amassing his fortune. It is because such conditions prevail around them that many people in Europe and America have turned against religion. They argue that, if any religion worth the name existed in the world, the inordinate wickedness that is rampant all round would not be there. This is a mistaken view. As it is common



for a workman to quarrel with his tools and not try to look for his own faults, so, instead of thinking of the wickedness in themselves, men brand religion itself as humbug and go on acting and living as they please.

Gandhiji appealed to his readers to try to live up to those moral precepts that appealed to them. “Then only may we regard our efforts as having been fruitful.” [C.W.M.G., VI, p 273]

To the Indian traders, he had this to say:

In this struggle, we should have no fear. The Indian who concerns himself only with his own licence unmindful of what happens to others will be thought unmanly and a coward. It will be a great mistake for anyone to obtain a licence by flattery. It must be clearly understood that, if harm is caused by putting one trader against another, the jealous whites will not fail to exploit the situation. Such steps are outside the scope (of our objective) and in the nature of underhand dealings. [*Ibid*, p 293]

From the time he came back from London on 20 December 1906 until the first Responsible Parliament passed the Asiatic Act on 22 March 1907, Gandhiji continued to educate the Indian community, warning it about the dark days ahead and preparing it for the oncoming battle.

He was reminded of the women’s struggle for the vote in England. There were many similarities between the suffragette movement in England and his movement in South Africa. Both were fighting not for any privilege but for the recognition of a right. Both had long pursued the course of polite petitioning without success, before they resorted to deliberate violation



of the law. When the women refused to pay fines and chose the prison terms instead, Gandhiji found their action in accord with his own thinking. As he expected in his own movement, Gandhiji saw that the women prisoners in England became a source of strength to their comrades in arms outside and their sacrifices fuelled the struggle. Although victory was not yet in sight for either movement, Gandhiji was sure that both of them would be crowned with success in the end. He therefore continued to write about the progress of the suffragette movement after his return to South Africa. From time to time he taunted his compatriots with the remarks, “When women are manly, will men be effeminate?” [I.O., 23-2-1907 (Gujarati)]

Although neither the women’s suffragette movement nor any other western model can rightly be claimed as the origin of Satyagraha or mass civil disobedience, there is no doubt that Gandhiji was aware of the women’s movement and its significance from its very early stages. He used to quote its example frequently in the columns of *Indian Opinion* for more than a year before he came across Thoreau’s *Civil Disobedience*.

5

Gandhiji was also at this time organising the Phoenix Settlement where he had shifted *Indian Opinion* and the press in December 1904. In the fight against the Transvaal Government, both *Indian Opinion* and the Phoenix Settlement were to play a crucial role. Pyarelal has given a detailed account of the development of the Phoenix Settlement in *Birth of Satyagraha*. [Pyarelal: *Mahatma Gandhi - Birth of Satyagraha*, pp 86-7]

Gandhiji wrote frequent letters to guide Chhaganlal who was, besides Albert West, responsible for the management of the press and *Indian Opinion*. Phoenix Settlement was looked after by him and his brother Maganlal.



Gandhiji had shifted his family to Phoenix in 1906. In 1907 his eldest son Harilal, along with his young wife Gulab, joined his mother and three younger brothers at Phoenix Settlement. Satyagraha against the Black Act was then in full swing and Harilal himself was soon in the thick of the Satyagraha struggle. But of that later.

In one of his letters to Chhaganlal, in connection with the management of *Indian Opinion*, Gandhiji wrote:

We ought to be very careful. I think it necessary for someone to supervise the work of wrapping. [C.W.M.G., VI, p 271]

In another letter, he said:

This is the time for you to give your fullest attention to realizing the dues and attend to the account books. We must on any account satisfy our customers. If they do not get satisfaction just when they have begun to be interested in what we write, we shan't be able to keep them on the register. It is (however) as necessary to collect the dues as it is to satisfy our customers. You must therefore give full attention to the books. I realize this quite well. [C.W.M.G., VI, pp 301-2]

He added:

I have decided to send a person to England, whom I consider the most steadfast of all. He should go there with the firm resolve that he would not make a single pie for himself from the education he receives, but would pass on all the benefit (of that education) to the press and would accept and live on what the press gave him. You appear to me to be the only Indian who has attained to this degree of fitness. I believe you understand the significance of the whole



thing and you seem to be the only person who can be depended upon to carry forward the heritage of my thoughts and words. Messrs Polak and West know and understand a lot. There are things, which they understand and you don't. However, it seems on the whole that you understand more than they do. [*Ibid*, p 302]

This decision on his part to send Chhaganlal for higher education to England was to create a lot of problems for Gandhiji. His eldest son, Harilal, felt very deeply hurt that his father had not thought of selecting him, his son, but had chosen Chhaganlal, his nephew. This ultimately led to a parting of the ways between the father and the son. It is likely that the frustration resulted in Harilal's later decline, to the great sorrow of Kasturba and Gandhiji.

6

In Discovery of Satyagraha — On the Threshold — Vol II, Pyarelal has narrated how the peace treaty at the end of the Boer War was signed at Vereeniging on 31 May 1902. [Pyarelal: *Discovery of Satyagraha*, pp 309-10] The Boers decided to lie low for some time. They played their cards well. They declined to accept any position in the Legislative Council or on the Labour Commission that was set up by the victors. As late as 1905 Botha and Smuts both publicly claimed that time was not ripe for setting up representative institutions in the Transvaal. Botha had however been silently modifying his views. By January 1905 he had already organised the Het-Volk (The People) Party dedicated to reconciliation with Britain and early attainment of self-government.



Similar developments had taken place also in Orange River Colony. The Boers had quietly started preparing for the election which they knew would be held before long.

The Liberals came to power in England in December 1905. This brought the Transvaal closer to the realization of its dream of responsible government because of the Liberal Party's professions to that effect, when they were out of power.

The British population of the two Dutch Colonies, the Transvaal and the Orange River Colony, had been impatient to get self-government. They were confident that they would be able to dominate the elected legislature and form the Government in the Transvaal. Solomon was dreaming of becoming the first elected Prime Minister of the Transvaal. He and his supporters were not aware how well the Boers had prepared for the election and that the Boers and not the Britons would win the election.

Political uncertainty in England and the high emotions generated by the Chinese labour question (the Liberals having opposed the importation of Chinese labour, over and above the strong opposition of the Boers to it), had convinced Lord Milner, Governor of the Transvaal, and Lyttelton, Colonial Secretary, that the moment was not propitious for self-government and the consequent greatly increased involvement of the colonists in the conduct of their own affairs.

The formulation of the Lyttelton constitution delayed the advent of responsible government in the Transvaal. It was not the intention of its framers that the scheme should be still-born as it actually became. Before the Lyttelton constitution could come into operation, the Conservative



Ministry of Arthur Balfour was replaced in December 1905 by a Liberal regime headed by Sir Henry Campbell-Bannerman. As a result, Milner and Lyttelton both lost their jobs and the Lyttelton constitution died with the Conservative Government.

The new Liberal Government ordered a general election. The Liberal Party (in England) won the election of January 1906 with an overwhelming majority. This was enthusiastically hailed both in the Transvaal and the Orange River Colony. There was now a good chance of their getting full responsible government, unlike the representative Government set up by the previous Conservative regime which had kept all powers with the officials. Botha and Smuts had not accepted the status of a Crown Colony for the Transvaal as was proposed in the Lyttelton constitution.

When the Liberals came to power. Smuts was sent to England by the Het-Volk Party to explore the chances of obtaining full self-government for the colony. He met a number of Ministers of the new Government but none of them could give him sufficient hope.

At last he saw Prime Minister Campbell-Bannerman. He met him again for the second time. After putting several searching questions to Smuts and listening to him patiently, the Prime Minister agreed to the demand of full self-government for the Transvaal. Recalling what transpired at the meeting, Smuts later said, “I went on explaining. I could see Campbell-Bannerman was listening sympathetically. Without being brilliant, he was the sort of sane personality — large-hearted and honest — on whom people depend. He reminded me of Botha. He told me there was to be a cabinet meeting next day, and added, ‘Smuts, you have convinced me.’ ” [Basil Williams : *Botha, Smuts and South Africa*, p 55 (quoting S. G. Millin, I, pp 213-4)]



At the cabinet meeting, which lasted only ten minutes, Campbell-Bannerman convinced his colleagues by his 'plain, kindly and simple utterance' and converted them to granting full responsible government to the Transvaal and the Orange Free State (as it was again to be called after a brief interval). This magnanimity touched Smuts so much that he exclaimed in appreciation marked with wonder, "They gave us back, in everything but name, our country, after four years! Has such a miracle of trust and magnanimity ever happened before? Only people like the English could do it. They make mistakes, but they are a big people." [Basil Williams : *Botha, Smuts and South Africa*, pp 55-6]

In his message of grief to London on the death of Campbell-Bannerman in 1908, Botha paid him a tribute as "one of the Empire's wisest statesmen and one of the Transvaal's truest friends." He added, "In securing self-government for the new colonies, he not only raised an imperishable monument to himself, but through the policy of trust he inspired the people of South Africa with a new feeling of hopefulness and cooperation.... In making it possible for the two races to live and work together harmoniously, he had laid the foundation of a united South Africa." [*Ibid*, p 56]

As early as April 1904, Alfred Lyttelton had predicted to Milner: "When the other side (Liberal Party) come in, they will be confronted with their dishonest and insincere utterances about Chinese labour by the ignorant and sincere of their fellows, and I am convinced that they will extricate themselves from a painful dilemma by granting self-government to the new Colonies sans phrase." [A. P. Thornton: *The Habit of Authority* (Toronto. 1966), 302: Lyttelton to Milner, 28 April 1904] This came true. The British Government



issued letters patent instituting responsible government In the Transvaal in December 1906.

7

The general election for the first Parliament in the Transvaal after the war was held on 20 February 1907. The Boers won a majority. The position of the parties in the new Parliament was — Het-Volk 35, Progressive 21, Nationalists 7, Labour 3 and Independents 3, out of the total 69 seats. [C.W.M.G., VI, p 343] The Boers had thus won a decisive victory, which nobody had foreseen, leaving the other parties well behind. The Dutch Afrikaners, thereby, came back to political power and reoccupied the central position which they had lost as a result of the Boer War. Solomon, the political ally of the Het-Volk Party, was defeated.

The Het-Volk Party having won a majority, it was but natural that Botha should be called upon to form the Government. For a while, Solomon's name had been mentioned for Prime Ministership. But having lost at the hustings, he was out of the race. Smuts was also considered for the post by some partymen, but he wisely decided not to take precedence over Botha, whom he considered as "one of the best men South Africa has ever produced." He therefore stood aside. Botha became the first Premier.

In forming his small cabinet of six Ministers, Botha showed no racial discrimination, which meant cooperation between the Boer and the British. Botha kept for himself the portfolio of agriculture, he being a good farmer, while Smuts became the Colonial Secretary as well as Minister of Education. Out of six members of the cabinet, four were of Dutch origin and two (H. C. Hull and E. P. Solomon) were British.



It was ironic that for the Boer as well as the British racial cooperation meant cooperation among the white races only. There was no thought of extending it to the Asiatics or the Africans.

The Cabinet consisted of the following:

Louis Botha (HV) — Prime Minister and Agriculture.

J.C. Smuts (HV) — Colonial Secretary and Education.

J. de Villiers (HV) — Attorney-General and Mines.

J. Rissik (HV) — Lands and Native Affairs.

H.C. Hull (NP) — Colonial Treasurer.

E.P. Solomon (NP) — Public Works.

Sir Richard Solomon, having declined to accept office, became the Transvaal's Agent-General in London. [L. M. Thompson: *The Unification of South Africa* (1902-1910), p 28]

General Botha and his colleagues declared that the Dutch would remain loyal subjects of King Edward and that the Dutch and English languages were equal in their eyes. They also said that the Government would treat the Kaffirs justly and would not harass the mine-owners who were mostly Britons.

On 20 March 1907 the new Government issued a draft legislation in almost exactly similar terms as those of the Ordinance disallowed the previous year. [I.O., 23-3-1907] It was gazetted a day earlier, on 19 March. [C.W.M.G., VI, p 379]



On 21 March the Transvaal Parliament was formally opened by Lord Selborne and Botha was sworn in as the colony's first elected Prime Minister. Smuts as Colonial Secretary in the new Government became responsible for the "Asiatic question".

The two great protagonists, Smuts and Gandhiji, now came face to face. On the surface they seemed very different, but there were many similarities also between them. They were both born within a year of each other. One was reared in a staunch Calvinist home on the lush farmlands of the Cape of Good Hope, just a few miles from Cape Town. The other was born in a Hindu Vaishya Vaishnava family in the tiny and and state of Porbandar on the west coast of India. Gandhiji and Smuts were both products of religious and social orthodoxy — though neither was willing to accept, unquestioningly, the inflexible precepts inherited from his ancestors. Although each was intimately linked to his ethnic roots, both tended to have a philosophical and experimental outlook.

There were some more similarities between the two. Both were shy by nature. They did not fare well in their profession in the beginning but were highly successful later on. Gandhiji had tried to practise law in Rajkot and at Bombay before he came to South Africa where he became a successful barrister. Smuts, who settled at Cape Town, started his practice there but remained more or less a briefless barrister. Cape lawyers and politicians were a genial crowd, who met in clubs often and exchanged gossip over drinks and formed a sort of easy-going and pleasure loving group of professionals. With his serious nature and abstemious habits Smuts did not fit in with the crowd of lawyers in the Cape.



Smuts had good command over his pen and this enabled him to make up to some extent his deficiency in earning enough at the bar. His friendship with Jan Hofmeyr, a leader of the Dutch who supported Premier Rhodes in Parliament and believed in his policy of bringing the Dutch and English communities together as one nation, led to his acquaintance with Rhodes. Smuts himself was in favour of this policy, except during the brief period of the Anglo-Boer War of 1899 to 1902, though President Kruger was opposed to it. Gandhiji too was known for his powerful pen and his ceaseless efforts to weld the different communities of Indians into one Indian nation.

Hofmeyr recommended Smuts to Rhodes and Rhodes invited Smuts to speak on his behalf at Kimberley during the election campaign. Rhodes remembered Smuts as a lad who had spoken after Rhodes' speech at Stellenbosch college in 1878 to propose a vote of thanks. Smuts made a very good election speech in support of Rhodes' policy, attacking Kruger for his isolationism. But when Rhodes' complicity in the Jameson Raid [In December 1895, the social and economic rivalry existing between the Dutch and the Uitlanders (English) led to the organisation of a raid by the latter under Mr Jameson against the former. Rhodes gave support to this raid which however ended in a fiasco] of December 1895 came to be known, Smuts along with other Dutch leaders like Hofmeyr and Schreiner became disillusioned and lost faith in Rhodes' plan of fusion of the two races.

Smuts moved north to the Transvaal to carve out a new career. Years later, he realized that in spite of the Raid, Rhodes was really intent upon the union of the two races in South Africa and remarked, "He (Rhodes) alone could have put the cope-stone to the arch of South African unity"



but “he spurned the ethical code. The man who defies morality defies mankind.” Emphasis on morality was thus another common trait of Smuts and Gandhiji.

At Johannesburg, Smuts set up a good practice at the bar, besides writing for the papers and giving law lectures. He soon became a success at the bar and prosperous enough to marry Sibella Margaretha (‘Isie’, nee Krige), his one confidant friend from college days of shy reserve and obscurity at Stellenbosch. Smuts went to Stellenbosch on 30 April and said he wanted to get married the next day as he had to go back the day after. The marriage took place at Stellenbosch on 1 May 1897. It proved a happy union. The two had common interests in literature and public affairs.

Smuts’ success at the bar and his advocacy of the Boer cause after his disillusionment with Rhodes attracted the attention of old President Kruger. In 1898, when Smuts was hardly twenty-eight, Kruger appointed him to the post of State Attorney. He proved a very strict administrator. His first job was to clean the Augean stables of the Johannesburg police which had made itself specially obnoxious to the Uitlanders.

The differences between the two men, Smuts and Gandhiji, were equally important. While Gandhiji was wedded to truth and non-violence, Smuts was a pure politician who could act as an opportunist when he thought it necessary. Gandhiji’s politics were based on strict morality and the pursuit of truth. Smuts too laid emphasis on morality, but political advantage was more important to him than strict adherence to truth. He was a politician through and through and a past master in equivocation. It was very difficult to pin him down to any of his statements because he could always turn and twist what he had said and give it an interpretation completely different from what his opponent might have known. In the



course of this story we shall come across instances of this slippery trait of a man who had attained eminence early in life. He became an able General during the war and occupied the prestigious post of Colonial Secretary in the newly formed Government in the Transvaal.

The confrontation between Smuts, the acknowledged defender of white supremacy in what he deemed to be a white man's country, and Gandhiji who, embarrassingly and articulately, kept reminding the British and the Transvaal leaders that the British Empire must above all stand for equality of all subjects of the Crown, was inevitable. It had a telling impact on both men's lives.

Their encounter in South Africa was the prologue to two great careers. To start with, Gandhiji, even more than Smuts, was deeply enamoured of the British constitution and the principles that he thought were at the back of the concept of the British Empire. As he himself said, he grafted Snell on *Equity to the Bhagvad Gita*. [M. K. Gandhi: *Autobiography*: (Navajivan, 1956), p 265] Later on, of course, it was Smuts who emerged as the Imperial statesman and Gandhiji was to lead the struggle which led to the liquidation of the Empire, starting with India and spreading to many other countries in Asia and Africa.

When the Transvaal Parliament (both Houses) met on 21 March [i.o., 23-3-1907; C.W.M.G., VI, p 376] Smuts, as Colonial Secretary, moved for leave to introduce the Asiatic Law Amendment Bill to amend Law 3 of 1885, for the registration of Asiatics. Leave having been granted, he moved that the Bill be read the first time. This also having been formally agreed to, he moved



that the standing orders be suspended in order to allow the remaining stages of the Bill to be taken up at once. The Colonial Treasurer (H. C. Hull) seconded and the motion was agreed to.

In moving the Bill, the Colonial Secretary said that there was no point on which the entire white population of the Transvaal was agreed more than on the immigration of Asiatics. It had been taking place for many years. It had been growing in volume and ought to be put a stop to. That had also been the policy of the late Government. It was one of the unhappy causes which had led to the great convulsion of society in the country — a convulsion all traces of which, he hoped, would for ever be wiped out by the proceedings in Parliament that day. After the war, the immigration had continued until the late Government thought it necessary to take steps to find out the number of Asiatics who were in the country, in order that they might be fully registered and that further immigration be stopped.

The Bill which was introduced in the House, Smuts said, did not affect the question of immigration of Asiatics into the country. That was a different question altogether. It would be dealt with by the House at a later date. The only question at present before the House was that of the registration of Asiatics in the country. [I.O., 30-3-1907] Explaining how ineffective the law of 1885 was, he added:

The late Government proposed this present law in order to provide an effective machinery for the registration of Asiatics, in order that those who were here legally might get certificates of registration, under which they might remain in the country, while all the others could be sent out. That law was duly passed by the late Legislative Council but after it had been passed, proceedings were taken by the



Indian population, both here and in England, and the result of those steps was that the Royal Assent had not been given to the Ordinance.

[*Ibid*]

It was that same law which he had brought before the House. Since the matter of registration was urgent and could brook no further delay, he urged the House to give immediate consideration to the measure and moved that the Bill be read a second time.

Dr Krautze seconded. Mr B. Owen Jones, Mr Jacobaz, General Schalk Burgher, and Sir Percy Fitzpatrick spoke in support of the Bill. The Bill was then read a second time and on the motion of the Colonial Secretary, the House resolved into committee on the Bill and the Speaker vacated the chair. The Bill was passed through the committee stage with a minor amendment. The speaker came back to his chair, and the committee's report was adopted by the Parliament.

On the motion of the Colonial Secretary, the Bill was then read a third time. In all, it took only two hours to go through all the three readings in the Assembly. [C.W.M.G., VI, p 386] The Bill was then transmitted to the Legislative Council for its acceptance. [I.O., 30-3-1907]

In the Council Mr Hugh Crawford, President of the Legislative Council, moved that the Bill be read for the first time.

This was agreed to. As in the Assembly, the standing orders were suspended in order that the remaining stages of the Bill could be taken up immediately.

The Minister of Lands (J Rissik) moved the second reading of the Bill. He said that the country was being flooded with Asiatics and they had no



means of coping with it. They all knew how desirable it was that the country should remain a white man's country. The whole principle of the Bill dealt with the registration of those Indians who had a right to be in the Transvaal. There was no one in the country who wished in any way to restrict any rights which the Indians might locally possess. But the Government was alive to the necessity of stopping the indiscriminate entry of Indians. Before they could submit a measure to the House for that purpose, it was necessary that registration of those already in the country should take place. He urged the Legislative Council to pass the Bill through all its stages that day.

After Du Toit had seconded the motion, Martin proposed that the matter be postponed for a day so as to enable many new members like him to read the Bill and become acquainted with its terms. This amendment was seconded by Van der Merwe, but Hull, Colonial Treasurer, objected to the proposal.

The President did not, however, accept the plea of the Minister. The amendment, after discussion by various members including Curtis, was put to vote and carried.

On 22 March, discussion on the Bill began. Supporting it, Martin said that the whole colony was in favour of passing the measure. Not only the commercial people but all classes of the community, including artisans, farmers and producers, were in favour of the Bill. That being the case, he thought that they were perfectly justified in according their support to it. It had been said on some occasions that the passing of the Bill would be a grave injustice to a large number of His Majesty's British Indian subjects. He confessed that he entirely failed to see that there would be any injustice at all. [I.O., 30-3-1907]



The Indian community had sent a telegram to postpone the discussion on the measure. The telegram was read before the Council but had no effect. [C.W.M.G., VI, p 387]

The Bill was subsequently sent to the Committee. After the third reading, it was approved unanimously by the Council.

The Assembly received the information immediately and the Governor's assent was obtained, notifying that the Bill was reserved for His Majesty's pleasure.

About the postponement of the measure by the Council for a day, Gandhiji wrote on 30 March : "This was merely a pretence. How were the Members to digest it in one night?" [*Ibid*, p 386]

Press reactions in Britain were mixed. *The Times* (London) regretted that the Transvaal Government had not shown caution and self-restraint in dealing with the Asiatic Bill. The *Tribune* thought that the decision was regrettable but hoped that Lord Elgin and General Botha would have an amicable compromise. The *Morning Post*, while hoping that the Government's Chinese labour policy would be generally approved in South Africa, supported the adoption of the Asiatic Bill. The *Westminster Gazette* supported the Indians and said: "If we do not veto the first Act of this self-governing colony, the position of the Indians in the Transvaal will become as bad as it was under the Boer regime." The *Globe* described the Asiatic Bill as unfortunate. The *Daily Chronicle* stated: "To veto a Bill passed unanimously by the Parliament of a self-governing colony would be . . . a very serious matter."



Wedderburn said in a letter to the newspapers : “The attitude of the Transvaal Parliament is inconsistent with General Botha’s declared aspiration to abolish racialism.” He held that “the admirers of the Het-Volk Government throughout Great Britain are grieved at the Transvaal Premier’s inconsistent attitude with regard to British Indians.” [I.O., 30-3-1907]

The Press in South Africa gave whole-hearted support to the new legislation. The *Rand Daily Mail* wrote: “We confess we cannot discover in it the insults and degradations of which so much has been heard in London.” Registration of Asiatics had long been enforced in the colonies. Quoting Lord Milner, the paper said, “It was a protection to the people registered.” The finger print clause was a matter of detail, a safeguard in dealing with a population “almost entirely illiterate”. The Indians did not like the law, but it was because of “gross misrepresentation” by opponents of the scheme. [Ibid]

Interest, however, centred more on the opinion in London than in the Transvaal, the paper continued. Lord Elgin was in a difficult position, as many liberal MPs were members of the recently formed India Committee. But the paper was confident that although great efforts would be made to quash the new law “Lord Elgin will not refuse to sanction it.”

The *Transvaal Leader* said: “It is a cause of intense satisfaction to us and, we doubt not, to men of all parties, that the first legislative enactment of the new Parliament should be one which asserts the right of the colony to manage its own affairs.” It continued: “The Ordinance is in itself a very reasonable one.” [Ibid]

The *Star* said:



The measure which owes its origin to the zeal of Mr Lionel Curtis, is morally certain to take its place in the Statute Book as the first constructive Act of the new Transvaal Government. [*Ibid*]

Mr Ritch, Secretary of the Committee of prominent Anglo-Indians in London who was watching the interests of the British Indians of the Transvaal, stated that he greatly regretted the action of the Transvaal Government and Parliament in re-enacting the Asiatic Ordinance. [I.O., 30-3-1907]

10

Indians had successfully opposed Ordinance 29 in 1906. They were not going to submit quietly to the promulgation of the same law by the new Parliament in 1907. The chief objection of the Indians was to the compulsory nature of the new registration which required impressions of ten fingers and in which there was no provision for exemption or appeal.

On Good Friday 29 March 1907 at 4 p.m. a mass meeting of the Transvaal British Indians was held at the Gaiety Theatre, Johannesburg to protest against the Asiatic Amendment Bill. Some 1500 persons were present. Sharp at the appointed hour Abdool Gani took the chair. Many people had to go back, as the theatre was filled to capacity. [C.W.M.G., VI, p 394] The gathering was representative of all communities and it was from all parts of the Transvaal. Among those present were the leaders of the Johannesburg community, including many members of the Committee of the British Indian Association and the Hamidia Islamic Society.



Opening the proceedings, the Chairman addressed the assembly for some 20 minutes in Hindustani. His speech was afterwards rendered into English by N. V. Shah. [I.O., 6-4-1907]

Welcoming all, the Chairman said that the Asiatic Ordinance, passed by the late Legislative Council and practically vetoed by His Majesty's Government, had been passed again by the new Legislature. He said, "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 Houses in less than 24 hours, and, that in order to arrive at this astounding result, Standing Orders would be suspended." Had the country been in danger of any internal or external disturbance, he said, one could have understood a Bill being rushed through to meet such an emergency. In the present instance, the panic that had brought about the passage of this measure was caused by an unequal struggle between a giant and a dwarf. On the one hand, there were 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 were approximately 14,000 British Indians with an alleged monthly increase of 100 Indians.

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. "Had we actually elected these members, would they have unceremoniously passed the Bill and treated with contempt



our respectful request for a postponement to enable us to lay our case before them?”, the Chairman asked. [I.O., 6-4-1907]

As for Selborne’s charges against the Indian community of offering bribes to officials, Mr Abdool Gani reminded His Excellency that the acceptance of bribes by the heads of Asiatic Department in Johannesburg had become a public scandal in 1903, and that it was at the instance of the British Indian Association that the corruption was discovered and the guilty officials removed. [*Ibid*]

After explaining the nature of the Bill that made all the Indians criminals, the Chairman said that their objection was not merely sentimental. Sentiment was important, but there was also a material objection. Class legislation had always resulted in untold misery to the class affected and led to severe disabilities. There were many instances of colour legislation with pious mental reservations which gave rise to unbearable hardships. Law 3 of 1885 for instance was much more leniently interpreted in the pre-British days. It was not, however, a satisfactory state of things. He contended there was actually an official reservation on the part of the late Lord Rosemead that it would not apply to respectable Indians such as traders. The reservation, however, proved ineffective because the law read otherwise. The Bill in question gave to the administrators powers, which in the hands of unsympathetic men might end in gross tyranny. [I.O., 6-4-1907]

Since the object of the Bill was to separate rightful Indian residents from unauthorised ones and to facilitate the detection of future unauthorised British Indians coming in by arming the members of the existing community of Indians legally entitled to be in the Transvaal with permits containing a



fuller description, the Chairman suggested that the object could be achieved by the following measures: [*Ibid*]

- (a) The Government should appoint a day for inspecting all permits simultaneously.
- (b) Either the permits should be stamped by the Colonial Secretary, or the present documents, provided they are held by their rightful owners, should be exchanged for other documents according to a form that may be mutually agreed upon and that may contain sufficient particulars of identification.
- (c) At present, permits and registration certificates are held; instead, only one document should be held by British Indians, and the other surrendered.
- (d) All children over the age of discretion (such age to be determined by the Colonial Secretary) should be armed with permits.
- (e) No Indian should be able to take out trading licences without production of permits.
- (f) Children of domiciled Indians, in future, should only enter the colony on production of permits duly issued on satisfactory evidence being produced as to paternity.
- (g) No temporary permits to be issued without security being given to the satisfaction of the Colonial Secretary.

Lastly Gani said that he begged of the Government in the name of the Indian community to accept the compromise humbly offered and avoid raising the question of Imperial intervention. He added,



We want to live in peace and security coupled with self-respect, under the local administration, and to meet the wishes of the white residents of the Transvaal, but we can only do so if we are recognised as human beings, imbued with same feelings as themselves and if we are recognised at least as citizens of the same Empire, worthy to exercise all civil rights together with the obligations which they naturally carry with them.

Four resolutions were then passed. [C.W.M.G., VI, pp 381-2]

Resolution No. 1 protested against the passing of the new law by the Transvaal Parliament, as the law was unnecessary and it was degrading to the British Indians.

Resolution No. 2 denied the allegation of wholesale illegal infiltration by British Indians and offered voluntary registration to satisfy the Government and popular prejudice.

Resolution No. 3 requested Imperial protection in case resolution No. 2 was not accepted, as the British Indians were a small and weak minority with no right of vote.

Resolution No. 4 authorised the Chairman to send the resolutions telegraphically to the Local Government, the Secretary of State for India and the Governor General of India.

In moving the first resolution Ally, who was a member of the London delegation, stated that although some people had said that there were two sections in the Indian community, one antagonistic to the other and Selborne had made capital out of it, all Indians, without exception, were united over the issue of the Asiatic Bill. He also protested against the word



“coolie” having been used by General Smuts for Indians. It was shameful indeed to have branded the Indians as coolies, he said, and they must protest against it. He himself was elected in England a member of the National Liberal Club and was received most courteously by the highest in the land. No thorough English gentleman would have used such words.

The local newspapers seemed to approve of the passing of the Bill, he said. They said that the white colonists had made up their mind to eradicate the class of people represented by those present at the meeting. One paper had even said that the action of the Transvaal legislature was a direct challenge to the Imperial Government. Let the Imperial Government consider the position and then tell the Indians to clear out of the country, he concluded (applause). [I.O., 6-4-1907]

Essop Mia, in seconding the resolution, speaking in Urdu, said that he never had any faith in Lord Selborne, who evidently believed that Indians were like a plague of locusts. M. S. Coovadia (Johannesburg), Haji Habib (Pretoria), Jassub Hajee Valli (Pietersburg), Ram Sundar Pundit (Germiston), A. E. Gaja (Krugersdorp), Cursetji H. Desai (Krugersdorp), V. Naidoo (Johannesburg) and K. N. Dudlani supported the resolution. Hajee Habib said that “there is a good deal of talk of this being a white man’s country.” Before making that claim, “let them send the Kaffirs to Abyssinia, the Chinese to China, the Malays to the Malay States, and the Indians to India.” He for one would accept compulsory removal of the present British Indian population from the Transvaal rather than the galling terms of the Bill. [*Ibid*]

Ram Sundar Pundit, who got considerable publicity later as the first satyagrahi to go to prison, said that women in England went to gaol to secure what they believed to be their right and even in India persons like



Surendranath Banerjee went to jail. He therefore asked “the people to at least equal them in their self-sacrifice.” [*Ibid*]

The second, third and fourth resolutions were moved by Abdul Rahman (Potchefstroom), Nadirshah A. Gama (Johannesburg) and Imam Abdul Kadir Bawazeer (Johannesburg) respectively. Imam Abdul Kadir said that whereas the British people tried to liberate the slaves in Zanzibar, they would enslave their own subjects if the present Bill were passed. It was an intolerable situation. Selborne, in charging Indians in the manner he had done and insulting their religion, had evidently forgotten that his own officials corrupted Indians by first doing an injustice, and then inducing them to offer bribes in order to get what was their due. Was that the manner in which His Excellency discharged his trusteeship, he asked. [*Ibid*]

All the four resolutions were unanimously passed.

Gandhiji explained at length the nature and scope of the second resolution about voluntary registration. In his opinion, if that resolution were accepted by the Government, it would solve all their difficulties without in any way degrading the community. [I. O., 6-4-1907] He added, “If it is accepted, it will do us credit; the Government will have faith in us; we may even be consulted in future when new legislation is contemplated, and above all the new Bill may be abandoned.” Anything voluntarily accepted, he said, cannot be regarded as humiliation. Another outcome of their proposal would be that their humility, forbearance and good sense would be appreciated in England. He added “To prevent the passage of this Bill, there is, apart of course from gaol-going, no better remedy than this.” Moreover, such a system of permits would be based on mutual understanding. If therefore at



any time they were confronted with any inordinate hardship, they could refuse to act on the understanding.

If gaol-going, which they had been contemplating, came after this proposal, it would appear more graceful. The ultimate remedy was, of course, gaol-going. The fact that this time they had not passed any resolution about going to gaol did not mean that if the Bill became law, they were not to court imprisonment. No one should put the idea of going to gaol out of his mind, he concluded. [C.W.M.G., VI, p 408]

The meeting over, the following cable was transmitted to Lord Elgin and Mr Morley through the Transvaal Colonial Secretary:

British Indians alarmed at first action of Responsible Government and local Parliament regarding British Indians. British Indian Association submits there is no wholesale illegal influx. Association will submit memorial due course and trusts decision will be postponed meanwhile. [Ibid, p 389]

Smuts, when requested by the British Indian Association, refused to forward to Elgin the telegram sent to him, adding that he as the Colonial Secretary would not object to the Association sending the telegram directly to Lord Elgin if it so desired. Gandhiji commented; “The reply shows that the new Government does not want to redress the grievances of Indians.” After recording the reply, the British Indian Association wrote to Selborne to enquire whether he would forward the telegram, and alternatively whether the Association might send it directly to Elgin. [C.W.M.G., VI, p 390]

Reuter’s cable contained a full report of the proceedings of the mass meeting, Gandhiji informed the South Africa British Indian Association. [Ibid,



p 390] He did nothing more to ventilate the grievances of the Indians, probably feeling that unless he knew the mind of his opponents — Smuts, Botha and others — he should not start agitation outside South Africa. If he did, that might vitiate the local atmosphere, and those in the Ministry, who wanted to help the Indians, might be obliged to join the protagonists of the anti-Asiatic legislation. So he decided to see Smuts, the man on the spot who was responsible for the piloting of the Bill.

11

A representative deputation of British Indians waited upon General Smuts, the Colonial Secretary, on 4 April 1907 to discuss the position of British Indians under the proposed measure and to place before him the voluntary registration compromise offered by the British Indian community of the Transvaal as enunciated in the speech of the chairman of the British Indian Association at the mass meeting held on Good Friday 29 March. The interview was private. [I. O., 13-4-1907]

Under a special arrangement with the General Manager of the Railways, leaders of British Indian Association — Abdul Gani, Coovadia, Essop Mia, Haji Ojer Ally, Moonlight and Gandhiji — travelled from Johannesburg to Pretoria by the 8.55 express train. At Pretoria they were joined by Mahommed Haji Joosab and Gaurishankar Vyas. They reached the Colonial Office exactly at 12 noon where Chamney was also present.

Gandhiji narrated all the facts to Smuts. He reminded Smuts that the Indian community had already registered itself twice. He said that Chamney's Report supported the Indian contention and showed in other ways also that the Indians were trustworthy. It was with the help of the Indian community



that officials of the Asiatic Office, who took bribes, had been arrested. There was no wholesale illegal infiltration by Indians. Taking all this into consideration, Gandhiji said, the Government should on this occasion agree to the proposal of voluntary registration made in the second resolution passed at the meeting of the Indians held on 29 March.

Ally advanced further arguments supporting Gandhiji and drew Smuts' attention to the loyalty of the Indian community. Abdul Gani and Essop Mia also used more arguments and pointed out the difficulties they were facing in bringing servants etc. from India.

Smuts listened to them attentively for more than three quarters of an hour. At the end, he said that he had heard several things for the first time and would inquire into all of them and send a written reply, but the deputation should not interpret this to mean that the Government would agree to the second resolution. [C.W.M.G., VI, pp 416-7]

The reply of Smuts signified that a situation similar to that existing before the interview of the Indian deputation with Lord Elgin in 1906, had arisen. The second resolution might have some effect if a third party could explain the matter to Smuts.

Accordingly, Polak met Gregorowski on April 5 and the latter expressed his sympathy. The editors of *Pretoria News* and *Transvaal Leader* were contacted. All of them, as a result, promised to give all possible help. [C.W.M.G., VI, p 417]

In the meantime Selborne having replied that he could not interfere with the action of the local Government by forwarding the resolution passed by the British Indian Association to the Imperial Government, the British



Indian Association sent a cablegram on 6 April directly to Lord Elgin [*Ibid*, p 408] saying that

a mass meeting of fifteen hundred Indians on 29 March passed resolutions protesting against Asiatic Law Amendment Bill passed by the Transvaal Parliament in less than 24 hours. Suggested voluntary registration instead; exchange for present certificates by new certificates mutually agreed upon. All requirements of new law met. If proposal not accepted, Imperial intervention to protect weak voteless minority solicited. Direct cable necessitated by Government's refusal to forward it.

Another cablegram regarding the deputation was also sent the same day to the South Africa British Indian Committee: [*Ibid*, p 409]

Report Registrar Asiatics published complete vindication Indian position. No evidence wholesale surreptitious entry. Altogether alleged entry 800 Asiatics without permits or (with) stolen permits. No analysis given. Probably Report means these entries during five years. Shows allegations anti-Asiatics baseless. Also community generally not involved. As figures given many convicted banished. *Rand Daily Mail* commenting says Report does not prove necessity new Bill. It proves clearly present machinery quite good. Indian deputation waited Colonial Secretary placed compromise before him. Reply indecisive. Sympathetic influences working.

Both these cablegrams cost the British Indian Association £ 28.89. On 23 March the Association had also sent the following cable to the South Africa British Indian Committee, London: [*Ibid*, p 379]

British Indians staggered over passage Asiatic Bill during two sittings Transvaal Parliament Gazetted Nineteenth. No opportunity given



community being heard before Parliament. Allegation continued illegal influx totally denied and remains unproved. Underlying question is that of Indian status within Empire such also press opinion. Trust committee will save Indians impending degradation.

On 8 April Smuts sent a reply to the deputation's suggestion regarding voluntary registration, saying regretfully, that "the suggestion made by the deputation about fresh registration cannot be accepted. For doing so, a proviso for compulsory registration is necessary. Moreover, I cannot see how you could say with certainty that your word would be binding on other Asiatic communities and particularly on those residing without a permit."

The Colonial Secretary alleged that a number of Asiatics were infiltrating into the Transvaal without permits. Government had strong evidence of such unlawful infiltration. He regretted that people had been advised to disobey the law by not registering, a course of action which "would make it impossible for us to grant special concessions to your community." He sincerely hoped that the community which had "always had the privilege of being considered law abiding will maintain its reputation", and Indians would cooperate with the Government by registering "lawfully, gracefully and expeditiously". He claimed the Act was framed in the interests of Indians as well as Whites.

[C.W.M.G., VI, p 424]

Gandhiji said:

The reply is at once good and bad, timorous and threatening'. I call it good because it is courteous The reason why I call it bad is that General Smuts hesitates to accept even our most reasonable demands. It is timorous, because of (fear of) the ideas, resolutions and speeches of Indians on the subject of gaol-going. The Government



is afraid that the Indian community may (actually) display such strength, for then the Act may prove ineffective. It is threatening, because the Government being frightened . . . hold out the threat that if we do not accept the law, more stringent measures will follow. [*Ibid*, p 425]

Gandhiji saw that a crucial moment had arrived. If the Indians were not cowed down by the threat but stood firm in defence of their honour, they would win. He asked: “What greater harm can be done to a man than to divest him of his honour?” The Government of the Transvaal found not a single person trustworthy enough to be exempted from holding a registration certificate, i.e. a “third pass”. It was interesting to note, he said, that Indians were first made out to be thieves and then their help was sought in enforcing the law. He therefore advised Indians to decide the matter with care and courage.

A meeting of the British Indian Association was accordingly held on 11 April 1907 and a reply to Smuts’ letter was drawn up. After explaining the Indian stand and reminding the Government of the action taken by Indians in deference to the wishes of Lord Milner, it refuted the charge that many Indians had entered the Colony without permits. Pointing to Chamney’s report in its support the letter concluded saying that there could be no question of defying the law at all. If however Indians’ respect for law was put to a severe strain, and the community had to vindicate its honour and prestige, the only way open to it would be to “submit to the ultimate penalty prescribed by the law, that is, to go to gaol. The community sought to fulfil the intention of the law and requested that the Indian proposal should be given a fair trial before the “law is enforced.” [C.W.M.G., VI, p 427]



The Chinese leaders met at Gandhiji's office on 13 April and decided to support the Indian community. The Chinese Consul too gave his compatriots similar advice. [*Ibid*, p 427] On 14 April they held a mass meeting. On 15 April they sent a telegram and a letter to the Colonial Secretary which said that at a general meeting of the Transvaal Chinese Association held on the 14th it was resolved to approach the Government and respectfully submit that the proposal made by the Indian community for voluntary re-registration "is entirely acceptable to the Chinese community. In the humble opinion of the meeting the Asiatic Law Amendment Act is degrading to the Asiatic community." The Association therefore respectfully trusted that the proposal of voluntary re-registration would be accepted. [I.O., 24-4-1907]

The Colonial Conference was fixed to be held in London in April and May 1907 [Thompson, L.M.: *The Unification of South Africa*, 1902-1910, p 32], which Botha was to attend. Gandhiji wrote to L. W. Ritch to meet him in deputation and discuss with him the question of the new Act.

On 25 March Gandhiji had informed Sir William Wedderburn that Frazer of the *Times of India* had agreed to co-operate, if a special committee to agitate against the Transvaal Ordinance was formed in India. [C.W.M.G., VI, p 379] On the same day, he had also written to Dadabhai, endorsing a copy of the letter addressed to Sir William Wedderburn and saying "Whatever is done in the Transvaal will be followed throughout the colonies and if the principle of degrading racial legislation that underlies the Ordinance is once accepted, there will be an end to Indian immigration." [*Ibid*, p 380]

The Bill (Act 2 of 1907) was passed with unseemly haste and the event was joyously acclaimed by most of the whites throughout the



Transvaal. The member from Barberton (Loveday) represented not only his own constituency but all the white colonists when he called the Act “the first step to stop what may mean the extinction of the white race in this country by immigration from the East.” It had been rightly stated, he continued “that this measure should appeal to every individual in this country, and it does appeal to every individual.” [Transvaal Hansard, 21 March 1907] Obviously he meant only the whites. Non-whites were not individuals for him, it seems.

The white colonists were ecstatic while the Indians were distraught. The Colonial Office in London seemed totally unperturbed by the measure. Gandhiji, in deep despair, wrote bitterly of the underhand subterfuge with which Elgin had misled him and the Indian community. The Secretary of State had disguised himself as protector of Indians, while at the very same time he was assuring the Transvaal authorities that a similar enactment passed by the Transvaal Legislature after the advent of responsible government would receive immediate Imperial Assent. [M. K. Gandhi, S.S.A., pp 124-6]

Elgin knew that accusations against him by the Indians were not without substance. Comparing the Asiatic Law Amendment Act with the earlier Ordinance No. 29 of 1906, the Secretary of State stated: “The Act which is now submitted has behind it a very different weight of authority. It has been introduced by the first responsible Ministry of the colony, and has been passed unanimously by both Houses of the new Legislature.” [N.A.I, papers with Acts, India act XIV of 1914, Sec. of State for Colonies to Governor, 9 May 1907] Recalling his imperial obligation, however, he felt constrained to add:

I consider it my duty to place on record that His Majesty's Government do not consider the position of the Asiatics lawfully resident in the Transvaal, as settled by this Act to be satisfactory; that



they adhere to the opinions which have been expressed by the successive Secretaries of State as to the desirability of relaxing the restrictions to which Asiatics are at present subject; and that they commend this view to the Transvaal Government in the hope that it may be carefully considered how far practical effect can be given to it. [*Ibid*]

His role as enunciator of the Imperial philosophy fulfilled, the Secretary of State concluded with an almost audible sigh of relief that his responsibilities had been reduced. “They (the British Government) feel”, he wrote to Selborne, “that they would not be justified in offering resistance to the general will of the colony clearly expressed by its first elected representatives; and I am accordingly to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to the Act.” [*Ibid*]

The Asiatic Law Amendment Act (Act No. 2 of 1907), passed by the Transvaal Legislature in March 1907 and reserved by the Governor for His Majesty’s pleasure, received Royal Assent on 2 May 1907. This was announced in the House of Commons by Winston Churchill who added that “the Imperial Government had been greatly impressed by the unanimity of the people of the Transvaal in regard to the measure.”

The London correspondent of the *Daily Mail* reported that the statement was received (in the Commons) “with cheers and cries of dissent.”

Reuter mentioned that Elgin’s decision had been made “after the most careful consideration . . . and having regard to the fact that the Parliament of a self-governing colony had unanimously supported the Bill.”



The *Transvaal Leader* stated on 2 May that correspondence between Lord Selborne and the Imperial Government showed clearly that the Indian agitation led by Mr Gandhi and abetted by many members of the British Parliament had made an impression on Lord Elgin with the vicious result that the Ordinance was denied Royal Assent in 1906. The influx of Asiatics therefore could not be checked. [I.O., 11-5-1907]

After quoting figures from the Report of the Registrar of the Asiatic Department, the paper showed how the number of Asiatics had been steadily increasing in the colony and commented that Elgin had shown quite a hair-trigger sensitiveness concerning the feelings of the Asiatic people, and their friends in England had left no stone unturned in the advocacy of their cause. All that could be done in the way of legitimate agitation was to secure a compromise, and the Anglo-Indians in London had sought to move Mr John Morley and even General Botha to their side. The united voice of South Africa, however, had rejected all compromise, and Lord Elgin had been well advised not to oppose colonial opinion on this matter. It was difficult to see how the Imperial Government could have resisted the wishes of this colony to the extreme point of refusing their sanction to legislation which was the first fruit of the responsible government without reducing the new constitution to a mere travesty of free institutions. According to Churchill's statement this consideration had evidently weighed with the Imperial Government and after the most careful deliberation they had agreed to support the Bill. "The virtue was born of necessity, as every wise man's son doth know. [I.O., 11-5-1907] This was based on distorted information as shown by Gandhiji's reply.

Gandhiji replied to *Transvaal Leader*.



In a leading article under the heading *End of the Indian Peril* published in your issue of today, I note that you repeat the mis-statement that 'the Registrar, in his Report for last year, stated that between May 1903 and December 1906, of 12,543 registrations, only 4,144 were valid.' This appears to be merely a copy of the misinforming telegram published by Reuter but which that Agency subsequently corrected. If you will turn up your South African File, you will find that on the 11th April, Reuter published the following telegram:

Some misapprehension has arisen over the interpretation placed upon the statement in the report of the Registrar of Asiatics that out of 12,543 registrations between May 1903 and December 1906, only 4,144 were in respect of applicants producing receipts which were accepted as valid. Reuter's Agency referred the matter to the Registrar who stated that the report intended to convey that 4,144 registrations were effected free of charge, because the persons registered were able to produce receipts issued in their favour by the late Government for the payment of the tax imposed under the law. The other persons, numbering 8,399 were those, who although not in possession of certificates which could be accepted as valid, nevertheless established their claims to be registered and were required to pay the tax of £ 3 and therefore the registration was completed.

He commented that it would appear that all the 12,543 registrations mentioned by the Registrar were valid. No one who did not produce a permit or who did not satisfactorily prove his domicile in the Transvaal had been



registered. Every registration certificate issued by the Registrar of Asiatics was a valid document.

“You go on to say that ‘in 1906, the authorities found 876 unauthorised arrivals in addition to a large influx of Asiatic youths.’ There is nothing whatever in the Report to show that the 876 arrivals were unauthorised or that they were not the accumulation of the five previous years.” No figures were given, and it was impossible therefore to accept the inference suggested. As to the reference to the alleged influx of Asiatic youth, that remained to be proved. There was nothing under the law preventing youths under sixteen from entering the colony. [I.O., 11-5-1907, p 177]

One is surprised that so much controversy should have been created and continued over a matter which could have been easily settled by making an enquiry. But the controversy, it seems, was being deliberately encouraged by the parties who wanted somehow to get rid of the Indians. Gandhiji had seen it clearly. He therefore advised the Indians not to submit but to prepare to fight for their rights in a civilized manner and be ready to suffer hardships as a result of their determined resistance to the Black Act.



CHAPTER III: DRIVEN TO THE WALL

1

The policy of the British Government with regard to the Indian question in South Africa had been ambivalent from the very start. On the one hand, they professed equality of all subjects of the Empire; on the other, they had a partiality for the whites in the new colonies and in their heart of hearts they had accepted the need to settle the new colonies with white immigrants. Natal and Cape Colony were ruled by Britons, while Orange River Colony (Orange Free State from 1911) and the Transvaal were ruled by the Boers. The British Government claimed suzerainty over the two Boer Republics, though the concept was not well defined. There was a sizeable population of Indians in Natal because of the introduction of indentured labour in the second half of the 19th century. Many of the indentured labourers had settled in Natal at the end of their indentures and their children born in Natal added to their numbers. Indian traders had followed in their wake to cater for their needs of rice, spices and cloth, and they had also spread outside Natal, though their numbers were small. The Briton and the Boer both believed in a white South Africa. This had created many problems for the Indians. His Majesty's Government in London had been promising equal treatment to all subjects of the Empire irrespective of colour or creed. However, these professions, when put to the test, were found wanting. The British Government, as became well known later, could and did sacrifice principles for the sake of expediency in South Africa as elsewhere.

The Cape had traditionally been more liberal in racial matters. The Dutch had come there 400 years ago from Java with their Malay slaves and founded a settlement. These Malays were Muslims. They had Dutch blood in



their veins and had inherited some of the qualities of the Dutch. Some of them were in the service of Europeans and some had independent business such as driving hackney carriages or carrying on petty trade. Malay women were generally known for their industry and clean habits. They were experts in laundry work and sewing. Some of the Malay men had received higher education. One of the well-known Malays was Dr Abdurrahman of Cape Town, who became a legislator in the Cape before the constitution of the Union of South Africa took away the franchise and the right of entering Parliament from all non-whites. The progeny of mixed marriages came to be known as the Coloureds. [M. K. Gandhi, S.S.A., p 15]

The Coloureds in the Cape Colony had the franchise and were, relatively speaking, treated much better than the non-whites were treated in other colonies, when Gandhiji went to South Africa. This continued till the Union of South Africa came into being in 1911 and the Cape Colony joined the Union. After 1911, more disabilities such as restrictions on immigration of Indians and confining their residence to the locations were imposed in the Cape Colony also to bring about uniformity of laws in all the provinces. As a result, while in 1904 there were 8,489 Indians in the Cape Colony, their number, instead of increasing, had been reduced to 7,963 by 1921, thanks to the introduction of restrictions of various kinds. Both Britons and Boers were highly colour-conscious and looked down upon all non-Europeans as 'uncivilized'. They could not understand that Indians came from a highly civilized country.

There was a sneaking sympathy on the part of the British Government with the white sentiment of superiority and the whites' desire to continue to be the ruling race in South Africa and develop the new colonies as white



countries. In 1892, a year before Gandhiji came to South Africa, a Franchise and Ballot Act was passed in the Cape legislature with the provisions that an eligible voter would have to be able to write his name, address and occupation in English and that the property qualifications for franchise should be raised from £ 25 to £ 75. This had the effect of eliminating most of the Indians as voters. The British High Commissioner, Sir Henry Lock, and the Cape Cabinet claimed that the measure was moderate, non-racial and necessary and had been passed by a large majority in the legislature. Lord Ripon, Secretary of State for the Colonies, had received protests against the legislation and he had his own reservations about it. He felt that the “legislation is contrary to the spirit and tendency of public opinion in the present day” [C.O. 48/521, Secretary of State to Governor, 27 January 1893], yet he could not properly veto a technically non-discriminatory bill passed by the legislature of a self-governing colony. Many more restrictions on Indians and other coloured people were to follow.

In Natal disfranchisement of Indians was allowed by His Majesty’s Government in July 1894, soon after Gandhiji came to South Africa. Severe curbs were placed on Indian traders by giving wide powers to the municipalities for the issuing of trading licences, without the right of appeal to the Supreme Court. Immigration was curtailed by imposing an education test which recognised only European languages. Indians were thus allowed to be openly discriminated against by His Majesty’s Government, so long as the action was administrative and Indians were not specifically named in the offending laws. It was obviously an eye-wash. The British wanted the credit of treating all subjects in the Empire as equal, without actually doing so. The colonies



were allowed to discriminate freely on the basis of colour and Indians in South Africa were victims of this hypocrisy.

The position in the Transvaal and the Orange Free State colonies was worse and more complicated as these colonies were ruled by the Dutch, over whom Britain exercised a loose kind of suzerainty. So far as the Orange Free State was concerned, the colony had closed its doors on Indians very early and there were very few Indians there, most of whom were domestic servants. There were in fact only nine in 1890 on annual licences. The Government of the Colony passed a law — Orange Free State Act 29 of 1898 — “To Provide Against The Influx of Asiatics And For The Removal of White Criminals Entering This State From Elsewhere.” It prohibited Indians from owning land or carrying on trade within the colony. The British Government tried to save the situation and protested through their High Commissioner. But it was of no avail. The British Government itself was in secret sympathy with the view that South Africa should remain a white country, and so they did not press the matter.

In the Transvaal the British agent had been protesting against the discriminatory measures adopted by the Boers with regard to Indians, such as Law 3 of 1885 as amended in 1886. As a result the discriminatory laws were not strictly enforced by the Boers. After the Boer War however the same objectionable laws began to be enforced much more rigorously by the new non- Boer Government of the Crown Colony. The Britons in South Africa were as keen as, if not keener than, the Boers, to eliminate the competition of the Indian trader who worked hard, lived simply and frugally, and was soft-spoken, so that he was able to make a success of his business among Indians, natives, as well as whites especially the poor ones. Lord



Lyttelton, the Colonial Secretary in Britain, found the situation rather embarrassing and His Majesty's Government thought that the best way to extricate themselves was to grant self-government to the newly-conquered Dutch Republics, although Milner, the British High Commissioner in South Africa, was against giving self-government to those colonies at that time. Milner felt that the time was not ripe for such a change. But Lyttelton ignored Milner's views.

On 31 March 1905 the so-called Lyttelton Constitution, which provided for the establishment in the Transvaal of a selective legislative assembly, was promulgated. Most of the power was however retained in the hands of officials responsible to the Governor. The assembly was to consist of from six to nine officials and 30 to 35 elected members. The Lyttelton Constitution, however, proved still-born as a result of change of Government in Britain. In London Elgin replaced Lyttelton, and in South Africa Lord Selborne replaced Milner as High Commissioner. Selborne resolved to bring a fresh approach to the Indian problem and in a long despatch on 21 August, 1905 to the Secretary of State he expressed his views:

I am inclined to think that if the people of the Orange River Colony and the Transvaal are quite assured that there will be no further immigration of Asiatics, it would be possible to gradually settle the status of those who are now residing in this country on fairly satisfactory lines. For these men it will be my utmost effort to do full justice. But I may express my strong conviction that there should be no further Asiatic immigration into this country. I am sorry to have to write this in respect of my Indian fellow-subjects, but after all *Salus reipublicae suprema lex*, and what is wanted more than anything else in these two colonies are British subjects, who, if



need be, can fight, which is the same thing as saying white British subjects. For, in these colonies a white man must always be a fighter, whereas this is the one thing the Asiatic can never be, both owing to the peculiar circumstances of the country and to the fact that the Asiatics who come here are not of any martial race. Owing to the prejudice about the fields of white and the black labour which exists in this country, there are only a restricted number of professions open to white British subjects who immigrate here, and one of the most important of these is that of a trader. It is precisely in his capacity as a trader that the white British subject is hopelessly beaten out of the field by the Asiatic, and it is because we cannot afford to have the white British trader ousted that I think that any further Asiatic immigration into this country ought to be discouraged. As I have already said, I am sorry thus to discourage the immigration of my Indian fellow-subjects, but in the long run, it would do them no good if this country falls again under Boer domination, owing to the absence of Englishmen, Scotsmen, Irishmen, ousted by their pressure into other lands. [N.A.I., April 1906, proc. 11, High Commissioner to Secretary of State, 21 August, 1905]

Strange logic, in view of the fact that the English, Scots, and Irishmen in the Transvaal were perhaps even more anti-Indian than the Boers!

Selborne was asking the Colonial Office to sanction a policy having the practical effect of preventing all future Asiatic immigration in return for a satisfactory assurance of proper treatment of all Asiatics already in the country.

The Colonial Office accepted the compromise. It entered the usual caveat however that “His Majesty’s Government could not approve the exclusion of Asiatics *co nomine*, the legislation would have to be necessarily more or



less on the lines of the existing Acts on the subject in the Cape Colony, Natal and Australia.” [N.A.I., April 1906. Secretary of State to High Commissioner, 5 Jan. 1906] In other words, Indians could be excluded from the Transvaal so long as this could be achieved without mentioning them by name in the discriminatory laws.

The India Office, while “regretting the necessity for a step which entails the practical exclusion of natives of India from a British Colony”, agreed with Elgin that the compromise proposed by Selborne was likely to afford “the only practicable solution for this difficult question.” [T.A., India Office to Colonial Office, 31 Jan. 1906]

2

Lord Elgin had played a double game when he had disallowed Royal Assent to the Black Act in 1906 and gave a secret understanding to the leaders of South Africa that the same legislation passed by the elected legislature of the Transvaal would not be vetoed. His action of accepting Solomon’s proposal to recommend Royal Assent for Law 2 of 1907 passed by the Transvaal Parliament now fell into the common pattern of British hypocrisy. The Colonial Secretary was “unhappy”, but he had to accept the law passed by the elected legislature of the Transvaal in 1907 which had been vetoed in 1906. Having thus betrayed the trust of the Indians, Elgin tried to mitigate the blow by trying to get some minor concessions for the Indian community from Prime Minister Botha.

On 7 May 1907 Churchill announced in the House of Commons that Botha had assured the Imperial Government that the regulations for the registration of British Indians would be revised with a view to removing, as far as possible, undesirable conditions, [I.O., 11-5-1907] and making them



liberal, so as not to hurt anyone's feelings. Elgin might have been satisfied with this assurance, but the Indians in South Africa refused to be deluded and were not going to allow themselves to be fooled again and bound with a "golden thread". [C.W.M.G., VI, p 457]

Gandhiji commented:

After having inflicted a cruel wound on us. Lord Elgin now seeks to heal it with an ointment of his own make Only a woman in labour knows the pangs of childbirth. The Members of the House of Commons doubtless play the midwife to us. Their applause (at the time Churchill made the announcement about assurance by Botha) shows that they were touched because our feelings had earlier been hurt. But they applauded without realising the significance of Mr Churchill's reply. [C.W.M.G., VI, pp 470-1]

He went on to say that once the Act was passed, however liberal the regulations might be, their condition of slavery will remain unchanged. "If we are yoked to a cart and the driver holds the reins loose, we do not for that reason cease to be cattle." [*Ibid*, pp 470-1] It mattered little whether the Indians had to give ten finger impressions or five or even one, or their signature instead of finger impressions was accepted. For reasons already explained, they could not submit to the Act, he said. Slaves might be given good food and other comforts. It could not make them forget their condition of slavery. He added:

We have in all humility to inform His Lordship that as long as compulsory registration is to remain in force, we will not submit to the Act, no matter what relief is granted. [*Ibid*, p 471]



On 11 May 1907 Gandhiji wrote, exhorting the Indian community to stand firm by the resolution about going to gaol rather than submitting to the Black Act. If under any pretext the Indian community was to cancel the gaol-going resolution, the deputation's labours would have been in vain and the Indian community would be disgraced. Government would put no trust in their word and the Imperial Government would give ready assent to all the laws directed against the Indians in South Africa. "And in the end, those who are not content to live a dog's life or that of a crow, will have to leave South Africa." There would be repercussions in India too, he added, and the whole country might look down upon them with well-deserved contempt. "It is therefore our earnest hope that the Indian community will not swerve from it (the gaol-going resolution). Whether or not all of us are agreed, those who realize how things stand must not fail in their duty." [*Ibid*, p 458]

On the same day, he wrote again that everyone was asking: "What could avail us now?" But patriotic Indians should be clear in their minds that they must not submit to the Act but be ready to go to gaol instead. [C.W.M.G., VI, p 468]

For the guidance of those who wanted to protest against the Asiatic Registration Act, he said:

We have now earned the freedom to burn old permits, together with the new ones. Not a single person must enter the Permit Office for the situation is really all that hopeless. Anyone asking for a permit can do so only under the new law. But if the new law is not acceptable to us, we simply cannot apply for a permit. The first thing to do therefore



is to see that no Indian goes to or communicates with the Permit Office. For the rest, we are only to watch and see what measures the Permit Office adopts to force us to take out new permits. [*Ibid*, p 470]

He went on to say that the Indians would not be given the privilege of going to prison yet. The permit regulations were still to be framed. A final date for taking out permits would be fixed. Only then the doors of the prison palace would open for them.

To the refugees he offered the advice that they should give up the idea of entering the Transvaal for the time being as the necessary permits could only be had under the new law. Everyone had to keep away from the permit office to show his determination to fearlessly implement the resolution. They should have faith in the Almighty who rules over all, to grant them a living even outside the Transvaal. The whole of South Africa was watching the happenings in the Transvaal.

The Indians residing in Durban recognized the national importance of the Registration Act and were deeply disturbed by the Royal Assent. Leaders of the Natal Indian Congress — Dawad Mahomed, B. Ebrahim Ismail, Camroodeen, Dada Osman, Parses Rustomjee, P. Dawjee, Hossen Cassim, Omar Hajee Amod, Peeran Mahomed, Dorasamy Pillay, Anglia and Dada Abdoolla of Durban — sent the following telegram to the leading Indians in the Transvaal:

We sympathise deeply with the troubles of our countrymen in the Transvaal. We hope every Indian will abide by the gaol resolution and respectfully refuse to submit to humiliation. [I.O., 11-5-1907, p 181]



Gandhiji was in Durban on 3 May and spoke at a meeting held on 4 May to present an address to Police Superintendent Alexander. The leaders met at a party given by Peeran Mahomed for which Gandhiji had come from the Transvaal. He might well have helped in the drafting of this telegram.

The Transvaal Indian leaders sent in reply the following telegram:

Transvaal Indians are deeply grateful for the sympathy of Natal brethren. We have every hope that the community will rise to the great occasion and demonstrate its resolve to undergo any penalty rather than submit to humiliation. The gaol resolution is in great favour. [*Ibid*, p 181]

The Durban Indians also realized that they should no longer apply for permits to enter the Transvaal, as that would be derogatory to them. [*Ibid*] It would imply acceptance of the Black Act.

On 6 May, a meeting of the Natal Indian Congress was held at Dawad Mahomed's hall in Pine Street in honour of Omar Haji Amod Zaveri, joint honorary secretary of the Congress on the eve of his departure for India after several years of devoted service to the Indian community. [C.W.M.G., VI, p 463] The hall was well decorated and thickly packed. Mr Dawad Mahomed, President of the Natal Congress, said that he shuddered to read the telegram announcing that the Black Act had been passed. He felt strongly that Indians should not submit to it, even if they had to lose their entire fortune in opposing it. He went on to say, "I therefore hope the Indian community in the Transvaal will firmly oppose the measure and be prepared to go to gaol if that becomes necessary." There was nothing humiliating in going to gaol if one was sent to it for a cause like this. Gaol-going would add to one's fame. He hoped that no one would have any dealings with the Permit Office



in Durban. He warned, “If we do not muster adequate strength for opposing this law, the time for our departure (from South Africa) will eventually come and bad laws will begin to be enacted in all parts of South Africa.” [*Ibid*, pp 463-4]

Speaking on the Asiatic Registration Act, Mr Anglia said that he had thought of going (to India) on a temporary permit, but as the law had now been passed, he decided not to apply for a permit in order to show his disapproval of the new law. He hoped that the Transvaal Indians would stick to the gaol-going resolution and that no Indian would have any dealings with the Permit Office. [*Ibid*, pp 464-5]

Mr Peeran Mahomed regarded the Transvaal Ordinance as very oppressive. “If a similar Ordinance comes into force here (in Natal), I say on oath with God as witness that I will never submit to it but will go to gaol instead. I hope that the Transvaal Indians will do likewise.” [*Ibid*, p 466]

Mr Ismail Gora observed that “the Transvaal Indians can never go back on the Fourth Resolution of 11 September. If they do, it will do us much harm.” [*Ibid*, p 467]

Gandhiji also addressed the meeting but he did not touch on the question of the Transvaal Registration Act. [*Ibid*, p 466]

3

On 9 May 1907 Mr Polak announced that the Indian communities of Klerksdorp, Krugersdorp, Germiston and Heidelberg had resolved that they would go to gaol rather than accept the new law. [I.O., 18-5-1907]

Commenting on this, the *Star* observed on 11th May that it was worth remembering that if Indians, under the influence of their leaders, were foolish



enough to defy the law, there were remedies in the law to deal with their contumacy. They could be fined up to £ 100, and in default of payment imprisoned up to three months with or without hard labour. Any Asiatic who did not register within a specified period might be arrested and ordered to leave the colony within a specified period. The most bitter opponents of the Asiatic traders would be glad if the proposed passive resistance movement resulted in the deportation of the aggressive agitators. The rest would then realize how they had been misled. [*Ibid*]

In his reply to the *Star's* comment, Gandhiji explained that fresh legislation would be required to impose the penalties mentioned by the *Star*. He wrote:

... So far as I have been able to see, there exists no such provision for compulsory deportation. ... a new Act will be necessary to drive out of the colony by physical compulsion those Indians who, in their own opinion, are doing a service to their country and the Empire in their struggle to retain for their countrymen some degree of self-respect and manliness. [C.W.M.G., VI, p 474]

As regards the 'greater security' flowing from the new law, according to the *Star*, Gandhiji said that its editor could not "enter into the feelings of British Indians" and there was not "a single Indian who is likely to appreciate the 'greater security' conferred by the Act." He added, "In spite of my efforts to detect it, I have failed to trace any greater security." [*Ibid*, p 474]

About the misleading of "poor Indians" by "interested leaders", alluded to by the paper, Gandhiji remarked that compulsory registration involved a special restriction on the personal liberty of the subject because of the



colour of his skin. It had been put to the Indians that such legislation amounted to deep humiliation and a kind of slavery, and they had therefore been advised not to barter away their present comparative state of freedom “for the state prescribed for them by the new legislation, no matter how tempting it may otherwise appear to be.”

He further explained that in order to avert the degrading blow, he had ventured also to tell them, first, that it was their duty firmly and respectfully to decline to submit themselves to re-registration under the Act; secondly that, seeing that the Transvaal was their adopted home and that they were without any voice in the choice of their legislators, “the only effective way in which they can make themselves heard is to submit to the ultimate result of a breach of the conditions of the law, namely to prefer gaol to either re-registration or leaving the country or paying the fine;” and thirdly, that, consistently with the above attitude, they should cease to have any communication with the Permit Department, and should ask their friends and other Indians who might wish to re-enter the Transvaal, not to apply for permits, either temporary or permanent, under the new law.

“If it be said that both the last mentioned points distinctly advance the anti-Asiatic purpose, so be it. It merely proves what I have often said — that the struggle, on the Indian side, is not to grasp as much of the Transvaal trade as possible, but to remain in the country with dignity and self-respect, and not to sell their birthright for a mess of pottage.” [C.W.M.G., VI, p 474]

Lastly, Gandhiji said that he was not sure of his not being widely followed. If this was the case and the British Indians chose to submit to the serfdom which the legislation imposed on them, they would have deserved the Registration Act. “We are undoubtedly put upon our mettle, and it remains



to be seen whether as a body we shall rise to the occasion. I consider that the attitude above-sketched is unexceptionable and I claim for it from the brave colonists not derision but praise. But derision or praise, it will be churlish and sinful for myself and my fellow-workers to turn aside from a course which has been dictated by a conscientious purpose.” [*Ibid*, p 475]

On 11 May the executive committee of the British Indian Association met, with Essop Mia in the chair. Gandhiji advised that the Indians, “to be true to their solemn oath and to their manhood, were bound not to submit to the new Registration Act.” He also advised that to be consistent, all communication with the Permit Offices, whether in the Transvaal or in Durban, should be entirely suspended, so far as new permits, whether temporary or permanent, were concerned.

M. S. Coovadia, honorary treasurer of the Association, moved that Indians throughout the Transvaal be advised to adhere to the gaol resolution; that they be advised to suspend all communication with the Permit Offices wherever situated; and that necessary steps be taken to advise the Transvaal refugees in India not to return to South Africa for the time being. Aswat seconded the proposition. It was unanimously carried. [I.O., 18-5-1907]

Essop Mia said in conclusion that no one should be afraid of acting upon the resolution on gaol-going. Going to gaol was for them like receiving an honour. They should not become dupes of the temptation that if they submitted to the new Ordinance, they would get a few rights in return. He reminded them that Milner and other officials had made many promises, none of which was kept. That showed that they could win nothing unless they exerted themselves and gave proof of their courage. [C.W.M.G., VII, p 492]



In the course of discussion, it was suggested, as the first step, that members of the community should go to different parts of the Transvaal and explain the situation to every Indian individually. It was the duty of the Association to see that the suggestions made reached every Indian. [I.O., 18-5-1907]

4

Gandhiji was in the meantime taking every opportunity to train the Indians for civil disobedience. On 18 May he exhorted them all to shun fear. “Let us, then, have no fear” he said. Quoting a Gujarati saying to the effect that doubt is like a ghost and selfishness like a witch, he went on to say, “Let every Indian expel the witch of fear and resolve that whatever others might do, he for his part would go to gaol rather than submit to the new Act. If that happens, we shall see in the end that no Indian will be cowardly enough to take out a new permit.” He added that Columbus kept up his courage even when his sailors, one and all, threatened his life. That was how he discovered America and became famous throughout the world. Napoleon, a youth from the island of Corsica, shook all Europe. Hundreds of thousands of men did his bidding. When Pope sent Luther the bull of excommunication, he tore it up and became free. The great poet Scott proved himself a man of his word; despite old age, he went on writing earning enough to pay off his debts. Everyone had heard of Alexander’s Empire. With such examples before them, how could the Transvaal Indians lose heart even in the smallest degree? [C.W.M.G., VI, pp 480-1]

He warned them that if they failed, they would have to face any of the following consequences in a very short time: [*Ibid*, p 481]

- i) Their trade licences in the Transvaal would be discontinued;



- ii) Almost all the Indians would be required to live and carry on their trade in locations;
- iii) The Malay Location would be lost to Indians and its present residents would be required to go to Klipspruit;
- iv) All hope of getting land rights would have to be given up;
- v) The foot-path regulation would be applied to Indians;
- vi) Many more of the trade licences in Natal would be cancelled in the following year; and
- vii) Registration Act like the one in the Transvaal would be introduced throughout South Africa.

He concluded by saying:

We do not guarantee that all the rights referred to above will be secured if the new Act is opposed. There is, however, a possibility of at least some of them being granted. But whether we get them or not, the world will recognise that the Indian community has vindicated its honour and the Transvaal Government will realize that the Indian community cannot be insulted with impunity. One's good name must not be sacrificed, whatever the cost. The good name of the Indian community will then have been saved. [*Ibid*, p 481]

Indian Opinion published the following list of persons who had bound themselves by promise not to apply for or accept certificates but to go to gaol: [I.O., 18-5- 1907, p 187]

1. Bhagotji Chhima Bhoola Bhanja Chhania
2. Essop Mia



- | | |
|--|---------------|
| 3. Fakir Suleman Chorase | Johannesburg |
| 4. Gandhi, M. K. | |
| 5. Gangaram Kalia | |
| 6. Ghulabbhai Kikabhai | |
| 7. Haji Abdool Latif | |
| 8. Ratanjee Rugnath | |
| 9. Ahmed Mahomed Cachhalia | |
| 10. Manji Nathoobhai Ghelani | |
| 11. Moosa Cassim Dawood | Pretoria |
| 12. M. E. Nagadee | |
| 13. Noor Mahomed Ayob | |
| 14. Ismail Essop Ravjee | |
| 15. Adam Adamjee | Potchefstroom |
| 16. Hassan Moosa | |
| 17. Cursedjee H. Desai (on behalf of
the Indian committee) | Krugersdorp |
| 18. Suleman Ebrahim Jitali | |
| 19. Suleman Ebrahim Bhyat (on behalf of the
Rustenburg Indian United Assembly
numbering from 30 to 40) | Standerton |
| 20. Embrahim Mahomed Kaji (E. Ebrahim & Co.), | |



- | | |
|-------------------------|-----------------|
| 21. Mahomed Omar Bhura | |
| 22. Ahmed Mahomed | Lindlay's Poort |
| 23. Chandbhai Valibhai | |
| 24. A. M. Bhyat | Heidelberg |
| 25. Ebrahim Aswat | |
| 26. Mahomed D. Bharuchi | Vereeniging |
| 27. Essopji Ebrahim | |
| 28. Mahomed Dawji Patel | Wakkerstroom |

Besides these, the names of about 53 more from Johannesburg, Pretoria, Potchefstroom, Germiston, Rustenburg and elsewhere were also received by the British Indian Association.

5

The Act was to come into force from 1 July 1907. Gandhiji, therefore, issued the following instructions on 18 May and initiated them into the concept of non-cooperation. He again stressed on the Transvaal Indians the need to support the gaol-going resolution and to that end suspend all business with the Permit Office. Indians in Pretoria and Durban were advised to do likewise. "All applications made to the Permit Office now would be treated as having been made under the new Act." They would all be glad to know, he wrote, that Mr Mahomed Cassim Anglia who had applied for a permit intended to withdraw his application. Osman Ahmed intended to do the same. What could they gain by having anything to do with the Permit Office?



What difference will it make to our situation, if three or four Indians are able to enter the Transvaal, as a result of our dealings with the Permit Office? And what harm will be done if they cannot? We hope that in view of the damage that is likely to be done to the interests of the entire Indian community if any business is done with that office, every Indian will boycott it, as suggested by the British Indian Association.

Picketing was the next step. Gandhiji told the Indians that on reflection he thought that young Indians and others who had anything to do with the Permit Office should break off all relations with it, and persuade others to do likewise. A couple of men could stand near the office entrance by turns. If anyone wished to go in, they should dissuade him from doing so. [C.W.M.G. VI, p 484]

The same day Gandhiji reminded Indians of the instructions he had issued to the resisters, which would enable them to prove that the Indian community was not out merely to save its trade in the Transvaal but to stay there with dignity and honour. The Indian community would not sacrifice its good name just for the sake of a living.

Many English friends had told him and he himself believed that not all Indians would perhaps accept his advice. Even so, he had no fear. “I can only say that in that case we deserve the Act. It is certain that we are now being put to the test. It remains to be seen whether we stand it well or not.” In his view it would be a degrading and sinful thing to turn away from the path that they had chosen in all sincerity, without caring whether others admired or condemned them. [*Ibid*, pp 490-1]

On 25 May he again wrote:



For every nation, as for every individual, there are occasions when honour has to be fought for. The Transvaal Indians are now faced with such a situation. The whites were caught unawares, but now (they) wonder whether Indians have enough courage to face imprisonment. It is our repeated appeal to the Indian community that all the 13,000 Indians should with one voice proclaim the answer, “Yes, yes and yes.” [*Ibid*, p 493]

Gandhiji thus missed no opportunity to boost up the morale of the Indian community and slowly transformed them into determined satyagrahis.

Churchill mentioned at a banquet of the South Africa Association in London that “there would be no interference with the Transvaal” by the British Government and that “in regard to native affairs, the first and the last word rested with South Africa.” [I.O., 18-5-1907, p 190] Gandhiji retorted, “It follows from this that the local governments in South Africa will be able to attack the Indian community with impunity. [C.W.M.G., VI, p 495] The only weapon with which they could ward off the attack was their resolution not to submit but to go to gaol. His basic approach was “Our struggle rests on truth alone.” [*Ibid*, p 497]

The idea of Satyagraha was now taking a definite shape, although the name “Satyagraha” was yet to be discovered. The term “Passive Resistance” was being used at this time, so that the Europeans could easily understand the movement. The word Satyagraha was coined in 1908, a year or so later.

On 26 May the Chinese met at the hall of the Transvaal Chinese Association to consider their next step with regard to the Asiatic Law. Mr Quinn, Chairman of the Cantonese Club, presided. Gandhiji who had been



especially invited to clarify the position, spoke briefly and succinctly saying that the new law did not add to the security of those Asiatics who were in the Transvaal by right, “but really took away all their existing personal liberty guaranteed under solemn Imperial pledges, and substituted for it a restricted liberty, which no self-respecting subject of a civilized country could possibly accept. The only dignified defence of their rights that the Asiatics in the Transvaal could offer, was to ignore the compulsory clauses entailing re-registration and submit themselves to the extreme penalty of the law, namely liability to imprisonment; and also to boycott the Permit Office.” [Ibid, p 501]

The audience signified its assent to Gandhiji’s proposals. The official body representing the Chinese community in the Transvaal decided to follow the brave example of the British Indian Association. [I.O., 1-6-1907, p 206]

Thus the concept of civil disobedience and non-cooperation with readiness to suffer the penalties for such action emerged and was put into practice. It was further developed and put to use in the years to come in South Africa and in India so that in due course it became a mighty weapon in the hands of the oppressed anywhere in the world.

Gandhiji continued his efforts to find every possible means of arriving at an honourable solution of the problem, while he was getting ready for confrontation if it became necessary. As the Asiatic Registration Act was still the subject matter of correspondence between the Imperial Government and the Transvaal authorities, Gandhiji appealed to the Europeans through the columns of the *Star* saying that the anti-Asiatic party having now obtained what it wanted, it should not be impossible to arrive at a reasonable compromise even at that stage and save British Indians from being considered



untrustworthy and feloniously inclined. [C.W.M.G., VI, p 502] He put before them his offer of voluntary registration, so that those who were *bona fide* holders of permits and were honest would be automatically separated from those who were not. [*Ibid*, p 502]

At the same time he warned the Indians that while thunderstorms seldom meant rain and barking dogs seldom did bite, this new law would burst as much as it thundered. He therefore advised the Indians that, having embarked on an adventure, they should not think of the consequences. Those rushing to the battlefield did not think of what would happen to their families or businesses. He wrote on 1 June 1907, “the Indian people have always placed their trust in God alone. Before that God we took an oath and resolved not to submit to the new law. The proper time to think was before the Resolution was passed, and, indeed, we did think then But . . . now is the time to be firm in our resolve.” [C.W.M.G., VII, p 3]

To encourage the prospective satyagrahis a prize of £ 1 was declared for the best poem in Gujarati or Hindustani (Hindi or Urdu) supporting the gaol resolution. The poem was to be composed of simple words and was not to exceed twenty lines and its metre was to be preferably that of *lavani* (a form of folk song) which was the best medium to express the heroic sentiment. There was no restriction on the *raga* (tune). The poem was to cite modern and ancient examples of bravery, by Muslim as well as Hindu, and give the most weighty reasons that had been advanced from time to time for adhering to the gaol resolution. It was to reach the office of *Indian Opinion* at Phoenix not later than 12 June or Johannesburg before 14 June. [C.W.M.G., VII, p 5]



Twenty persons competed and sent in their poems. The poem of Ambaram Mangalji Thakar, President of the Natal Sanatan Dharma Sabha, was found to be the best and was awarded the prize of £ 1. The poem said:

Placing your trust in the Master,
Full and sincere,
Be glad in your heart,
That to gaol you'll go, certainly to gaol you'll go.

Congratulating the winner, Gandhiji expressed the hope that the writer would set an example to others by acting up to the high ideals expressed in his poem and thus serve the cause. "When devotion merges into courage and courage into devotion, both are at their best." He said, "If we go on doing our duty, armed with both these weapons (devotion and courage) we shall surmount every difficulty and come out victorious in the end." [*Ibid*, p 49]

Answering the question as to what was to be done if he himself was imprisoned first, Gandhiji wrote in his Johannesburg Letter that the defence to be put up should only state that it was on his advice that people took the decision to go to gaol and that therefore he deserved to be sentenced first. People should have nothing to fear if "fortunately for the community and for Mr Gandhi" he was sent to gaol first. [*Ibid*, p 10]

He added that funds should be collected through subscriptions and donations to support the dependent women and children of passive resisters during the passive resistance campaign. Polak would take charge of fund collection after Gandhiji's imprisonment. [*Ibid*, p 10]



On 1 June 1907, a meeting of the Committee of the British Indian Association was held at its headquarters in Johannesburg. Amongst those present were Essop Mia (acting Chairman), Abdool Gani, Hajee Habib, M. S. Coovadia, Omarjit Sale, V. Naidoo, A. A. Pillay, Mahomed, Allibhai Akooji, Makorji and Gandhiji. It was decided to approach General Botha requesting him to receive a deputation of British Indians which would urge upon him the acceptance of the compromise in the form of voluntary registration as suggested by Gandhiji. [I.O., 8-6-1907, p 214] The deputation was to consist of Essop Mia, Abdool Gani, Hajee Habib, Moonlight and Gandhiji. [C.W.M.G., VII, p 33]

A letter was accordingly sent by the Chairman of the British Indian Association to Botha's Secretary on 1 June, seeking an interview with the Prime Minister for submitting to him a proposal to obviate the necessity of gazetting the Act. [*Ibid*, p 15] On 4 June Botha's Secretary replied saying that the Prime Minister had refused to receive the deputation as no good purpose could be served by receiving it. [*Ibid*, p 40]

He wrote, "As all the formalities in connection with the Act have been completed the publication cannot be postponed and under the circumstances, the Prime Minister considers that no good purpose would be served by (his) receiving a deputation on behalf of your Association." [I.O., 22-6-1907]

Meanwhile, Kallenbach, an architect of German Jewish origin, who was introduced to Gandhiji a year earlier by Barrister Khan, wrote in support of the Indians saying :

I for one am of the opinion that the Asiatic Registration Ordinance imposes certain conditions which are degrading to any man of self-



respect and if this was not keenly felt by Asiatics, it would be a clear proof that they fully deserve the Registration Act. I think it most unfair to call those men, who are working in order to show to their countrymen the deep humiliation which the new legislation tries to impose upon them, 'aggressive agitators'. I believe it to be the duty of those Indians who are able to grasp the conditions of the new legislation, to impart this knowledge to everyone of their countrymen and to do their utmost to so raise and strengthen their self-respect that by united action those humiliating conditions are changed. [C.W.M.G., VII, p 32]

He added:

I feel sure that the fear of the Indian store-keepers' competition has not deadened every white man's sense of justice, and that many of them — and I hope that their number is not small — cannot do otherwise than show admiration and full sympathy for men who, rather than submit to humiliating legislative conditions, go to gaol, setting aside in addition to the hardships of prison life which they are prepared to face, monetary losses too. [*Ibid*, p 32]

Kallenbach had fully studied the keen competition existing between the different races in South Africa and found that the competition between Indians and Europeans was exaggerated. He therefore expressed the view that "the suggestions and propositions made by the British Indian Association of Johannesburg appear to me very reasonable and fair, and I feel certain that fuller knowledge of the Indian question in the Transvaal by those men responsible for and dealing with the same would have prevented the present acute state of affairs."



In the end, he said, “I shall consider it a privilege to visit my Indian friends in the gaol and to do my utmost to redress the hardships of prison life which they are prepared to undergo.” [C.W.M.G., VII, p 32]

Gandhiji complimented Kallenbach for this “noble letter”, [*Ibid*, p 32] and said that what he wrote was “quite true”, adding, “If already men like Kallenbach have come forward to express their sympathy even though we have nothing to show by way of action, many more will do so when we actually do something.” [*Ibid*, pp 32-3]

Writing in *Indian Opinion* of 8 June, Gandhiji quoted the following maxims: [*Ibid*, p 20]

Futile is strength devoid of courage,
Doomed is a house divided;
Naught is wealth without knowledge,
And evil the use of learning by the wicked.

Comparing the two laws before and after self-government in the Transvaal, he said that “the Act as it stands now is even more anti-Indian than the original version”, since Law 3 would remain in force with modifications only to increase its particular jurisdiction both in spirit and in letter, as for instance,

- i) The new law did not apply to Malays, Kaffirs, Cape Boys and Turkish Christians, but only to Indians and Turkish Muslims;
- ii) The existing permits could not be changed without the consent of the Government;
- iii) Registration and giving of thumb-impression were compulsory; and



iv) The guardian of even a one-day old child was bound to produce particulars of its identification. [C.W.M.G., VII, pp 24-26]

It was peculiar that even the Muslims of Turkey, which is considered a part of Europe, were brought within the mischief of the Act, as if the Transvaal Government would be in danger if even non-Indian Muslims were not excluded from the purview of the new law. Christians from that country were, however, not touched. [C.W.M.G., VII, p 26]

The South Africa British Indian Committee in London and some others too had thought that it was the giving of finger-impressions only that was the objectionable feature of the new Act. Finger-prints, however, formed but one of the objections. The crucial point was the *compulsory* registration under the law, which cast a slur on the Indian community and branded it as “unworthy”. [Ibid, p 27]

The Indian community was determined to resist the degradation by disobeying the new law. It was feared that as a consequence some members of the British Indian Committee like Mr J. D. Rees might leave the Committee. “Even so”, wrote Gandhiji on 8 June, “we need not be afraid, for the Indian community holds it to be a virtue not to submit to the new law, and in doing a good deed we need not be afraid of anyone.” [Ibid, p 27]

7

On 8 June a notice appeared in the *Gazette* intimating that the Asiatic Law Amendment Act had received the Royal Assent and that it would come into force ‘on a day to be appointed’. The Indian community wondered as to what it really meant. Nevertheless, it left some breathing time for them. In a letter addressed to the Editor of the *Star* on the same day, Essop Mia said that his firm had suffered thrice — first during the Jameson Raid and then



during the Boer War, when the creditors were paid in full. But he feared that now the third time, complete ruin stared it in the face. He added, "In the two previous instances, the cause was beyond human control, at any rate beyond my firm's control." But now the cause would be of its own seeking. "And why? it might be asked." The answer was that the Asiatic Law Amendment Act was considered by every Indian who had understood it, to be a mark of slavery, pure and simple. They had, therefore, decided not to submit to such an Act, but to suffer the consequence of disobedience. "It goes against the grain for an Indian to disobey any law, and yet the feeling aroused by this Act is so strong that disobedience is deemed a virtue and obedience a cowardly vice." The position he, as an Indian merchant, was placed in was the position of many like himself. Did they suppose that Indians did not realize the full force and effect of what they stood to lose from a worldly stand-point by disobeying the law, he asked? No, he replied, "but we have learnt at the feet of your countrymen that it is better to suffer such loss than to surrender personal freedom and accept humiliation. As a Mahomedan, I resent most bitterly that, whereas non-Mahomedan subjects of the Turkish Empire are free from the galling yoke of the Act, Mahomedan subjects of the Empire are not. These are facts which I venture to ask you and the public to weigh well." [C.W.M.G., VII, p 38]

On 12 June Essop Mia, the Chairman of the British Indian Association, made another effort to find a compromise and again wrote to the Secretary to the Prime Minister saying that in view of the fact that the date of enforcing the Act had not yet been gazetted, his Association once more approached the Government and respectfully suggested that the offer of voluntary re-registration might be accepted and that the Act might afterwards,



by a short Bill, be made applicable to those who did not abide by the voluntary offer. [*Ibid*, p 39]

On 14 June a reply was received from Gorges, Secretary to the Prime Minister, that the letter had been transferred to the Colonial Secretary by the Prime Minister, to whom any further communication on the subject should be addressed. [I.O., 28-6-1907]

Essop Mia, therefore, wrote on 18 June to General Smuts, Colonial Secretary, requesting him to give his ‘favourable consideration’ to the matter. [C.W.M.G., VII, p 48] The Government, however, was not in a mood for any compromise. A reply was received from the Colonial Secretary saying that the Government was not prepared to reconsider the decisions, communicated in their letter dated 8 April. [I.O., 29-6-1907] There was thus no way left for the Indians but to offer civil disobedience and suffer the consequences.

Preparations to defy the measure were by now almost complete. Gandhiji still saw a ray of hope, though very faint, in the fact that the “date of enforcement of the Act having been indefinitely postponed, it may be fixed now or never.” [C.W.M.G., VII, p 40] He however continued to exhort the Indians to be ready for the fight and the resulting suffering. He wrote:

Where the members of a family share one another’s burdens and give up individual interests, the whole family is well sustained. Members of a community individually suffer to save the group as a whole and are themselves saved too. Similarly, where men undergo suffering or die for their country’s sake, they truly live and bring credit to the country. Is there any Indian who seeks happiness for himself by breaking this fundamental law? These examples clearly prove that the Transvaal Indians will be victorious if, for the sake of Indian



community and for the sake of their personal honour, they endure all sufferings and face all hardships to accomplish the task they have undertaken. They will then break their bonds and win immortal fame in history. [*Ibid*, p 42]

The Indians, he said, must stick to the Gaol Resolution No. 4 of 11 September 1906.

To the question as to what if their well-wishers in England disapproved of gaol-going, Gandhiji replied that it was a good question. The answer was simple and straight. The members of the Committee or other gentlemen in England, should be regarded as “our well-wishers”. So long as they helped in preserving their self-respect and their rights, they (Indians) might respect their views. But when their views went against the Indians’ rights, the Indians were not bound by them.

Suppose someone compels us to become Christians, we shall oppose him. If those whom we considered till now our well-wishers advise us to embrace Christianity, I am sure that every Hindu and every Muslim will agree with me that we should not accept the advice. This law too is much the same kind of thing. Clearly, it would make cowards of us. We can never follow the advice to be cowards. It is enough that we are in the right and God is on our side. In the end, truth alone with triumph. [*Ibid*, p 45]

A news item in the *Natal Mercury* on 20 June reported Elgin to have discussed the finger-print question with Botha. He understood from Botha that a strong feeling had been aroused on the question of finger-prints and



that Botha would endeavour to provide other methods of identification which could not be regarded as degrading. Elgin was therefore of the opinion that this should remove the impression that the Transvaal Government was disposed to act harshly by those Asiatics whose title to reside in the colony was admitted. [I.O., 22-6-1907] However, on 18 June in the Transvaal Parliament, when Sir George Farrar asked General Botha: “What disabilities in the Act will be removed?”, the Prime Minister had replied: “None.” [Ibid]

The sum and substance of General Botha’s policy speech was that the Government did not want any Asiatics in the Transvaal. He said that the indentured Chinese labourers would be repatriated at the end of their contract; 16,000 would have left the Transvaal by the end of the year and the rest would leave probably by the end of 1908. There would be shortage of labour when the Chinese left. One way of meeting the situation would be to get hold of Kaffirs from wherever possible and get the work done by them. To this end talks were in progress with the Portuguese Government. The alternative was to encourage white labourers to work in the mines and in the end make the Transvaal entirely white. To enable white labourers to work on lower wages, the Transvaal would get out of the Customs Agreement and bring down prices so that in the end “the whites should be able to live as cheaply as in Great Britain.” ... “Full encouragement will be given to agriculture so as to change the present position in which the Transvaal depends for its prosperity exclusively on the mines. A special bank will be started with a view to promoting agriculture and providing irrigation. This bank will lend money to farmers. To finance the bank, the Imperial Government will give the local Government a loan of £ 5 million.” [C.W.M.G., VII, pp 51-2]



The most important implication of this policy announcement was that Indians too might have to leave the Transvaal bag and baggage. [*Ibid*, p 52] This was actually at the back of the mind of the white leaders. One had only to refer to some of their statements at the time of the election to realize their intentions. Botha, in an election speech at Standerton, was reported to have said that if his party, Het-Volk, was returned to power, it would undertake to turn the “coolies” out of the country within four years. Abe Bailey, who was later appointed Chief Whip of the Progressive Party, had said at Volksrust that he was one of those who believed that it was the right thing to make the Asiatics leave the Transvaal. And Smuts, then legal adviser to Het-Volk, wrote in October 1906 to Ralph Tatham, then leader of the Natal Labour Party, “The Asiatic cancer, which has already eaten so deeply into the vitals of South Africa, ought to be resolutely eradicated.”

Gandhiji understood the Government’s intentions and felt that the new law was the first step towards making South Africa a white colony. Resistance to the law was therefore a matter of their very existence. On 26 June Gandhiji wrote, “the Government is intent on enforcing the law. Now we have only to wait for the date. I have said that this is ugly news, but it can also be taken as good news. The courageous will treat it only as good news.” [C.W.M.G., VII, p 56]

On 22 June Gandhiji had reminded the members of the Natal Congress that an uphill task was ahead of them in view of the fight that they would have to wage against the licensing laws and Indentured Labour Act, and because of the pledge that they had given to their counterparts in the Transvaal to stand by them in this struggle. “The (Natal) Congress has bound



itself to help the Transvaal Indians, since it has advised them to keep up the struggle. Moreover, the Transvaal struggle involves the self-interest of every Indian,” he said, [*Ibid*, p 49] and appealed to them to “get ready the weapons of fight in the form of money. This is a task not to be neglected by postponing it from day to day.” [*Ibid*, p 50]

A meeting of the Natal Indian Congress was held on Sunday 30 June 1907 to help the Transvaal Indians in their struggle for liberty and self-respect. The meeting took place at Abdoola Haji Adam’s premises in West Street. In the unavoidable absence of Dawad Mahomed, Abdul Kadir consented to take the chair. M. C. Anglia, Dada Osman, Parsee Rustomjee, Peeran Mahomed, Dr Nanji, Ebrahim Camroodeen, Osman Ahmed, Hoosen Cassim and others were present.

The Chairman said that they had met to show their sympathy to their fellow countrymen in the Transvaal and to give them some practical assistance. Dr Nanji pointed out that the Indians in Natal were also in danger and in fact the fate of Indians throughout South Africa was in the balance. He urged upon the Congress to send an encouraging telegram to the Transvaal Indians and to assist them in every possible way. Parsee Rustomjee was most enthusiastic and promised to make utmost efforts to help the Transvaal brethren. Peeran Mahomed said that Indians throughout the colony had expressed their willingness to help and pointed out that no time should be lost.

A committee was then formed for collecting subscriptions and for attending to other work. It consisted of Dawad Mahomed, Abdul Kadir, Parsee Rustomjee, Hoosen Cassim, Abdoola Haji Adam, Peeran Mahomed, Dr Nanji, Ebrahim Camroodeen, A. D. Munshi, Dada Osman and M. C. Anglia.



The following telegram was sent to the British Indian Association, Johannesburg:

Natal Indian Congress offers its heartfelt sympathy on the eve of the enforcement of the Asiatic Ordinance to their brethren in Transvaal and trusts that the Almighty will grant them sufficient courage and fortitude to carry out the famous resolution rather than submit to dishonour. It further tenders such financial assistance as is in its power.

By the time *Indian Opinion* issue of 6 July 1907 was about to go to the press one hundred and twenty to one hundred and fifty pounds had been collected locally. [I.O., 6-7-1907]

On 6 July Gandhiji wrote:

If the Natal Indians mean to help those in the Transvaal, they too should honour their pledge. It is true the Natal Indian leaders have given encouragement to the Transvaal Indians but that was through letters and telegrams. The time has now come to honour their word, both spoken and written. We therefore appeal to Indians in Natal to wake up, lest people should sing of them:

Men without honour promise more than they mean.

But never a single pledge do they keep. [C.W.M.G., VII, p 74]

The new law came into force on 1 July 1907 [C.W.M.G., VII, p 74] and Indians were called upon to apply under it before 31 July.

The Letters Patent regarding the Constitution of the Transvaal Responsible Government provided for the reservation of any Bill which



subjected persons not of European birth or descent to any disability or restriction to which persons of European birth were not subjected. The reservation clause was a safeguard of the utmost importance to the Asiatics in the Transvaal. But urged by the united efforts of Lord Selborne, General Botha who was in England to attend the Imperial Conference of 1907, and Solomon, the Transvaal Agent-General in London, Lord Elgin had side-stepped the reservation clause. So Royal Assent, denied to the Black Act in 1906, was given to the same Act in 1907. Thus the Asiatic Law Amendment Act (2 of 1907) found its way into the Statute Book and a severe challenge was thrown out to those persons who were adversely affected by it. Solomon, who had had several conferences with Elgin before the decision, had said in his very first election speech in Pretoria that it would be found in practice that the reservation clause in the constitution would be a dead letter and the Transvaal legislature would be able to assume unrestricted internal authority. [H. S. L. Polak: *The Indians of South Africa : Part II, The Tragedy of Empire*, pp 12-13]

The attainment of responsible government thus seemed to have invested the Transvaal legislature with the power to conduct all its affairs without fear of intervention by an overriding authority. *Transvaal Leader*, commenting upon the action of the Transvaal Parliament in passing the measure of 1907, wrote: "It is a cause of intense satisfaction to us and, we doubt not, to men of all parties, that the first legislative enactment of the new Parliament should be one which asserts the right of the colony to manage its own affairs."

The following notice was issued on 28 June: [I.O., 6-7-1907, p 251]



It is hereby notified for general information that under the provisions of Sub-section (i) of Section *four* of the Asiatic Law Amendment Act 1907, which has been proclaimed by Proclamation No. 49, Administration, 1907, to take effect from the 1st July 1907, the Colonial Secretary has prescribed that Asiatics resident in Pretoria Town and District on such date shall thereafter make application for registration under the Act to Richard Terence Cody at 70, Church Street, Pretoria, before the 31st July 1907.

Mr Cody will attend at such place for the purpose of receiving applications for registration every week day between the hours of 9 a.m. and 4 p.m. (2 p.m. on Saturday).

Colonial Secretary's Office,
Pretoria, 28 June 1907.

W. H. Moor
Assistant Colonial
Secretary

Along with this, the regulations were also announced.

Act 2 of 1907 was now an accomplished fact. The Indians were helpless victims of the oppressive law. Who was responsible for their plight? A. B. Keith in his authoritative and penetrating analysis observes that the British Government made no effort to secure the elementary rights of the Indians in the Transvaal before granting that colony responsible government. The British Government could have and should have made it a condition with that colony that in return for responsible government, the Indians living in the colony would receive just treatment. Keith takes both the Conservative and Liberal governments in England to task for their failure to protect the interests of Indians in the Transvaal. As for Britons and Boers, Keith states



that on this issue, the Boers had at least a consistent attitude. As this had been before the war, so it was after the war — an attitude based on racial superiority. Though wrong in itself, this attitude had nevertheless the virtue of consistency. Above all, argues Keith, the Boers owed no moral obligations to Indians while the British did. [Keith, *Responsible Government in the Dominion*, pp 827-8] The British, who admonished the Boers for ill-treatment of Indians before the war, had no business now to sacrifice the interests of the Indians as they did.

Keith shows up the weaknesses in British policy towards Indians in the Transvaal. With British protection gone and no franchise given to Indians, there was no hope for them and no way was open to them to fight for their rights. When the Constitution Committee was sitting in the Transvaal early in 1906 drawing up the constitution for the grant of responsible government to the colony, the Transvaal British Indian Association had pointed out that the most effective and natural means of protecting their interests was to give them the franchise. But they were informed that the Treaty of Vereeniging had specifically excluded this possibility. Winston Churchill went so far as to say in the House of Commons that the word “Native” in South Africa included the “Asiatic”. Milner, who had been a party to the Treaty of Vereeniging, 1902, declared that he had never intended to include in the term even half-castes of mixed African and European descent. Polak writes: At this time, too, the Imperial Government could have insisted upon the remedy of the Indian grievances prior to the grant of responsible Government, but no bargain was attempted....” [Polak: *The Indians of South Africa: Part II, The Tragedy of Empire*, p 77]



Any hope that the Transvaal Indians had of protection to come from the British Government was now dispelled with Act 2 coming on the Statute Book. Self-help seemed to be the only hope. This remedy was possible by resort to passive resistance and had been implied in the Fourth Resolution of 11 September 1906. The time had come to put it into practice.

10

Passive resistance played such a big part in the struggle of the Indians and later of other non-European peoples in South Africa for improvement of their conditions that a few lines on its origin are in place here. The theory of passive-resistance can best be described in the words of its architect, Gandhiji: “Its equivalent in the vernacular (Satyagraha), rendered into English means Truth- Force. I think Tolstoy called it also Soul-Force or Love-Force, and so it is. Carried out to its utmost limit this force is independent of pecuniary or other material assistance; certainly, even in its elementary form it is free of physical force or violence. Indeed, violence is the negation of this great spiritual force, which can only be cultivated or wielded by those who will entirely eschew violence. It is a force that may be used as well in political as in domestic affairs. It may be used by individuals as well as by communities. Its universal applicability is a demonstration of its permanence and invincibility.” [C. F. Andrews: *The Position of British Indians in The Transvaal*, pp 13-14]

The doctrine of passive resistance was not Gandhiji’s original idea; neither was he the first man to put it in practice. He knew of its use by Indians living in certain princely states. He admitted that it was “the New Testament which really awakened me to the rightness and value of Passive Resistance”; he was particularly influenced by the Sermon on the Mount. The *Bhagavad Gita* deepened the impression made by the New Testament,



and Tolstoy's *The Kingdom of God is Within You* gave the impression a permanent form. He was also influenced by Ruskin and Thoreau, particularly the former's *Crown of Wild Olive*. [Huttenback, R. A. : *Gandhi in South Africa*, p 169]

It was to passive resistance, then, that the Indians in the Transvaal transferred their hopes.

On 26 June a cable was received from the South Africa British Indian Committee, as anticipated, expressing disapproval of gaol-going as a protest against the law. But Gandhiji was firm that the task of resisting the unjust law by the Indian community should not be abandoned even if the Committee should break up. [C.W.M.G., VII, p 59]

On 28 June a representative of the *Rand Daily Mail* interviewed Gandhiji and a report was published under the banner: "Will go to gaol — Indians on the Ordinance: 8,000 Passive Resisters: Law to take effect on Monday: Starting with Pretoria." [*Ibid*, p 60 fn]

Gandhiji said to the paper's representative:

As far as I and my co-workers are concerned, we are determined not to submit to the proposed registration, being prepared rather to undergo the last penalty provided.

In this attitude, we are not activated by any disloyal motives, or by a simple spirit of opposition. It is merely dictated by a sense of self-respect. [I.O., 6-7-1907, p 253; C.W.M.G., VII. pp 60-1]

On 30 June a mass meeting of Indians was held at Pretoria at the premises of Haji Habib. About 500 Indians were present. Many leaders including Essop Mia and Gandhiji went from Johannesburg to Pretoria to attend the



meeting. From Pretoria Cachhalia, Haji Osman, Haji Cassim and others attended. Essop Mia was voted to the chair.

Welcoming the delegates, Sheth Haji Habib said that at one time he was inclined to advise acceptance of the Act under certain conditions. But he found, after the publication of the Regulations, that not a single Indian could accept the Act.

Essop Mia hoped that Pretoria would do credit to the Indian community. In order to keep up the self-respect of the community, he was ready to sacrifice everything.

Gandhiji said that until the Indian community accepted the law, it could not be considered to have been passed. Even if some Indians, big or small, were to take out the title deeds of slavery under the law, others would not follow their example. Those who were free would win in the end. [C.W.M.G., VII, p 67]

Moulvi Saheb Ahmed Mukhtiar pointed out that it was necessary for all of them to stand together. He suggested that a committee should visit every place and educate public opinion. He was prepared to join the committee. Some sensation was created when it was known that railway concessions in the form of reduced fare granted to priests, applied only to Christians and Jews of non- Asiatic origin. The Moulvi Saheb produced the following letter of the Chief Traffic Manager:

In reply to your letter of the 24th instant which has reference to the travelling expenses of a priest ministering to the religious needs of the Mahomedan community in the Transvaal, I desire to state that, as the concession accorded to Ministers of Religion over the C.S.A.R.



(Central South African Railways) is not extended to religions other than the Christian or Jewish, I am unable to grant the special facilities asked for. [*Ibid*, p 71]

This information added fuel to the fire. All the Indians agreed to a complete boycott of the Permit Office. [I.O., 6-7-1907] The meeting lasted from 3 p.m. to 7 p.m.

Indians in Pretoria were not well organised. That was why the Government had decided to start implementing the new Act in Pretoria. However, Cachhalia gave an assurance that ninety per cent of the Surtis (Indians from Surat) would be prepared to go to gaol.

Gulab Rudra Desai, Khushal Chitta, Ghulam Mahomed and Musa Suleman promised to persuade everyone going to the Permit Office to go back.

In his concluding speech, Essop Mia said that he was ready to give up his personal work and devote himself to the service of the people. [C.W.M.G., VII, p 82]

The Government had decided to carry out registration district-wise, instead of all over the colony simultaneously. The Government had selected Pretoria as a test spot and invited applications for the grant of certificates on or before 31 July 1907. This arrangement, the *Rand Daily Mail* in its issue of 1 July said, showed the wisdom of authorities, for “Pretoria is notoriously the weakest spot in the organisation of the Indians, and we do not think that the resistance movement there will make any headway. When, therefore, the Indians in the capital comply with the law, the Government will be able to point to their acceptance of the position as a sufficient answer



to the allegation that the regulations are ‘degrading and insulting’.” [I.O., 6-7-1907, p 254]

The journal reminded its readers that in their letter to General Botha, the South Africa British Indian Committee had exaggerated the whole case regarding the registration. It urged the Indian community to accept the law in the spirit in which it was drawn up. [*Ibid*, p 254]

On 1 July Gandhiji assured the editor of the paper saying that “if the sentiments expressed by my countrymen proceeded from the bottom of their hearts, as I believe they did, Indians in Pretoria will refuse to submit to compulsory re-registration to a man, irrespective of consequences.” [*Ibid*, p 63]

11

Before the Transvaal Indians could organise their campaign against the objectionable Registration Act, another law was sought to be introduced imposing restrictions on entry into the Transvaal. This was the Immigrants Restriction Act (15/1907) which prescribed a dictation test in a European language for would-be immigrants. This Act was of general application in itself, but read together with Act 2/ 1907, it treated as prohibited immigrants all those who could pass its education test but were not eligible for registration [Vide Transvaal Government Gazette, C.S.O. Vol. 54, July-December 1907] under Act 2/ 1907, or did not register though eligible. Among the classes of persons defined as prohibited immigrants was included any person who fell foul of any law in operation in the Transvaal at the time of his entry, by default of which he could be ordered to leave the colony. In terms of this clause of the Immigration Law, any person who did not comply with the requirements of any other existing law was to be deemed a prohibited immigrant. [Patrick



Duncan : *State*, 1909, Vol. I, p 165] All those who were opposing the Registration Act came under its mischief.

The new Immigration Bill was introduced in the Legislative Assembly on the evening of 3 July 1907. According to this bill, any English-knowing person could enter the Transvaal provided he was not an Indian. To summarize,

- (1) The Permit Act (The Peace Preservation Ordinance, 1903) would be repealed, provided that such repeal would not affect or abridge any of the powers conferred under the Asiatic Registration Act.
- (2) After the Bill had taken effect, the following classes of persons were to be treated as prohibited immigrants:
 - (a) any person without a good knowledge of a European language.
 - (b) any person who had not in his possession or at his disposal means to support himself.
 - (c) any prostitute or person procuring women for immoral purposes.
 - (d) any person who under any law in force on the date of his entering or attempting to enter the Transvaal will be liable, if found therein, to be removed therefrom from failure to comply with its provisions.
 - (e) lunatics or lepers or those suffering from such contagious diseases.
 - (f) any person about whom a report may have been received from the Imperial Government or from any other official source that he was undesirable.



- (g) any person who in the opinion of the Government was dangerous to the peace, order and good government of the colony.
 - (h) this Bill would not apply to the wife or minor child of any person who was not a prohibited immigrant, and it would also not apply to Kaffirs and to European workers.
- (3) For administering this law, an Immigration Department would be set up.
 - (4) For enforcing this law, the Governor would have the authority to enter into agreement with the Government of any colony.
 - (5) Every prohibited immigrant entering or found within the Transvaal would be liable to a fine not exceeding £ 100 or imprisonment for a period not exceeding six months, and to be removed at any time from the colony.
 - (6) Any person who violated the Immorality Ordinance 1903, or who may be deemed to be dangerous to the peace, order and good government of the colony might be arrested and removed from the colony.
 - (7) Anyone who aided or abetted a prohibited immigrant in entering the colony would be liable to a fine not exceeding £ 100 or to imprisonment not exceeding six months, or both.
 - (8) No prohibited immigrant would be entitled to obtain a licence for trade or to acquire any interest in land in the colony.
 - (9) Every person suspected to be a prohibited immigrant might be arrested without warrant, and tried.



- (10) Ignorance of this Act would be no defence.
- (11) Any person ordered to be removed from the colony would be liable to pay all expenditure incurred by the Government in carrying out such removal, which might be recovered from the property of the person concerned.
- (12) The name, permanent residence, place of birth, etc. of every person putting up at a hotel should be recorded by the hotel-keeper and the Government would have the authority to inspect the same.
- (13) The burden of proving that he was not a prohibited immigrant would be upon the accused.
- (14) Every magistrate would have jurisdiction to impose the maximum penalties for all contraventions of this Act. [C.W.M.G., VII, pp 93-5]

Gandhiji commented on 6 July:

Now, indeed, are the Indians pressed hard. I do not know whether the Bill will be passed or not. But there is not the slightest doubt that the Transvaal Government wants to drive out the Indians. I hope if Indians have to leave, they will do so honourably and not in disgrace.
[*Ibid*, p 69]

Gandhiji called the Immigration Restriction Bill a “frightful Bill”. The Imperial Government was likely to be deceived by it. As superficially viewed, the Bill was harmless, but on closer scrutiny it was found to be poisonous. The Bill entirely abolished the rights of refugees without permits. “Those who hold permits but go out of the Transvaal, without getting the permits exchanged under the new Act, lose their right to return.”



The educated Indian was granted a right with one hand and deprived of it with the other, said Gandhiji. For those entering on the strength of their knowledge of a European language would have, under this obnoxious Bill, to give their finger-prints within eight days of immigration and to take out a permit, failing which they would be deported. Thus the Indian was not likely to be benefited at all by this Bill. [*Ibid*, p 95]

On 9 July the British Indian Association sent a petition to the Hon'ble Speaker and Members of the Legislative Assembly regarding some features of the Bill which were open to serious objection. The objections included non-recognition of any Indian language and domicile certificates issued by the erstwhile Dutch Government. [Colonial Office Records : C.O. 291/122] But it had no effect.

The Immigration Restriction Bill was read a second time on 11 July. Both Mr J. A. Neser and Mr W. Hosken opposed the clause which provided for the arrest and deportation of anyone deemed by the Minister to be dangerous to the peace, order and good government of the colony. [I.O., 13-7-1907, p 259]

While moving the Bill, the Colonial Secretary said that Clause 2 gave the definition of a prohibited immigrant and that was the substance of the whole Bill. All classes of persons falling under that definition would be prohibited from entering the colony and if found in the Transvaal would be subject to certain penalties. This included firstly all persons who were illiterate, that is, who could not write out an application to enter the colony in any of the European languages. The second class included all persons who had no means of support at their disposal and who were therefore likely to become a charge on the public funds. The third class of prohibited immigrants was persons of an immoral character and who, if they entered



the country, would come under the terms of the Morality Law. The fourth were those who under the laws of the Transvaal would be liable to be ordered to leave the country. Although this sounded rather obscure, it was necessary as there were some laws which enabled the court to order a person to leave the country, such as those who had been condemned abroad for some serious crime. [I.O., 20-7-1907]

The *Star* had answered the Indian representatives' objections to registration by means of finger-prints, quoting the *Times*.

It said:

On the contrary, no soldier of the native army, be he officer or sepoy can draw a gratuity or pension until he has left the impression of all the five fingers of the left hand in the regimental office; the same rule applies to the widows of soldiers. The thumb-print is widely used by illiterate natives, in lieu of a seal, in lieu of signing documents. The system has, in addition, been largely adopted by all Government departments, and the writer has noticed no tendency amongst natives to resent it as degrading; the mere fact that men of irreproachable status, such as native officers and higher grade clerks, accept the system without demur is sufficient to remove any prejudice still cherished by those who recollect its original application to the criminal tribes.

Indeed we see no reason why the system should not be usefully extended to Europeans. [I.O., 6-7-1907, p 255]

On 4 July Gandhiji wrote to the editor of the *Star*, who had written that Indians suffered practically no disabilities in the Transvaal:



I wonder whether you would now support the Immigration Bill published yesterday, as being an innocuous measure so far as Indians are concerned. Asiatics have been credited with unfathomable subtlety, but that displayed by the framers of the Bill certainly, to use a vulgar expression, takes the cake. It is, if my reading of Sub-section 4 of Section 2 be correct, I take it, an answer to “passive resisters” to the Asiatic Registration Act; and, in order to break the spirit of and take away the last vestige of dignity that yet remains in Indians in the Transvaal, a system of State robbery is instituted. For the section in question makes an Asiatic who does not take out the new registration certificate a prohibited immigrant, and a prohibited immigrant is liable to suffer imprisonment and then to be physically deported, the expenses of deportation to be levied from the estate, found within the colony of the deported. Thus the law manufactures a prohibited immigrant by a most circuitous method. A man who has made the Transvaal his home, but who, rightly or wrongly, protests against a law applicable to him, by way of suffering further penalty is to be treated as an outlaw in the country of his adoption. The section in question, moreover, can only refer to the Asiatic and (those covered by) Immorality Act, that is to say, prostitutes, pimps and Asiatics who refuse to surrender their self-respect are to be classed in the same category. [I.O., 13-7-1907, p 261; C.W.M.G., VII, pp 69-70]

On 4 July General Smuts declared in the Legislative Assembly in reply to Munnik’s question that the Government had no reason to believe that any section of the community which had hitherto been law-abiding would resist the law of the land. He added that the Government was, however, fully prepared to have the law enforced. [I.O., 6-7-1907, p 249]



The events thus led to a point of no return. There was now no alternative left for the Indian community in the Transvaal but to take the plunge and start the campaign of resistance to re-registration, under Gandhiji's leadership.



CHAPTER IV: NON-COOPERATION

1

Pretoria, where the Indian community was said to be very weakly organised, was selected by the Government as the first district for issuing permits to the Asiatics. But subsequent events proved that Pretoria was not weak.

Messrs A. M. Cachhalia, Gavarishankar Pranshankar Vyas, Babu Gangaram, Gulam Mahomed Abdul Rashid, Cassim Sidoo, Khushal Chhita Memon Ebrahim Noor, Govind Prag, Hossen Bia, Mahomed Valli, Ardeshir Framji, Chaoool Beg, Gulab Rudra Desai, Moosa Suliman and Ebrahim Noor worked as volunteers by keeping a watch all the time and explaining to members of the community why they should not register. [I.O., 13-7-1907, p 263; C.W.M.G., VII, p 89]

The *Rand Daily Mail* reported on 6 July that although five days had elapsed, not a single Indian had come forward to fulfil the requirements of the new law and Cody had not been ‘overwhelmed by an Asiatic invasion’. It added: “One Indian did actually find his way to the registration office during the week with the idea evidently of registering himself and his eight children. In the absence, however, of birth certificates for the children, the necessary legal formula could not be observed and the applicant was informed that he must produce the certificates.” [I.O., 13-7-1907, p 266]

It was strange that Chamney, the registrar, should have introduced the birth certificate requirement. He should have known from his long experience of Indians that birth certificates were rarely taken out in India. The Indian who was sent away did not go back to Cody’s office, and it was believed that he



had fallen among Indian pickets and had been persuaded by them not to register. It was a strong indication that the Indians in the Pretoria town and district had no intention of submitting to registration. [*Ibid*, p 266]

The *Star* reported on 6 July that a very careful and complete passive resistance movement had been organised (by the Indians) and not a single Asiatic had registered until then. Pickets were guarding the corners in the neighbourhood of the registration office for intercepting their Indian brethren who might go there for negotiations. But so far their persuasive services had not been required as no one had turned up for registration. [I.O., 13-7-1907, p 266]

The *Pretoria News* was very much agitated over the threatened deadlock. It advocated amending the Act to remove the cause of hurt to Indian sentiments. It frankly admitted that the Transvaal Government had until then disregarded the threats of the British Indian Association and had looked upon the 'gaol resolution' as not a very serious undertaking, but designed to bluff the Imperial Government. In view of the later developments however the paper said, the matter had assumed a more serious aspect and the Government would do well, if the Indians persisted in their decision, to reconsider the administration of the law and see whether a middle way could be found out of the difficulty, which would meet the objections of the British Indian Association. We know that Eastern nations set considerable store by sentiment. They are governed by sentiment and are moved to mutiny and even to the sufferings of death for the sake of what would appear to the West the merest superstition and prejudice." [*Ibid*, p 266] It was necessary that every British Indian in the Transvaal should be registered, but it was not necessary that it should be done in any manner calculated to injure the social or religious susceptibilities of a sensitive race. General



Botha had distinctly promised a deputation, which waited on him while in England, that he would do what he could to amend the Asiatic Ordinance and make its conditions less irksome and burdensome. If the Prime Minister would carry out his promise, and the paper believed it could be carried out, there need be no difficulty about reconciling the scruples of the Indians with the true purpose of the Bill. [*Ibid*, pp 266-7]

The editor of *Indian Opinion* thanked the *Pretoria News* for its ability “to see the earnestness behind the gaol resolution” and for its courageous suggestion to the Government for “a reconsideration of the method of administering the law”. He then explained why the Indians had suggested voluntary re-registration. No matter how elaborate the clauses of an Act might be, he said, if a non-judicial man was entrusted with their interpretation he must necessarily flounder. He considered that Chamney could not investigate the claims of the Asiatics with a judicial mind. A judge of the Supreme Court might be appointed for the purpose and after the enquiry, those whose claims were established might receive a final document according to form to be agreed upon by both parties. “To do this, the Registration Act is certainly not required. A short Bill, applicable only to those who fail to register, is all that is necessary in place of it, but . . . the Government seems to be (so) enamoured of the Act and the Regulations drawn thereunder, that they will not flinch, nor will, I hope, the Asiatic communities of the Transvaal. The result can only be greater honour for the Asiatic communities, and eternal disgrace to a Government which will use an elephant to crush a flea.” [I.O., 13-7-1907, p 267]

On 7 July a largely attended meeting of the British Indians was held at Pretoria. It unanimously decided to adhere to the resolution not to register



under the new law but to maintain an attitude of passive resistance. [*Ibid*, pp 267-8]

About 300 Chinese gathered together under the auspices of the Chinese Association on 7 July at Johannesburg. Polak, acting secretary of the British Indian Association, attended the meeting. The Chinese were equally determined to resist the law. [*Ibid*, p 265]

2

Natal was fully alive to the question and Natal Indians were also actually involved in the new struggle. On Sunday 7 July a big meeting of the Indians under the auspices of the Natal Indian Congress was held in the Indian Theatre, Victoria Street, Durban. Dawad Mahomed presided. About a thousand Indians including several prominent ones like M. C. Anglia, Dada Osman and Dr Nanji attended.

The president, noticing the large gathering, spoke of the need to help their brethren in the Transvaal in every way, including financial help, in their struggle. He congratulated those in Pretoria for standing firm. M. C. Anglia explained that the Indians as such were law-abiding, but resistance against such a law as the Transvaal Registration Act was necessary as their fundamental rights and honour were involved. He added that it was the duty of the Natal Indians to financially help the wives and families of the brave resisters. Dr Nanji said that in Natal the Indians should have nothing whatever to do with the Permit Office. Maulana Maulvi Fateh Mahomed speaking next said that never in the history of India had Indians to give their mothers' names. [I.O., 13-7-1907, pp 268-9]



Several other speakers also addressed the meeting. Money was collected for the Natal Indian Congress Fund to assist the Transvaal Indians. [*Ibid*, p 269]

The movement was attracting attention everywhere. News, features and cartoons about Indian life became overnight popular among the press. The weekly edition of the *Star* contained a full page of photographs dealing with certain aspects of Asiatic life in Johannesburg which could not be said to be very flattering to the *amour propre* of the Asiatic communities. The *Sunday Times* perpetrated a wicked jest by publishing what was alleged to be a portrait of “Mr M. K. Gandhi, the organiser of the passive resistance movement.” The cartoon was not at all graceful and deserved to be brought before the courts for libel. [*Ibid*, p 265]

The Hind Co-operative Association, Durban, sent a resolution to the British Indian Association, offering their heartfelt sympathy and trusting that Almighty would grant the Transvaal Indians relief in their struggle for liberty and self-respect. [*Ibid*, p 263]

3

The *Rand Daily Mail* reported that Gandhiji had said that passive resistance was a new way of showing resentment against the offending legislation.

On 6 July Gandhiji replied: “I did not say to your interviewer that ‘passive resistance’ was a new way to my compatriots. What I did say was that it was not possible for me to forecast the result as we had been for generations unused to it (passive resistance) especially on a large scale. I personally feel proud to notice that the faculty of suffering for the common good has only lain dormant and that, under stress of circumstances, it is



being again quickened into life. Picketing is by no means a new thing to the Indian mind. The network of castes in India often illustrates the use and value of that weapon, provided it is rightly used. Ostracism and excommunication are the most powerful instruments resorted to today in India in unfortunately trivial matters and, if the Registration Act now enables my countrymen to realize the use of that terrible weapon for a higher purpose, both Lord Elgin and the Transvaal Government will have deserved their gratitude.” [I.O., 13-7-1907, p 264]

He added there was nothing strange in Indian pickets endeavouring with rare sacrifice and courage to show the path of duty to their ignorant or weak brethren. “At the same time, there is just as much difference today between Western pickets and Eastern, or, rather Indian, as there is apparently between West and East. We have no desire to terrorize. We do not wish to compel obedience to the wish of the majority but, like the indomitable Salvation Army lasses, we do, in our humble manner, wish with all the persuasive power of which we may be capable, to inform those who do not know, of what is held to be the right view of the Asiatic Registration Act. It is, then, left open to such men either to accept the advice that may be given by us, or to accept the degrading Act and to sell themselves for a miserable existence in this country.”

As regards the finger-prints Gandhiji said that their use had never been denied. It was the abuse of the system of finger-prints against which he and the Indians were protesting. He added, “You hope that wiser counsels will prevail among my countrymen and that they will submit to the Act. I, on the other hand, hope that if my countrymen rise to the occasion and are prepared to sacrifice everything rather than their honour and self-



respect, you will change your views and respect them as men of their word.” [C.W.M.G., VII, pp 86-7]

The *Star* tried to scare the Indians by saying that if they persisted in passive resistance, “it will only lead to eventual deportation.” [I.O., 13-7-1907]

Gandhiji replied on 7 July, “This threat was unnecessary for we have counted the consequences of non-submission. Gaol has no terrors for us compared to the enforced slavery of the Registration Act, which puts on the whole community a brand of criminality. Deportation will be a welcome relief from the contemplation of a dog’s life in what we have been taught to consider our own home. If the Act bears as heavily on us as we represent it to do, no sacrifice will be too great for us.” [C.W.M.G., VII, p 88]

Gandhiji kept on educating the Indians and did all he could to boost up their morale, encouraging them to offer civil resistance and praising them where praise was due. About the Pretoria Indians, he wrote on 8 July: “Pretoria has done exceedingly well; especially those from whom courage was hardly expected, have borne tremendous suffering and neglected their own business in order to be ready for public service. Indians are thinking of nothing but how their honour may be defended.” [I.O., 13-7-1907; C.W.M.G., VII, p 89]

The Indian community had to exercise great caution. Said Gandhiji, “I hear from many places that, as soon as the leaders are arrested, the people will get themselves registered out of fear.” If that happened it would be, as the Indian proverb has it, like the case of a woman who went in search of a son and lost her husband. “This is no time for depending upon leaders or anyone else. Everyone is to rely on his own courage. In this situation, neither



lawyers nor anyone else can be of any help. When we are all involved in this conflagration, it is no use looking to one another for help.”

There was a rumour that Government would arrest Gandhiji and some other Indians also. If that happened, Gandhiji exhorted, the Indians should welcome it and be inspired to greater courage. “The truth is that we are not sheep, but free men.... God is our only shield., and we should all bear in mind that we are to rush into the thick of the battle with this shield in hand.”

Many whites had been offering advice to Indians. When asked, ‘What will you do?’, many Indians said in reply, ‘We shall do what our leaders do.’ Some answered, ‘We shall do what others do.’ Gandhiji told them that these were words of cowards. “Everyone should give the reply, ‘I dislike the law and so I will never submit to it.’ ” Each one of them had taken an oath in the name of God not to submit to it. He who could not give this answer would never reach the other shore. None could swim with another’s buoy. “We are to swim with our own strength.” [C.W.M.G., VII, p 91]

The *Transvaal Leader* reported that even after sixteen days had passed, not a single Indian resident in the capital had troubled the authorities to ask for registration. [I.O., 20-7-1907, p 281]

The picketing was proceeding merrily. The volunteers organised a highly successful boycott of the Permit Office. They went round the Permit Office by turns throughout the day and if they found any Indian going there, they persuaded him courteously to go back. They had given up their private business temporarily for this purpose and plunged into the service of their fellow Indians and their motherland with all the strength they could



command. The pickets were so well and decently organised that the volunteers earned glory for themselves.

Some English ladies enquired of Indian hawkers selling vegetables whether they would take out permits. The reply of the brave hawkers invariably was an emphatic 'No'. [C.W.M.G., VII, p 100]

Gandhiji wrote on 7 July 1907: "In this trial of strength, the community has proved its superiority, up to the time of writing this at any rate. The news-letters published by us show that Pretoria, which hitherto the whites had thought to be weak, has all of a sudden shown itself to be quite strong, not a single Indian there taking out the obnoxious permit. A Madrasi went to the Permit Office but when he found that finger-prints were required, he threw away his application and said that he would not give his finger-prints on any account. The Madrasi Postmaster preferred to resign his post rather than take out the new permit. We hear that Mr Chamney's Punjabi attendant flatly refused to take out the new permit. All this shows that the Indian people would not be found wanting when weighed in the balance." [*Ibid*, p 97]

Sentiment and excitement are hardly creative; but when an idea is imprinted in the conscience of the people and they feel for it at every turn of their life, creativity starts and art develops. The Indians in South Africa went through such a stage under the leadership of Gandhiji. The weak Indians of Pretoria, from whom courage or sacrifice could hardly be expected, performed wonderfully well the task of picketing of the registration office. Those of Durban, who were proverbially illiterate, staged a serio-comedy on the evening of 13 July at the Indian Theatre, Victoria Street. What was then happening in the Transvaal was sketched in eight scenes. The principal actors



in the drama were Goolam Mahomed, Mahomed Bana Mia, Osman Ahmed, V. M. Shelat, P. K. Gupta, P. G. Painey, Sigamany and the members of the Indian Drama Company. The plot of the drama converged on gaol going, that is, the poor Indian preferred gaol life to a shackled one. The drama pleased Parsi Rustomji so much that he immediately ascended the stage and thanked those who had taken part in the performance. A sum of £ 50 was added to the Congress fund. [I.O., 20-7-1907, p 283]

On 14 July David Earnest, who was a Government interpreter, convened a meeting of the members of the Transvaal Football Association at the Ebenezer School at 3.30 p.m. About 50 waiters attended. Gandhiji explained the position of the law and Naidoo interpreted his speech in Tamil. Polak also spoke. He asked the people assembled to be ready to brave the sentences of gaol or deportation and firmly oppose the law without the fear of losing employment. David said that he had given a flat refusal when the Government asked him to get himself registered. When Gandhiji at the end put it to the meeting, everyone stood up and replied that he would not seek registration, even if that meant losing his job. The meeting terminated at 4.45 p.m. [C.W.M.G., VII, pp 101-2]

At Germiston, the Indians organised themselves in a praise-worthy manner. About 200 persons signed the resolution saying that they would not submit to the law, no matter what risks awaited them. Ram Sundar Pandit was their leader. [C.W.M.G., VII, p 102]

All sections of Indians residing in the Transvaal did not think alike. Apart from a section that opposed Gandhiji in season and out of season,



there was another small group of good Indians who believed that, given proper opportunity and time, the authorities would accede to the request of the Indian community. They found in Gandhiji's threat of gaol-going too much aggressiveness which they felt was disliked by the Government. They therefore addressed a petition to General Smuts on 10 July, on behalf of the Pretoria Indian Mahomedan community, demanding that:

- (a) They should not be required to give ten digital impressions;
- (b) Mother's name should not be required;
- (c) Registration should be required only in the case of grown-up children, the younger ones being spared the harassment;
- (d) The Kaffir police should not have the power to examine the permits;
- (e) The distinction made between the Christians and the Muslims of Turkey should be dropped;
- (f) The name of the Orange River Colony should continue to be mentioned in the permit;
- (g) The determination of the age of a minor should not be left to the arbitrary decision of the Registrar, but should be left to the court;
- (h) Temporary permits should be freely available for the entry of merchants' employees and
- (i) An assurance should be given that this legislation was final. [C.W.M.G., VII, p 103-4]

On 15 July General Smuts sent a reply stating that:



- (i) “A single imprint of the holder’s right hand thumb” would be sufficient on the new certificate of registration but “the impress of all the fingers and thumbs” was necessary on the form of application for registration. The Kaffir policemen would not call on Asiatics for finger-impressions.
- (ii) The Registering Officers would not press for furnishing the mother’s name if objection was taken to it.
- (iii) A permit or certificate of registration issued in the Transvaal “would not entitle the holder to reside in the Orange River Colony.”
- (iv) Laws in respect of Asiatic immigration to the Transvaal and Orange River Colony were totally different. Asiatics eligible to immigrate into the Transvaal, unless they were under 8 years, must apply for registration within 8 days of their arrival in the Colony. They could appeal to a magistrate, if the Registrar rejected their application.
- (v) No alteration could be made “with regard to the registration of male children between the ages of 8 and 16 years.” The determination of the age of minors would be done without harshness.
- (vi) No alteration could be made in the definition of Mohammedan subjects of the Turkish Dominions.
- (vii) It is not a penal offence to employ any Asiatic without the production of his registration certificate. But it is penal to



introduce into the Transvaal, Asiatics under 16 years not lawfully resident in the Colony or to employ such children.

- (viii) The importation of skilled men from India for employment in the Transvaal on permits for limited periods cannot be allowed.
- (ix) The Government does not propose to alter the present Act, provided those to whom the law applied conformed to its requirements. [I.O., 27-7-1907]

Smuts' reply, it may be noted, conceded practically nothing.

Gandhiji wrote in Gujarati in *Indian Opinion* on 20 July :

As I summarise this reply (of Smuts), my blood boils. What is meant by saying that there would be no further restrictions if we behaved well? After reducing us to a living death under the obnoxious law could there be a fresh amendment in order to kick at the dead? It should be noted that on no single point has Mr Smuts given up his obstinacy. For he does not say categorically that the mention of the mother's name will not be required. If all the Indians agree to registration, it will be left to our discretion whether that sacred name should be mentioned or not. The native police will not ask for the finger-prints, that is, they may certainly ask for permits. If we submitted to the new law, we would never be able to escape the music of 'Your pass, please'.

But it is also good that we have been given such a stunning blow with a stick wrapped in silk. Now the Indian community will become still more determined. Just as their regulations under a cruel law were bound to be cruel, the reply had also to be cruel. The cruel regulations have inflamed the Indians. This cruel reply will make them inflexible. With God



as our witness we have pledged opposition to the law. With the same God as witness, let us prove our courage. [C.W.M.G., VII, p 104]

On 23 July a special meeting was held in Pretoria in the evening. Advocate Roos was present. He said that Smuts had said that the Indian leaders had not given due publicity to his letter and was anxious to know what effect it had on them. It would therefore be well, Mr Roos said, if the opinion of the meeting was expressed. Gandhiji handed to Roos a copy of *Indian Opinion* and told him that the substance of Smuts' letter had been already placed before every Indian. Mr Roos promised to show it to Smuts. Besides Gandhiji, Essop Mia and Omarji Sale of Johannesburg also attended the meeting. Gandhiji translated Smuts' letter and advised the meeting not to submit to the new law in any case.

Haji Habib moved a resolution to the effect that if Smuts did not accept the demands made in the letter of the British Indian Association of 18 June there could be no submission to the law.

Roos said that the law should be accepted and then whatever demands the Indians wished to make should be submitted constitutionally.

Haji Habib's resolution was, however, carried unanimously. [C.W.M.G., VII, p 133]

The following poster also appeared in Pretoria:

BOYCOTT, BOYCOTT PERMIT OFFICE! BY GOING TO GAOL WE DO NOT
RESIST, BUT SUFFER FOR OUR COMMON GOOD AND SELF-RESPECT.
LOYALTY TO THE KING DEMANDS LOYALTY TO THE KING OF KINGS.

INDIANS, BE FREE. [*Ibid*, p 117]



The Government removed from prominent places the posters advocating boycott. Much amusement was caused by the poster pasted on the door of the Permit Office. On the Government enquiring into the authorship of the notice, Gandhiji took upon himself full responsibility for it.

Up to 26 July not a single Indian had applied for the certificate. The next day, Gandhiji issued elaborate instructions [*Ibid*, pp 129-132] as to what Indians should do in case the authorities decided to arrest them. The gist was that:

- (i) On 1 August the police could arrest any or all of the Indians for not applying for a fresh register;
- (ii) No arrested person should offer bail and none should stand bail for anybody;
- (iii) Gandhiji would appear *gratis* for the defence of the arrested person who held a valid permit or was a minor for whom no permit was necessary;
- (iv) Gandhiji and Essop Mia would depose that the Indian community had been bound not to submit to the new law and that, if for such action a sentence had to be passed, it should first be passed on the office bearers of the Association;
- (v) The accused should state that he not only acted in accordance with the community resolution but that he personally disapproved of the Act, that he did not intend to take out a new register, and that he would go to gaol, if sentenced, but would not pay the fine;
- (vi) One must go to gaol and not pay the fine;
- (vii) On and from 1 August no Indian should carry money with him and certainly not gold in any case;



- (viii) If the Government issued a notice ordering a person to leave the country, he should not leave but should get arrested and go to gaol at the expiry of the notice period;
- (ix) The British Indian Association and the Natal Indian Congress should pass and publish resolutions of sympathy; they should send monetary help to the dependants of the arrested persons.

5

Ever since the Black Act had come into force, the Government was employing agents to persuade Indians to apply for certificates under the new law. An agent of Stephen Frazer was extensively touring the country and trying to frighten the Indians. To Pietersburg Indians he held out the threat that if the Indian community followed Mr Gandhi's advice and refused to submit to the new law, it would be ruined and the property of the persons concerned would be confiscated by the Government. [C.W.M.G., VII. p 100]

Such agents contacted the black sheep of the community and a conspiracy was successfully hatched. The conspiracy came to light by accident at the Pretoria Railway Station after 10 p.m. on Wednesday 24 July. Cachhalia, Vyas, Beg and other Indians were present there to receive Gandhiji. They learnt that something suspicious was going on in Khamisa's shop. There were a few white men inside, and some detectives were near the shop. On receipt of this information, these gentlemen thought that they would knock at Khamisa's shop, and if the door should be opened and some move to submit to the new law should be found afoot, they would dissuade the persons concerned. Gandhiji knocked at the door, and so did Vyas. A man came out and enquired who they were. Gandhiji answered him and asked his permission to go inside. No one opened the door.



Meanwhile, a detective came and started asking questions. Beg replied boldly. Then Gandhiji also spoke to the detective. Thereupon the latter said, “You know the law, do what is proper”, and went away. A few minutes later, the detective and two other officers came there. Meanwhile, Vyas had gone to call Haji Habib. Taking each member of the above party by hand, the detective asked him to move away. They all left.

Many Indians kept awake the whole night. On the morning of 25 July, the entire Indian community became agitated. Letters and telegrams were despatched to all the towns stating that at Khamisa’s shop that night, at the stroke of twelve, some twenty persons blackened their hands and faces by giving applications for new registers, and brought a slur on the good name of the Indian community. [C.W.M.G., VII, pp 134-5]

The behaviour of these Indians was no doubt painful but the action by the officers of the Permit Office going stealthily to people’s shops at night to receive applications was, according to Gandhiji, undignified. It showed that they had been straining every nerve to make people submit to the new law in order to save their face and uphold their prestige. [*Ibid*, p 135]

Another meeting was held on 25 July to condemn the handing over of applications at night to the authorities in a private building. [*Ibid*, p 117]

On 27 July, Haji Habib, as Secretary of the British Indian Committee, addressed a letter to the Colonial Secretary, stating:

My committee have learnt with regret that applications for registration of Asiatics are being received by officials late at night and in private stores or other places. My committee have also learnt that this method has been adopted on the strength of representations made to the



Government to the effect that British Indians desiring to make application under the Act are threatened with physical injury, etc.

My committee disclaim all knowledge of any such threats having been used by any responsible member of the community. The activity of the committee has been confined to vigorous propaganda work in the way of showing the degradation and disadvantage involved in accepting the provisions of the Act.

The volunteers, it will be admitted, have simply performed missionary work. My committee have publicly and emphatically informed British Indians that any member wishing to make his application will not only be left unharmed but that he will, if so desired by him, be escorted to Registration Office.

In the humble opinion of my committee, secret registration after office hours and in private stores, even if it be not illegal, can hardly be considered a dignified proceeding. In any event, my committee beg respectfully to assure the Government that the Indian community, in what is to it a life-and-death struggle, has no intention to resort to intimidation or methods which may in any way be considered even reprehensible.
[C.W.M.G., VII, p 133]

The reaction to this nefarious transaction seemed to have been good. The two Memon gentlemen, Khamisa and Haji Ibrahim, realized that their new registers had proved too much of a liability to them. Gandhiji wrote on 10 August that though no Indian had been avoiding them or doing them any harm, they remained isolated and had to put up with bitter public criticism. No Indian would therefore make bold to do what they had done. [C.W.M.G., VII, p 144]



On 28 July a huge meeting was held in the hall of the Hamidia Islamic Society amidst great enthusiasm. Emam Abdool Cadir Bawazeer presided. Maulvi Haji Abdul Mukhtiar made a long and effective speech. The action of those who had taken out the registers was vehemently denounced. Polak, who explained the position to date said that the next turn would be that of the Johannesburg district and it was therefore necessary to recruit volunteers. He called for the names of those who were ready to enlist as volunteers. Nawab Khan Jamadar, who had served in the Boer War, was the first to offer himself. He made an impassioned speech. The other names enlisted were Mahomed Hussain, Mir Afzulkhan (Kabuli), Nuruddin, Imamdin, Jamashah, Sahebodin, Musa Mahomed, Alibhai Mahomed, Isap Dasu, Alibhai Ismail, Omar Hasan, Musa Anandji, Ramlagan, Ali Omar, Ismail Mahomedshah, Mahomed Ismail, Suleman Amad Surti.

After these names were received, it was announced that no more volunteers were needed. [*Ibid*, p 137]

The same evening, the South Indians held a meeting. Polak explained the position fully to this gathering as well. The people assembled were full of enthusiasm and everyone said that he would not invite disgrace by taking out the new permit, whatever others might do. The following offered to enlist as volunteers: P. K. Naidoo, W. J. R. Naidoo, S. Mathews, S. Lingham, D. N. Naidoo, S. Kumaraswami, S. Virasamy, Thambi Naidoo, S. P. Padiachy, R. K. Naidoo, R. Thandapani, K. K. Samy, K. N. Dadlani, J. K. Desai and others. [C.W.M.G., VII, p 137]

A large meeting of British Indians was held at Pretoria on 31 July in the grounds of the Mahomedan mosque. About 2000 people attended including



delegates from all parts of the Transvaal. Essop Mia presided. The Hamidia Islamic Society of Johannesburg sent 600 men by a special train to Pretoria. [*Ibid*, p 139]

The enthusiasm of the Indians overflowed at the success of their picketing in Pretoria. A special train from Braamfontein station was chartered by the British Indian Association and left at 10 a.m. with 400 delegates. A further 150 left by the 11.15 train. The scene upon arrival of the special train at Pretoria station was a memorable one, the delegates marching in procession, accompanied by a bicycle escort and preceded by two banner-bearers, to the meeting place in the mosque premises on Queen Street. Refreshments were served. Delegates streamed in from all over the colony and by 2p.m. an hour before the meeting time, somewhere near 2000 Indians had assembled. Christiana, Pietersburg, Lichtenburg and other outlying towns sent strong messages of sympathy.

William Hosken, M.L.A., known all over South Africa as a friend of the non-white races and one of the few men who had the courage of his convictions, attended. [*Ibid*, pp 150-1] He came under instructions from General Botha, General Smuts and Mr Hull. [*Ibid*, p 146] The editor of *Pretoria News* too personally attended the meeting. Traders, hawkers and news vendors ceased work that day to take part in the meeting. [*Ibid*, p 145]

The proceedings commenced with the reading by W. A. Cama of telegrams received during the day from all over South Africa. It was reported to the audience that the Cape Town British Indian League and the British Indian Association had telegraphed to His Majesty's Government as under :

Following cable message sent to His Majesty through proper channels: Indian community view with deepest concern decision of Colonial Minister in reference to Transvaal Ordinance as communicated by cable. They humbly approach His Most Gracious Majesty and deferentially



state that enforcement of such severe measure will, in its after consequences, be a violence to feeling of cultured Indians, an outrage against their cherished ideals as an enlightened nation, and an infringement of all they hold most dear in life. It will put all our people to shame in the eyes of all who respect us, white and black. In the name of Heaven, and by all the honoured traditions of God-fearing and justice-loving England, we beg earnestly to appeal to His Majesty to save Transvaal Indians from humiliation and degradation, and we earnestly supplicate the beloved Emperor to be pleased by a revocation of this odious law, to confirm his gracious words so full of hope and meaning to us as conveyed on the occasion of the Delhi Durbar:

‘My regard for their Liberty, my respect for their dignity and their rights, my interest in their advancement, my devotion to their welfare, which are the supreme aim and object of my rule.’

We beg to convey an assurance of our continued devotion and loyalty to the Throne. Message of appeal also to High Commissioner. [I.O., 3-8-1907, p 301]

Welcoming all, the President, Essop Mta, gave the information that upto then not more than 100 applications had passed through the registration office appointed by the Government.

Referring to the exception taken to the boycott posters, Essop Mia said that there was no better word which could adequately explain what they had in mind. They wanted every Indian not to have any dealings with the Permit Office, but to suffer the penalties for non-submission to the enslaving Act. “Our’s is a most peaceful crusade, free from the slightest trace of violence or intimidation”, he said. [I.O., 3-8-1907]



Among the resolutions passed, the first regretted the action of a few Indians who had applied for certificates of registration; the second congratulated the majority which had boycotted the Permit Office, and the courageous brethren who had acted as missionaries to inform and enthuse the resisters. The third resolution requested the Government to spare the community the suffering involved in non-submission to the Act, by accepting the offer of voluntary re-registration made by the British Indian Association.

Hosken tried to persuade the Indians to accept the law. He said that he had seen some of the leaders of the Indian community that morning, including Gandhiji. After consulting the leading members of the Government he suggested what in his opinion was the best course under the circumstance. There was a dead wall of opposition against Indians. He could not altogether defend the general attitude of the white people. He frankly and freely recognised that the Indians were British subjects and that the people in England had different ideas regarding the administration of the law in the Transvaal. Notwithstanding this, he wanted the Indians to approach the question from a practical point of view. He could see no difference between voluntary and compulsory registration. As Eastern people, they must recognise the inevitable. He considered the Registration law inevitable, as the law-makers were practically unanimous in its favour. He realized the difference between passive and active resistance; still he regretted the decision to defy the law and thought that they had made a mistake. The Government had promised to administer the law most leniently. If the Asiatics accepted the law, they could rely on their sympathisers in Parliament. He could assure them that they would receive favourable treatment and consideration. He recognised that they were actuated by a great purpose in that they desired to retain their dignity as free men, and that, in opposing the law, they had done so not in a spirit of obstinacy but because they believed it to be a



call of duty; but he considered it even a greater call of duty to submit to the inevitable. The right thing to do was to submit to the Act. He hoped that righteousness and good counsel would yet prevail among the politicians of the Transvaal and that they would give them better treatment in the future. [C.W.M.G., VII, p 139]

Gandhiji then rose and after speaking in Gujarati for some time, replied in English to Hosken's argument of inevitability. He said that neither Hosken nor any member of a Western race was capable of understanding what an Eastern mind understood by the word 'inevitable'. Hosken had told the meeting that the Asiatic Registration Act had behind it the force of white public opinion. For that reason it could not be overridden but must be submitted to. "But this, according to me, cannot be called inevitable". The inevitable was that British Indians, who were voteless in that country, whose petitions had been flung into the waste-paper basket, for whom not a single voice was raised in the popular Assembly, for whom even Mr Hosken had not been able to say one word of sympathy there because he felt that he would have to meet a solid wall of opposition, should oppose the law. Under these circumstances, the inevitable they had to submit to the Will of God. If it was His Will that everyone of the 13,000 Indians should sacrifice everything, including worldly possessions, then he should resign himself to the inevitable, and not accept the insult and the degradation that the present law involved.

Gandhiji said that having lived in the Transvaal for thirteen years, he claimed that he was one of the most peaceable men in South Africa, and had embarked on this crusade and tendered the advice to do so to his countrymen, after mature thought and deliberation. He had studied the Act and was convinced that if they submitted to that law, theirs would be a state of slavery and nothing else. [C.W.M.G., VII, pp 139-40]



The meeting dissolved after passing the resolutions unanimously.

Commenting on the meeting the *Rand Daily Mail* said :

Unless the passive resistance movement breaks down at the eleventh hour, or the Government modify their policy, a portion of the Asiatic population of Pretoria will within a few hours be liable to a fine of £ 100 or three months' imprisonment, followed by an order to leave the Transvaal. It is useless to conceal the fact that the situation thus created is a difficult one. It will be misunderstood in England and misrepresented in India. It may be employed as proof of the truth of the suggestion of the Indian committee in London that the Transvaal is 'anxious to impose the most extreme measures and thus to degrade and humiliate' the British Indian community. We regret that the deadlock has arisen. We are not convinced that by the exercise of a little more tact and patience it might not have been avoided.

The paper went on to say that the Indians had not shown that desire for compromise which they accused the Government of lacking. It would have been possible to let finger-prints be taken from the illiterates and let educated Indians sign the document and thus make a distinction between a barrister and a hawker.

The paper did not see sufficient cause for resistance against the law as it stood. It said that the legality of the Transvaal's law could not be questioned. The absence of any intention to inflict unnecessary hardship or humiliation on Indians had been reiterated times without number. In these circumstances we cannot but arrive at the conclusion that the attitude of the Indian passive resisters is unjustifiable. That they have resolved to fight the Government — which in this



case speaks for the entire white population — it is regrettable. But having, after full consideration, decided to make their bed in a particular fashion, they have only themselves to blame if they find it uncomfortable If the Government can devise a method by which the position of the Indians can even at the eleventh hour be made more easy, well and good. No one will object so long as the object of the new Ordinance is faithfully carried out. But if the Government is determined to carry out the law as it stands, the Indians who resist will have brought the consequences upon themselves. There is still time to avoid them.” [I.O., 10-8-1907, p 316]

The month of July ended. Gandhiji wrote on 3 August, “The mass meeting of July 31 marked a fitting conclusion to an eventful month. The whole of the Transvaal stands united in its eagerness to court imprisonment. However, some persons, not realizing the importance of a struggle which will affect the future of Indians in the whole of South Africa, have betrayed the community. Their conduct is tantamount to high treason against the motherland. But the number of such persons is small.” [C.W.M.G., VII, p 142]

7

The spectre of the Permit Office shifted to Pietersburg, but logically the next target ought to have been Johannesburg. Commenting on this, Gandhiji wrote on 8 August, “I have to say with regret that the blame for this lies with Pietersburg Indians. They did not attend the famous mass meeting on 31 July. Their telegram was lukewarm. The Indian shops at Pietersburg remained open that day, though other shops throughout the Transvaal, including even that of Mr Khamisa, were closed. This naturally led the Government to infer that the Pietersburg Indians would be quite ready to wear the chains of slavery and accept the registration document which is almost like a warrant of death.” [*Ibid*, p 144]



A Government notice in the meantime stated that applications for registration would be received from Indians in Pietersburg and Pretoria during the period from 7 to 10 August and for the whole of the colony every Monday from 12 August. It thus gave another chance to the Indians of Pretoria to register themselves. [I.O., 3-8-1907, p 301] Gandhiji warned them about this so-called “concession”, saying, “It is just a snare. For my part, I am convinced that no Indian from Pretoria will succumb to the temptation.” [C.W.M.G., VII, p 144]

It was rumoured that Mr Smuts accused Gandhiji for all the anti-Government agitation. So on 8 August Gandhiji wrote to the private secretary of the Colonial Secretary that he had heard from more sources than one that, in the opinion of Mr Smuts, Gandhiji was responsible for the agitation against the Asiatic Law Amendment Act, and that his action was strongly disapproved by him. He said that he had merely voiced the sentiments of his countrymen and that he had endeavoured, to the best of his ability, to place before them accurately what the law meant. His parents having given him a liberal education and he having studied to a certain extent modern history would be false to himself and his country if he did less. He added that relying upon his past professional connection with De Villiers, he had sought a private interview with him, and requested his unofficial intervention with a view to finding a solution of the difficulty. De Villiers promised to see Mr Smuts and he did so. He left a message to the effect that “I should approach General Smuts directly, though there was little chance of relief being granted in the direction suggested by me.”

“I believe that I am as anxious to serve the Government as I am to serve my countrymen and I feel that the question is one of a very serious and Imperial importance. I, therefore, venture to enclose herewith a hurriedly-drawn draft amendment to the Immigration Restriction Bill.” In Gandhiji’s opinion, it met the view of the Government entirely, and it removed the stigma which rightly or



wrongly Indians thought attached to them by submission to the Asiatic Law Amendment Act. [*Ibid*, pp 147-8]

(Draft amendment)

- (1) The new Act should be repealed.
- (2) The term “Prohibited Immigrant” shall not include persons who hold valid permits and who get those permits exchanged for others within a prescribed time-limit. Any Asiatic who does not hold any permit, but who had paid £ 3 to the Dutch Government before 11 October 1899, provided that such Asiatic shall obtain before a date to be fixed by the Colonial Secretary, take out a domicile certificate as per form prescribed by regulations.
- (3) This obligation to get their permits exchanged shall not apply to children under the age of 16. They may be required to obtain the domicile certificate when they reach the age of 16.
- (4) The word ‘Asiatic’ should include all Asiatics.
- (5) The clause regarding payment of £ 3 should be deleted.
- (6) The Government should have the power to prescribe the form of certificate of domicile and the manner of applying therefor.

[C.W.M.G., VII, pp 149-50 f.n.]

It may be noted that the above draft took care of any illegal infiltration, which was supposed to be the reason for the Registration Act and the Immigration Restriction Act. But the reply of the Government showed that it was not prepared for any compromise. It was bent on humiliating the Indians.

E. F. C. Lane, Private Secretary to the Colonial Secretary, replied on 14 August that Mr Smuts was unable to entertain the amendments to the Immigrants’ Restriction Bill put forward by Mr Gandhi, as such amendments of



that Bill would altogether nullify the provisions of the Asiatic Law Amendment Act, 1907, and further because their adoption at this stage of the Bill was impossible. He went on to threaten, saying that as the leaders of the Indian community had seen it fit to organise a campaign of resistance to a law passed unanimously through both Houses of Parliament and approved by the entire white population of the Transvaal, the Colonial Secretary would carry out in full the provisions of the Asiatic Law Amendment Act. If the resistance of the Indians led to results which they did not seriously face at present, they would have only themselves and their leaders to blame. [I.O., 24-8-1907, pp 338-39]

The tone of this reply indicated how angry and arrogant the Government and specially the Colonial Secretary was. He had no concept of the magnitude or the implications of the resistance movement or of the power of non-violent self-suffering in a noble cause.

Gandhiji wrote on 15 August that in his humble opinion, the amendments suggested by him would carry out the essential spirit of the Asiatic Law Amendment Act, namely, the identification of every Asiatic entitled to remain in the colony. He offered no apology for drawing the General's attention to the solemn declaration of British Indians with reference to the Act. It was not possible for him, be the consequences what they might, to tell his countrymen to deviate from a deliberate declaration, and if even at the eleventh hour it was possible for General Smuts to respect that declaration without infringing upon the scope of the Act, he would request his sympathy and assurance. He added, "I have never blinded myself to the probable results of my countrymen's following the advice given to them by me." Every Indian was liable to undergo imprisonment, and traders and hawkers were liable to be deprived of their trade licences, and leaders to be deported, should the Immigrants' Restriction Bill be placed on the Statute Book of the colony. "But, with deference, I beg to state that the



compliance with the Act would be far worse than anything that could happen to them by non-compliance.” [I.O., 24-8-1907; C.W.M.G., VII, p 162]

In the midst of all this heavy work, Gandhiji did not forget his social duties. G. Bird, private secretary of Mr Smuts, was honoured with the title of C.M.G. (Companion of St. Michael and St. George). Gandhiji sent a wire on 8 August congratulating him. [C.W.M.G., VII, p 147]

As already stated, along with registration of Indians at Pietersburg applications were also to be received from the whole of the colony every Monday from 12 August by Mr Chamney, the Registrar of Asiatics at Pretoria. [I.O., 3-8-1907] Gandhiji wrote in *Indian Opinion* that the Pietersburg notice by the Government was undoubtedly a feeler. The Government were still uncertain whether the feeling of resentment against the Asiatic Act was general and permeated the masses or whether it was confined to a few agitators only. [C.W.M.G., VII, p 152]

8

The Pietersburg Indians gave a befitting reply to the Government notice, saying that they had no intention of offering themselves for registration under the Act, as they considered it to be degrading and offensive to the religious feelings of most of them. They added, “We, however, humbly commend to the attention of the Government the resolutions of the mass meeting of British Indians held at Pretoria on the 31 ultimo, which resolutions we endorse. We respectfully think that it would be a waste of public money to send officers to Pietersburg to receive registration applications from British Indians in this District.” [I.O., 10-8-1907]



While congratulating them on their boldness, Gandhiji warned them that “the struggle before them may be bitter” and that there might be “no freedom for British Indians without their suffering imprisonment, even banishment. They must prove themselves worthy of the relief they are fighting for before they will get.” [C.W.M.G., VII, p 152]

The boycott of the Permit Office at Pietersburg was a success. The air was surcharged with rumours that a registration office would be opened at Johannesburg where, after the expiry of the notice, the Government would start its reprisals. The reports said that the Government intended to arrest the ring leaders first. Gandhiji wrote on 10 August that if the Government suspected that the new law was being opposed by the people merely because of incitement by the leaders, the suspicion could be proved baseless, provided the Indian community remained firm after the leaders were arrested. [*Ibid*, p 153]

The British Indian Association sent a telegram to the Pietersburg committee congratulating them on their courageous letter to Government and hoped that they had been saved from visitation by the Registration Office. “If not, Association prays that God may give you sufficient courage to resist the temptations of the Permit Office and enable you to show a clean record. Please wire what is happening.” [I.O., 10-8-1907]

Up to 9 August 1907, no application for registration was made and the boycott of the Permit Office continued. [I.O., 10-8-1907] Hans Raj, A. Gakel, D. H. Jooma, Tayob N. Mahomed, Cassim Suleman, A. Desai and Goolab worked all day long as volunteers with Hasim Mahomed Kala as their leader. [C.W.M.G., VII. p 169] Pietersburg gave a big jolt to the Permit Office and everybody praised the bravery of Indians.



Gandhiji wrote on 17 August that the mercury in the Indian barometer had indeed risen and Pietersburg had brought success a little nearer. About the volunteers he said, “These heroes deserve praise.” [*Ibid*, p 169]

The success of the Indians caused consternation to the European businessmen. They were worried as to whether they would be able to recover their dues from Indian businessmen. *Rand Daily Mail* wrote, “Every man who is thrown into prison for passive resistance or loses his trading or hawking licence shall refuse to pay his debts. The argument is that if the Government persist in bringing ruin on the Asiatics, the Asiatics have no inducement to prevent a similar fate overtaking anybody else.” [I.O., 17-8-1907]

Pointing to these writings of *Rand Daily Mail* which, though mild and restrained, could mislead the public. Essop Mia, acting chairman of the British Indian Association, said on 12 August that there was not, so far as he was aware, a single Indian who had ever made a statement to that effect. “This would be quite contrary to the spirit of our struggle. We have undertaken it (resistance) with a view to suffering ourselves, placing our sole reliance upon God. It would therefore be wicked if we were to cherish the thought and to repudiate our just debts.” [C.W.M.G., VII, p 161] He added that some of the Indians in order to prepare themselves for contingencies had even paid their debts before maturity. It was true that many of them had cancelled orders in view of the struggle. This was only fair to the wholesale houses and to themselves. They were sorry that, by their so doing, the latter had to suffer in common with them, but that was inevitable. [*Ibid*, p 161]

Taking a hint from the *Rand Daily Mail*, the *Star* wrote :

The Passive Resistance movement initiated by the British Indian Association has so far been effective. . . . The methods resorted to in the



capital to induce the Indians to comply with the law resulted in only about 70 registering. The Indians in Pietersburg and Zoutpansberg refused to register. Their brethren of Potchefstroom and Klerksdorp have notified their intention of falling into line. The Indians in Johannesburg are numerous, and in many instances wealthy, and they have resolved to resist the law. A good deal of speculation is being indulged in among Indians as to whether the Government will extend the operation of the Act to Johannesburg. The Government is proceeding gradually and when Mr Chamney of the Indian Registration Office reports, some definite action will be taken. So far there is no indication that the Government will hesitate in requiring the Indians in Johannesburg to register.

Mr M. K. Gandhi, the well-known Indian barrister, is the leader of the passive resistance movement. He has certainly marshalled his forces well, and the Indians as a rule are prepared to follow him to the extreme. [C.W.M.G., VII, pp 170-1]

The press in South Africa was learning to appreciate the moral and ethical standards adopted by the Indians.

Gandhiji told the Indians that so far their struggle had a good effect. The whites did not now ridicule the Indians, but realised that the Indians were being helped by very influential men in England and that “Mr Ritch is working on behalf of Indians and a hundred Members of Parliament have expressed their intention to oppose the loan of £ 5 million to the Transvaal if Indian grievances are not redressed.” [*Ibid*, p 170]



The *Star* announced that applications for registration would be received at Potchefstroom on 14 and 15 August and at Klerksdorp on 10 and 17 August. [I.O., 10-8-1907]

On 11 August a meeting of the Potchefstroom Indian Association was held at the premises of Abdul Gani Haji Sale Mahomed. S. D. Robert presided. The meeting unanimously passed a resolution to the effect that “the Potchefstroom Indian community would abide by the Pretoria mass meeting resolution of 31 July 1907.” The Hamidia Islamic Society of Johannesburg in a telegram expressed the hope that the Potchefstroom Indians would avoid the Permit Office as a plague as “its touch defiles our nationality and violates our religion.”

On 14 July, the *Star* reported:

The Indian registration officials are in attendance here today. Up to noon not a single Indian had registered, and as far as can be judged, the local Asiatics have no intention of complying with the requirements of the Act.

A meeting was held on Sunday attended by about one hundred Indians . . . it was urged that registration having been carried out under the late Government there was no need to register again. It was unanimously resolved to adhere to the resolutions passed at Pretoria, and that no one should apply for registration. [I.O., 17-8-1907]

Registration began on 16 and 17 August at Klerksdorp. The Hamidia Islamic Society of Johannesburg sent a telegram to the Indians similar to the one sent to the Potchefstroom Indians. None of the Indian community applied for registration; volunteers were not even engaged.

Gandhiji wrote on 24 August “Pietersburg did better than Pretoria, Potchefstroom surpassed Pietersburg; but Klerksdorp excelled them all. For the



Indians at Klerksdorp did not even keep volunteers. They sought no outside help. They did not avail themselves of the help offered, and every Indian there of his own accord boycotted the Permit Office. Thus Klerksdorp stands above them all.”

[C.W.M.G., VII, p 191]

According to the *Transvaal Leader*, the threats of stopping trading licences and of deportation, held out by the Government, were expected to result in good progress in registration at the end of October, and the last town to be visited by the registration officials was likely to be considerably used by Indians wishing to register at the last moment. “After all, the taking of a thumb print or the signing of a name are considerations which cannot often weigh with Indians in the Transvaal, when refusal involves deportation and deprivation of trade,” the paper commented. [I.O., 24-8-1907]

But the Indians in other cities of the Transvaal also refused to register and entered their protest. In Nylstroom, the Indians closed their shops for a day and no one got himself registered. In Rustenburg Bapu Desai, Rahimbhoy, Vakharia, Madhi and M. E. Kazi worked as volunteers. Shops were closed for half a day. Cody approached De Souza, a Portuguese Indian, who flatly refused to be registered. Chamney approached some Indians but they did not listen to him. The authorities had therefore to return empty-handed. [C.W.M.G., VII, p 205] In Standerton, Heidelberg and Volksrust also, no one got registered. [*Ibid*, p 220] At Germiston, a meeting was held under the auspices of the Sanatan Veda Dharma Sabha. Ram Sundar Pundit took a prominent part in it. Gandhiji, Polak and MacIntyre attended the meeting. [*Ibid*, p 221] In Krugersdorp and Zeerust too Indians did not apply for registrations. [*Ibid*, p 242]



A report was received that in Pretoria where Indians had succeeded in boycotting the Permit Office, some timid Indians had addressed a letter to General Smuts through a lawyer, stating that if only some relief was promised by the Government, they would willingly yield. Gandhiji remarked that such letters weakened the struggle. But he did not believe that there would be any harm in the end. For if many Indians remained firm in their pledge, they were ultimately bound to win. But they would have to go through more suffering on account of such timid representations. Moreover, by making trivial demands they showed that they did not understand the real nature of the struggle. It was a struggle for maintaining the prestige of the Indian community, for preserving their honour. “Our struggle is to break the fetters and smash them to pieces.” [*Ibid*, p 221]

Gandhiji requested the gentlemen who sent the letter and the other Indians that if they could not keep their patience, if they could not overcome the greed for money, they should submit to the law. “In doing so they will do less harm to the community and will be considered to be lesser cowards. And my advice will be the same if, by chance, all Indians lose their good sense and become timid.” [I.O., 7-9-1907 (Gujarati); C.W.M.G., VII, pp 221-22] But his advice was ignored by some Indians who were weak in spirit.

On 30 August Stegmann, Esselen and Roos addressed to the Colonial Secretary, on behalf of “some leading Indian people” a letter saying :

All they want from the Government is for Asiatic permit purposes to have a few special inspectors, who should be instructed, in other than suspected cases or cases of crime, not to demand inspection of the permits of Asiatics in the streets. Our clients have no objection to such special inspectors even taking thumb impressions.



They suggest therefore that the provision be so amended that where the official is satisfied as to the identity of the applicant for a licence by signature or by description tallying with the Registration Certificate, no finger-impression shall be required but where this cannot be given, the said official can require a thumb impression in respect of a first application for a new licence but not for renewal of such licences where the licensee can write, in which cases the receiver shall be satisfied with the signature of the applicant.

Under the old Asiatic law, 25 temporary permits are in existence in the Transvaal. There are some held by clerks with special qualifications imported for certain businesses and by others to replace those who have left their employment. The priest of Pretoria holds one; and the elephant-keeper at the zoo holds another. Our clients would like to have an assurance from you that the door will be kept open for similar purposes under the Temporary Permits section of the new law.

Children will not be torn away from parents and guardians here and repatriated to India, because they did not register under the old law owing to their tender years and some decisions of the Supreme Court that registration below a certain age was not necessary. [I.O., 14-9-1907]

Gandhiji considered this letter as a “base step” and laid the blame for it chiefly on Hajee Cassim. But he added, “Though we blame Mr Hajee Cassim, we realize that it is not possible for us to say that other Indians in his position would never have done what he has done. Therefore we regard his disgrace as the disgrace of us all.” [C.W.M.G., VII, p 226]

Parsee Rustomjee wrote on 24 September, “Not that I think the back-sliding of a few weaker brethren will affect the whole community. It is not at all



likely that the Indians in the Transvaal who, up to this point, have remained firm to the solemn vow before God, will be seriously affected by the petition. But it is a great pity that there should be any weakening of the solid front of opposition to the Act.” [I.O., 28-9-1907]

In his reply to the letter from Stegmann, Esselen & Roos, the Colonial Secretary said :

- 1) If the Asiatics would conform to the provisions of the law in question the Government would appoint certain selected white officers to call for the production of registration certificates and they would not demand to see the certificates in the streets, except in cases of suspicion, crime or other urgency.
- 2) Clerks issuing trading licences would not investigate into the *bona fides* of applicants, who in addition to presenting their registration certificates should furnish their right hand thumb impressions. These impressions would be forwarded to the Registrar of Asiatics, Pretoria for verification.
- 3) The immigration of unregistered employees on temporary permits would not be allowed.
- 4) No order to leave the Colony would be made in respect of Asiatics under 16 years of age. The parents and guardians should supply particulars of their male children or wards, while making applications for registration.
- 5) Except those specially exempted under the Act, no other Asiatic can be exempted from furnishing his finger impressions. [I.O., 5-10-1907]

Gandhiji suggested to the Hamidia Islamic Society that a short petition



might be prepared in different languages to the effect that the signatories were strongly opposed to the law and did not accept it. He said that the signatures of all Indians should be obtained on it. It would greatly strengthen the struggle. All prominent leaders except Coovadia accepted the proposal. The final decision on it was for some time postponed. [C.W.M.G., VII. p 222] Later, the Indian leaders accepted Gandhiji's suggestion and a long petition was drawn up before 21 September and by 28 September, three thousand signatures were collected. [I.O., 28-9-1907]

The petition was submitted to the Colonial Secretary on 1 November, 1907, with 4522 signatures drawn from 29 towns, villages and districts of the Transvaal. The figures for each place were : Johannesburg 2085; Newclare 108; Roodepoort 136; Krugersdorp 179; Germiston 300; Boksburg 129; Benoni 91; Modderfontein 51; Pretoria 577; Pietersburg and Spelonken 90; Vereeniging 73; Heidelberg 66; Balfour 14; Standerton 123; Volksrust 36; Wakkerstroom 12; Piet Retief 3; Bethal 18; Middelburg 29; Belfast, Machadodorp and Waterval 21; Barberton 68; Potchefstroom 114; Ventersdorp 12; Klerksdorp 41; Christiana 24; Lichtenberg 7; Zeerust 59; Rustenburg 54; Ermilo 2.

There were in the Transvaal Hindus, Muslims, Christians and Parsees from India; the Muslims were divided into three sections — the Surtis, Konkanis and Memons; the Hindus were divided into Gujaratis, Madrasees and Northerners commonly called Calcutta people. In order to avoid a separate classification for the Sikhs and Pathans, they had been included among the Northerners if Hindus, and among the Surtis, if Muslims. The Christians had not been separately classified as they were nearly all Madrasees and were not more than 200 in all. The following was then the religious and provincial classification Surtis 1,476; Konkanis 141; Memons 140; Gujarati Hindus 1,600; Madrasees 991; Northerners 157 and Parsees 17, a total of 4,522.



With the exception of the Memons, there were hardly any abstentions. But the task of reaching every Indian in the isolated parts of the Transvaal, as for instance farms, had been beyond the capacity of the volunteers of the British Indian Association during the time allotted. [C.W.M.G., VII, pp 320-21]

The signatories dissociated themselves from the letter addressed to the Colonial Secretary by Stegmann, Esselen and Roos. They affirmed, “We respectfully submit that nothing short of total repeal of the Act can meet the difficult situation that has arisen. In our humble opinion, the Act is degrading to our self-respect, offensive to our religions, and in its incidence, it is such as can be thought of only in connection with the dangerous criminals. Moreover, the solemn declaration made by us renders it imperative for us, as honest citizens of the Empire and God-fearing men, not to submit to the provisions of the Act, irrespective of any consequences which we may have to suffer and which we understand to be imprisonment, banishment and or loss or confiscation of our property. In making the above statement, we do not desire to shirk an enquiry into the allegations as to surreptitious entry by British Indians on a wholesale basis, or to refuse to hold documents that in the opinion of the Government may sufficiently identify us.” [C.W.M.G., VII, pp 234-5]

11

Internequine quarrels always weakened a movement. When such petty quarrels were brought to Gandhiji’s knowledge, he immediately warned the community not to indulge in them. He wrote on 7 September “If in consequence of our present struggle we forget the differences between Hindus and Muslims, give up internal quarrels, and, in case they occur, settle them privately, and also give up other vices, the 13,000 Indians will earn the admiration of the entire world, and their names will be recorded for all time in God’s book.” It was an act



of no small meanness that one should falsely accuse another through malice or blackmail him. That one should assault another was not merely petty cruelty. It was no little shame that an Indian should take liquor. With a little effort, these evil habits could be eradicated. To smash the new law, “I believe it is necessary also to stamp out these evils.” [*Ibid*, p 223] Gandhiji, it is seen, constantly endeavoured at character building among Indians.

On 14 September, *Transvaal Leader* quoted Sir William Van Hulsteyn, M.L.A. as saying that when he joined the Rand Rifles, he had to give his thumb-mark and asked why “these Asiatic gentlemen thought it was beneath their dignity to give theirs.” Polak replied on the same day that the British Indians never objected to give thumb impressions. “The objection is that British Indians, amongst other Asiatics, should be singled out from the rest of the community for the enactment of a special legislation of a degrading type, of which the compulsory giving of 10 finger impressions is but an incident.” [I.O., 28-9-1907]

It obviously had no effect on Sir William. He paid no attention to it. On 16 September he addressed a letter to the Honorary Secretary of the British Indian Association saying that he “hoped the Government would be strong enough to enforce the law in question and it would not be allowed to become a dead letter. He added, “Until I see that your Association, and the community represented by it, is willing to assist in carrying out the laws of this colony, I am not prepared to enter into any correspondence with you as to the merits of this particular measure.” [I.O., 28-9-1907]

Gandhiji replied on 17 September, “I beg to draw your attention to the fact that hitherto the community has always done so, and it will continue to do so, whenever such laws do not put on the community an unwarranted affront and do not wound its religious susceptibilities. To the Asiatic Registration Act, British Indians have undoubtedly been advised by my Association not to submit, because



in my humble opinion, it is their duty first to submit to a higher law, namely, that which dictates to mankind the idea of self-respect and respect for declarations solemnly and sincerely made. To accept the Registration Act, in my humble opinion, takes away every vestige of manliness from Indians.... It would be childish for any responsible British Indian to advise the community to enter upon a life-and-death struggle and to be prepared to sacrifice all their material wealth for the sake of avoiding finger impressions.” [C.W.M.G., VII, p 233]

Gandhiji also addressed a meeting of the Chinese. They were most determined in their opposition to the new law. [I.O., 5-10-1907, p 410]

The time for registration at Johannesburg was approaching. The Indians met on 29 September under the auspices of the Hamidia Society. The meeting was crowded. [*Ibid*, p 410] Emam Abdool Cadir took the chair. Maulvi Saheb Ahmed Mukhtiar made a powerful speech. He was followed by Ram Sundar Pundit who gave an account of the struggle in Germiston. He said that his permit was expiring on the 30th but he had, as desired by the people, agreed to stay on. Even if the Government did not extend his permit he would stay on and go to gaol. He would not swerve from his duty. He added that the Germiston pickets were prepared to help at Johannesburg.

Gandhiji stated that there was a letter from Beg of Pretoria, offering assistance of pickets. Omarji Sale vehemently asserted that there should be no yielding to the new law, no matter what the cost. Ebrahim Coovadia read out from *Gujarat*, a weekly published from Bombay, an article on the subject of the new law. Vallabhnbhai said that from among the Kanbis, a farmers’ caste in Gujarat, no Hindu would turn back, and that most of the Hindus had put their signatures to the petition. [C.W.M.G., VII, p 267]

Gandhiji exhorted the Indians of Johannesburg to take a lesson from the courage shown by their brethren at Germiston. He added, “Mr Cody has held out



a threat that the people will have to leave the Transvaal if they do not register, but Mr Pundit is very firm. It would be good if they arrested Mr Pundit himself.”

[*Ibid*, pp 263-4]

12

The Permit Office opened in the golden city on 1 October 1907. James Cody, Richard Cody and Sweet were appointed to issue certificates. Since Johannesburg was the headquarters of the British Indian Association and the Indians had spoken strongly against the law, the real test now began.

Gandhiji had written on 21 September “If Johannesburg can stage a complete boycott, the Government will be convinced that we are determined to fight to death.”

Gandhiji left no stone unturned to strengthen the Indian front. He had issued the following instructions to all the pickets on 21 September:

- 1) Physical violence must be absolutely eschewed, and so must strong language;
- 2) Any haste or any display of ill-temper must be discouraged;
- 3) A watchman’s duty is to watch, not to assault;
- 4) The whole struggle is based on our submitting ourselves to hardships;
- 5) Our duty is to reason with those who are doing wrong, to entreat them, to beg of them;
- 6) It is our duty to extend to others the same freedom that we want for ourselves.



Over 40 persons had offered themselves for picketing duties and their chief was Jamadar Nawab Khan.

The Registration Office opened at Old Church Building in Von Brandis Square on 1 October. Those in other districts who had not obtained their certificates so far were also allowed to apply, provided they did so by 31 October. [I.O., 5-10-1907, p 408]

An Indian said, “I am prepared to be shot, if necessary, for the principle involved, and not only am I prepared to do that but also I am willing to bring my sons on to this square and allow them to die too. We have approached the Government like a son would approach his father. Our protestations have been ignored and now they can do what they like with our lives. We are not criminals that we should be compelled to do this thing.” [*Ibid*]

The *Star* reported:

It is significant to learn that whilst not a single application was made this morning for registration, there was no sign of breaches of the peace. Indeed, with the exception of the presence of about a dozen pickets (Indians and Chinamen) stationed at the four corners of Von Brandis Square, there are no indications whatever of anything unusual in the appearance of that part of the town. The pickets’ duty consists of explaining the attitude taken up by the Indian Association to compatriots who might desire to be registered, and who come from farms etc., in outside districts, and who possibly, have no knowledge of the position of affairs. When they have done that, the pickets have done their duty. If a man then desires to register he can do so without further opposition. In view of the circumstances, it will be intensely interesting to follow the passive resistance campaign carefully until the present month closes. [*Ibid*, p 409]



Not a single Indian or Chinaman had registered or reported on the first day. There were practically no applicants for registration at the office at Von Brandis Square. According to press reports only 20 applications had been received in all.

Towards the close of the month of October, the police officials said to Gandhiji in a challenging mood, "Take the pickets off for one day and see what will happen." Gandhiji cheerfully replied, "Certainly."

So Von Brandis Square was deserted and no pickets were seen there. But the Asiatics did not flock in. Only one Indian, a waiter, arrived in a cab accompanied by two detectives and made his application.

The registration officials endeavoured to secure registration applications by every possible means. They therefore became the laughing stock of Indians and Europeans alike.

After 31 October registration was over. In the month of November according to Government notice, the Registrar would be employed only in considering the applications already received and the Government would not move to any other place. [I.O., 2-11-1907]

According to unverified press reports, up to 30 October about 400 applications for registration had been received in the whole of the Transvaal.

The number of those registered town-wise was Pretoria 27; Pietersburg 21; Potchefstroom 12; Middleburg 4; Johannesburg 5; Louis Trichardt, Zeerust, Mafeking and Christiana 1 each. [C.W.M.G., VII, p 331]

In the meantime a rumour had spread that Gandhiji had got several leaders of Johannesburg registered in secret and that he had got himself registered. The rumour-mongers went to the extent of saying that this had been encouraged by General Smuts.



There was another rumour that Smuts would have all those without register packed off by train in December, and that he had arranged with a Minister in Natal to have such persons earned by train and then directly forced into a steamer and deported to India. This story was without any foundation. No law had yet been passed for forcible expulsion. There was no law in the Transvaal under which an Astatic who had not taken out a register could be expelled by force. Moreover, no one could be forced into a steamer when he had the right to remain in Natal.

There was another rumour that the majority of Indians in Johannesburg had got themselves registered. Leaders from Ermilo, Klerksdorp and Potchefstroom went to Johannesburg to enquire into the truth of the matter. They found the real situation was quite the opposite and was encouraging. Except for five or six from Johannesburg and about fifteen persons from outside, no one had approached the Permit Office. [C.W.M.G., VII, pp 329-30]

Gandhiji wrote on 4 November that as a consequence of Indians' refusal to register, many of them had lost heavily, many more stood to lose everything they possessed. Several European wholesale houses had even gone so far as to stop credit unless Indian merchants could produce registration certificates issued under the new law. Many Indians employed as servants or labourers had accepted dismissal at the hands of their employers rather than register themselves. [*Ibid*, p 333]

On 31 October the Government notified that applications for registration could be made up to November 30. The office was changed to Savelkoul's Buildings, Pretorius Street, Pretoria. The reason given by the Government for this extension was that Indians "have been unable to or been prevented from complying with the terms of the Act." [I.O., 9-11-1907, p 469]



In Gandhiji's opinion this extension showed the "weakness of the Government." [C.W.M.G., VII, p 339]

He said on 9 November that the pickets would continue to do their work. "If General Smuts had the strength to deport Indians, he would never have extended the time limit so as to allow applications for registration to be made in November."

To the question why he had extended the time limit, Gandhiji answered: "The Imperial Government must have impressed upon him confidentially that he would not be able to touch any Indian. If this inference is not correct, General Smuts must have been afraid of loss of prestige. An elephant must think a hundred times before trampling upon an ant. General Smuts believes himself to be an elephant, and we are the ants. Hence he feels ashamed to trample upon ants." [*Ibid*, p 341]

About the rumour that Gandhiji would be deported first, he wrote, "If that happens the Indian community will only feel a fresh accession of courage rather than get demoralized. But so far the Transvaal has not acquired any such authority for deporting anyone, and it will be some time before it gets it." [I.O., 9-11-1907; C.W.M.G., VII, p 342]

"If the Government possesses the power of deportation and decides to exercise it, it must deport the Indians to the country of their origin. Will not the Government of India intervene in that case?" he asked. [*Ibid*, p 343]

Thus the stage was set for the next step in the struggle. The Indian community was prepared for any sacrifice under its trusted leader, barrister M.K. Gandhi to vindicate its honour.



CHAPTER V: PASSIVE RESISTANCE AND SATYAGRAHA

1

The Indians' resistance to the Black Act, which started with their refusal to abide by the law to re-register, was at first called passive resistance. That name was well known, as it had been used in England by the Non-Conformist churches in their protest against the Education Act of 1902, and by the suffragettes who were fighting for the right to vote. In those campaigns the protesters would deliberately violate a law and accept the penalty, often choosing imprisonment rather than paying a fine. [Gandhiji's interest in these two passive resistance campaigns has been described by James D. Hunt in *Gandhi in London* (1978) and *Gandhi and the Nonconformists* (1986)]

The opening phases of the Indian struggle appeared to follow the same pattern, but Gandhiji recognised important differences from the beginning, although he could not yet find the words to define them. In *Satyagraha in South Africa* he recalled,

None of us knew what name to give to our movement. I then used the term 'passive resistance' in describing it. I did not quite understand the implications of 'passive resistance' as I called it. I only knew that some new principle had come into being. [M. K. Gandhi, S.S.A., p 109]

In the course of the struggle he found that the name was likely to cause serious misunderstandings. He also began to recognise that the name should be an Indian term, even if it had to be a new word.



So it came about that just as the campaign moved into its most intensive phase and the imprisonment of large numbers of Indians was becoming a reality, Gandhiji called for a new name. In *Indian Opinion* on 27 December 1907 he offered a small prize of £ 2 for any one who suggested a suitable name. Maganlal Gandhi, an inmate of Phoenix Settlement and a nephew and trusted lieutenant of Gandhiji, was one of those who sent an entry which was considered to be the best of the lot. He had suggested ‘Sadagraha’, which consists of two words ‘Sad’ meaning good and ‘Agraha’ meaning insistence upon, firmness in. Gandhiji improved upon it by coining the word Satyagraha, *Sat* means truth and Satyagraha means insistence upon truth, firmness in truth. [C.W.M.G., VII, p 455]

Thus the movement was given a suitable name (in Jan. 1908) which defined its character and indicated what its author had in his mind. It was a movement based on truth, on soul force. It aimed at changing the opponent’s heart through self-suffering. It was based on love and was completely free from any desire to defeat or degrade the opponent. There was no room for untruth in it. [M. K. Gandhi, S.S.A., pp 113-4]

Not all of Gandhiji’s supporters could grasp the full meaning of the struggle. Even the most sympathetic of English followers often failed to see it. One of these was Mr William Hosken, a leading member of the Johannesburg business community and chairman of the European Support Committee during the struggle. He took Gandhiji to a meeting of Europeans in Germiston, a suburb of Johannesburg, on 7 June 1909, long after the campaign had begun. In introducing Gandhiji, he said :

The Transvaal Indians have had recourse to passive resistance when all other means of securing redress proved to be of no avail. They do not enjoy the franchise. Numerically, they are only a few. They are weak and



have no arms. Therefore they have taken to passive resistance which is a weapon of the weak. [*Ibid*, p 112]

These observations took Gandhiji by surprise; the speech he was going to make took a different complexion. He corrected Mr Hosken saying that the force being used by the Indians was ‘Soul force’ which was not a weapon of the weak.

In his memoirs he later wrote :

I have no idea when the phrase ‘passive resistance’ was first used in English and by whom. But among the English people, whenever a small minority did not approve of some obnoxious piece of legislation, instead of rising in rebellion they took the passive or milder step of not submitting to the law and inviting the penalties of such non-submission upon their heads. When the British Parliament passed the Education Act some years ago, the Non-Conformists offered passive resistance under the leadership of Dr Clifford*. The great movement of the English women for the vote was also known as passive resistance. It was in view of these two cases that Mr Hosken described passive resistance as a weapon of the weak or the voteless. Dr Clifford and his friends had the vote, but as they were in a minority in Parliament, they could not prevent the passage of the Education Act. That is to say, they were weak in numbers. Not that they were averse to the use of arms for the attainment of their aims, but they had no hope of succeeding by force of arms. And in a well regulated state, recourse to arms every now and then in order to secure popular rights would defeat its own purpose. Again some of the Non-Conformists would generally object to taking up arms even if it was a practical proposition.



The suffragists had no franchise rights. They were weak in numbers as well as in physical force. Thus their cause lent colour to Mr Hosken's observations. The suffragist movement did not eschew the use of physical force. Some suffragists fired buildings and even assaulted men. I do not think they ever intended to kill any one. But they did intend to thrash people when an opportunity occurred, and even thus to make things hot for them. [M. K. Gandhi, S.S.A., p 112]

But the Indian movement was different, said Gandhiji, as brute force according to his way of thinking, had absolutely no place in the Indian struggle, under any circumstance. Indians had no franchise and were numerically weak, but these considerations had nothing to do with the organization of Satyagraha by the leader. He did not claim that the Indians would have taken to Satyagraha even if they had access to arms or had the franchise. Probably there would not have been any scope for Satyagraha if they had the vote and arms, as the opposite party would have thought twice before antagonizing them. It is understandable that people who possess arms would have fewer occasions for offering Satyagraha. The same would apply to franchise rights. But the point is that Gandhiji could say with certainty and assert forcefully that in planning the Indian movement there never was the slightest thought given to the possibility of offering armed resistance. Gandhiji has written "Satyagraha is soul-force pure and simple, and wherever and to whatever extent there is room for the use of arms or physical force or brute force, there and to that extent is there so much less possibility for soul force. These are purely antagonistic forces in my view and I had full realization of this antagonism even at the time of the advent of Satyagraha." [M. K. Gandhi, S.S.A., pp 112-13]



Gandhiji came to realize that there was a fundamental difference between Satyagraha and passive resistance, which must be clearly understood by all. Without it, those who called themselves either passive resisters or satyagrahis and believed the two to be one and the same thing, would be doing injustice to both, leading to untoward consequences. Writing his memoirs of that period almost two decades later, he elaborated the difference between the two:

The result of our using the phrase ‘passive resistance’ in South Africa was not that people admired us by ascribing to us the bravery and the self-sacrifice of the suffragists but we were mistaken to be a danger to person and property which the suffragists were, and even a generous friend like Mr Hosken imagined us to be weak. The power of suggestion is such, that a man at last becomes what he believes himself to be. If we continue to believe ourselves and let others believe, that we are weak and helpless and therefore offer passive resistance, our resistance would never make us strong, and at the earliest opportunity we would give up passive resistance as a weapon of the weak. On the other hand, if we are satyagrahis and offer Satyagraha believing ourselves to be strong, two clear consequences result from it. Fostering the idea of strength, we grow stronger and stronger every day. With the increase in our strength our Satyagraha too becomes more effective and we would never be casting about for an opportunity to give it up. Again, there is no scope for love in passive resistance; on the other hand, not only has hatred no place in Satyagraha but it is a positive breach of its ruling principle. While in passive resistance there is a scope for the use of arms when a suitable occasion arrives, in Satyagraha physical force is forbidden even in the most favourable circumstances. Passive resistance is often looked upon as a preparation for



the use of force, while Satyagraha can never be utilised as such. Passive resistance may be offered side by side with the use of arms. Satyagraha and brute force, being each a negation of the other, can never go together. Satyagraha may be offered to one's nearest and dearest; passive resistance can never be offered to them unless of course they have ceased to be dear and become an object of hatred to us. In passive resistance there is always present an idea of harassing the other party and there is a simultaneous readiness to undergo any hardship entailed upon us by such activity; while in Satyagraha there is not the remotest idea of injuring the opponent. Satyagraha postulates the conquest of the adversary by suffering in one's own person. [M. K. Gandhi, S.S.A., pp 113-4]

It is interesting to note that Gandhiji has called his wife Kasturba his Guru (teacher) in Satyagraha. From the days of their early married life he found out that Kasturba was a girl with a mind of her own and she was not willing to accept the husband's authority and obey him, unless what he said appealed to her head and heart. He could make her miserable but he could not make her do what he wanted unless he carried conviction to her. It made him realize that the basic principle for carrying the opponent with you is the underlying desire to be able to make him see your point of view and to have respect and affection for him.

There is a spark of divinity in every human breast. A satyagrahi tries to make this spark burn bright in the opponent's breast by first making it do so in his or her own case. Satyagraha must therefore be based on truth and love. Suffering is undergone by the satyagrahi in order to make the opponent think and is never inflicted upon the opponent. Non-cooperation and civil disobedience in various forms, with readiness to cheerfully suffer the consequences of such action and as a last resort fasting, are the only tools that a satyagrahi has and can



use. Fasting and prayer are a means of self-purification for the satyagrahi. By inviting self-suffering the satyagrahi tries to make the opponent think and understand the satyagrahi's point of view.

In South Africa Gandhiji evolved the technique of Satyagraha which he later used in India so effectively for winning the freedom of India from foreign rule. The new force that he had discovered was all-pervading. It could be used for bringing about political, social and economic changes and the Mahatma used it with great success in political and social spheres, such as his campaign against untouchability, which he called the worst form of exploitation of the weak by the strong. He believed that, as in the case of political and social exploitation, Satyagraha could also be used for ending the economic exploitation. To that end he formulated the theory of Trusteeship and made some of the capitalists close to him follow it as best they could. Vinoba took the concept much further in his movement for voluntary sharing of land, wealth and talents . . . Bhoodan, Sampattidan, Buddhidan and finally Jiwandan . . . devoting one's life to the development of humanity.

In the political field, Satyagraha saw success in South Africa and later in India, even though the problems faced by Indians and other non-whites in the early years of the twentieth century in South Africa are still there in its closing years. It is a constant struggle between man's higher and lower nature. Divinity within each one has to be recognised and made assertive. Satyagraha can succeed only to the extent that men and women can become true satyagrahis, and develop the capacity to guard their gains.

* This has now been described in some detail by James D, Hunt's *Gandhi & the Non-Conformists*.



Another question facing Gandhiji a

nd the Indian community was, which was to be the agency to conduct the movement of Satyagraha in South Africa. There was in the Transvaal the British Indian Association with a large membership. Satyagraha had not been thought of when it was established. The Association had resisted in the past, and would have to resist in the future, not one obnoxious law, but quite a host of them. It also had many other functions of a political and social nature to perform. All the members of the Association were not pledged to resist the Black Act or join the Satyagraha struggle. The risks to which the Association would be exposed in the event of its being identified with the Satyagraha struggle had also to be considered. The Transvaal Government could declare the struggle to be seditious and all institutions conducting it might become illegal bodies. The position of members who were not satyagrahis would become difficult in such an event. And what about the funds which were contributed at a time when Satyagraha was not even thought of? All these were weighty considerations. The satyagrahis were strongly of the opinion that a new organisation should be set up to conduct Satyagraha. They must not only not entertain any ill-will against those who did not join the struggle, whether for want of faith or out of weakness or for any other reason, but also maintain their friendly relations with them unimpaired. They wanted to be able to work side by side with them in all other movements of common interest.

For all these reasons the community came to the conclusion that the Satyagraha struggle should not be carried on through any of the existing organisations. The existing organisations might render all the help they could to resist the Black Act in every way open to them except that of Satyagraha. For Satyagraha a new body named the 'Passive Resistance Association' was started



by the satyagrahis. This was done before the word ‘Satyagraha’ had been invented. Time fully justified the wisdom of constituting a fresh body for this work. Many joined the new association. The community furnished funds with a lavish hand for the work of the new organisation.

Some members of the community argued that the pledge taken in the Old Empire Theatre had been fulfilled when the old Ordinance was disallowed. Those who had weakened since then took shelter under this plea. The argument was not quite devoid of force, but it could not impress those whose resistance was not to the law as such, but to the vicious principle underlying it. All the same it was considered necessary to re-administer the oath of resistance in order to reinforce the determination of the community as well as to probe the extent of weakness, if any. Meetings therefore were held in every place at which the situation was explained and the oath was administered afresh. The spirit of the community was found to be as high as ever.

The Government had hoped that the Indian resistance to the Black Act would fizzle out and therefore they had been lenient in the first phase, but when with all their efforts they could not get more than four to five hundred Indians to opt for re-registration under the Black Act, they began to have second thoughts and decided to make arrests of some prominent leaders, which they expected would produce a salutary effect upon the Indian community in the Transvaal. The first person to be arrested in this context was Pundit Ram Sundar Das, the priest of the Hindu temple at Germiston.

When Ram Sundar Pundit joined the agitation against the anti-Asiatic Act, his antecedents were known only to a few. With his arrest he became known all over South Africa. His photograph was published in the issue of *Indian Opinion* of 16 November 1907. He was 30 years of age. His father’s name was Kalka Prasad and he was in Banaras. Ram Sundar Pundit had studied Hindi and Sanskrit in the



Banaras Sanskrit Pathashala. He was a priest by profession and for the last nine years he had been working as a priest in South Africa. He had married in Natal and his family lived in Grey Town. Punditji came to the Transvaal in 1904, built a temple at Germiston and founded the Sanatan Dharma Sabha. He worked as the priest of the temple and provided religious services to the Hindus.

When the Permit Office was opened in Germiston, Punditji acted as chief picket. [I.O., 5-10-1907] He had a brave look and was endowed with the gift of the gab. Coming from North India, he knew some *dohas and chaupais* from the *Tulsi Ramayan* and was respected by the community. He delivered a number of spirited speeches in various places and became the first satyagrahi to be arrested under the Asiatic Act and put in prison. [M. K. Gandhi, S.S.A., p 137]

Ram Sundar Pundit was granted a temporary permit for six weeks on 17 March 1906. The permit was extended from time to time. The present permit expired on 30 September 1907 and he had applied for its extension. But on 10 October 1907, he received notice from the Registrar of Asiatics that he should leave the colony immediately. [I.O., 16-11-1907] He refused to do so.

On his failure to produce a permit authorising him to reside in the Transvaal, the Pundit was arrested on 8 November near the Court House in Germiston. He was immediately taken to the police station.

Mr Polak, the Assistant Hon. Secretary of the British Indian Association, journeyed to Germiston to meet Pundit Ram Sundar. The gaol authorities expostulated with him and offered every possible facility to him to be released on bail, but the Pundit was obdurate, saying that he meant to suffer for his religion and his country. At the gaol, he was treated very well and every arrangement was made for his ablutions. Food was taken to him by the Indian Committee at Germiston. But as the Pundit would not take any cooked food, he lived during his incarceration on fruits and milk.



Telegrams poured in from everywhere congratulating him on the brave stand taken by him and praying that he might have sufficient courage to pass through the ordeal. Among the telegrams were those from the Natal Indian Congress, the Anjuman Islam, the Memon Committee of Durban, the Hindu Dharma Sabha, the Surat Hindu Association, and many others. [*Ibid*]

Behind this arrest was a deep conspiracy laid by some malevolent Indians who had suggested to the Asiatic Department that many Indians would take out permits if Ram Sundar Pundit were arrested. [M. K. Gandhi, S.S.A., p 137] The officers concerned found in the suggestion a chance of their success and so the heavy hand of the unjust law fell upon Ram Sundar Pundit. The Pundit thus moved from obscurity into the limelight of public attention.

3

On Monday 11 November, Ram Sundar was brought before the court at 11 a.m. The small court presided over by Mr Gilfillan, was packed to suffocation with Indians eager to have a glimpse of the Pundit. Gandhiji, on behalf of the British Indian Association, defended the Pundit.

The Public Prosecutor asked for a remand in order to enable him to subpoena the Registrar of Asiatics and others. Gandhiji who was present as Ram Sundar's attorney said that while he did not wish to oppose the application for remand, there was no defence to be offered so far as the Pundit was concerned and only the facts in justification were to be brought to the notice of the court. The Pundit would admit that he was in the colony without a permit and was most anxious that the case should be finalised without delay. In any case, he had already been in custody for four days and although scores of Indians had offered to bail him out, the Pundit had refused it. He did not wish to be bailed out. If,



therefore, the case was remanded, Gandhiji suggested that the Pundit should be released on his own recognizance. To this the court agreed, I.O., [16-11-1907, p 478] and Ram Sundar Pundit was released.

As soon as the Pundit left the court, he was greeted by several hundred Indians with “hurrahs” and presented with bouquets. They then formed into a procession and went to the George Town Location. A meeting was held there in the Sanatan Dharma Sabha building on the proposal of Mr Lal Bahadur Singh, the President of the Sabha.

Maulvi Saheb Ahmed Mukhtiar was voted to the chair, proposed by Lai Bahadur Singh. The chairman opened the proceedings by congratulating the Pundit on his courageous work for the sake of religion. What happened to the Hindu priest, the chairman said, might happen to him, a Mahomedan priest. The fight in which the Indians were engaged was not for political rights but for personal liberty, for freedom of conscience and for freedom of religion. He, therefore, as a Mahomedan, as a priest, and as an Indian, would not be doing his duty if he did not strain every nerve to keep Indians away from the snares of the Registration Office. [*Ibid*]

Gandhiji in his speech mentioned that though it was just the beginning of the struggle, there was already a big gain in that the Hindus and Muslims were fighting unitedly for a public cause.

A number of other leaders also spoke praising the Pundit and affirming their determination not to register themselves.

In an interview to the *Transvaal Leader*, on the same day 11 November, Gandhiji said:

Religion comes more into play because all Indians are bound by a solemn oath not to accept the Registration Act, as it is opposed to their religion and every Indian, therefore, would be doing violence to his



conscience if now, for any material advantage that he might gain, he were to accept the Act. Consequently, the priest has actively interested himself in seeing that the people do not register, and that rather than look to the things on earth, they look to those from above. This accounts for his (Ram Sundar Pundit) having acted as chief picket when the Asiatic Registration Office was opened in Germiston, picketing having been a purely persuasive act. [C.W.M.G., VII, p 353]

Two days later on 13 November, at a meeting of the British Indian Association held under the chairmanship of Essop Mia, Omar Haji Amod Zaveri, A. M. Hoosen Fajandar, Hajee Ebrahim Ahmed Dindar, Coovadia, Suliman Cassim and Peeran Mahomed were elected as delegates to the Indian National Congress to be held at Surat. Collection of contributions for the Congress was started at the same time. [*Ibid*, pp 371-72]

4

On 14 November the hearing of Ram Sundar's case began. He was prosecuted for wrongfully and unlawfully entering and remaining in the Transvaal after the expiration of a temporary permit issued to him by the Colonial Secretary. The permit having expired on 30 September 1907, he was not an authorised person to remain in the colony.

The court was crowded with Indians and Europeans. About 500 Indians had to remain outside the court. Mr T. M. Doran, Public Prosecutor, conducted the prosecution, and Gandhiji appeared for the accused who pleaded not guilty.

Detective Benjamin Millar stated that he arrested the accused at Germiston on 8 November. The accused said he had a temporary permit and had applied to the Colonial Secretary for its renewal, but they had sent him a reply



that he did not expect. Witness had noticed him at Germiston for the last three months.

Montfort Chamney, Registrar of Asiatics in the Transvaal, said that a temporary permit was issued to the accused on 22 March 1906. Subsequently he went to Natal, and a temporary permit was issued to him on 29 September 1906, for a period of two months. The accused applied for and obtained extensions upto 20 September 1907. He had entered into an obligation in writing that he would leave the colony whenever requested to do so, and on this condition the temporary permit was granted. (Witness here produced the document in question.) After the expiry of the permit it was necessary that he should leave the Transvaal. Witness refused to renew the permit and notified the accused that he must leave the colony. Gandhiji wrote in reply enclosing a letter from the accused saying that he could not obey the order, as he had to remain in the Transvaal to perform his religious duties, there being no one to take his place and that he was prepared to suffer the consequences of his disobedience.

Cross-examined by Gandhiji, the witness said that the date of the accused's understanding (permit issuance) was 28 August 1906, and since then several extensions of his permit had been granted, because witness was assured, and believed, that the accused was here only to pursue the duties of his office as a priest, in respect of which he was allowed to remain in the colony. [C.W.M.G., VII, p 353]

Gandhiji : Have you any reason to doubt the accused is, and has continued to be, a priest?

Witness : There are priests and priests and priests preach. Whether a priest is a Christian, Mahomedan, Hindu or belongs to any other persuasion,



I consider he is a desirable, so long as he continues to preach his doctrine; but when he preaches other doctrines . . . I will not say sedition . . . and resorts to methods for inciting his people, he becomes a person other than the one I understood I was allowing to enter this colony.

Gandhiji : Have you any proof that he has preached anything but his religious doctrine?

W : I believe he has, and it is because of that belief that I refused to renew the permit.

G : You say you believe he has acted other(wise) than as a priest?

W : I did not say that.

G : You just said that you had grounds for believing that he was preaching other than religious doctrines. Have you sufficient grounds for that belief?

W : I have had complaints both from white and coloured people.

G : Have you ever warned him with reference to these complaints?

W : Certainly no.

G : When did you receive the complaints?

W : I cannot remember the exact dates, but it was in respect of the registration of Asiatics.

G : Can you produce the complaints?

W : I certainly will not.

G : Then, Mr Chamney, you positively decline to produce the complaints?

W : I positively decline to disclose to you the names of the persons who have complained.



In response to the request made by Gandhiji, witness produced a petition, dated 29 September 1907, which he had received from the Indians of Germiston, asking him to extend the accused's permit, which was about to expire, and stating that the accused devoted himself solely to the work of the temple and his religious duties.

G : You did not consider that petition to be sufficient inducement to extend the permit?

W : No, I did not, in view of the reports I had in my possession.

G : You admit the accused bought the Hindu Temple at Germiston?

W : I don't know anything about it. He came on a few weeks' permit, and we extended that permit for over a year, and I don't know what he did.

G : And you would probably have extended it to the end of all time but for this new Act?

W : Very probably.

G : When you talk of "sedition", what do you mean?

W : I specially said that I did not refer to sedition.

G : Then, what did you mean by your reference to his departure from his religious duties? Did you mean his preaching to the people not to submit to the Registration Act?

W : I cannot answer hypothetical questions.

G : You know he has preached against submission to the Asiatic Act. Has that been an ingredient?

W : The answer is "Yes", but I qualify it.

G : Have Mahomedan priests received extensions of their permit?

W : Yes, and Christians and others, too.



G : You mean Asiatics?

W : When I speak of Christians, you must understand, Mr Gandhi, that I mean Assyrians.

The Magistrate remarked that it was not so much a question of what Mr Gandhi understood, but of what the court understood.

Witness explained that when a priest applied for a permit to enter the Transvaal to preach the gospel, he (witness) never put any difficulties in his way; but Assyrians and Mahomedans came in such number that he had been requested to restrict the granting of permits. The Government had no objection to grant temporary permits to such priests, provided they carried out the conditions under which they were granted.

G : Have you received any complaint about him from the Germiston Indians?

W : I understand by “Germiston Indians” you mean the Indians of Germiston?

G : Yes.

W : Then I have.

G : Have you investigated the complaints?

W : Certainly.

G : Have you ever heard the accused in answer to these complaints?

W : No, certainly not.

G : So that you have condemned him unheard?

W : I have got his letter. Do not forget that!

G : Then produce it.

W : I have already done so.

G : But that letter is not in answer to any complaints?

W : I did not say it was.



G : Then it is as I say, you have condemned him unheard?

W : I allowed him to enter the Transvaal under certain conditions,
which he has failed to carry out.

G : Have you ever informed him of that?

W : I tell him now.

G : After he is hanged?

W : No, not after he is hanged. I do not like that remark.

The witness then read a letter, dated 9 October last, which he had written to the accused, notifying to him that he must leave the colony immediately.

Gandhiji : That does not answer my question at all.

Witness : It is my answer.

This closed the case for the prosecution . . . [C.W.M.G., VII, pp 353-6]

Imam Abdul Kadir, called for the defence, said he resided at Johannesburg and was vice-president of the Hamidia Islamic Society, which was a Mahomedan body. The accused had often attended the meetings of that society, which had led the battle against the Asiatic Act and it consisted simply in not submitting to the law and suffering the consequences. Strong religious exception had been taken to the Act. The accused's attitude had not been any worse or any stronger than that of witness or any other member of the society. The whole of the community . . . both Hindus and Mahomedans . . . felt very bitterly about the prosecution of the accused.

Lalbahadur Singh, President of the Hindu congregation in Germiston, said the accused had never done anything but religious work. He had preached



against the Asiatic Act purely on religious grounds, because it was against their religious scruples.

Public Prosecutor : The accused had not had anything to do with the pickets?

Gandhiji : I admit he was the chief picket.

The question having been explained to the witness, he admitted that the accused had been the chief picket.

Public Prosecutor : Did he assault one of the men in connection with the Registration Act?

Witness : No; the accused spoke to him in order to persuade him against registering, but the man was obstinate, and the accused then took him to the registration office to be registered.

Continuing, the witness denied that the man had to seek police protection. He said that the temple at Germiston was purchased by the accused about six months earlier for the Hindu congregation, and was attended by all the Hindus. The accused intended to stay in the temple permanently.

Magistrate : What is the objection you had from a religious point of view to registering?

Witness : It is bad for religion, but I cannot explain this matter as well as the accused can.



The accused said that he had been in South Africa for about nine and a half years, and came to South Africa as a preacher of religion. He was married and had two children. There was no truth in Mr Chamney's statements regarding complaints having been made against him (accused). Mr Chamney had never brought any complaints to his notice and Mr Chamney liked him very much (laughter). The accused had never been brought before that or any other court of law for assault. He had not assaulted any Indian while the registration office was kept open at Germiston. He wrote to Mr Chamney after he was informed by that gentleman that he could not reside in the colony. That letter correctly represented his feelings in refusing to leave the colony. He was a British subject. He had organised a picket at Germiston and had done so from religious motives. The pickets were instructed not to use any violence, and he was always with them to see that they did not do so. He purchased the temple for £ 50-10s and subsequently built extensions costing £ 100. He would rather suffer imprisonment on account of his religion than leave the colony, and was quite prepared to die for his religion.

Cross-examined he said that when he came to the Transvaal he found that his people were without a priest, and he made up his mind to stay in the colony permanently. He did not remember exactly what undertaking he had given to Mr Chamney in August 1906, and did not then ask for a permanent permit, as he expected that the temporary permit would be extended from time to time. He might have applied for a permanent permit but did not remember having done so. He understood that the Government was bound to give him a permit. He had no intention to leave the colony, because there was no one to look after the religious needs of his people here. The religious objection he had for registration was that their religion prohibited their giving of the names of their wives, and he also objected to giving the impression of his ten fingers. He had given the



impression of one finger when he received the first permit but not of his ten fingers.

Court : He had sworn not to submit to the Ordinance, for if he registered, he would be loyal to Government but faithless to his God.

This closed the case for the defence.

Gandhiji then addressed the court. He admitted that a conviction as the law stood was bound to follow, but he urged that this was one of the cases in which an expression from the Bench was necessary. He cited the case of *Rex vs. Bhabha* in which the Supreme Court had expressed strong opinion against the manner of administering the Peace Preservation Ordinance. His client was not prosecuted because he did not hold a permit but as was quite evident, because he had dared to hold strong views about the Asiatic Act and had not hesitated to place them before his countrymen. If that was a crime, then the majority of Indians were guilty equally with the accused. Ram Sundar Pundit, rightly or wrongly, believed that it was a part of his duty as a preacher to place the real facts about the Act before his countrymen. The religious objection went far beyond finger-prints and giving the wife's name. The Pundit had preached, because in his opinion, as in the opinion of every self-respecting Indian, the Act took away all manliness from Indians if they submitted to it. He considered that, in view of what the priest had done, he was entitled to praise instead of deserving censure. He asked the court to believe the accused when he said that there was no truth in the complaints which had never seen the light of day and about the nature of which even to the day of trial, the accused knew nothing. The accused knew the consequences of disobedience to the Registrar's order, but in his own



words, he had a call of higher duty in obedience to which he was before the court to suffer imprisonment or worse.

The magistrate in summing up said that he must congratulate Mr Gandhi on his address, which in many respects was very able. He had admitted that as his client stood today a conviction was bound to follow, but asked for an expression of opinion . . . and a strong one . . . from the Bench as to the administration of the law. While a great deal of sympathy was always extended to persons who had to suffer for acts performed from a purely religious point of view, he (the magistrate) was afraid that the court was unable to criticise the law, and had only to administer it as it was placed before the court. Whether the Registrar of Asiatics had been right or wrong in his reasons for refusing the renewal of the permit, the renewal of the permit did not lie with the court. The duty of the court was to take the case simply as it was presented in connection with the law on the subject and deal with it in accordance with the evidence. The accused was therefore found guilty and the minimum punishment he (the magistrate) was able to inflict would be dealt out to him on this occasion. The sentence was one month's imprisonment without hard labour.

Before leaving the court, the accused shook hands with those of his compatriots present, and when he left the court in custody, he was greeted with loud cheers by the Indians who had assembled outside. [I.O., 23-11-1907, pp 485-6]

Ram Sundar was kept in a separate cell in the European ward in Johannesburg gaol. People were allowed to meet him freely. He was permitted to receive food from outside, and was entertained every day with delicacies prepared on behalf of the community. [M. K. Gandhi, S.S.A., p 137]



Ram Sundar, who was till the previous day little known, became in one moment famous all over South Africa. He became the cynosure of all eyes as if he were a great man put on his trial. In the court, he was accorded due respect as no ordinary prisoner but as a representative of his community. The day on which he was sentenced was celebrated with great eclat. [I.O., 23-11-1907, p 486]

Immediately after the trial, a mass meeting was held at the Market House. Mr Essop Mia, Chairman, British Indian Association, presided. Messrs Emam Abdool Cadir, Maulvi Ahmed Mukhtiar, Mohamed Shah, M. S. Coovadia, T. Naidoo, Gandhiji and others spoke.

Maulvi Saheb said that whereas the Transvaal Government had presented the King with a diamond — a piece of dead pebble — the Indian community had that day been enabled by the Government to present the King-Emperor with a living diamond in the person of Ram Sundar Pundit.

The following resolution in the form of a cable was then adopted with great enthusiasm, evidently to send to the South Africa British Indian Committee in London:

Impromptu mass meeting British Indians held Germiston after sentence against Ram Sundar Pundit, only Hindu priest, under Registration Act. Resolved approach His Majesty King-Emperor grant protection against oppression under which innocent Indians groaning. Pundit has preferred gaol to sacrifice of principle. Thousands ready do likewise.

It was also resolved to close all stores and suspend all business the next day, Friday, as a mark of disapproval of the action of the Government, and to send a telegram of sympathy and congratulation to the Pundit's family at Greytown. [I.O., 23-11-1907, p 486] Arrangements were also made for the



maintenance of Pundit's family during his incarceration, as also for his food while in prison. [*Ibid*, p 486]

On receipt of a telegram intimating that Ram Sundar Pundit had been convicted, a mass meeting of Natal Indians was held at the Congress Hall, Pine Street, Durban, on 14 November. Mr Dawad Mahomed presided. He said *inter alia* that they had come together to place on record their sympathy for Ram Sundar Pundit for his incarceration and to congratulate him on the perfectly legitimate stand he had taken for his right to minister to the spiritual needs of the Hindu congregation.

It was unanimously decided to send to the Secretary of State for the Colonies, the Transvaal Government and the Governor General of India the following telegram:

Natal Indians respectfully protest against arrest and sentence Ram Sundar Pundit as being undue interference with personal liberty and religion of British Indians in a British colony. Request intervention by Home Government for sake of Empire.

The undermentioned resolutions were also unanimously passed:

Resolution I

That this meeting of Indians representing the Indian population of Natal have heard with deep regret the injustice and hardship the Transvaal Legislature are meting out to British Indians.

Resolution II

That this meeting resolves to send letters and telegrams of sympathy to Ram Sundar Pundit and his family and to congratulate him for the stand he has made to secure for himself the right of a priest to minister to the spiritual needs of his congregation.



It is further resolved to suspend business for one day throughout Natal and this to be effected by the closing of all Indian shops and places of business on Saturday the 16th instant, in order to more practically place on record the disabilities of Indians in the Transvaal.

This meeting also extends to the Hindu congregation its heart-felt sympathy for being deprived of a spiritual leader and guide and grieves to think that any Government should be so unreasonable as to indirectly interfere with the due performance of religious rites and ceremonies by depriving the Hindus of a religious guide, and that copies of these resolutions be sent to the Secretary of State for Colonies, the Transvaal Government and the English and Indian Press. [I.O., 23-11-1907, pp 486-7]

The *Pretoria News* expressed its sympathy on the imprisonment of Ram Sundar Pundit saying that there seemed to be no very good reason for suddenly declining to renew the permit for the priest, thus denying the Hindus ministrations and consolation of their religion. By all accounts, if Mr Smuts carried out his threat to enforce the law, they would need these consolations to fortify them in the difficult time through which they would have to pass. “It seems to us that the Government has blundered. It is a mistake to make martyrs, especially religious martyrs, and Mr Pundit today is a religious martyr upheld by a conscientious belief that he is doing right and supported by the applause and admiration of his countrymen and co-religionists. Quite what the Government has gained is difficult to see.” [I.O., 23-11-1907, p 487; C.W.M.G., VII, pp 380-81]

Commenting on this, Gandhiji wrote on 23 November:

“We see now that as a result of the case against Pundit, the sympathies of the whites too have been drawn towards the Indians. The case is considered so important that the local newspapers have devoted much space to it.” [I.O., p 487]



On Saturday 23 November, Ram Sundar Pundit was transferred from Germiston to the Johannesburg gaol. The gaol authorities showed him every consideration. He was obliged to wear the regulation garb but was allowed to retain his turban. Gandhiji was specially permitted to see him on Sunday following. According to Gandhiji, the Pundit was happy and cheerful and had sent a message that he hoped every Indian would remain firm to his oath not to submit to the law, and thus respect his religion and his honour. Scores of telegrams and letters were received by the British Indian Association from all parts of South Africa. [I.O., 23-11-1907]

Contrary to its expectations, the Asiatic Office was disappointed in its hope of a bumper crop of registrants as a result of Ram Sundar Pundit's imprisonment. Seeing that hundreds were ready to go to gaol, it realised its mistake. It did not get a single registrant even from Germiston. [M. K. Gandhi, S.S.A., p 216]

Gandhiji wrote on 23 November that the service that Ram Sundar Pundit had rendered by going to jail was such that no service by any other Indian remaining outside could equal it, however great that Indian might be. Punditji had "opened the gates of our freedom. All of us can enter by that gate." He added that the Congress President was right in saying that by going to jail, Punditji had sanctified it. "All innocent people who went to gaol, made it holy. We think Punditji and his family are fortunate. His fame has spread throughout South Africa. It will spread in India too." [C.W.M.G., VII, p 367]

The conviction proved, in Gandhiji's opinion, that the Government's talk of being able to deport people was baseless. Weak-kneed people needed particularly to bear this in mind. He concluded by saying: "The biggest gain that we see from Punditji's case is that Hindus and Muslims have completely united." [*Ibid*, p 367]



The Indian community's strength was fully known when shops everywhere in the Transvaal remained closed. The hawkers stopped going their rounds. Newspaper boys stopped selling newspapers unmindful of the loss. The news agency refused to give them copies on the next day. [*Ibid*, p 381]

On 12 December, Gandhiji stated that the incarceration of the Pundit showed that the Asiatic Office was not governed by ordinary and known rules while investigating into charges against Asiatics. [*Ibid*, p 425]

At the end of one month, Ram Sundar Pundit was released from Johannesburg jail on Friday 13 December 1907 at 8.30 a.m. He was met by a large number of leaders of the Indian community and members of the British Indian Association. Representatives of the Chinese also garlanded the Pundit and he was heartily cheered and greeted. A procession was formed headed by two carriages with the Pundit and other leaders, and escorted by cyclists carrying banners and flags. About 300 Indians joined the procession. On arrival at the Surti Mosque, Fordsburg, a meeting was held under the presidentship of Essop Mia, where some 400 people were present. The Pundit delivered an eloquent and inspiring address, wherein he advised all Indians regardless of caste or creed, to continue the struggle to the bitter end, stating that he himself was prepared to face any punishment. He urged all to continue the passive resistance movement against the Registration Law. [I.O., 14-12-1907]

A large number of Indians were present to give the Pundit a fitting reception. They included Mr Essop Mia, the Maulvi Saheb, Messrs Fancy, Thambi Naidoo, Gandhiji and others. From Pretoria there were Messrs Cachhalia, Pillay and Gopal. [C.W.M.G., VII, p 443]

The Chinese Association was represented by Mr Quinn and others.

On 14 December Ram Sundar Pundit wrote to the Colonial Secretary that he was aware that now, in accordance with the laws of the colony, he should



leave it within seven days, if he wished to escape imprisonment. But a law higher than the laws of the colony dictated to him another course, that as a British subject and as a preacher of religion in charge of the Hindu temple of Germiston, he should adhere to his duty irrespective of all consequences. With due submission and in all humility and consistently also with his duty to the Imperial Government and to the local Government, he begged now to inform the Colonial Secretary that it was not his intention to leave the colony. The Hindu congregation at Germiston and he himself would appreciate the strength of the Government in allowing him to continue his duty to his temple and congregation “by issuing to me a permit, for which I hereby apply.” [*Ibid*, pp 439-40]

The acting Assistant Colonial Secretary replied on 19 December that “the Government is not prepared to issue in your favour a permit to reside in the Transvaal.” [I.O., 28-12-1907]

6

In July 1907, volunteer pickets were very active in Pretoria, under the chief picket, Gavarishankar P. Vyas. [I.O., 16-11-1907] Again they became active in November when the registration period was extended. Applications for registration could only be received in Pretoria under the latest notice which had extended the period up to 30 November.

On 15 November Gavarishankar Vyas, Sharfoodeen, Govind Prag and Frank Lutchman were charged with the crime that all or one or the other of them wrongfully and unlawfully incited one Lutchman, an Indian, to refrain from applying for registration as required under the Asiatic Act. They were alleged to have threatened him that he would be assaulted and have his face blackened if he did register.



The accused pleaded not guilty and were defended by Gandhiji. Mr Graham conducted the prosecution. The court was crowded with Indians.

The complainant said that the accused spoke to him outside the registration office, and said that their people were not taking out permits and advised him to consult those who were wiser than himself. The accused had never assaulted him.

Mr Graham asked that the witness be treated as a hostile witness, but Gandhiji objected. The objection was noted. The witness said that he was taken to the charge office and there he was asked by Mr Cody if the accused had assaulted him, and he had said 'No'. Mr Cody had said that he had arrested the accused, and when the witness asked, "Why?", he was told that it had been his (witness) wish. Witness said that was not so. He had said, "They are of my nationality and ought not be arrested I came for a pass and when I get it I shall go. They did not assault me."

Gandhiji : He came to Pretoria to get a pass because he had been told by a white man that he would be sent away from South Africa if he did not. The white man had taken his documents and sent them to Mr Cody. He was a washerman at Witbank. He was afraid of the Government in his heart and that was why he came here. He was taken to the registration office by two white men who met him at the station.

Alfred Anderson, warder at the Central Convict Prison, deposed that on the day in question he received certain instructions from the governor of the jail and went to the station and met the Delagoa Bay train. Witness spoke to the complainant in Hindustani and complainant said that he had come to register but was afraid, as they had threatened to punch him if he did. Complainant went towards the Registry Office, witness following him on a bicycle. Outside the Crow Pharmacy complainant met the accused who asked him where he was going and



he said he had come to register. They then asked him if he knew that all the Indians in the Transvaal were against registration. Complainant said, “Yes, but the Native Commissioner at Witbank has sent me down.” He was told that he would get into trouble if he registered. They told witness they would like to take the complainant to Mr Beg’s office, but the complainant said he did not want to go, he had come to be registered but was afraid of the people. As they were going towards the Registration Office, one of the accused said that the complainant would get his face blackened if he registered. Witness told complainant not to be afraid. Three of the accused were then arrested by Superintendent Betts and the fourth was arrested afterwards.

Cross-examined by Gandhiji, witness said that he was instructed by Superintendent Betts to meet Lutchman at the station and escort him to the Registry Office, and if he (Lutchman) was molested, to report the matter. Witness knew Hindustani well. He saw no assault taking place.

Mr Graham closed his case and Gandhiji at once asked for the discharge of the accused. Mr Graham said that he could not support the assault charge but must rely on the incitement charge. Gandhiji said he had no case to meet.

Magistrate (smiling): Do you support this charge, Mr Graham?

Mr Graham: As a matter of fact, I don’t press the charge. I don’t think the case is strong enough.

Magistrate: Tell them they are discharged.

The decision of the magistrate was received with cheers by a large crowd of Indians congregated in the yard of the court-house. Afterwards the accused, all of whom wore “Picket” in brass letters on their coat-fronts, were escorted down the street by a small crowd of Indians cheering loudly.

The discharged pickets were garlanded by their admirers. Nearly 500 Indians formed into a procession and marched to Mr Vyas’ house where



addresses were delivered thanking the pickets for the brave stand taken by them and deploring that the government should have resorted to means that were not quite fair to discredit the pickets and Indians in general. The speakers included Messrs Cachhalia, M. L. Desai (chief picket), T. Naidoo, V. S. Pillay and Gandhiji. Mr Vyas replied on behalf of his fellow-accused and himself that the pickets would continue to do their duty undismayed by any consequences that might befall them. This was a mission of suffering and not of violence. To this mission, as God-fearing people they must adhere.

Congratulatory messages were received by the pickets from all parts of South Africa. [I.O., 23-11-1907]

Ironically, Lutchman, who gave evidence in the case against the pickets, was arrested for giving false evidence. In fact, there was no case and he was let off. But Lutchman's case showed that any Indian who went to take out a register would bring disgrace to his community and would put his fellow-countrymen into trouble and yet he himself might not be safe. [C.W.M.G., VII, p 383]

7

About 70 Indians including Mr Hasan Mohamed Kala, chief picket of Pietersburg, were reported to have applied for registration, led by one Mr Abou Aiyab. [*Ibid*, p 315]

Later on, Mr Gani Ismail and Hasan Mohamed Kala wrote from Pietersburg that both of them felt sorry for having sent the applications for new registers in Johannesburg, that their remorse knew no bounds and that they had so far got only the receipts and not the "title-deed of slavery". They wanted to know if there was any way of withdrawing the application. [*Ibid*, p 347]



One Mr Ismail Haji Amod Kodtha had sent a telegram to the Memons of Mafeking to remain firm and not to submit to the disgrace of registration, but he himsdelf went to Pretoria and took the title-deed of slavery. [C.W.M.G., VII, p 347]

Mr Hasan Mohamed Kala followed Mr Kodtha. He made a public statement that he regretted having made the application for registration and that he wished to withdraw it. On the very day, he wrote another private letter to a friend of his saying that he would be glad if the certificate were issued to him and expressed concern at the delay. [*Ibid*, p 433]

One Bhikha Narain was engaged by a white man for washing his clothes. As it often happened, Bhikha Narain, under the influence of his master, applied for the certificate. Later on he repented for his action and handed over to the British Indian Association the acknowledgement of his application. He left for India without taking the certificate. [*Ibid*, p 446]

Mr Mohamed Shahboodeen applied for a certificate. This enraged one Shahji Saheb, a staunch Muslim. On Monday 28 October 1907 he went up to Shahboodeen and rebuked and assaulted him for having got himself registered. One of his fingers was seriously injured. Some of the Jews who were present intervened. Gandhiji and Mr Essop Mia went to Mr Shahboodeen to express their regret. Shahboodeen did not intend to take out proceedings against Shahji and even when the police commissioner made enquiries and asked for a statement from him, he refused to make it. But somehow the case was dragged to the court. Shahboodeen tried hard to have the case withdrawn but failed. The hearing began on 13 November. Deposing Shahboodeen said that he did not want to lodge any complaint, that Shahji had assaulted him for violating religion and he had regarded the assault as the chastisement of a son by a father. Thereupon, the court let off Shahji Saheb with a warning. [*Ibid*, p 371]



Khamisa, who had been instrumental for 20 men applying for registration in July 1907, had also now changed his mind. He felt the impact of the community after Ram Sundar Pundit's conviction. When on the day of Pundit's conviction, i.e. 14 November 1907, shops everywhere in the Transvaal remained closed, Mr Khamisa also closed his shop. A change of heart, though late, seemed perceptible. Gandhiji wrote "When the poison of self-interest disappears, the bond of sympathy for the community cannot but assert itself." [C.W.M.G., VII, p 382]

In this connection, the most pathetic was the case of a Chinese, Qui Wai (or Quei Wah) by name, who committed suicide, after writing the following note:

I was informed that I would be dismissed from employment. Therefore I was obliged to apply for register; but my friend talked to me about the registration matter, and showed me the translation of the law. I found that I would be treated as a slave which would be a disgrace to myself and my nation. I was not aware of all this before. Now it is too late for me to repent. I cannot look my countrymen in the face. I hope all my countrymen will take warning by my error. [I.O., 23-11-1907]

Mr Quei was a servant of Dr F. C. Sutherland at Johannesburg. Sutherland stated that the deceased had been in his employment for a little over seven years. About one o'clock on the afternoon of the 11th November he missed the deceased, and went to his room where he saw him in a corner behind the door in a kneeling position. The door of the room was locked. Witness had looked through the keyhole and then picked up a hatchet with which he smashed a window. He then entered the room and found that the deceased was kneeling with a cord round his neck and suspended from a beam above. For nearly half an hour witness practised artificial respiration, but without effect. He thought that



the deceased committed suicide because he had registered under the Asiatic Ordinance. The deceased registered on 31 October and during the three days previous to his death he seemed to be moody and depressed. Immediately after registration the deceased did not regret his action, but evidently his countrymen had spoken to him with the result that his ideas had changed. Witness had accompanied the deceased to the registration office, but on their return several Chinese and Indians followed them on bicycles. They appeared to be annoyed and one of them asked the deceased why he had registered. Witness never saw any Chinaman visit the deceased after registration. Witness saw them before they could speak to him and sent them away. They did not seem to be annoyed. The deceased informed witness that if he returned to China, his head would be chopped off. He had been told this by other Chinamen after registration.

A verdict was returned that the deceased had committed suicide by hanging himself. [I.O., 23-11-1907]

Mr Quei had written another letter to Mr Quinn, president of the Chinese Association, in Chinese on 10 November:

I am going to leave the world, but I must give a public explanation why I intend to commit suicide. Since I came to South Africa I have only been in domestic service. My dialect is quite different from that of the rest of my countrymen with whom I have very seldom associated. My employer advised me to register. At first I refused to do so, but I was informed that I would be dismissed from my employment. I thought that I would have to lose my situation. Therefore I was obliged to re-register but I did not know the degradation that would follow, until my friend talked to me about the registration matter and showed me the translation of the law. I found that I would be treated as a slave which would be a disgrace to myself and my



nation. I was not aware of all this before. Now it is too late for me to repent. I cannot look my countrymen in the face. I hope all my countrymen will take warning from my error. [C.W.M.G., VII, p 370]

The incident produced a feeling of revulsion everywhere and strengthened the case of the Asiatics.

The Chinese Association held a memorial meeting on 27 November on the death of Mr Quei and Gandhiji and Polak attended it. The service was held in the hall of the Chinese Association. Along the walls were hung inscriptions on satin or paper, being quotations from Chinese poets or sacred works. These were donated by Chinese sympathisers from all over the country.

Two rows of Chinese pickets lined the way from the door to the altar, upon which hung a portrait of the deceased painted upon satin by a Chinese artist. The picture showed the likeness of a young man of 24 years of age. The ceremonial was of the orthodox Confucian type, though as the deceased was a Christian a choir Christian Chinese gave a rendering of "The Holy City" to an organ accompaniment. The rites were conducted with the greatest solemnity and consisted largely of offerings of flowers of which large quantities were banked around the altar and the portrait. The service terminated with a lengthy eulogy of the dead man by one of his compatriots.

Thereafter, a meeting of the members of the Chinese Association was held in an adjacent hall, Mr Quinn, the Chairman of the Association presiding. Gandhiji and Polak attended on behalf of the British Indian Association. Addressing the audience with a few preliminary words in English, Mr Quinn said they intended to discuss the Asiatic Law. All of them, save a few, had decided not to submit to the law. They must respect the laws of the country, but the Asiatic Law they could



not comply with. They had to fight for their freedom and liberty. A man without freedom was not a man, but something else. They must fight for liberty as liberty had been fought for in America, and remember that they were also men. To the ladies married to Chinese, he said “Don’t be afraid if your husband goes to gaol that you will lose your reputation. If he goes to gaol you ought to be proud that you have a brave husband.”

He then delivered an impassioned speech in Chinese, the tenor of which was that all present should fight to the bitter end and not give up their liberty.

Gandhiji was then invited to address the meeting. He said that it seemed like profanity to discuss the Act on such an occasion, and yet, as the chairman had set the example, he would follow it, especially as the ceremony at which they had so recently assisted was so intimately connected with the Act. He had often heard it remarked that the Chinese people did not value human life as other people did, but if he at any time had any illusions about it, they were set at rest after what he had seen that afternoon. He wished General Smuts had attended the gathering to witness the great ceremonial through which they had passed. In that case General Smuts would have thought twice before saying that he had put his foot down and was going to keep it there. Gandhiji had taken upon himself the responsibility of advising the community to fight, as it was proper and just to do so. He gave that advice to his countrymen and he had no hesitation in giving the same to the Chinese as fellow Asiatics. He tried hard and for a long time to draw a line between British subjects and non-British subjects. He had pleaded with the Government of South Africa and with the Imperial Government that at least there should be a discrimination between British subjects and other Asiatics. “No” was the emphatic answer both from the Imperial Government and the local Government, and although he claimed for his countrymen and himself all the



rights that should properly belong to British subjects, that claim was summarily rejected and British Indians and other Asiatics were classed alike.

Adversity had made them strange bed-fellows in this struggle. It was perfectly true that in spite of this position British Indians still, somehow or the other, clung to the British subject idea; and they felt that some day they would be able to make good the plea. So far as that aspect was concerned, the Chinese fight was different from the British Indian fight, but so far as this wretched legislation was concerned, the Chinese fight was identical with that of the British Indians, and it was because the law pressed equally heavily on both that both were fighting it. If any justification were to be sought for repealing the Asiatic Act, he thought there were two instances before them. The first in importance was undoubtedly the death of the countryman of his Chinese audience. Their countryman had sacrificed himself for what he thought was a mistake. A miserable attempt had been made to show that the man had given his life for other reasons, but the fact stood out prominently that the man had given his life for the sake of this wretched, miserable Asiatic Act. The other instance he referred to was among his own countrymen. A man perfectly guiltless and striving to live his life as he best knew how, serving the spiritual needs of his countrymen, had been sent to gaol, and was today by default in Johannesburg simply because of this Asiatic Act. All sorts of charges had been made against him, and there was not an iota of proof of the sedition charge. He could only say that an Act which had exacted already this heavy price could never be submitted to, either by the Chinese or by British Indians, if they were true to themselves and to their countrymen, and if they valued their honour above anything else.

The struggle was a moral and religious one. He reminded them that virtue was its own reward. If this was a question of conflicting rights between Europeans



and Asiatics, he could understand the position taken up by the Government. But he felt convinced that this was not a struggle between Europeans and Asiatics. General Smuts was reported to be very strong, and so he was, but so far as the Asiatics were concerned, that strength remained to be proved. The Government were violating the conscience of 13,000 British Indians and 1,300 Chinese, and they had chosen the rottenest way of doing a thing which could have been done in a better way long ago. After November their freedom was not their own, but whether arrested or not, they should keep before their minds the spirit of the dead man and remember in the course of their struggle that virtue was its own reward. [I.O., 7-12-1907, p 517]

While Mr Quinn spoke as a Chinaman to Chinamen and Gandhiji as an Asiatic to Asiatics, Mr Polak addressed them as a European. He quoted Thoreau as saying that when a single man was unjustly imprisoned, prison was the proper place for every honest man, and he bade them remember this in the critical struggle that was commencing. [*Ibid*]

8

The extended date for tendering applications for registration having expired, the Indian community met at Fordsburg on 1 December 1907 to consider the position created by the closing of registration on 30 November. [*Ibid*] This mass meeting, which surpassed even the one at Pretoria, was attended by more than 2,000 people, delegates coming from several places like Pretoria, Potchefstroom and other places.

Mr Cartwright, editor of the *Transvaal Leader*, attended it as an observer.

Mr Essop Mia took the chair. Addressing the people who had gathered he thanked the pickets for their work. Gandhiji explained what was likely to happen in December and referred to the growing feeling of sympathy for their cause from



the whites. He said that this was the time for Indians to win their freedom. They were not to keep on looking to the leader all the time. Everyone was to look upon himself as a leader and boldly face imprisonment or any other hardship that might be inflicted on him. “Our petition no longer lies with an earthly ruler; it is to be addressed to the Creator”, he concluded. [C.W.M.G., VII, p 417]

Several others including Emam Abdool Qadir, Manibhai Desai, Abdool Gani and Naidoo followed him and expressed the determination of the Indian community to carry on the fight. Emam Abdool Qadir said that those who had faith in God had no cause to fear. He was a picket and he would be glad if the Government laid hands on him first.

Manibhai Desai from Pretoria said that if the Government came down on pickets first, he would be very happy to bear the brunt of the attack.

Mr Abdool Gani said, in this struggle God was on their side since their cause was just. They were not the least afraid of going to gaol.

Mr Coovadia said that it would not matter if the Government attacked businessmen and forced them to close down their shops. That would bring their freedom very near.

Mr Quinn, President of the Chinese Association, said that it was a struggle to secure the freedom of the Asiatics and all the Chinese were ready to fight unto death.

During the speeches, the muezzin cried the hour for prayer from one of the mosques. Immediately a hush fell upon the Assembly and pious Mohammedans muttered a brief prayer, after which the meeting took up once more the thread of discussion. Towards the end an adjournment took place to



enable the Mohammedans present to perform the evening prayer, and thereafter the proceedings terminated. [I.O., 7-12-1907]

The spirit exhibited by the people at the meeting was so impressive that Gandhiji wrote on 7 December, “Nowadays people attend the meetings on their own and everyone is filled with enthusiasm. Everywhere there is evidence of a burning desire for patriotic service at any cost.” [C.W.M.G., VII, p 417]

On 8 December another large meeting was held under the auspices of the Hamidia Islamic Society. The number of people gathered was so large that the meeting had to be held in the open ground, instead of in the hall.

Mr Emam Abdool Qadir presided. After several leaders had spoken and Gandhiji had explained the situation, it was agreed that voluntary registration should be accepted. There were, however, two Punjabi gentlemen, who were against giving thumb impressions, while others argued that there should be no objection to giving them voluntarily. [*Ibid*, pp 435-6]

Commenting on the meeting, Gandhiji said, “This spirit of the people deserves admiration. It shows that people are not afraid of expressing their views and that they speak out with courage. Those who did not understand anything about the law six months ago now understand something of it. All this is the result of our trying to depend on our own strength. I think everyone will come round in the end, for, there is no humiliation in voluntarily giving two thumb impressions. It is humiliating to do so under compulsion. Once the law is defeated, we can claim to be free.” [*Ibid*, p 436]

The Transvaal authorities had believed that the Indian community would ultimately accept registration. They had thought that except for two or three hot-



headed leaders, none among the Indians had guts to resist, as after all they had come to earn money, and had remained in the Transvaal like foreigners. These people were illiterate and had never protested against any hardship or insult thrust upon them. Such men, they thought, could hardly oppose the power on whom depended their licence to trade. This view of the Transvaal Government had also been communicated to London. Probably it was as a result of this that when Mr Ritch had requested Campbell-Bannerman to receive a deputation, the Prime Minister took nearly twenty days to send a reply. Gandhiji had written on 7 September, “We infer from this that the Imperial Government has received information from the Transvaal that the Indian community will in the end accept registration without the use of force. We think General Smuts has been encouraged to say this by the fact that some persons have taken out registration certificates and others are about to do so.” [C.W.M.G., VII, p 215]

Out of thirteen thousand Indians in the Transvaal only 511 had applied for registration. [*Ibid*, p 443] This fact did not deter the authorities from feeling that the Indians would ultimately eat the humble pie. That is why the *Star*, presumably inspired, openly said that “when any Indian is produced before a magistrate, the latter, instead of sending the Indian to gaol, should merely give him further time to apply for a register.” [*Ibid*, p 421]

Gandhiji saw through the hidden meaning of the statement and said, “Henceforth every Indian should be on his guard. The magistrate instead of giving notice to such an Indian to leave the country, will only advise him to apply for a register. If the Government thus wants to lay a trap, it is necessary for the Indians to be watchful. A plain refusal will solve all difficulties.” [*Ibid*, p 421]

While Government expected Indians to accept the new law ultimately, the Indians expected that the Government would accept their objections to the law



in the end. Gandhiji thought that there was no limit to the weakness of the Government. It was frightened of the very fact of its being tyrannical. “Where is the threat of General Smuts? What has happened to his talk of deportation? The indications at present are that the Government will not arrest anyone and that a compromise will be reached peacefully.” [C.W.M.G., VII, p 421]

But in this Gandhiji was wrong. Although there might have been some move here and there for a compromise, it could not be reckoned as a force set in motion by the authorities. The problem was that while the Transvaal leaders thought in terms of the interests of their own countrymen, London had also an Imperial policy and did not wish to alienate India. The Home Government did not hesitate to toe the line of the colonists but it expected that the colonists should move slowly. Now it was the Transvaal Government’s turn to satisfy London that by their action, the mainland of India would not be adversely affected. If they could tactfully have all or most of the Indians registered, London would have nothing to say.

But all their calculations had gone wrong. The authorities had thought that the Indian traders would willy-nilly come forward to register, and once they did so, the illiterate section . . . hawkers, waiters, servants, etc . . . would not hesitate to follow suit. But under the leadership of Gandhiji, very few came forward to soil their hands. Lord Selborne, who had recommended Royal Assent for the new law confessed later that he had never anticipated such passionate resistance by the Indians. It filled him with foreboding because the Coloured and the educated Natives were watching the struggle and realizing that they had now an instrument in their hands, namely passive resistance, of which they had previously not been aware. For this reason alone, he believed it essential to



restore the authority of the law as quickly as possible, drawing a distinction between the essential and inessential parts of the legislation.

The restriction of future immigration he felt was essential; it was indeed the whole object of the legislation. Registration was equally essential in his opinion, because the Government could not control Asiatic immigration unless it knew how many Asiatics were already in the Transvaal. The method of registration was merely a matter of convenience. Lord Selborne felt that the Government should be ready to amend, but not repeal the legislation. He said, “If the Asiatics are prepared to be reasonable, then I would make the way easy for them. The one simple object of the Government is to get them registered so that the Government may control future immigration. I would advise the Government to accept any proposals which the Asiatics may make which really effects this object, even should it require a supplementary Act on this subject in the next session. But the move must come from the Asiatics to the Government, and it must come in a form which the Asiatics can’t afterwards repudiate. It must be on paper and vouched for by men who undoubtedly represent the Asiatics.”

[Hancock, W. K.: *Smuts The Sanguine Years*, pp 331-2]

Even Het Volk’s own man, Sir Richard Solomon, wrote to General Smuts, “You have great strength, and I am sure you will use it wisely with every regard for the feelings of these unfortunate Asiatics, keeping only in view the main object of the law, that is, to have the Asiatics in the colony registered in such a way as to prevent evasions of the Immigration Act.... When I read over the Act, I can’t help thinking that it might have been toned down a bit without affecting its main object, but it was initiated and drafted by officials (Lionel Curtis, etc) who though very clever do not understand human nature and can therefore never be legislators.”



This, by and large, was also the opinion of Winston Churchill, who, as Under Secretary of State, gave Solomon his views for transmission to Smuts. [*Ibid*, p 332]

Merriman, who had no love for Asiatics, wrote:

Rightly or wrongly, a certain number of these people have been allowed to settle down, acquire property and carry on their avocations. Is it worth while to harry them by imposing what may be considered vexatious regulations, provided that you can get a registration that will secure you against any further influx, by other means? Does it not savour of the yellow cap of the Jew or the harrying of Moriscoes by Spain? ... If you persist, as you are entitled to do, you will succeed, but I much fear that you will alienate the bulk of liberal opinion in England, you will give the Imperial Government a most serious blow in the most vital part — India, and you will above all furnish a pretext for a great deal of mischievous interference in native matters. [*Ibid*, pp 332-33]

Smuts was ready to follow the advice, if and when the opportunity should arise, but he still had hopes that Indians would give in and in the meantime he felt bound to uphold the law as it stood. When he found that his threat worked little, he decided to attack, but mildly, so as to scare the Indians.

10

Nobody knew under what Act Ram Sundar was arrested. But the first arrest under the Asiatic Registration Act was made in the case of Mohamed Essak, belonging to the Konkani section of Indians. This brave Indian was a cook by profession on one of the mines, was in the Transvaal for nearly four years before the war, and had only just arrived from India. During the short time that he was in Durban, he evidently acquainted himself with the main provisions of the Act. On reaching Volksrust, he was examined by a constable, to whom he produced



his permit and registration certificate, the former granted under the Peace Preservation Ordinance and the latter under Law 3 of 1885. The examining constable however, it so transpired, had no choice but to arrest Mohamed Essak in obedience to secret instructions from the Asiatic Office.

Mohamed Essak refused point-blank to be bailed out, claiming as a British subject his right to enter the Transvaal, as he held a permit under the Peace Preservation Ordinance and had also paid £3 under Law 3 of 1885. On 6 December 1907 he was brought before Mr De Villiers, assistant resident magistrate at Volksrust, when the public prosecutor Mentz stated that he was not ready to go on with the case, as he was still in telegraphic communication with the Law Department as to the charge to be framed. Mr Mentz added that the charge would probably be under the Peace Preservation Ordinance, and not as previously thought, under the Asiatic Registration Act.

Gandhiji, who represented the accused, said that the indecision of the Law Department should not prejudice the case of his client, especially as he was under detention and refused to be bailed out. If a definite charge could not be framed against him, he should be immediately discharged. It would be open to the Government to re-arrest him, as he had no desire to leave the country, but on the contrary wanted to assert his right to remain in it. After further arguments, the magistrate remanded the case to Johannesburg, in order to avoid expenses and delay and allowed Mohamed Essak to be released on his own recognizance.

The same day, 6 December, however, twenty more Indians were arrested, but the authorities did not detain them. Only their permits and their thumbprints were taken and they were asked to appear before the court on 7 December. Meanwhile, instructions were received from Pretoria and on the 7th, they were formally charged under section 5 of the Peace Preservation Ordinance, for



entering the colony without permits issued under that Ordinance. The police wanted to bring up the case under the new Act. But there was an order from Pretoria that it should be proceeded with under the Peace Preservation Ordinance. Hence they were prosecuted under Section 5 of that Ordinance on a charge of being without permits. [C.W.M.G., VII, p 429]

The cases were remanded to 9 December to enable counsel to appear. Between 7 December and 9, however, another batch of 17 Indians came and they were treated in the same manner as the twenty. All these Indians, with the exception of two, were passengers of s.s. *Sultana* which had recently arrived from Bombay and they were on their way to their respective homes in the Transvaal. Two of the Indians were from Natal and had entered on excursion tickets. All of them held permits and registration certificates. They included two Mahomedans and one Tamil; and the others were Gujarati Hindus. All were determined to make good their right to enter the Transvaal, all were determined in their opposition to the Act and all refused to be bailed out. One of them was an old soldier, having served in the Burmese expedition and was for some time an orderly in the Asiatic Office. It was worthy of note that although the resources of the few Indians resident at Volksrust were slender, they gladly took charge of the thirty-seven men and housed and fed them.

The scene near the court on 9 December was an animated one, and it was a question as to how to arraign thirty-seven persons at a stretch. Happily for the police, they had to be tried in two different batches, because those who were arrested on different days could not be legally tried under the same indictment. The twenty were, therefore, tried first.



Sergeant Mansfield examined by Mr Mentz said that these men were arrested on 6 December in accordance with instructions received by Captain Johns from the Law Department. The men all held permits under the Peace Preservation Ordinance and registration certificates. Their thumb-impressions were examined and were found to be in order. The permits were authorization to enter the colony but not to re-enter. The witness added that he had questioned the men as to whether they would proceed to Pretoria and apply for registration under the new Act, and they had all said that they did not wish to submit to the Act.

In cross-examination, the witness admitted that the permits produced by the men had hitherto been accepted as sufficient authority for Asiatics to enter or to re-enter. He did not know whether re-entry was in accordance with the permits of the Peace Preservation Ordinance. He had allowed the Asiatics to re-enter in the past, such being his instructions.

“What are your instructions now?” asked Gandhiji.

The witness replied: “My instructions are to detain and arrest all male Asiatics above sixteen years who could not produce registration certificates under the Asiatic Act or who didn’t produce temporary authorization allowing them to re-enter the colony.”

Gandhiji asked: “Do these instructions apply even to Asiatics whom you may know to be old residents, who may have produced permits and who may have only recently left the colony?”

The witness said, “Yes, because such is my duty under the instructions. I am to detain all Asiatics without distinction, if they cannot produce authority under the new Act.”



In answer to further questions, Sergeant Mansfield produced the permits and registration certificates and said that they had been taken out under Law 3 of 1885. This closed the case for the Crown. [C.W.M.G., VII, pp 423-24]

Gandhiji urged that the Crown witness had proved his clients' case. The question before the court was purely one as to whether his clients possessed permits issued under the Peace Preservation Ordinance. These permits were produced by Sergeant Mansfield, who admitted that they were in order.

Mr Mentz then argued that the permits held by the men were authority only to enter and reside in the colony, but not to leave it and re-enter. He contended that once the men left the colony, the permits were cancelled.

Gandhiji said in reply that the question was not even that of re-entry. The court had to keep within the four corners of the indictment which charged his clients with having entered the colony without permits under Section 5 of the Peace Preservation Ordinance. The evidence before the court conclusively proved that his clients were actually in possession of their permits on entering. They had all, moreover, paid a £3 tax. Nor could the Public Prosecutor's contention be justified. The Supreme Court had decided in the case of Babha vs. Rex that a permit to enter the colony included permission to leave it and to re-enter. These were almost the exact words used by Justice Bristowe in that case. Whichever way, therefore, the case was looked at, his clients were entitled to a discharge. The court had nothing to do with instructions from the Law Department or the construction that it might have placed upon Section 5 of the Peace Preservation Ordinance. The proper course would certainly, in his opinion, have been for the Asiatic Office, if his clients had committed a breach of the new Act, to have charged them under it.



Mr Villiers upheld Gandhiji's contention, and after reviewing the case of Babha vs. Rex and the evidence given by the Crown, discharged the accused.

The other seventeen men were then brought before the court, but the charge against them was withdrawn. They were all discharged.

Mohamed Esaac was charged on 13 December before Mr Jordan under the same section as the 37 Indians. Evidence given was also of the same nature. Gandhiji without calling any witness for the accused asked for his discharge. Mr Jordan delivered a considered judgment giving full interpretation of the section of the Peace Preservation Ordinance that bore on the case and discharged the accused. The court was crowded with Indians. [I.O., 14-12-1907]

The press comments on these cases were highly critical of the Government's action. On 13 December the *Rand Daily Mail*, commenting on these cases remarked, "Indeed so obviously weak was the case for the Crown that to bring it into court was almost an insult to the intelligence of the magistrate.... a very careful search through the administrative records will scarcely reveal an action on the part of any Government so unwise and so singularly inopportune ... As it is, Government stands convicted by its own acts of administrative incompetency which almost makes it ridiculous." [*Ibid*, 21-12-1907]

The South African Jewish Chronicle said, "What a lurid light do these discharges throw upon the administrative methods of General Smuts's office in Pretoria, which presumably instigated the arrests and the prosecutions that followed. Such procedure would appear to be deliberately designed to throw discredit on the administration of the country. Surely someone must be in a position to say who is really responsible for such a welter of confusion and incapacity." [*Ibid*]



The *Transvaal Critic* wrote: “If an Asiatic refuses to register, all we can do is to clap him in jail. When he comes out and still refuses to give his fingerprints, all we can do is to shut him up again. We may go on with this process *ad infinitum*, but to what end? Simply to overcrowd the prisons and wait until the legislature can find time to amend the law, taking drastic powers of expulsion from the colony. The person who drafted the law ought to have foreseen these difficulties. The colony ought to know who that person was, so that in the fulness of time, it may erect his statue in the Gallery of Fame. But in the meantime the Government is gaining the applause of the scoffer.” [I.O., 21-12-1907]

The *Natal Mercury* stated, “Mr Smuts some time ago said that the Government intended to strictly enforce the Act, and that those, who refused to obey it, would be deported ... they cannot be deported under the present state of the law.... The position however is not at all clear, and the Government seem to have assumed a less determined attitude than they at one time adopted, but with the beginning of the year the real test of the working of the Act will be seen.” [Ibid]

The *Pretoria News* referring to the Asiatic Law drawn up by that ‘rising genius’ and ‘youthful statesman’, Mr Lionel Curtis, said “The public are gradually waking to the fact that an injustice is being done to the British Indian community.” [Ibid]



CHAPTER VI: TRIAL OF THE LEADERS

1

The arrest and imprisonment of Ram Sundar Pundit and others did not result in a rush for registration by the Indians, as the officials had expected. This was very disappointing to them. They decided to change their policy of leniency to one of sternness and strength. A number of Indians in several towns were issued summonses by the magistrates to show cause why, having failed to register themselves in terms of the Asiatic Law Amendment Act by the stipulated date, they should not be punished or expelled from the Transvaal. They appeared in the court, but none of them offered any defence. The magistrates passed orders directing them to leave the colony. None of them left. They all had to appear again in the courts and every one was given a sentence of three months or more, with fines and hard labour in many cases.

There was no adverse effect on the resistance movement on account of the arrests and the sentences. Arrests and imprisonments had merely added to the enthusiasm of the satyagrahis. The movement was gaining strength under the overall guidance of the Passive Resistance Association, which had been set up to conduct the struggle, partly for the protection of the existing organisation and partly for speedier and more efficient action.

The volunteers had performed their duties very well in picketing the registration offices even though many of them were very young, between 12 and 18 years of age. They had been carefully trained and warned not to threaten anyone, nor use harsh words or violence of any kind, nor resist the police, in any case. The volunteers followed the instructions faithfully. They distributed literature to the members of the community and tried to explain the significance of the Black Act to individuals who were insufficiently aware of the implications



of the various clauses of the new law or consequences of re-registration under it, and who might be tempted out of weakness or ignorance to go to the Registration Office. The result was that very few had registered, the total number of applications not exceeding 511 all over the Transvaal.

The former Secretary of the Transvaal Crown Colony Government Patrick Duncan wrote:

The Asiatic leaders had been so successful in their agitation against the Registration Act that practically the whole of the Asiatic population in the Transvaal had refused to comply with its provisions. [Patrick Duncan: *State*, Vol. I, 1909 165]

The volunteer pickets were hauled up before courts of law in some cases and charges of assault or intimidation were preferred against them. But the police failed to prove the charges in every case and they were let off. This too added to popular enthusiasm and annoyance of the officials.

In the midst of all this, in order not to leave any excuse, for the authorities to accuse Indians of mere obstruction, another offer of registration on a voluntary basis was addressed to the Transvaal Government, provided there was suspension of the operation of the Black Act and the Government agreed to its repeal if the voluntary re-registration was successful. Again the offer was rejected. It is difficult to understand why the Government rejected an offer which could satisfy all the objectives of the new law. Arrogance of power seems to be the only explanation.

The authorities were perturbed by the success of the Indian resistance movement and decided to arrest the prominent leaders. The period of soft-pedalling was over. Sentences with hard labour were being passed on satyagrahis everywhere.



On Friday 27 December 1907 Royal Assent to the Immigration Act was announced. Armed with the provisions of the Act the Transvaal Government decided to strike hard. On the morning of the same day, twenty-five warrants of arrest were issued — twelve for Indians in Pretoria including Cachhalia, Gavarishankar Vyas and Manilal Desai, nine for those in Johannesburg, including Gandhiji, Thambi Naidoo, C. M. Pillai, P. K. Naidoo, Nawab Khan, Samandar Khan, H. Easton, John Fortoen and Leung Quinn, three in Pietersburg including Mohanlal Khandaria and one in Germiston, namely, Ram Sundar Pundit. These persons represented all communities. [C.W.M.G., VII, p 473]

On Friday morning, Gandhiji received a telephonic message from Mr H. D. F. D. Papenfus, Acting Commissioner of Police for the Transvaal, asking him to call at Marlborough House. Upon arriving there he was informed that he had been ordered to be arrested along with twenty-four pickets. Gandhiji gave his word that all of them would appear before the respective magistrates at 10 a.m. the next day. Mr Papenfus accepted his guarantee. [I.O., 4-1-1908]

Of this, Gandhiji wrote later:

It must be admitted that this was an act of courtesy on the part of the officer concerned. They could have arrested the leaders by a warrant if they had chosen to do so. It also showed their confidence that the leaders were willing and prepared to be arrested. [M. K. Gandhi, S.S.A., p 226]

As soon as he heard the news, Cachhalia ran down from Volksrust to Pretoria to attend the summons, leaving his work there unfinished. But Ram Sundar Pundit made himself scarce, though he was present in Gandhiji's office when the notice was received and he had promised to attend the court on the following day. After reaching Germiston he called one or two of his disciples and told them that he was thinking of running away since he could not face a second



term of imprisonment. The disciples argued with him but he was overcome with fear. Turning a deaf ear to all that they said and without informing anyone, he quietly took the train to Natal. [C.W.M G., VII, p 473]

The later story of Ram Sundar Pundit was most disappointing, Gandhiji said in his memoirs many years afterwards in India. Under the heading 'The First Satyagrahi Prisoner' he wrote:

But Rama Sundara turned out to be a false coin. There was no escape from the month's first imprisonment, as his arrest came as a surprise. In jail he had enjoyed luxuries to which he had been a stranger outside. Still accustomed as he was to licence and addicted as he was to bad habits, the loneliness and the restraints of jail life were too much for him. In spite of all the attention showered upon him by the jail authorities as well as by the community, jail appeared irksome to him and he bade a final goodbye to the movement. There are clever men in every community and in every movement and so there were in ours. Those who knew Rama Sundara through and through, from an idea that even he might become an instrument of the community's providence, never let me know his secret history until his bubble had finally burst. I subsequently found that he was an indentured labourer who had deserted before completing his term. There was nothing discreditable in his having been an indentured labourer. The reader will see towards the end how indentured labourers proved to be a most valuable acquisition to the movement, and what a large contribution they made towards winning the final victory. It was certainly wrong of him not to have finished his period of indenture. [M. K. Gandhi, S.S.A., p 138]



Ram Sundar Pundit had been made a hero by the community. When Ram Sundar was found out, he became a man of straw. The community forgot him, but the movement gathered fresh strength even through him. Gandhiji wrote:

Imprisonment suffered by him for the cause stood to our credit, the enthusiasm created by his trial came to stay, and profiting by his example, weaklings slipped away out of the movement of their own accord. [M. K. Gandhi, S.S.A., p 139]

On the evening of 27 December, a packed meeting of British Indians was held in the hall of the Hamidia Islamic Society at Vrededorp to discuss the new phase of the struggle. The hall was crowded. Large numbers were unable to find a place and were obliged to remain outside. More than 1000 people were present. Essop Mia, chairman of the Association, presided. Among the leaders who attended were Gandhiji, Gavarishankar Vyas and Manilal Desai, chief picket, Pretoria, Abdool Qadir, Chairman of the Hamidia Islamic Society, and many others. H. S. L. Polak and one or two other European sympathisers, besides members of the bar, were also present. Except for Gandhiji's and Polak's speeches, the rest of the proceedings were conducted in the vernacular. [I.O., 4-1-1908]

Gandhiji said that when he read the announcement with reference to the Immigration Restriction Act, the first thing that spontaneously came to his lips was that Lord Elgin had put an undue strain on Indian loyalty. When he, an ex-Viceroy of India, advised His Majesty to sanction this legislation, he forgot altogether that he was trustee for the millions of India. The Immigration Act, Gandhiji thought, was a barbarous act. It was the savage act of a civilised government. If all of them were deported or imprisoned, that would be an honour, as otherwise they would be forsaking their solemn obligations, bidding



goodbye to their manhood and self-respect for the sake of earning a few miserable pence or pounds. He would never be sorry for the advice he had given them. With reference to their fifteen months' fight, he felt that it was well done. This was legislation which no self-respecting nation and no self-respecting man could accept, because it was class legislation of the worst type, based on distrust of the entire community and on charges without proof.

It seemed to him that they had come to the parting of ways. The Imperial Government should have hesitated to approve it, if it meant to retain its hold on the people of India through their affections and not at the point of the bayonet. England might have to choose between India and the colonies. It might not be today or tomorrow, but he felt the seeds had been sown by Lord Elgin's action. [C.W.M.G., VII, p 450]

2

Sharp at 10 a.m. 28 December all the Indians arrested in Johannesburg attended at the B Criminal Court where Mr H. H. Jordan sat as judge. They were asked by Superintendent Vernon whether they held duly issued registration certificates under Law 2 of 1907. Upon receiving replies in the negative, he had them all promptly arrested, and charged under section 8 sub-section 3 of Law 2 of 1907, because they were in the Transvaal without a registration certificate. The court was crowded to excess and it seemed at one time as if the barrier would be overthrown.

This was Gandhiji's first trial in a court of law. Among those present were George Godfrey, Dr M. A. Pereira, Polak the Editor of *Indian Opinion*, and other friends and sympathisers of the accused. The report was published under the title, "Mr. Gandhi ordered to leave the Transvaal".

Mr P. J. Schuurman prosecuted on behalf of the Crown.



Mr M. K. Gandhi, Attorney, Barrister-at-law of the Inner Temple, honorary secretary of the British Indian Association of the Transvaal, was the first of the accused to be dealt with.

Superintendent Vernon gave evidence as to the arrest. He said the accused was an Asiatic over 16 years of age, resident in the Transvaal. At 10 a.m. that morning he called on Mr Gandhi to produce his registration certificate, but he failed to do so, and said he had not got one.

Mr. Gandhi asked no questions, but went into the box, prepared to make a statement. He said that what he was about to state was no evidence, but he hoped the court would grant him indulgence to make a short explanation, seeing that he was an officer of that court. He wished to say why he had not submitted to “this”.

Mr. Jordan : I don’t think that has anything to do with it. The law is there, and you have disobeyed it. I don’t want any political speeches made.

Mr. Gandhi : I don’t want to make any political speech.

Mr. Jordan : The question is, have you registered or not? If you have not registered, there is an end of the case. If you have an explanation to offer *ad misericordiam* as regards the order I am going to make, that is another story. There is the law, which has been passed by the Transvaal legislature and sanctioned by the Imperial Government. All I have to do and all I can do is to administer that law as it stands.

Gandhiji said he did not wish to give any evidence in extenuation, and he knew that legally he could not give evidence at all.

Mr. Jordan : All I have to deal with is legal evidence. What you want to say, I suppose, is that you do not approve of the law and you conscientiously resist it.



Gandhiji : That is perfectly true.

Mr. Jordan : I will take the evidence if you say you conscientiously object.

Gandhiji went on to say when he came to the Transvaal and the fact that he was secretary to the British Indian Association when Mr Jordan said he did not see how that affected the case.

Gandhiji : Very well, Sir, then I have nothing more to say.

Mr Schuurman pointed out that the accused as well as all other Asiatics had been given ample time to register. It appeared that the accused did not intend to register, and therefore he didn't think the court should give him any long time in which to leave the country. He must apply for an order for the accused to leave the country in 48 hours.

Mr. Jordan, in giving his decision, said the Government had been extremely lenient and yet it appeared that none of these people had registered. They had set the law of the colony at defiance with the result that the Government had taken the step to arrest them. He had powers under the Asiatic Registration Act, the Peace Preservation Ordinance and the Immigration Act to order the accused to leave the colony within a certain number of days. He had no wish to be harsh in the matter, and he did not adopt the suggestion of Mr Schuurman in regard to 48 hours. He should make reasonable orders. He must give Mr Gandhi and the others time to collect their goods and chattels. He need not point out to Mr Gandhi that under the law certain penalties were provided. The minimum sentence was one month with or without hard labour; and if the offenders were found in the colony seven days after that sentence expired, the minimum sentence which could be inflicted was six months. He did hope that common sense would be shown in these matters, and that the Asiatic population of the colony would realize that they could not trifle and play with the Government. If



they did, they would find that when an individual set himself up against the will of the State, the State was stronger than the individual and the individual suffered and not the State.

Gandhiji interrupting the magistrate, asked him to make the order for 48 hours. If they could get it shorter even than that, they would be more satisfied.

Mr. Jordan : If that is the case, I should be the last person in the world to disappoint you. Leave the colony within 48 hours is my order. [I.O., 4-1-1908, p 4]

Thereupon the following notice was served on Gandhiji:

Notice to Mr Gandhi to leave the colony

In the court of the Assistant Resident Magistrate, for the Witwatersrand and district, at Johannesburg.

Before H. H. Jordan, Esq, Assistant, Resident Magistrate.

In the matter of Rex Vs. M. K. Gandhi, an Asiatic over the age of sixteen years charged with contravening section 8 (3) of Act 2 of 1907.

It is ordered :

That the said M.K. Gandhi having failed to satisfy me, the said Assistant Resident Magistrate, that he is the lawful holder of a certificate of registration, do leave this colony within 48 hours from the date hereto.

Given under my hand at Johannesburg in terms of section 8 (3) of the said Act this 28th day of December 1907.

Sd/- Harry H. Jordan,

Assistant Resident Magistrate



After his own trial, Gandhiji defended the other accused, the first to be examined being P. K. Naidoo.

Gandhiji : Are you a British subject?

Witness : I am.

Gandhiji : Were you in the Transvaal before the war?

Witness : Yes; since 1888.

Gandhiji : Did you pay the Dutch Government £3?

Witness : I paid nothing.

Gandhiji : You have not taken out a registration certificate under the law?

Witness : No. Not under any law.

Gandhiji : Why not?

Witness : I thought it was not fit for me to take out a permit under that law; it would be degrading.

Mr Jordan : Why?

Witness : If I had the Act in front of me, I would point out some of the processes which I think it is not right for a British subject to submit to. The law clearly says that we should give our ten fingers' impressions separately, and besides that thumb impressions. Then we have to give our father's and mother's and children's names.

The accused was cross-examined by Mr Schuurman : How long have you been here?



P. K. Naidoo : Since 1888. I left in 1899, on October 18, and came back in 1902. I went to Natal and returned in July of 1907.

Gandhiji: You have held meetings in reference to this Act?

P. K. Naidoo : After I came back, meetings were held.

Gandhiji: Have you persuaded the Indians not to register?

P. K. Naidoo : I took an oath not to register.

Gandhiji : Where?

P. K. Naidoo : It was taken at a meeting in Burghersdorp, in the Independent School, if I am not mistaken.

Gandhiji: You do not intend to register?

P. K. Naidoo : I do not.

Mr Jordan : Had you a permit to enter the country?

P. K. Naidoo : No, I had an authorization from the Registrar of Asiatics.

Mr Schuurman asked for the same order, which Mr Jordan granted.

The cases of Nawab Khan and Samandar Khan were postponed till January 3, because there was no interpreter present.

The case of C. M. Pillay was next taken. He stated that he came to the Transvaal in 1883, and previous to the war he was Inspector of Asiatic passes and licences. During the war, he was a commissariat officer and messenger of the Court.

Gandhiji : Why do you not register?

C. M. Pillay : I consider that any self-respecting man would not comply with the provisions of the Act, as it simply places our liberty



in the hands of the Registrar of Asiatics who, in my humble opinion, is not a fit and proper person to hold this post.

The magistrate interrupted, and said he would not listen to nonsense of that kind. He thought it was a piece of gross impertinence for a person to come there and abuse an official of the Government in that way. He was not going to have his time wasted and the dignity of the Court lowered in that way. It was most improper.

Gandhiji said that he agreed with the magistrate as to the impropriety of the accused's remarks. And he had no intention of leading evidence as to the registrar's fitness for his position.

He asked the accused: Do you object to the officer or to the Act?

C. M. Pillay: Mainly to the Act.

A similar order directing him to leave the colony within 48 hours was made at the request of the prosecutor.

Thambi Naidoo's case was taken up next. He objected to registration as it placed him lower than a Kaffir, and it was against his religion. He was a married man with five children, the eldest of whom was 13, and the youngest about 18 months. He carried on business as a cartage contractor.

Gandhiji asked that 48 hours' notice only should be given. That was what the accused wanted.

Mr Jordan said that it was not what the accused wanted but what he (the magistrate) thought fit and proper. The accused was a man of business, and the period would be fixed at 14 days.

Karwa was the next to be prosecuted. He stated that he had been in the Transvaal since 1888, and during the war he was a military contractor and was



with Sir George White at Ladysmith. He had entered the Transvaal with a military column by way of Harrismith. He had placed a thumb impression on a registration certificate under Law 3 of 1885. He refused to give his finger impressions as it was against his religion.

The Magistrate : But you have put one?

Accused : (Waving his hand deprecatingly) One is right, but ten is against my religion, (laughter)

The Magistrate : As a matter of fact, I suppose you don't care whether you put one, ten or five. You only have to be told to do it.

The cases of the Chinese accused were then taken up. Mr Easton, the first of the Chinese accused, said that he was a British subject from Hong Kong. He had also been here before the war and had paid his £3 to the Dutch Government for his certificate. By occupation he was a store assistant. He objected to registration because it was too degrading and was against his religion. He was not permitted by his religion — Taoism — to give any finger impressions.

He was ordered to leave the country within 48 hours.

Leung Quinn, chairman of the Chinese Association, stated that he was not a British subject, but had come to the Transvaal in 1896, and obtained a permit from the Dutch Government. In 1901 he left and returned in 1903, obtaining a permit under the Peace Preservation Ordinance. He was a storekeeper. He did not take out a permit under the new law because it was a law that was disgraceful to himself and his nation. He had translated the law for his countrymen and had been expecting some such prosecution all the time. He would be quite content with 48 hours' notice; he had made all his preparations.



The magistrate insisted on giving Quinn, as he had given the Indian storekeeper, 14 days' notice.

John Fortoen, the last of the accused to go into the witness box, stated that he had been in the Transvaal for about 13 years before the war, having arrived in the Transvaal with his uncle as a child. He did not know where his uncle was, nor whether his parents were alive or not. He was a student, and had just come back from the Hankey Institute near Humansdorp in Cape Colony, where he had been since 1904. He considered that South Africa was his home. He knew no one in China. He did not want to take out the registration certificate because it was degrading to his country and to his honour. His age was 21.

Gandhiji, pointing out that this would be his last opportunity of addressing the court, said that he would like to make a few general remarks. He had deliberately advised all his clients to plead not guilty, so that the court could hear from their own lips what they had to say. They had all said something more or less with reference to the finger-print system. He asked the court to dismiss from its mind the idea that these men did not know what they were doing. He knew that what he was about to say could not affect the decision of the court, but he thought it his duty to himself and his clients to make this explanation. There were certain things in this world which one could not explain, and there were certain things in this law which man felt but could not express, and he left it to the court to interpret the feelings of the accused with regard to the finger-print system.

Mr Jordan, in the course of his reply, pointed out that a deputation of Indians had gone to England to place the very matter before the Imperial Government. That deputation had, however, been in vain. The Act to which such exception was taken had been passed by the present Legislative Assembly of the Transvaal, and the King's Assent had been obtained. And, sentimentality apart,



he had nothing to do but to administer the law, which he had sworn to do to the best of his ability. The accused had deliberately defied the Government and had taken up a very serious position — one which he was sorry to see any resident adopt. It had been a mistake, he had no doubt, which had been copied from the British passive resisters in connection with the Education Bill. That was an attitude which had never appealed to him. The laws of a country must be complied with by the people. If they could not do that, there was but one alternative ... Such people must go somewhere else. He could not for the life of him understand, if a man put his thumb-print on a registration certificate ... as had been done in the years past... where the offence against his religion came in when he had to put the print of the four fingers of each hand on this certificate.

Proceeding, he referred to the practice under the Peace Preservation Ordinance, and urged that had they objected then to the thumb print, their position would have been stronger at the present time. The registration certificate which required the thumb print had been the only mode they had for identification. That was in the days of the old yellow pass which had been issued by the former Government. But all at once, when it came about that they had to register in the new form, the Asiatics simply defied the law. Mr Gandhi must be aware that he (Mr Jordan) had more experience under the Peace Preservation Ordinance in the Transvaal than any other magistrate, and Mr Gandhi must know also the big traffic that was done by the sale of the yellow certificates which rendered it difficult to trace the owner and caused an enormous amount of trouble and expense.

Coming back to the case of the youth before the court, he would make an order that the accused must leave the colony in seven days.



Gandhiji replied that a distinction had always been drawn between the thumb-print on the old permit and finger-print under the new law. The latter was compulsory and the former was a voluntary act. The court, he said, was well aware that in cases where a clear thumb impression was taken, the man could be spotted and trafficking in permits had been made impossible.

He thanked the court, the public prosecutor and the police for the courtesy which had been shown throughout the trials. [I.O., 4-1-1908]

4

At the conclusion of the trial, Gandhiji addressed a large gathering of the Indians, Chinese and Europeans in Government Square. Speaking first in Hindustani he narrated what had happened at the trial. Then he said to the Europeans in English that the Indians were going on with the struggle, no matter what happened to him or to anyone else. He would certainly not change his views, and he urged the Asiatic communities to strive against the Registration Act even if it meant deportation from the colony. If God's message came to him that he had erred, he would be the first to acknowledge his fault and beg their forgiveness. But he did not think that he would ever receive such a message. He held that it was better to leave the colony than to lose self-respect and honour by remaining there as slaves. This was a religious struggle and he gave them the advice he had always given them: "Fight to the bitter end." [I.O., 4-1-1908]

On 30 December, Gandhiji, in a message to the Johannesburg Press, congratulated the Government on "boldly and honestly" taking proceedings mainly against those who had led the passive resistance movement. That was "the only method of testing the reality and universality of Asiatic feeling" against the Act, he said and added that the Government had now three strings to its bow, viz. imprisonment, the stopping of trade licences, and deportation. All these



powers had been taken by or given to the Government in order to enable it not to stop an influx of Asiatics (because no one wanted it and the Registration Act could not stop it); not to avoid trade competition (because every Indian submitting to the Act could have as many licences as and where he wanted); but to “bend” the Indians and force them to do violence to their conscience and unman them, so that they might become soft “as wax” in Government’s hands.

Gandhiji explained that deportation under the Act was worse than ordinary deportation. Even in the case of a murderer, sentenced to transportation for life, the State had to provide him food and accommodation, as in the case of native rebels sent to St Helena from Natal. But in this case for defiance of the Act the Asiatic would be put across the border or sent to India at his own cost and left there penniless; and his wife and children left in the Transvaal, their adopted home, to die of starvation.

Some of those arrested had been traders of some fifteen years’ standing, with wives and children born in South Africa and living in the Transvaal. “All the Asiatics arrested are lawful residents in possession of documents entitling them to remain in the country”, he elucidated. They did not wish to violate their conscience. “I do not say” that such persons “should not be punished at all,” he said, but when the punishment was disproportionate to the offence, “it savours strongly of barbarism.” He continued, “Will the people of this country chuckle with delight over such ruination of a whole people?” He asked, “What would the Guild of Loyal Women say regarding wives being kept without their natural protectors?”

Claiming to be “a lover of the British Empire” and a citizen “though voteless” of the Transvaal, Gandhiji was “prepared to take my full share in promoting the general wellbeing of the country.” Consistent with that profession,



he advised his countrymen not to submit to the Act, as it was derogatory to their manhood and offensive to their religion. He claimed that the method of passive resistance adopted to combat the mischief was “the cleanest and safest because if the cause is not true, it is the resisters, and they alone, who suffer.”

Refusing to believe in the infallibility of legislators, Gandhiji said, “I do believe that they are not always guided by generous or even just sentiments in their dealings with unrepresented classes.” He added, “If passive resistance is generally accepted, it will once and for ever avoid the contingency of a terrible death struggle and bloodshed in the event, (not impossible) of the natives becoming exasperated by a stupid mistake of our legislators.”

As to the demand that if the Asiatics did not want to obey a law of the land, they could leave the country, Gandhiji replied that the Uitlanders under the Boer regime who protested against harsh Boer laws were similarly told to leave the Boer country. But they did not go away. “No, sir, if I could help it, nothing would remove Indians from the country save brute force,” he said and added, “It is not part of a citizen’s duty to pay blind obedience to the laws imposed on him. And if my countrymen believe in God and existence of soul, then, while they may admit that their bodies belong to the State to be imprisoned and deported, their minds, their wills and their souls must ever remain free like birds of the air. General Smuts, who puts trust in the tyrannical laws sanctioned by an obliging Secretary of State, forgets that those Asiatics who are fighting for conscience’s sake will not be bent by any machinery he may put in force.” [I.O., 4-1-1908, pp 8-9]

On 1 January 1908 a huge mass meeting of the British Indians was held at Surti Mosque, Fordsburg, Johannesburg. About 2500 persons attended it. Among them were members of the British Indian Association, representatives of the



Chinese Association and delegates from Pretoria and other main towns of the Transvaal, besides a number of interested Europeans.

Essop Mia who presided, congratulated the passive resisters for “manfully discharging their duty” and being “prepared to suffer the penalty provided by law for non-submission to the Act.” He regretted the cowardice of Ram Sundar Pundit and hoped that it would serve as a warning to others, “lest we too in a weak moment succumb and violate our oath.” He added, “There can be no turning back for a man who fights relying on God.” He must either win or perish in the fight.

Commenting on the silent suffering of the passive resisters, he said that hundreds of merchants had been obliged to reduce their stock and “lived now on their capital,” and many employees of the Government, railways, postal department and municipalities had been dismissed. He estimated that 6,000 Asiatics, unable to stand the stress, had left the country. Gandhiji and those convicted on 30 December were by sheer chance present at the meeting, he said. “Despite their arrests and removal from the scene, we will show to the Government that on the leaders being removed, every Indian will become a leader ... In our struggle, nothing but bravery and trust in God are required ... It rests with us to show whether we have prepared ourselves to sacrifice all for the sake of a holy conviction.” He added that if in spite of such demonstration, the Government continued to “send us to gaol, to deprive us of licences to trade, they will have demonstrated that it is not (our) identification that they wanted so much as our expulsion. But expulsion or no expulsion, our determination must be fixed and unshakable.” The Government, possessing arbitrary powers over the unrepresented Asiatics, might take any high-handed measure they chose, but “we, conscious of our faith in the justice of our cause, must offer resistance equal to the extent of Governmental oppression,” [I.O., 4-1-1908, pp 10-11] he concluded.



Henry Polak moved three resolutions. The first resolution said:

In the opinion of this meeting, the Imperial Government by sanctioning the Immigrants' Restriction Act have surrendered their duty of protecting the interests of weaker and unrepresented parties. [*Ibid*, p 11]

It was seconded by N. Gopal of Pretoria and was supported by Abdul Gani, ex-chairman of the British Indian Association. Owing to a sudden downpour, the resolutions were formally put *en bloc* and carried unanimously.

Resolution two expressed their resolve to carry on the resistance movement by trading without licences if the Government refused to issue licences on tendering the requisite fee.

Resolution three congratulated the Government over the arrests of leaders as it would test the reality of the Asiatics' sentiments, and expressed the hope that the remaining Indians would remain firm and adhere to their solemn oath not to submit to the Act.

Despite the pouring rain, the enthusiastic crowd stayed on and leaders addressed them. Polak, the editor of *Indian Opinion* and assistant honorary secretary of the British Indian Association, speaking on Resolution No. 1, listed three reasons for his presence in the meeting. Firstly, he was a European; secondly, he was an elector of the Transvaal government as a voter; and thirdly, "because of the faith which I profess and which links me very closely to many in the audience." [I.O., 11-1-1908]

Polak said he did not believe he was "the only European in the Transvaal to have the courage to stand up and protest against the treatment meted out to Indians, which in my opinion is iniquitous and opposed to the best interests of the Empire, and which disgraces the country of my domicile." He felt fortified in



his stand by several messages of sympathy received by the members of the British Indian Association from a large number of Europeans of all classes, high and low. He denied that “European feeling in this matter is unanimously opposed to Asiatics”, calling it a “gross exaggeration” and a “libel” on the European community. [*Ibid*, 11-1-1908]

Polak said that along with Sir Muncherji Bhownaggee, he too felt “a terrible shock” when Royal sanction to the Immigrants’ Restriction Act was given. “It was a very terrible thing indeed for me to think that by according this most important assent, the Imperial Government had apparently betrayed those, of whose special interests they were the trustees.” Recalling all the Imperial promises to India, right from the late Queen’s proclamation, Polak felt that “every one of those promises had been broken” and that it was “a terrible thought that the public honour of Britain had been defiled by British Ministers of the Crown.” [*Ibid*, 11-1-1908]

As an elector in the Transvaal he felt ashamed that “this thing should have been done in my name by the Government of the Transvaal which was supposed to represent me. The thought of it cuts me to the quick. I repudiate the Government and the actions of that Government in this particular matter. I do not consider that I am today represented by that Government.”

Polak recalled that at the time of the last election he had asked the candidates to clearly define where they stood on the Asiatic question. Since their replies were unsatisfactory, he did not cast his vote for them, and now he felt that he had acted rightly. Further, as a Jew, when he heard the cries of the Asiatics, he seemed to “hear the cry of my own people who had been persecuted” [I.O., 11-1-1908, pp 19-20]



Polak added that when an individual “opposed” himself conscientiously to the State, “it is he that gains and the State that loses, though the State may take punitive measures against him.” Concluding, he said that he believed that the passive resistance movement “is not only an ethical thing, a thing divine,” but also “in the interests of the Empire as a whole,” and “in adopting this attitude of passive resistance you have actually performed a primary duty to the Empire.” [Ibid, p 19]

Gandhiji had remained a passive observer at the meeting, but he read out an exhortation on behalf of Miss Sonja Schlesin, his white European Secretary, who expressed “heartfelt” sympathy “in the sufferings which you have already undergone, in the sufferings still before you, of which the former are but a foretaste,” and implored them “not to flinch from the hardships which now confront you, not to falter at the shoals ahead but to continue steadfast in your heroic resolve to give up all, aye very life itself, for the noble cause of country and religion.” Reminding them of a similar crusade in England, she said, “They are prepared to lose their all, to brave innumerable trials,” and asked, “If delicately nurtured women can do this, will hardy men, inured to toil do less?” [Ibid, p 20; C.W.M.G., VII, pp 24-25]

Miss Schlesin, being just 20 years of age, had taken her parents’ permission, to make this speech.

In view of possible deportations or imprisonment of Gandhiji and Mr Quinn, Henry Polak was elected honorary secretary of the British Indian Association to work in Gandhiji’s place and was also appointed honorary adviser to the Chinese Association.

About Polak Gandhiji wrote: “I know that Mr Polak has dedicated his life to the Indian community. He has gone deeply into this question. He comes of a



cultured family. He wields a powerful pen and writes excellent English. He has come in contact with most of the whites and is himself known to every Indian. He will be of help in many ways.”

He advised that as letters addressed to the British Indian Association would also be attended to by Polak, it was desirable that, as far as possible, all communications addressed to him should be in English. [C.W.M.G., VII, p 475]

Seeing that Gandhiji’s point was slowly but steadily gaining ground among the Europeans, some clever whites tried to soil his image by a cunning device. One such correspondent wrote to *Pretoria News* the following letter:

I notice in several issues of your paper you refer to Mr M.K. Gandhi as an “Indian Barrister”. Mr Gandhi is not an advocate. He is an attorney. While I am sorry to deprive Mr Gandhi of some of the cheap notoriety which he has obtained through the instrumentality of your paper, I think you will agree that it is better not to deceive the public by giving this nigger a title to which he has no right and for which he possesses no qualifications. You see, while Mr Gandhi possesses the inherent low cunning of his race, he has not the education which would entitle him to admission as an advocate of the Supreme Court in this colony. I am etc.

To this the Editor of *Indian Opinion*, Henry Polak replied:

While I do not attach any importance to the vulgar buffoonery of the correspondent whose letter you published and commented upon, nevertheless ... the facts are these: Mr Gandhi is the son of an Indian Prime Minister. He is an undergraduate of London University, a Barrister of Inner Temple, an Advocate of the High Court of Bombay and the Supreme Court of Natal, and could have been, had he chosen, an Advocate of the Supreme Court of the Transvaal. As a barrister, he had the option of practising as an



attorney or an advocate in this colony, and for various reasons he chose the Side Bar in preference to the Bar. It is competent for him to cease practice for six months and to apply for admission as an Advocate of the Supreme Court of this colony. [I.O., 11-1-1908]

Kallenbach wrote a letter to the *Leader* describing certain insinuations regarding Gandhiji's character as "quite unwarranted, untruthful and unjust. If, during a political struggle, it is unavoidable to touch a man's character, let us be honourable and give to him what is his due." [I.O., 18-1-1908]

6

Gandhiji was extremely active during the period between 28 December, when he appeared in the court as an accused, and 10 January 1908, when he was sent to prison for two months. On 3 January 1908 he appeared in two cases of soldiers of the Indian Army, Mr Nawab Khan and Mr Samandar Khan, which had been postponed earlier on 28 December 1907, when Gandhiji and some others were ordered by the magistrate to leave the colony. [Because there was no interpreter, these cases had been postponed on 28 December 1907 when Gandhiji and some other Indians were tried; C.W.M.G., VII, pp 463-8] Nawab Khan an ex- soldier of the Indian Army was charged, put in the witness box and examined. [For his petition to the High Commissioner see C.W.M.G., VII, pp 385-6]

Gandhiji : You are a Jamadar?

Witness : Yes.

Gandhiji : You came to the Transvaal at the time of the War?

Witness : Yes, during the War.

Gandhiji : Attached to the transport corps?

Witness : Yes.



Gandhiji : What expeditions have you served in?

Witness : Burma, Chitral, Black Hill, Tirah Expedition 1897 and the Transvaal War.

Gandhiji : And you were wounded three times?

Witness : Twice I was shot, and once I was cut over an eye.

Gandhiji : Your father was attached to Lord Robert's staff when he went to Kandahar? [Frederick Sleigh Roberts of Kandahar, Pretoria and Waterford (1832- 1914); Field Marshal and Commander-in-Chief, India, 1885-93; Commander- in-Chief, South Africa, 1899-1900. During the Boer War Gandhiji's Natal Indian Ambulance Corps carried his son's body from the battlefield. *Autobiography*, Part III, Chapter X. After the War, Roberts was in charge of the occupation forces in the Transvaal; Gandhiji mentions his pro-Indian sympathies during this period. C.W.M.G., III, p 303.]

Witness : Yes, he was Subedar Major.

Witness said he was in charge of the Native police on the C.S.A. (Central South African) Railways.

The Magistrate said the evidence did not affect the position.

Gandhiji continued:

Gandhiji : You have refused to take out a registration certificate under the new Act?

Witness : I will not take it out under the new Act.

Gandhiji : Will you explain your reasons?

Witness : Because it would ruin me altogether if I did so.



Mr Jordan, the magistrate, in giving his decision, said that the accused was not registered, and he must register. Since the hearing of the last cases on the 28th he had been approached by both Indians and Chinese, and they had informed him that this question of the finger-prints had absolutely nothing to do with their religion. They had said they were afraid to register.

Mr Jordan added that the accused belonged to a class different from the ordinary coolies, and the basketwallahs, and he ought to know better than to refuse to register; he ought to register. Accused would otherwise have to leave the colony within 14 days.

The accused said, in reply to the magistrate's question, about his belonging to a different class from some of his compatriots, that in this particular matter they were all united. They would all leave the country or go to gaol together.

Samandar Khan, a Pathan, an ex-soldier of the Indian Army, who had also at least one wound to show, was next charged with the same offence.

In reply to questions by Gandhiji, Samandar Khan said he came to this colony with Lord Roberts. He had previously served for thirty years in the Indian Army. He was present at the engagement at Paardekopp and received a bullet in the right thigh. He was an orderly at the Asiatic Office at Pretoria.

Gandhiji : You don't want to submit to this Act?

Witness : No.

Gandhiji : Have you been frightened by anyone?

Witness : No, who will frighten me? If I am even hanged, I won't register.

Gandhiji : You have just paid a visit to India.

Witness : Yes.



Gandhiji : And have just returned?

Witness : Yes, about two weeks ago.

Mr Jordan : Can you write?

Witness : No.

Mr Jordan : How did you get pay in India?

Witness : I used to make a mark.

Mr Jordan : Did you not put your finger-print?

Witness : No.

This concluded the evidence.

Mr Jordan had said that both Indians and Chinese had come to him and alleged that they were intimidated by a number of people and were therefore frightened to go and register and that was the reason they had opted for not registering.

Gandhiji said that these remarks from the Bench had come as somewhat of a surprise to him. Fortunately, or unfortunately, the court had before it two soldiers who were not likely to be frightened by anybody at all, and in fact the last witness had himself said that he was not likely to be frightened.

Magistrate : You know perfectly well, Mr Gandhi, there is a great deal of difference between the plain tribes and hill tribes; this man belongs to the hill tribes.

Gandhiji said there was a very great difference, but there was no question of fright at all, and if there were any question of fright, the arm of the law was long enough and strong enough to protect the meanest subject in the country.

Mr Jordan : I have no doubt it will be.



Gandhiji said he did think it was futile to suggest that anyone had been frightened into not taking out a registration certificate and, as one of the witnesses had said, there was absolutely no question of thumb-impression or finger-prints. It was a question that deeply touched the community. It was a question of compulsion or a voluntary act.

Mr Jordan said if Mr Gandhi would like to hold a meeting outside, he could do so.

Gandhiji : The Bench has led the way or otherwise I would have held my peace.

Mr Jordan : I won't allow any more. It has nothing to do with the case.

Gandhiji : I do not wish the public to leave the court under the impression that whole of this fight is in connection with the thumb and finger-impressions. The whole of the fight is a struggle for liberty.

An order was made that the accused should leave the colony within 14 days.

Mr Jordan's statement that Indians and Chinese had told him that "the question of finger-prints had nothing at all to do with religion" and that "they were afraid to register" drew caustic comments from the press. The *S. A. Jewish Chronicle* wrote, "The recent trials in 'B' Court have naturally called forth correspondence in our daily contemporaries." Many comments had been made against Mr Jordan. The paper went on to say, "It would be as well, were the Law Department to occasionally remind these little tin gods that they are there merely to administer the law as it is laid down for them, and the Bench is hardly the place from whence to deliver long-winded orations" and "that they are there to try cases and award the penalties laid down by the statutes rather than to afford an



uninterested public the benefit of their more or less crude ideas.” [I.O., 18-1-1908, p 38]

Mr Gerard F. W. Curtis wrote on 4 January:

I have myself been a magistrate for 12 years and occupied other judicial positions. I have always understood that a magistrate while on the Bench must confine himself only to the facts before him. He can never use to the detriment or otherwise of the accused before him, information received by him otherwise than as a Magistrate or in any other case tried by him.

He added,

Mr Jordan, no doubt, in the heat of the moment, forgot himself and allowed himself to remark upon what Indian and Chinese were stated to have told him about intimidation. Mr Jordan was trying cases under the Asiatic Act, and not administering it. Why he should have passed any remarks upon the Act itself or what those who were affected by it have been doing, is difficult to understand.

He concluded by saying:

British Courts are rightly termed founts of justice. I am sure, in this mixed community, we do not want political magistrates or magistrates with bias. I am afraid, that if Mr Jordan continues, as he has begun, he will certainly bring down, with his own, the reputation of Colonial Courts. [*Ibid*, p 20]

A notice about licences was gazetted on 3 or 4 January. Perhaps it was a reminder to the prospective licences of the Notice No: 1096 of 3 October 1907,



which had stated that after 31 December 1907, “no Asiatic shall obtain any trading licence issued under the Reserve Licence Ordinance, 1905, or any amendment thereof or under any by-law in force in a municipality, unless he shall produce before the person appointed to issue such licence, a certificate of registration issued under the Asiatic law Amendment Act 1907, of which he is the lawful holder.” [Blue Book, 1908, p 3]

On 4 January the Indian community at a meeting held in front of the Mosque, decided that storekeepers and hawkers should carry on trade without licences. [C.W.M.G., VIII, p 29]

Essop Mia, as Chairman of the British Indian Association, wrote to the Receiver of Revenues on 4 January 1908, that a large majority of British Indians had “for conscientious reasons” declined to submit to the Act and as it was not possible for the Indian traders and hawkers, to earn their living otherwise than as traders and hawkers, they were reluctantly compelled to continue their trade without proper licences, but they were prepared to pay the requisite licence fee. [*Ibid*, p 6]

The Receiver of Revenue in reply warned that such of the traders and hawkers who contravened the law would render themselves liable to the provisions of the Revenue Licence Ordinance, 1906, which imposed “heavy penalties” on the offenders. He continued, “I need scarcely reiterate what is now so well understood, namely, that my action in refusing to issue licences to Asiatic traders without production of their certificates of registration is governed by the Asiatic Law Amendment Act 1907, Section 13.” [I.O., 11-1-1908, pp 22-23]

Thereafter fourteen Asiatics approached the Municipal authorities at Roodepoort, laid down the annual licence money and their expired licences, and requested renewals. They were refused renewal of their licences, the Town Clerk



intimating that such refusals were in accordance with instruction received from the Colonial Secretary. [*Ibid*, pp 22-23]

This action, according to the *Transvaal Leader*, resulted in the loss of revenue worth £ 600 to the municipality. The loss of Krugersdorp was even greater. [*Ibid*, p 23]

The *Star* wrote on 3 January: “It is the only possible effect on the native races, who live under differential legislation themselves, which makes it impossible in our opinion for the Government to yield to agitation without loss of prestige now that things have gone as far as they have.” [I.O., 11-1-1908, p 21; C.W.M.G., VIII, p 7]

Replying to the *Star*, Gandhiji wrote on 4 January:

If it be true that Asiatic feeling has been intensely roused, a concession to that feeling instead of producing an injurious effect on the native mind, would produce a reassuring effect, in that, if the sentiments of one unrepresented class are respected, those of another such class also, it will be argued, are likely to be respected. Prestige is a high horse which, under conceivable circumstances may bring down the rider, if he does not take care. [*Ibid*, p 21]

On 4 January 1908 Gandhiji wrote in Gujarati in *Indian Opinion* under the title The Die has Set’: “In the Transvaal the campaign has now begun.” So far the two sides had only kept storing up ammunition, he said. The bugle had now sounded, calling Indians to wake up and mount a ceaseless vigil. “This is a struggle which the Gods themselves may well come down to watch. For we believe the Indian cause to be God’s own and the Government’s that of the Devil.” [C.W.M.G., VIII, pp 4-5] He continued:



Only cowards will take fright at the thought of what will happen, because the Imperial Government has approved the Immigration Act. We had hoped, it is true, for support from the Imperial Government. In fact, we may still do so. But our prayer is to God alone. Let us see if He forsakes us. History provides no instance of God having ever forsaken anyone; we need not then fear any such contingency. [I.O., 4-1-1908 (Gujarati); C.W.M.G., VIII, pp 4-5]

He warned his people saying :

“We cannot make the best of both worlds. Honour and money, spiritual wellbeing and the pleasures of the body, happiness and misery are the opposite of each other.” The Indian community, he said, was out to accomplish a formidable task; “We hope therefore that the question of money will not enter into its calculations.”

The Indians of Johannesburg, Pretoria and Pietersburg were arrested about the time when news of the Immigration Bill having been passed came in. It was a happy augury, said Gandhiji. The persons who were arrested had been hand-picked, most of them being fearless individuals who put up a stiff fight against the law. *Indian Opinion* offered them all congratulations.

Continuing, he wrote, “General Smuts deserves to be congratulated on the step that he has taken (arresting of Gandhiji and other leaders). We shall face our real test now.” If people at all set any store by their pledge, if their honour was dear to them, there could be no greater misfortune for them than submission to the new law. “We should have nothing to do with it, whatever happens.” [*Ibid*, 4-1-1908]



On 4 January 1908, General Smuts, Colonial Secretary, addressed a meeting of his constituents of Mayville, Pretoria. In his speech he explained his position on the Asiatic question. He said that the Asiatic Act was a class legislation, “but the whole subject had been dealt with as a class legislation since 1885 and the Indians had submitted to it.” The law had not been passed “for chasing the Asiatics out of the country who had been there for 10, 15 or 20 years” but to identify all Asiatics who were in the country before the war and “to stop further immigration.” If the Indians did not submit to the law, they must take the consequences. They could be refused trading licences, placed in prison, or put across the border. The Indians had been misled by their leaders and the Government had arrested the leaders. If Indians came forward, not as individuals but in a body to be registered, then opportunity would be given to them to get registered. But if they did not wish to register, the Government could not put aside the law. The solution was therefore “in the hands of the coolies themselves.” The white population of the country would not allow the law of the land to be set aside due to agitation, as it was a “very dangerous principle which had been advocated by Mr Gandhi and his friends”. If the law were now set aside because the Indian population tried to defy it, the Kaffir might one day say, “No, we do not recognise white people’s law, because you make laws which are partial, you make class legislation.” Therefore, if the Government gave in easily on a point like this, he could see the door opening to a terrible evil, which would one day come over the country. [I.O., 11-1-1908; C.W.M.G., VIII, p 20]

General Smuts said : “The Indians had the British Government with them so far, but how long the Home Government would stand by them the future would show them.” The Imperial Government was with the Transvaal



Government now and with the use of intelligence and prudence he saw no reason why the Home Government should not continue to assist the Transvaal.

The speech was greeted with loud applause from the audience.

Press comments on the speech were on the whole in favour of Indians and critical of General Smuts. Commenting on the speech, *Indian Opinion* said that it revealed two men in one. General Smuts was “temperate and furious and was incoherent because he was in anger” The honourable gentleman did not hesitate to call a highly sensitive race ‘coolies’. “He knows that the term is one of offence when applied to any but labourers, pure and simple.” The paper added, “there is one remarkable admission made by General Smuts, which should be pondered over by every imperially minded statesman.” He had admitted what Indians had been saying all along that their position was infinitely better under the Boer regime than under the British. General Smuts had declared to the world that the very Government which during the Boer regime was prepared to back British Indians, had now turned round and “has been backing General Smuts to do what the late Boer Government was unable to accomplish.” [*Ibid*, 11-1-1908]

To Gandhiji, the speech appeared merely the raving of a mad man. In *Indian Opinion* of 11-1-1908 (Gujarati Section), he wrote:

General Smuts is an angry man. Not being in his right mind, he says whatever comes to his head. He shows open contempt for the Indians, referring to them as ‘coolies’. He says that we are British subjects ‘only to a certain extent’. This is something new. Till today we were British subjects but now we are British subjects only to a certain extent. He declares furthermore that till now the Imperial Government had stood in the way of our being relegated to locations. Now he hopes that it will be easier to send Indians to locations. And he adds that, after Mr Gandhi’s arrest many



Indians told him that they were prepared to take out registers under the law.

What did all this mean, asked Gandhiji. It was evident that the Indian community had given General Smuts a few surprises. The gentleman admitted that he had not imagined in March last that the Indian community would offer such determined resistance. He still believed that the community had been misled by a handful of leaders. The leaders were of course prepared for imprisonment. “But will the Indian community be unmanned?” If Indians did not give way to fear, that is, “if they show courage, he who runs may read that there is nothing General Smuts can do. He himself adds that the remedy lies in the hands of the Indians.” That was indeed true with this difference that according to Mr Smuts, the remedy lay in Indians accepting the bonds of slavery forthwith, “whereas in our view the Indians can don the fragrant garland strung together with freedom, honour, good name, independence and fear of Khuda-Ishwar”. He added that Goddess Lakshmi was at their doorstep, ready to mark their foreheads with the signs of Her grace. How could Indians turn their faces away? “No one should even dream of registration, or fight shy of trading without licences.” If in consequence they were imprisoned, that should be welcome, even deportation should be welcome. If they took up this attitude, they need fear neither of the two evils. “In any case, it is better to face out one of these than be haunted by the spectre of registration.” [C.W.M.G., VIII, pp 20-21]

After analysing line by line the speech of General Smuts, *Transvaal Leader* remarked:

The Colonial Secretary seems to fear the effect upon the native races of the success, to however slight an extent, of a campaign of passive resistance. But laws have had to be modified before this for others than



Asiatics; and after all is it not something to the good that native races should feel that in (the event of) any differences with the white race, there are milder arguments than the rifle and the assegai? [I.O., 11-1-1908, p 16]

The *Leader* said,

By his reference to the Asiatics generically as ‘coolies’ ... imagine an Indian administrator describing Parsis, a race as proud as Austrians, as ‘coolies’, pariahs — the Colonial Secretary has shown that the Government is not infallibly advised in this matter. [I.O., 18-1-1908, p 29]

The *Friend* (Bloemfontein) wrote :

There are some thousands of Asiatics who are already lawful residents of the Transvaal and the Government would not be justified in altering at this date the terms of their residence in a manner prejudicial to their freedom of property or self-respect. Or, supposing such alteration to be essential in the interests of the white population, those Asiatics who were unwilling to accept the law should be offered compensation if they choose to quit the country. [*Ibid*, 11-1-1908]

The *Pretoria News* stated :

To impose upon the Indians now resident in the Transvaal a law which forces them to choose between deportation and their religious convictions, is practically to expel them, and if they leave this colony under those circumstances, they will eventually arrive, ten thousand strong at least, in India. There they will constitute themselves ten thousand missionaries filled with that bitter hate of the British authority which a sense of injustice cannot fail to produce. [*Ibid*, 11-1-1908]

The *Times of Natal*, after discussing deportation difficulties, asked :



We entirely sympathise with the desire of the Transvaal to prevent an Asiatic influx but cannot this be accomplished without imposing unnecessary humiliation, or restrictions upon those Indians who have been allowed to settle in the country, and who for the most part have proved law-abiding and industrious residents? [*Ibid*, 11-1-1908]

In the course of a lengthy article, *Natal Mercury* remarked:

Any forcible measure adopted towards Mr Gandhi and the other leaders of the agitation will only have the effect of making martyrs of them in a cause which is popular among their own people, and this may produce quite unforeseen results, both here and in India.

The paper added that so far as intimidation went, Mr Smuts had used it more frequently than any of the Indian leaders, as he had again and again threatened that if the Indians would not register they would be bundled out of the country. It added:

We can hardly imagine any stronger form of intimidation than for a prominent member of the government to declare that unless the Indians followed a certain course, they would lose their means of livelihood, as that is what deportation would mean to the majority. We very much doubt, therefore, if the whole question will be physically settled, as Mr Smuts seems to think, by showing no mercy to the leaders. [*I.O.*, 11-1-1908, p 25]

Gandhiji gave an interview to the *Star* of Johannesburg on 6 January 1908 in which he threw light on several aspects of the problem.

He said, “General Smuts has evidently mixed up Law 3 of 1885 with the Peace Preservation Ordinance. Law 3 of 1885 never stopped the immigration of



Asiatics, it merely penalized Indian traders to the extent of £3.” Going into past history, he added, it might be recollected that originally this tax upon Indian traders was to be prohibitive, that is to say, £25. Lord Derby had protested against it, and it was reduced to £3 in the amending law. The late Mr Kruger’s Government never aimed at prohibition of Asiatic immigration. “As a matter of fact, I well remember the late President having told an Indian traders’ deputation that he did not mind Indians coming into the country so long as they helped his farmers to sell their produce.” But Kruger did not want Indians to remain in the country on a basis of equality.

“The restriction of immigration was only thought of (after the Boer War) when the British Government was established.” The Peace Preservation Ordinance, which was designed only to cope with disloyal people and criminals, was adroitly and effectively used to restrict Indian immigration. It was necessary to bear this distinction in mind because the Asiatic Registration Act was improperly called an amendment of Law 3 of 1885, Gandhiji explained. He added, “It inaugurates a new policy altogether so far as British Colonies are concerned and particularly the Transvaal.” He went on to explain how subsequently Lionel Curtis came on the scene.

Curtis was Town Clerk of Johannesburg, 1902-3; and Assistant Colonial Secretary for Urban Affairs in the Transvaal, 1903-6. Later he was nominated a member of the new Transvaal Legislative Council. A pioneer of the Closer Union Movement, he had a passion for “scientific method” and was later known to fame as the missionary for diarchy in India, [M. K. Gandhi, S.S.A., p 93] and sole author of the Asiatic Law Amendment Ordinance, designed because equality between the whites and Indians, according to him, was impossible. [C.W.M.G., VI, p 469] The *Progressive Weekly* described Curtis as “one of the rising hopes of the stern and



unbending Progressives.” He rejected the amendment of the Peace Preservation Ordinance and drafted the Registration Bill, “which deals with the Asiatics as such, and treats them as a class apart”.

Gandhiji continued, “As regards the influx of British Indians we have always denied it so far as any organized illegal influx is concerned.” A little knowledge of the working of the Asiatic Office ought to show that the forging of permits, after the permits adopted by Captain Fowle came into operation, was well nigh impossible. What actually happened was that sometimes wrong men received permits, because they successfully bribed the Asiatic department officers in Johannesburg. It was after the British Indian Association had repeatedly brought this corruption to the notice of Sir Arthur Lawley that these officers were removed. He added, “When I speak of wrong men I do not mean those who were not entitled to permits, but men who had not the prior right. I know several old refugees who were obliged to make these payments before they could get their permits.” All the same such documents were *bona fide* documents and held by the persons described in them. Touts of corrupt officers handled enormous sums of money extorted from the refugees. “I do deny that ‘thousands of Indians’ who had no right to enter the country have so entered.”

The interviewer drew Gandhiji’s attention to Mr Smuts’ statement that 5,000 Indians had gone out of the country rather than register. Gandhiji replied that the majority of those Indians had every right to remain ... their right could not be questioned ... but they were not strong enough to face the hardships. He added that the prosecutions, numbering 1,500 over a period of five years, went to show that the Indians’ contention was correct. Whenever an attempt had been made at illegal entry Peace Preservation Ordinance was sufficient to cope with the problem. “It should also be remembered that most of these prosecutions



were at the border in connection with men who were trying to enter but failed. It might be as well to mention that 563 convictions took place between 15 November 1902 and 28 February 1903. It should be within the recollection of the public that immediately after peace was declared, although there was a Peace Preservation Ordinance, people came in freely. So did Indians and they were not molested at all. When a large number of refugees began to pour in, instructions were sent that no Indian should be allowed to enter without a permit. "This accounts for the prosecutions during that period. It is quite apparent therefore that there was no fraud but mere ignorance on the part of poor Indians. In any case the number of Indians resident in the Transvaal before the war was 15,000. Thirteen thousand permits have been issued under the Peace Preservation Ordinance to British Indians, so we have not reached the number who were in the country before the war."

Asked if he had any further remarks to make on the finger-prints, Gandhiji said: "General Smuts has been less than fair in his allusion to the system. He knew that the finger-prints had never been an essential objection." All digit-impressions would undoubtedly form a bone of contention, because, "according to Henry's book on which General Smuts has relied, digit impressions were required only from criminals who continually hide their identity and, therefore, necessitate classification". As is clearly shown in the book, "thumb-impressions are quite enough to identify". An Indian, if he dares to hide his identity, would immediately become a prohibited immigrant, because his name would not appear in the Immigrants' list. "It was to the advantage of the immigrant not to hide, but to afford every facility to show that he is the proper person."

The chief objection to the Act, Gandhiji insisted, was that it was based on an unproved charge of Indians having entered the colony illegally. "Why, for



instance, should not a judge of the High Court or the Chief Magistrate of Johannesburg be appointed to take evidence on the following points: (1) Has there been surreptitious entry on an organised scale? (2) Is the Peace Preservation Ordinance sufficient to meet any attempt at fraud? (3) Are ten finger-prints required for complete identification? (4) Is it not possible to have a complete identification by slightly amending the Immigration Restriction Act? ” he asked. He added:

With regard to the charge of intimidation, I can only say that there has been no physical violence whatsoever; ostracism and boycotting, yes. In boycotting have we not taken a leaf out of the Boer book? I do not think we have gone so far as the Boers did in connection with the National Scouts.

With regard to the leaders having deceived the community, he regretted General Smuts had made such a statement. He (Gandhiji) could say without fear of contradiction that the law had been accurately and widely distributed among the people. “Every attempt has been made to place before the British Indians what the leaders have considered a true statement regarding the law. If by urging the people to rely on Imperial protection, we have misled, I plead guilty.” He had always coupled this advice, he said, with another plan “which is that our ultimate reliance should be on God”. It might be that he had misread his countrymen. He certainly welcomed the prosecution against some of the leaders of the movement. “It will show General Smuts, the public and even myself whether the opposition to the law is general or whether it is continued only through the influence of two or three Indians.” The Indians did not want victory for the sake of it. No matter what might be said against them, they simply called themselves a law-abiding people. All they wanted was that their solemn covenant should be



respected. They wanted to help the Government and “they would still humbly approach the Government, if only the Government would have more regard for their sentiments.” [I.O., 11-1-1908, pp 20-21; C.W.M.G., VIII, pp 8-12]



CHAPTER VII: THE LEADERS ENTER THE PRISON PALACE

1

Gandhiji and his co-satyagrahis were tried in magistrate Jordan's court on 10 January 1908. At first they were to be tried at 10 a.m. but the trial was postponed to 2 p.m. This gave Gandhiji an opportunity to address a meeting at Newtown mosque and give, so to say, a valedictory message to the Indian community. This was reported by the *Star* of Johannesburg. It was a powerful message and I quote from the report in *extensor*. [This is *The Star* report as reproduced in *Indian Opinion* of 18 January 1908, under the title "Mr Gandhi's Valediction: Leaders imprisoned"]

There was considerable commotion among the Indian community, reported the *Star* of Johannesburg, when it became known that Mr Gandhi and the other Indians and Chinese who were ordered to leave the Colony within 48 hours a fortnight ago, were called upon to attend court for their sentence. There was a large gathering outside B Court at ten o'clock, and before the doors were opened, word was sent round that the proceedings would be taken up at 2 p.m. Mr Gandhi availed himself of the opportunity the few hours' postponement allowed, to address his countrymen. It was to be a valedictory exhortation to the rank and file of the Indians to stand firm during the incarceration of the leaders of the passive resisters' movement. The meeting was held in the mosque grounds, Newtown, at 11 o'clock and despite the short notice there was a large gathering. A platform had been erected in the grounds and seating accommodation was provided by means of the serviceable paraffin tins which were strewn about in thousands. On the platform were Essop Mia, Chairman of the British Indian Association, an Indian priest in artistic oriental garb and



Gandhiji. A few introductory remarks were made by Mr Essop Mia and then Gandhiji spoke. He was listened to with the greatest interest. Every eye was fixed upon the slim central figure of young Barrister Gandhi and the meeting gave an indication of the hold he has upon his countrymen.

After his speech in Hindustani, Gandhiji spoke in English. He believed that those who had to go to gaol today were not at all afraid. On the contrary, they considered that it was a fit opportunity given to them by the Government to serve their country and to show that they were men.

He said he had not expected to have an opportunity of addressing his countrymen before accepting the hospitality of His Majesty. But God had willed otherwise, and he was there to give them the last word probably for a month, it might be for two months, it might be for six months, and the word he had to place before them was : “Do not deceive yourselves, do not deceive the Government, do not deceive your humble servant.” He believed sincerely that the struggle had been undertaken at their desire; that when he placed before them the true position of the law, all of them had said that it was not possible for them to submit to it and rather than submit to a law of that nature, they would suffer imprisonment, be banished from the country and lose everything they possessed.

The objection to the law, he repeated, was not a question of giving a wife’s or a mother’s name or giving one thumb-impression or ten digit-impressions, although all those things were undoubtedly to be considered when they were compelled to give them, but the sting lay in the spirit itself. Jesus Christ had said that no man had seen God because He was a spirit. Similarly it was not possible to describe in words the underlying spirit of the Act. Every Indian felt that spirit, and having felt, shunned it as he would shun Satan. The law was based upon condemnation of the whole of the Indian community, and it did not matter a bit



whether General Smuts said that he wished to treat them justly and fairly. Judgment should be pronounced upon his acts and not upon his words. What they saw was that by reason of false dignity the Government would not have what they were willing to give voluntarily of their free will, but wanted to compel them to give it as if they were slaves. Compulsion was possible in a matter of personal freedom only in the case of slaves.

He recalled an incident, he said, that happened when with Mr Ally he went to England as their servant. A gentleman on board said, “I see you are going to London in order to get rid of the dog’s collar.” Precisely, it was because they did not want to wear the dog’s collar that they had put up the fight....

No matter what might be said he would always repeat that theirs was a struggle for religious liberty. By religion he did not mean formal religion, or customary religion, but that religion which underlay all religions, which brought them face to face with their Maker. If they ceased to be men, if after taking a deliberate vow they broke that vow in order that they might remain in the Transvaal without physical inconvenience, they would undoubtedly forsake their God.

They did not want future immigration; they did not want to remain there and set up undue competition with white people. People who were capable of putting up a fight like theirs would not offer unfair competition, but would fall in line with any legislation that might be devised for the common good of all, but certainly not for the good of only a handful of store-keepers. If it were necessary that stores should be regulated for the common good of the country, why, they had offered to accept it times without number.

They did not want to flood the colony with Indians, but they insisted that the handful of Indians who had a right to remain in the Transvaal should be



allowed to live as worthy citizens of a mighty Empire, and not be treated as beasts. [I.O., 18-1-1908; C.W.M.G., VIII, pp 33-36]

The speech was greeted with great applause by the audience.

Asked for a final message before his incarceration, Gandhiji gave the following to a *Rand Daily Mail* representative:

I have undertaken this struggle prayerfully and in all humility believing in the entire righteousness of the cause, and I hope that one day colonists will do justice to my countrymen. So far as my countrymen are concerned, I can only hope that they will remain firm in their sacred and solemn resolution. By doing so, they have nothing to lose. Even though they may have to lose their all, they can only gain in the esteem of their fellow-men by being resolute.

I sincerely state that in effecting my arrest, General Smuts has done a very honourable act. He believes that my countrymen have been misled by me. I am not conscious of having done so, but I may have been misled myself. In any case removing me from the arena will show whether the opposition is real or unreal. The position therefore is absolutely in our own hands. [C.W.M.G., VIII, p 38]

2

At two o'clock precisely a continuous stream of Indians indicated the approach of the leaders. Gandhiji was the first to appear. It was drizzling. His ardent admirers sheltered him with umbrellas as he walked along slowly reading the first edition of the *Star*. The Indians kept pouring on to the square, and the public entrance to the court was blocked. The magistrate, Mr Jordan, was seen walking through the crowd, and of course he attracted considerable attention. At



ten minutes past two the lock was heard on the door and the pressure outside became greater. The doors were flung open and the crowd was met by Captain Potter, Superintendent Vernon and two policemen. The officer ordered the entrance to be cleared and considerable confusion followed. The dense mass swayed backward, and when it was possible for egress to be obtained by a few people at a time, people were allowed to pass in. The Indians continued to force their way and they attempted to push the police at the door. The Commissioner of Police, who was in the court, saw to it that the force at the door strengthened, and the entrance was again cleared. Another disturbance occurred and the police made three arrests. When the part of the court reserved for the public was filled, further admission was denied. A few minutes afterwards the magistrate entered the court.

“Silence”, said the magistrate, and Gandhiji was called.

A regular cordon was formed by mounted and foot police around the entrance to the court.

In October 1908 the Rev Joseph J Doke wrote about Gandhiji’s first trial and imprisonment in these words: “There is the trial in the B Criminal Court, a great mass of excited Asiatics crushed in at the door, and spreading to a great crowd outside. The cynical magistrate with his face flushed, presiding at the Bench; the horse-shoe of legal officers below.” [Doke, Joseph: *M. K. Gandhi : An Indian Patriot in South Africa*, p 10]

Gandhiji pleaded guilty to the charge of disobeying the order of the court to leave the colony within 48 hours. [*Rand Daily Mail* in its accounts of the trial also mentions John Fortoen, C. M. Pillay, P. K. Naidoo, M. Easton and M. E. Cadwa (Karwa) who were charged along with Gandhiji under the Asiatic Registration Act.]



Mr Fred Klette, clerk, went into the witness-box and produced the records in the case, *Rex vs Gandhi* heard in that court on 28 December. Defendant was on that occasion ordered to leave the colony within 48 hours. [C. W. M.G., VIII, p 37] Witness had served a written order personally on the accused.

On being asked by the magistrate if he had any questions to ask, Mr Gandhi replied: “No, Sir.”

Superintendent Vernon, B Division, said that at 2 p.m. that afternoon he arrested the accused for failing to comply with the order. He had seen the accused repeatedly from the date the order was made until today.

Gandhiji had again no question to ask.

Mr Schuurman, prosecutor, intimated that this was the case.

Gandhiji asked leave to make a short statement, and, having obtained it, he said that he thought there should be a distinction made between his case and of those to follow. He had just received a message from Pretoria stating that his compatriots had been tried there and had been sentenced to three months’ imprisonment with hard labour; and they had been fined a heavy amount, in lieu of payment of which they would receive a further sentence of three months’ hard labour. If these men had committed an offence, he had committed a greater offence. He asked the magistrate to impose upon him the heaviest penalty.

Mr Jordan : You ask for the heaviest penalty which the law authorizes?

Gandhi : Yes, Sir.

The magistrate, however, did not accept his plea. He had always held Gandhiji in high esteem as a practising lawyer. Gandhiji had often appeared in his court. It was embarrassing enough to have Gandhi stand before him as a prisoner. He said: “I must say I do not feel inclined to accede to your request of passing the



heaviest sentence, which is six months' hard labour with a fine of £500. That appears to me to be totally out of proportion to the offence which you have committed. The offence practically is contempt of Court in having disobeyed the order of December 28. This is more or less a political offence and if it had not been for the defiance set to the law I should have thought it my duty to pass the lowest sentence which I am authorized by the Act. Under the circumstances, I think a fair sentence to meet the case would be two months' imprisonment without hard labour."

Gandhiji was then removed to custody. The policemen beckoned to him, took him to the prisoners' cell and closed the door upon him. As he sat on the bench, Gandhiji was "somewhat agitated."

He wrote later in his memoirs:

The police asked me to sit on a bench kept there for prisoners, shut the door on me and went away. I was somewhat agitated and fell into deep thought. Home, the courts where I practised, the public meeting hall, these passed away like a dream, and I was now a prisoner. What will happen in two months? Will I have to serve the full term? If the people courted imprisonment in large numbers as they had promised, there would be no question of serving the full sentence. But if they failed to fill the prisons, two months would be tedious as an age. These thoughts passed through my mind in less than one hundredth of the time that it has taken me to dictate them. And they filled me with shame. How vain I was! I who had asked the people to consider the prison as His Majesty's hotels, the suffering consequent upon disobeying the Black Act as perfect bliss, and the sacrifice of one's all, and of life itself in resisting it as supreme enjoyment! Where had all this knowledge vanished today? This second



train of thought acted upon me as a bracing tonic, and I began to laugh at my own folly. I began to think what kind of imprisonment would be awarded to the others and whether they would be kept with me in the prison. [M. K. Gandhi, S.S.A., p 149]

His thoughts were disturbed when the door of his room was opened and a police officer asked him to follow him.

3

There was a big crowd outside the court at the commencement of the proceedings, but when the magistrate adjourned the court to get a little fresh air after the Asiatic cases, it had swelled to enormous proportions. Practically every Asiatic in the town was present. One or two mounted police troopers set about dispersing the crowd.

As soon as the news that the proceedings were over got about, a large majority of the Indians produced little black flags and waved them over their heads, at the same time raising shrill slogans. It was difficult to get out of the courtyard, but when the assembly surged out into Eloff Street, some sort of a procession was formed headed by a big black flag on a long pole. The procession went round the southern side of the court into Rissik Street and then across Market Square and by President Street in the direction of the Newtown Mosque. All along the route black flags were waved on high, and there was a good deal of shouting, the only words which could be distinguished, owing to their frequent repetition, were some remarks about the British Empire. [I.O., 18-1-1908, p 34]

The black flag procession was not known to Gandhiji. He came to know of it later in gaol. [M. K. Gandhi, S.S.A., p 150]



The police dispersed the procession and flogged some of its members. [*Ibid*, p 150]

The news of Gandhiji's arrest was flashed throughout South Africa and every Asiatic and many Europeans including even those who had opposed the Asiatics were shocked. Some of the important papers, both in South Africa and in Great Britain, found in the arrest not only injustice but also a danger that it might alienate Indians in India and harm the Empire.

On 11 January Mrs Gandhi and family were the recipients of 48 telegrams. The prevailing tone of the telegrams was one of congratulations rather than commiseration. [I.O., 18-1-1908, p 37]

Telegrams of sympathy, congratulation and protest were also received by the British Indian Association at Johannesburg, Pretoria and Phoenix. [*Ibid*, p 37]

A note appeared in *Indian Opinion* : "The British Indian Association and all those who have received telegrams of sympathy and encouragement from various individuals and public bodies in South Africa, since the struggle entered upon a new phase, desire to take this opportunity of acknowledging their deep and grateful thanks to the senders. It is not possible to send individual replies." [I.O., 25-1-1908, p 54]

The note added : "Mrs Gandhi wishes us to convey on her behalf her sincere thanks to all those who have sent messages of sympathy and encouragement by telegraph or otherwise in connection with the present political struggle." [*Ibid*, p 54]

Indian shops throughout Natal were closed on Saturday 11 January 1908 as a mark of their support for and appreciation of the splendid stand made by the Transvaal Indians against the unjust laws.



A meeting under the auspices of the Natal Indian Congress was held at 10 o'clock in the morning on 11 January at the Indian Market, Grey Street, Durban. About 1500 Indians attended. Dawad Mahomed presided.

An onlooker could not but realize that the people, both speakers and audience, were greatly affected and the emotion which they showed came from the heart.

The chairman, with a choking voice, said it behoved him as president of the Natal Indian Congress and one who had watched the whole struggle throughout to explain the situation in as few words as possible. The occasion was serious, and the times were critical. The struggle between the Transvaal Government and the Indians had reached a critical stage, and they as Indians, residing in a neighbouring colony, had their duty to perform in order to help their brethren to the best of their ability and resources.

There was no other resort left to the Indian community, he said, but to resist passively an Act which put them even below the South African savages (applause). The community solemnly swore to suffer imprisonment and loss of trade or occupations, and face starvation, rather than submit to such degradation.

He added that as a contrast to the treatment meted out to the law-abiding Indians, they noted the tolerance shown to the people who thieved by night and robbed by day, blew up mines and houses with dynamite, held up banks, assaulted white women in the streets, and who were the scum of Europe, their only recommendation being a dubiously white skin.

This brought him to the stirring events of the last few days. General Smuts was on the war-path, and was patrolling the roads of the Transvaal in his steamroller, only too willing to crush any form of Asiatic opposition. The climax



was reached on Friday, when Gandhiji, their able leader and many others who had been in the forefront of the movement, had been imprisoned, many with hard labour and heavy fines (cries of “Shame”). That such a state of things should exist under the British flag and a British Colony which was protected by the Imperial troops and was dependent on British bounty, passed his comprehension. Hitherto the Indians had firm faith in British justice and fairplay, but alas, though a King-Emperor claimed their allegiance, and an Imperial Government presided over their welfare and a Viceroy administered their laws, they were without an effective guardian to whom they could look up for help in their distress. Therefore, help for them must come from within.

In the end, he referred in brief to the lesson that the history of the world had taught them and which they, in common with others, should take to heart and endeavour to make the best use of, if they were capable of doing so. He asked them to consider for a moment how omnipotent the mighty legions of Rome were. “That great power which carried its arms from one end of the world to the other, became dust and bones, not by one shot of gun-powder or by the mighty blow of a revengeful enemy ... but that great power was crushed down and annihilated by the very weight of its own iniquity, oppression, malice and policy of grabbing.”

In conclusion, he asked what had become of all the Imperial promises and the proclamation of 1858, and whether they had been faithfully carried out. He called upon them to stand by their brethren in the Transvaal and loyally support them in their struggle to which expression would be given in the resolutions to be put before them for which he asked their loyal support (applause). [I.O., 18-1-1908]

Abdul Cadir moved the following resolution:



Natal Indians, at mass meeting, solemnly protested against the oppressive enforcement of Asiatic Registration, Immigration Restriction Acts, Transvaal. Regret so much power for harm entrusted people to oppress unrepresented British Indians, who are apparently disowned by all British Governments, and deplore, notwithstanding British justice, fairplay, Imperial Government seems impotent to extend effectual help. Enough shake Indian confidence, shake loyalty. [I.O., 18-1-1908, p 40]

Mr R. K. Khan seconded and Mr S. P. Mahomed supported the resolution. The resolution was carried unanimously and was sent to Lord Elgin.

Mr Godfrey moved the following resolution to be sent to Lord Selborne:

Natal Indians at mass meeting most solemnly protest against the oppressive enforcement of Asiatic Registration and Immigration Restriction Acts Transvaal, regret that your excellency be the first great pro-consul to recommend such an un-British measure derogatory to British honour and prestige. Hope that you will yet realise as befits the representative of a great nation the responsibilities entrusted to your charge and save British traditions from ridicule and dishonour. [*Ibid*, p 40]

Dada Abdoola seconded and Parsi S. J. Randeria supported the resolution. It was carried unanimously.

Parsi Rustomjee moved the following resolution to be sent to the Viceroy of India through the Colonial Secretary.

Natal Indian Congress requests you to forward following cable, Viceroy, India, Calcutta; will pay expenses: 'From Congress to Lord Minto, Calcutta, Natal Indians at mass meeting protest against Transvaal's



oppressive Acts. Indian leaders rigorous imprisonment. Helpless Indians look to the Viceroy for intercession.’ [*Ibid*, p 40]

Parsi Rustomjee said that he was proud of the brave stand his brethren in the Transvaal had taken, and trusted that the continuation of their intrepidity and zeal, together with the element of personal sacrifice, would succeed in winning the hardest of hearts.

Mr Chetty seconded and Mr Hassim Jooma supported the resolution. The resolution was passed unanimously.

The following cable to be sent to the South Africa British Indian Committee moved by Mr B. Gabriel, seconded by Mr Mia Khan and supported by Doorasamy Pillay, was approved unanimously:

Oppressive Transvaal Acts enforced. Gandhi, leaders, rigorous imprisonment. Imperial Government deaf Indian appeal. Look to British public for effectual relief. Serve copies members others. [*Ibid*, p 41]

The next cable to be sent to Mr Wacha and Mehta, leaders of the Indian National Congress moved by Mr Sanghavi, seconded by Mr Aiyer and supported by Mr U. M. Shelat, was also approved unanimously:

Oppressive Transvaal Acts enforced, Gandhi, leaders, rigorous imprisonment. Imperial Government deaf Indian appeal. India raise her voice loudest. Serve copies leaders whole India. [I.O., 18-1-1908, p 41]

The telegram to Mrs Gandhi, moved by Mr Nanji, seconded by Mr Rooknudeen and supported by Mr Talvant Singh was unanimously approved:

Natal Indians at mass meeting offer their sincere sympathy to Mrs Gandhi and family during their trouble for the splendid self-sacrifice made



by Mr Gandhi in the cause. May India produce many more Gandhis. [*Ibid*, p 41]

The Indian National Progressive Association, Durban, sent a telegram of encouragement to the Transvaal Indians and also one to Gandhiji in gaol. [*Ibid*, p 41]

On January 11, the Maritzburg Indians also met and passed resolutions of sympathy and congratulations. The resolutions were sent to Mrs Gandhi and family, British Indian Association and Chinese Association. [*Ibid*, p 37]

On the same day January 11 the Indians residing in East London met and passed resolutions protesting against the action of the Transvaal Government. Cables were sent to Lord Elgin and the Viceroy asking the Imperial Government to protest. All Indian business places remained closed.

On 13 January a meeting of Indians was held at Zanzibar. Sincere regret was expressed at the punishment inflicted on Gandhiji and others at Johannesburg and Pretoria. [I.O., 18-1-1908]

Mr Quinn, President of the Chinese Association was in prison with Gandhiji. There were about 400 Chinese and being Asiatics, they were equally affected by the Black Act. They were not British subjects and they had their own organisation. The two groups, Indians and Chinese, together offered resistance to the Black Act and went to gaol, but the activities of the two communities were not allowed to be mixed up, each of them worked through their own organisations, so that if both were active they would strengthen one another. If however one of the two weakened, the other would still be able to hold on and keep up the morale of its members.



In the court during Gandhiji's trial there were hundreds of Indians as well as brother members of the Bar watching the proceedings. He had attended the same court as a lawyer. Now he stood in the dock as an accused. [M. K Gandhi, S.S.A., p 149] The magistrate who had always held him in the highest esteem as a practitioner of law was obviously embarrassed to see him in the prisoner's dock. On the sentence being pronounced he was at once removed and was quite alone. He wondered how long he would have to be in prison.

Gandhiji entered into a van and was driven to Johannesburg gaol. He saw over the gaol portico the motto of the old South African Republic carved in Dutch. It said : "Unity Makes Strength". It was not without significance. [*Ibid*, p 149]

In gaol he was first taken to a reception room. Soon he was joined by P. K. Naidoo, C. M. Pillay, Karwa, Easton and Fortoen, the last two being Chinese. They came laughing and told him how they had received the same sentences and what took place after he had been removed.

The reception room was meant for recording details about the prisoners. They knew that the convicts were made naked in jails. They had decided that they, as satyagrahi prisoners, would obey all regulations so long as they were not inconsistent with their self-respect or with their religious convictions. They therefore totally undressed and were each given non-labour clothes to wear consisting of trousers, shirts, jumper, cap, socks and a pair of closed sandals each. They were then weighed and were all required to give their digit-impressions. They were given a bag in which to pack away their own clothes. Their garments were stamped with the letter "N" which meant that they were being classed with the Natives. The gaol clothes were very dirty. Gandhiji hesitated to put them on but reconciled himself to do so.



At about four p.m. they were marched to a cell, each with eight ounces of bread for the evening meal. The cell in which they were placed was legally capable to holding thirteen prisoners, so that there was sufficient accommodation to start with. All the prisoners were kept in the same cell. So they were happy.

The cell was situated in the Native quarters and was labelled “For Coloured Debtors”. Degradation was implied in classing Indians with the Natives. Apart from whether or not this implied degradation, it was rather dangerous. Kaffirs were as a rule uncivilized, the convicts even more so. They were troublesome, very dirty and lived almost like animals. Each ward contained nearly 50 to 60 of them. They often started rows and fought among themselves. [C.W.M.G., VIII, p 120]

Gandhiji could now study the life of Native prisoners, their customs and manners. He felt that passive resistance had not been undertaken too soon by the Indian community. The Asiatic Act seemed to him to be the depth of their degradation. [*ibid*, p 135]

The cell was locked up at half-past five. Gandhiji felt that they had been locked up in a safe. [M. K. Gandhi, S.S.A., p 150] It was a galvanized iron construction, fairly strong, though none too strong for prisoners bent on escaping. There was perhaps fair ventilation. But small windows at the top, half open, and apertures in the opposite wall, hardly reached the standard of modern requirements. Gandhiji was assured that these cells were the best ventilated of all the prisons in the Transvaal. “There was electric light in the cell, but the only lamp in it was not strong enough to do any reading with any degree of comfort. The light was switched off at eight o’clock in the evening and was spasmodically switched on and off during the night. “A bucket of water and a tin tumbler was our ration of water for the night.” For natural convenience a bucket in a tray with disinfectant



fluid in it was placed in a corner. [C.W.M.G., VIII, p 121] The bedding consisted of wooden planks fixed to three-inch legs, two blankets, and an apology for a pillow, and matting. At Gandhiji's request the Governor ordered a table and two benches to be placed in the room for writing purposes.

In front of the cell there was a small yard in which they could move about during the day. It was too small for exercising. Prisoners were not allowed to go out of the enclosed space without permission, since the bath, urinals and latrines were all located within the yard. For bathing there were two large stone basins and two spouts which served for a shower. There were buckets for defecation and two more for urine. There was no provision for privacy in the latrine. Also, the gaol regulations forbade the provision of separate latrines which would allow privacy. It often happened, therefore, that two or three prisoners sat down in a row. The arrangements for bathing were similar. The buckets for urine too stood in the open. [*Ibid*, p 139]

Gandhiji did a great deal of reading in prison. The books that he read included *Pilgrim's Progress* and works of Emerson and Thoreau, Carlyle and Ruskin. He also tried to learn Tamil and Telugu.

The authorities did not treat the prisoners well and there was no VIP treatment for anyone extended earlier to Ram Sundar Pundit. The number of prisoners was daily increasing. In one week the number of satyagrahi prisoners increased to 100 and went up to 150 before Gandhiji was released in three weeks' time. They got all the news from the new arrivals.

Gandhiji offered to clean up the place and started on voluntary scavenging work during his gaol life in South Africa.

Sanitation in the gaol was excellent. Every day the floor of the cell was washed with a disinfectant and the edges of the floor and the commodes were



also washed with soap and disinfectant. Gandhiji used to wash the commodes with disinfectant fluid. To remove the stool, a few Chinese prisoners turned up every morning at 9 o'clock. Afterwards Gandhiji with his co-workers used to do the job whenever it was necessary to clean up or wash the commodes. The planks serving as beds were also washed every day with soap and sand and water. The only inconvenience was that the pillows and rugs changed hands among the hundreds of prisoners. Though there was a rule that required the rugs to be aired in the sun every day, it was hardly observed.

5

According to the gaol rules, the prisoners were locked up at 5.30 in the afternoon. At eight everyone had to go to bed. Talking among prisoners after eight constituted a breach of gaol regulations. Prisoners were forbidden to smoke. A bell rang at half-past five in the morning to wake them up. Every one had then to get up, roll up his bedding and wash. The door of the cell was opened at six when each prisoner had to stand up with his arms crossed and his bedding rolled up beside him. Roll was then called by a sentry. By a similar rule every prisoner was required to be beside his bed while he was being locked up in the evening. The prisoners could not have anything else in their possession except what was given to them by the gaol authorities. Except clothes, they were forbidden to keep anything without the Governor's permission.

One of the buttons on every prisoner's shirt had sewn on it a small pocket which contained a card bearing his number, his name, particulars of his sentence, etc. Normally the prisoners could not stay in the cell during the day. Those sentenced to hard labour could not do so in any case since they were engaged in their work, but even the others were not allowed to stay in. They had to remain in the yard outside the cell. [C.W.M.G., VIII, p 140]



Those sentenced for two months or more were required to have their hair cropped close and the moustache shaved off. Only clippers and scissors were used. No razors were allowed. In the case of the Indians the rule was not observed strictly. Gandhiji had his hair cropped and his moustache shaved off. This he did in order to observe his resolve to go through all the experiences of a prisoner. Also it kept the head free from infection, as there were no combs or other means to keep the hair tidy.

All the prisoners were required to line up when the officials came to inspect them. The prisoners wore caps which had to be as a rule taken off in the presence of the visiting officers. The order to line up was given by shouting the command “fall in” whenever an official came. This meant that the prisoners should fall in line and stand to attention. This happened four or five times a day. The Assistant Chief Warden was somewhat strict and was therefore nick-named “General Smuts” by the Indian prisoners. He often came in the afternoon as well.

The doctor came at half-past nine and appeared to be a kind and well-meaning person. He made solicitous inquiries about the prisoners’ health. Under the gaol regulations every prisoner had to stand undressed in public for examination by the doctor. But the doctor never insisted on observance of this rule. He simply asked the Indian prisoners if anyone had eczema or any infection, so that he might examine the person in private.

The Governor and the Chief Warden used to come at half-past ten or eleven. The Governor appeared to be firm, fair-minded and quiet-tempered. He always had the same question : “Are you all well? Is there anything you want? Have you any complaints?” He listened to a request or a complaint patiently and granted every request which was reasonable. If there was a genuine grievance, he set matters right.



The Deputy Governor came sometimes. He too was a kindly person. But the kindest among them all, the most gentle and sympathetic, was the Chief Warden who was especially charged with looking after the Indians. He was a very devout man. Indians were not the only ones to whom he was nice and courteous in every way; for other persons were also very warm in their praise of him. He was anxious to respect prisoners' rights. He would condone any minor offence on their part. He was particularly kind to the Indians because he thought they had not really committed any offence. Often he talked with them and even expressed sympathy. [C.W.M.G., VIII, p 142]

Gaol authorities did not accord to the top leaders of the Passive Resistance movement the good treatment which they had meted out to Ram Sundar Pundit, the first satyagrahi prisoner. He was placed in the European ward, but all the Indian prisoners later were kept in the Negro wards.

On 14 January Thambi Naidoo, the chief picket, and Leung Quinn, the Chairman of the Chinese Association, came and were happy to join Gandhiji and others. On 16 January fourteen more came, Samandar Khan being one of them.

In the first week, in the morning for breakfast they were served twelve ounces of mealie pap without salt, sugar or ghee; for the midday meal, four ounces of rice with an ounce of ghee and in the evening 12 ounces of mealie pap on four days and boiled beans with salt on three days. On Saturday potatoes and on Sunday vegetables were added to the mealie meal. [C.W.M.G., VIII, p 145]

The first batch of prisoners, namely, Gandhiji and five others decided as satyagrahis not to ask for any favour from the Government but to make do with whatever food was allowed them, provided it was acceptable from the religious point of view. In fact, the scale described above was neither adequate for Indians nor suited to their taste. The food was dietetically sufficiently nutritious. Mealie



meal is the staple Kaffir diet, so that this scale suited them very well and they thrived on it. But nothing except rice was acceptable to Indians. Hardly any of them ate mealie pap which had animal fat added to it in cooking. Indian prisoners were not used to eating beans as a course by itself and did not find vegetarian dishes cooked in gaol agreeable. The vegetables were not washed, neither were they dressed with any spices. Moreover, the vegetables served to the Kaffir prisoners consisted mostly of the leftovers and peelings from the vegetables cooked for the whites. Nothing except salt was allowed by way of condiment. Of sugar one could not even dream. Food thus became a real problem.

Within a week, on 16 January fourteen more Indians joined. Some of them plainly refused to eat mealie pap cooked with animal fat. They starved. Gandhiji went through the gaol regulations and discovered that a petition on this subject could be addressed to the Director of Prisons. He therefore asked for the Governor's permission for sending a petition and the following petition by 21 prisoners was forwarded on 21 January:

All the petitioners have been either in the habit of taking European food or mostly so ... their staple consisting either of bread or some preparation of wheat flour. None of your petitioners has been used to taking mealie meal. They are most of them suffering from constipation, probably due to the eating of mealie meal. Seven of the petitioners have gone without breakfast ever since their incarceration except when some Chinese, knowing their plight, once parted with one loaf which was divided among them. This was brought to the notice of the Governor who said the witnesses ought not to have done so. In the petitioners' humble opinion, the diet above referred to is totally unsuitable for them. The petitioners therefore humbly pray that the diet according to European scale with the



exception of mealie meal may be prescribed for them or such other diet as may be considered consistent with their national habits, or habits formed by prolonged residence in South Africa. [C.W.M.G., VIII, p 39]

On the same day 21 January, 1908, 76 more prisoners arrived, who also disliked mealie pap. So at the end of the petition the following was added:

Since writing the above, about seventy more men have come in. They have not taken any breakfast and have strong objection to taking it.

Gandhiji requested the Governor to telegraph the contents of the petition. He consented, and, after obtaining the permission of the Director on telephone ordered mealie pap to be replaced by four ounces of bread per head.

From 22 January 1908 onward they got four ounces of bread in the morning as also in the evening on mealie pap days. This arrangement was provisional, pending further orders. The Governor had meanwhile appointed a committee to go into this question. In the end, it was proposed to allow them flour, ghee, rice and pulses.

In the beginning when they were only six, none of them had thought of seeking permission for cooking. The rice was not well cooked and the green vegetables too were badly cooked. Permission was now obtained by Indians to cook their own food. On the first day Karwa offered to cook. He was then replaced by Thambi Naidoo and Jivan. During the last few days they cooked for 150 persons and generally cooked once a day. Two days in the week, however, that is, on the green vegetable days, they cooked twice a day. Thambi Naidoo did an admirable job of chef. Gandhiji looked after the serving of the meals.

In this new arrangement the Chinese prisoners were discriminated against by being denied rice, but on further representation made by Gandhiji to the



Governor and Playford, the Chief Magistrate, the Chinese too were included in the Indian diet list.

On comparison of rations allowed to European prisoners, Gandhiji later wrote: “For breakfast, they get porridge with eight ounces of bread. For dinner, again they get bread together with soup or meat with potatoes or green vegetables, and for supper, bread and porridge. Europeans thus get bread thrice a day. It makes no difference whether or not they get porridge. Moreover, they are served either meat or soup as an additional item every day. Over and above these, they are given tea or cocoa every afternoon. It is thus clear that both Kaffirs and Europeans get food suited to their tastes.” [C.W.M.G., VIII, p 154] Gandhiji commented that it did not seem clear why the Europeans should get porridge and four ounces of bread whereas the Indians got four ounces of bread in place of porridge. “Have the former a greater appetite than Indians?”

Then again, why should Indians get only twelve ounces of beans when Europeans get the same quantity of beans and eight ounces of bread? This is an anomaly which is most difficult to understand. It may be possible to reconcile oneself to the Europeans getting a greater variety or superior or more expensive food but it was not possible to do so with regard to the quantity of foods. It was obvious, therefore, that the Indian dietary needed a great deal of modification. Then again the fact that the Colonial Secretary never troubled himself about the food provided for men who could not be classed as ordinary prisoners, betrays in my opinion callous contempt for the Indian community. [C.W.M.G., VIII, p 146]

Even white criminals were treated better than Indian political prisoners by the Government of the Transvaal. Such was the strength of colour prejudice in South Africa.



The first batch of satyagrahi prisoners with Gandhiji consisted of six prisoners including Gandhiji and on 14 January Thambi Naidoo and Quinn had joined them. On 16 January fourteen others were added. Satyagrahi prisoners then began to arrive in large numbers. They had all courted arrest and most of them were hawkers. In South Africa, every hawker, black or white, had to take out a licence and always to carry it with him and show it to the police when asked to do so. Nearly every day some policeman would ask to see the licence of some of the hawkers and arrest those who had none to show. The community had resolved to fill up the jail after the leaders’ arrests. In this the hawkers took the lead. It was easy for them to be arrested. They had only to refuse to show their licences and that was enough to ensure their arrest. In this way the number of satyagrahi prisoners swelled to more than a hundred and fifty in one week. [M. K. Gandhi, S.S.A., p 151]

Figures for three weeks of January are given below: [C.W.M.G., VIII, p 142]

January	10	..	6
“	14	...	2
“	16	...	14
“	21	...	76
“	22	...	35
“	23	...	3
“	24	...	1
“	25	...	2
“	28	...	10 (morning – 6 evening – 4)
“	29	...	4
		Misc.	8

		Total	161

Besides Samandar Khan, Karwa and Nawab Khan, none fell sick in the gaol despite the ward being over-crowded. It had a capacity for 51 prisoners only.



Tents were therefore pitched outside and about a hundred prisoners had to sleep there.

C. M. Pillay, Naidoo and a few Chinese were in the habit of reading. Gandhiji taught both the Naidoo Gujarati. He taught English to Fortoen, a Chinese Christian. He used to explain to him the Bible in the evening.

Gandhiji read the *Gita* in the morning and the Koran in English translation at noon. He used the Bible to teach English to his Chinese Christian fellow prisoner. He also read Ruskin, Socrates, Tolstoy, Huxley, Bacon's Essays, and Carlyle's writings. He was happy. He believed that "whoever has a taste for reading good books, is able to bear loneliness in any place with great ease." Indeed, he seemed to regret that his sentence was so short, for he had commenced to translate into Gujarati a book by Carlyle and also Ruskin's *Unto This Last*. He said "I would not have become tired even if I had got more than two months." [Louis Fischer : *The Life of Mahatma Gandhi*, pp 79-80]

The Governor permitted the chief warder to give the Indian prisoners drill if he had the time. Indians had asked for it as they had no exercise. The good warder began to drill them every morning with great interest to keep them fit. The drill was in the nature of a merry-go-round. When the warder finished the drill and went away, it was continued by Nawab Khan whose quaint pronunciation of English words made them all laugh. [M. K. Gandhi, S.S.A., p 153]

The prisoners also obtained the Governor's permission to work on the sewing machine and as a result Thambi Naidoo, Easton and Gandhiji learnt sewing.

Mr Phillips and Rev Davis visited the prisoners. Mr Polak and Mr Cohen saw Gandhiji in connection with the office work. They all had to talk in the presence of the warder.



Mr Playford, the Chief Magistrate, visited them once. There was arrangement for the religious instruction of Christians and Jews but not for Hindus or Muslims. [C.W.M.G., VIII, p 161]

A representative of *Transvaal Leader* called at the Fort on Monday 13 January and was informed that Gandhiji was perfectly happy. [I.O., 18-1-1908]

Gandhiji formed the habit of using his time in a planned manner from his very first imprisonment. I am reminded of how he had worked out a plan of study for each one of us in the Aga Khan Palace detention camp at Poona during the 1942 'Quit India' movement. He had prepared us to be in prison for seven years. We were there for about two years only and felt sorry that we could not complete our studies as planned.



PART TWO
COMPROMISE AND BREACH OF FAITH



CHAPTER VIII: A DUBIOUS SETTLEMENT

1

The reaction to Gandhiji's arrest and imprisonment was strong not only in South Africa but also in India and England. In South Africa white men with a conscience were deeply moved by the silent suffering of the passive resisters. In England Lord Morley was unhappy at the blatant anti-Indian and anti-Asiatic tone of the laws passed by the Transvaal Legislature. The Government of India found it difficult to reconcile the attitude of the Transvaal Government with the Royal Proclamation of 1858 promising equal treatment for all subjects of the Queen Empress everywhere in the Empire. They could not but be aware of the strong opposition in the country to the racial measures of the Government of South Africa and the consequent distress and dismay among all sections of people in India. The Government of India was realistic enough to see that this might ultimately lead to the loss of "the brightest jewel of the Empire", India.

The press openly aired the feelings of the Indian people in this regard. Indignation was expressed at several public meetings and reported in the press. *Kesari*, a Marathi weekly, wrote :

When any coloured people venture to set foot in a white man's country the white wolves manage to make their lives unbearable to them. Among these persecuted races, the lot of the Indians is worst, for while their own country is freely exploited by the whites, they receive nothing but insults and indignities whenever they go to a white man's country. Our rulers had hitherto succeeded in deluding us into believing in the alleged benefits accruing from the glorious world-wide British Empire, but we are being gradually undeceived and are experiencing the bitter truth of the



adage that blood is thicker than water. The Transvaalers have been treating us worse than slaves and all our appeals for protection to the Imperial Government have hitherto proved futile The present brutal and insulting treatment of the Indians in the British Colonies is sure one day to prove one of the main causes of the downfall of the *British Empire*.'

[N.A.I., Reports of the Native Press, Bombay, *Kesari*, 4 February 1908]

In South Africa, men of religion raised their voice in favour of Indians. On 12 January, 1908, while addressing the congregation at the Central Baptist Church in Johannesburg, Rev Joseph J. Doke said:

You do not need to go back three or four hundred years to see a heroic struggle for conscience's sake; I believe you have it here today. But the marvel of it all is that a little handful of Indians and Chinese should have so imbibed the teachings of Christ in regard to the inherent nobility of man that they should become teachers of a mercenary age, while Christians stand by and smile or are silent as they suffer. [I.O., 18-1-1908, p 28]

Referring to the procession of Indians and Chinese two days earlier, he said that it was a pitiful sight and such as he never thought he would see in a city like Johannesburg:

One of the processionists said to his countrymen, to repeat again the words of the Jew of Nazareth, those who would follow God have to leave the world. 'I call upon my countrymen in this particular instance to leave the world and cling to God, as a child would cling to mother's breast.'

The other scene was the crowd of Asiatics outside the court, too excited to know what to do, when English voices were shouting with oaths 'That's right, let the beggars fight; let them all fight — that is what we want.' [*Ibid*]



There were people who said that it was a trade dispute or a political question, Doke continued. But he was convinced that it was not only that, but the manhood of the Asiatics was asserting itself in a Christian manner and asking to be treated in a Christian way. The clergyman was impressed by the fact that there was no rioting, no violence, simply an acceptance of the punishment which the law could inflict on them for following the scruples of conscience. He concluded his address by saying,

The moment has come when the Christian Churches, the Christian Endeavour Societies, the Y.M.C.A., the Church Council, the Missionary Societies, with every minister of every denomination should refuse to stand aside silently, while these men are suffering, but they should at least investigate the question for themselves and act accordingly. [*Ibid*]

Speaking at the Presbyterian Church on the night of 10 January 1908 Mr William Hosken, M.L.A., said,

We can all take one lesson to heart. This is a notable day in the history of the Transvaal and of South Africa, because today several men have been sent to prison for conscience's sake. It is the bounden duty of every man and woman in this community to carefully consider what their duty is in these difficult conditions. [I.O., 18-1-1908, pp 37-38]

A memorial protesting against the Regulations of the Asiatic Act and appealing for an amicable settlement was forwarded to General Smuts by the Ministers of the Churches in Johannesburg. It was signed by N. Audley Ross of St George's Presbyterian Church, Joseph J. Doke of the Central Baptist Church, Amos Burnett, Chairman and General Superintendent Wesleyan Methodist Church of Transvaal and Swaziland, Digby M. Berry, Chaplain of Christ Church,



William Miller, Roman Catholic Bishop, Charles Phillips, Congregational Minister, and Owen Owens of the Baptist Church. [*Ibid*]

In his reply to the memorial General Smuts said that there was never any intention of inflicting indignity or hurting the religious susceptibilities of the Asiatics under the new legislation.

Thanking the representatives of the various Churches who approached the Government on their behalf, the chairman of the British Indian Association wrote that the main or central objection to the Registration Act was ‘compulsion’. The Indians moreover did not desire to live in the Transvaal as ‘British subjects to a certain extent’ and as ‘coolies’, terms used by General Smuts for Indians in one of his recent speeches. General Smuts’ idea of justice and fairness, he said, did not preclude exultation over the withdrawal from the colony under terror, of 5000 Indians, all of them perhaps *bona fide* residents of the Transvaal. Under the circumstances, the Transvaal Indians had challenged the might of a powerful Government, and if they would remain firm to their oath, a day might come when “the Colonists themselves would from sheer humanity, demand justice from the Government on behalf of British Indians.” [I.O., 18-1-1908] It was significant that the clergy and men like Mr Hosken, an eminent leader among businessmen as well as among politicians, had already started speaking up for the Indians.

Mr Hosken, in the course of his speech before the Johannesburg Chamber of Commerce, said that he trusted that the whites as a people would not take part in anything which took away a man’s self-respect, whether that man were black, white or yellow. If they did, they would make a mistake that would be fatal to their Government in future. If they only thought of their own particular interests, it would be a bad day for them, because that sort of action and administration always came back to roost. Wrong done to the weakest and



humblest, frequently recoiled upon those who had been so mistaken as to do it. “The question has arisen as to whether it was after all a matter of colour.” The action of the Transvaal, he said, might be of considerable importance to the future relationship of the British Government and the millions of people of India. [Ibid]

2

Reaction in Britain to developments in the Transvaal was also strong. A meeting protesting against the treatment of British Indians in the Transvaal was held in London on 9 January. The Trade Councils, which were represented, expressed most sympathetic sentiments and desired that every British subject in the Transvaal should receive equal treatment.

Lord Ampthill, a former Governor of Madras, who had also been an acting Viceroy, and was the Chairman of the South Africa British Indian Committee, in the course of his speech referred to India as the strategic pivot of the Empire. The colonies could not be allowed to cause trouble in India. He asked that they should respect the Imperial Government’s promises to India more than British promises to foreigners. The colonies valued the unity of the Empire perhaps more than the people of the mother country. The Immigration Act of the Transvaal, he felt, might have easily received the Royal Assent with a stipulation by the Imperial Government to the effect that the regulations for registration would be revised. He hoped that Lord Elgin might yet take action in the matter for the sake of national honour. [I.O., 18-1-1908, p 31]

A truly realistic and prophetic note was struck by Mr Harold Cox, Liberal M.P. for Preston, when he asserted emphatically that South Africa could never be a white man’s country. Natives did the work which whites did not undertake.



Sir Muncherji Bhownaggee protested against the Imperial Government's assent to the anti-Asiatic legislation. Lord Morley too had had serious doubts, but he had succumbed to Lord Elgin's persistent support of the South African Government, and the oppressive bills had been given Royal Assent.

Mr J. O. Grady, Labour M.P. for East Leeds, whose speech was received with cheers, condemned the finger-print system of identification.

Sir William Wedderburn, formerly in the Bombay Civil Service, declared that the treatment of Indians in the Transvaal was a clear case of race persecution. The people of the Transvaal should accept the elementary principles of justice if they wished to retain the privileges of the Empire.

Speeches were also made by Sir Raymond West, a former member of Bombay Government and Sir Henry Cotton, Liberal M.P. for East Nottingham and formerly Chief Commissioner of Assam. [*Ibid*, p 36]

Resolutions were unanimously adopted protesting against the humiliating Acts passed by the Transvaal Legislature, which were described as attempts to expel British Indians from the country and expressing regret at the Imperial Government's assent to these measures. The Imperial Government's intervention was solicited on behalf of the Indian community in the Transvaal.

The Press also appeared to be sympathetic to the Indian cause on the whole.

The *Daily Chronicle* admitted that it would be disastrous to override the decision of a colony possessing responsible government on a question of principle, but declared that it would be a triumph for the Colonial Government's statesmanship if the laws were modified on the lines suggested by Mr Gandhi.



The *Morning Post* suggested that the Imperial Government should offer a substantial pecuniary inducement for the voluntary repatriation of British Indians in the hope of reducing their numbers in South Africa.

The *Daily Graphic* went to the extent of suggesting Britain going to war against South Africa. It said that the British public were now awakening to the tremendous importance of the issues involved. “We have gone to war for far less serious provocations than that now offered by a colony whose financial stability is dependent on our largesse.”

3

The Government of India had maintained a completely indifferent attitude towards the problems faced by Indians in the Transvaal and the restrictions and humiliations to which they were subjected by the Transvaal Government. They never cared to take up the issue with the Colonial Government or the Imperial Government in Britain even after the passing of the obnoxious Registration and Immigration Restriction Acts or the arrest of Gandhiji and other Indians. Only when Surendranath Banerjee, President of the Indian National Congress, sent a telegram to the Viceroy on 29 December 1907 pleading for his intercession, did they consider it necessary to take some action in the matter. [I.O., 18-1-1908] While the Department proposed to send a reply to the effect that “His Excellency regrets he is unable to intervene in a matter concerning administration of a law which has received His Majesty’s Assent”, Lord Minto the Viceroy was kind enough to add the words “but will certainly take care that your representation is forwarded to His Majesty’s Government”. Surendranath received the reply on 7 January 1908.

On the same day a cable was sent by the Government of India to the India Office to the effect that at an All India conference attended by 7000 people, a



resolution had unanimously been passed, supplicating His Excellency's intervention on behalf of Gandhi, and other Indians in the Transvaal prosecuted under Asiatic Ordinance. [N.A.I. (Dept. of Com. and Ind.) (Emig.) File no. 1 of 1908]

Many telegrams sent by various organisations throughout India had disturbed the even tenor of the Government of India and shaken Lord Minto. On 13 January 1908, W. L. Harvey, Secretary to the Department of Commerce and Industry, received a letter from Lt Col J. R. Dunlop-Smith, Private Secretary to the Viceroy, to the following effect:

The Viceroy wishes to consult Honourable Members as to whether some representation should not be made by the Government of India to His Majesty's Government on behalf of the Indian British subjects in South Africa. I am to ask you to kindly circulate copies of all the telegrams etc. for the opinion of Honourable Members and if possible have the case brought up on Friday (17 January). [N.A.I. (Dept. of Com. and Ind.) (Emig.) File no. 1 of 1908]

Hon'ble Member for the Department of Commerce and Industry J. F. Finlay saw the Viceroy and after discussion Harvey was asked to put up a note. Accordingly on 14 January a lengthy note was put up. This note showed that the officials of the Government of India were aware of developments in the Transvaal but they were indifferent or too lethargic to protest and had not even tried to procure a copy of the oppressive laws and regulations thereof.

The note particularly mentioned that in reply to representations made to him by British Indians in Natal against the prosecution of an Indian priest. Lord Elgin had said that the resolution had been placed before the King who expressed himself to be unable to interfere with the administration of a law in force in the Transvaal. It would seem that the officials thought this justified their inaction. They obviously did not wish to get involved in the problems of Indians in South



Africa, though they were responsible for sending them there in the first instance as indentured labourers and were trustees of their interests.

On 15 January 1908 the Government of India received a copy of the Act and papers regarding the Regulations issued under the Act, from the India Office. The correspondence which had passed between Elgin and Morley was however received nearly a month later on 12 February. Even the papers received had not been examined by the concerned department when the note mentioned above was put up to the Viceroy's Council.

The Viceroy's Council met on 17 January and the following order-in-Council was issued:

1. That the petitions be forwarded to the Secretary of State.
2. That the attention of the Secretary of State be invited generally to the treatment of Indians in the Transvaal and that the Government express the opinion that it should, if possible, be ameliorated.
3. That the Secretary of State be informed of the strong feeling on the subject in this country and that he be asked to take such measures as are possible, to secure a differentiation between the treatment of literate and illiterate Asiatics and a general mitigation of the administration of Registration Bill. [N.A.I. (Dept. of Com. & Ind.) (Emig.) File 1 of 1908, Serial No. 18 pp 4-5]

Accordingly a draft was prepared to be sent to the Secretary of State for India and was finalized on 26 January. It was despatched on 30 January, 1908.

The despatch referred to the earlier telegram of 7 January and said:

We have since received from different quarters further representations on the same subject and we enclose copies for your information.



These representations do not exhaust the indications which have come to our notice of the existence in this country of a deep and general feeling of resentment evoked by the legislative and executive measures recently adopted in the Transvaal in regard to British Indian residents of that colony. The disabilities to which these subjects of His Majesty are exposed have been discussed at public meetings throughout the country, and they have formed the subject of severe criticism alike in the Anglo-Indian and vernacular Press. The principle underlying the legislation recently adopted is indeed regarded as involving an unjustifiable invasion of the rights which Indian subjects of His Majesty are entitled as such to claim in any part of His Majesty's dominions. But it is more particularly in regard to the measures which it is proposed to introduce with a view to give effect to the principle of excluding British Indians from the colony that the strongest feeling has been aroused. It is urged that these measures constitute a breach of the pledges which have been given to British Indians already resident in the colony; that they are in diminution of rights enjoyed by them even under the regime of the late Transvaal Republic and since recognised during the period of Crown Administration, and finally that many of the provisions of the new Registration law, the circumstances attending its enactment after a disallowance by the Crown of an Ordinance embodying substantially similar restrictions and more particularly the official announcements in regard to its administration, point to the inevitable conclusion that it will be enforced, as we believe it so far has been enforced, with uncompromising severity, in direct contravention of the assurances as to the intention with which such legislation was originally proposed to His Majesty's Government. [N.A.I. (Dept. of Com. & Ind.) (Emig.) No. 9 of 1908. Serial No 18]



Referring to Lord Curzon's despatch of 14 May 1903 in which grievances of Indians in South Africa were listed and certain recommendations made which subsequently formed the basis of negotiation between the India and Colonial Office, the despatch stated:

A distinction was drawn between future immigrants and British Indians then resident in the Transvaal. In regard to the former His Majesty's Government reluctantly agreed that it would be impossible for them to withhold their sanction to a measure restricting immigration on the lines of similar Acts in force in the Cape Colony and in Natal, the test in a literary Indian language being excluded. With respect to the latter, His Majesty's Government desired that there should be no interference with the right of those then resident in the country to obtain licences to trade outside locations; that while regulations might be framed to require both residents and newcomers to live in locations so far as such requirement was necessary for sanitary purposes, those of a higher standard of living be allowed to reside anywhere, that concessions respecting the exemption of Asiatics of the better class, including all respectable shop-keepers and traders, from humiliating disabilities under municipal or other regulations applying to coloured persons should be definitely secured by Ordinance. *[Ibid, p 2]*

Pointing to the hardships the British Indians had to undergo by virtue of the provisions of the Asiatic Immigration Act, the Government of India added :

No exemption is provided for in favour of Asiatics lawfully resident in the colony unless the provisions of the Asiatic Law Amendment Act have been complied with. The penalties for unlawful immigration are far more



severe than those prescribed in the Acts of other colonies. Though the Act does not differentiate against Asiatics by name, the definition of 'prohibited immigrant' singles out the Asiatic as the object of the measure.

[*Ibid*, p 3]

While appreciating the peculiar difficulties which surrounded the question, and recognising that the determination of the Colonial Government to prevent an excessive influx of Asiatics, must be respected, the Government of India felt it their duty to show the contrast between the existing position of British Indians in the Transvaal and that before the annexation of the colony. The contrast failed to reveal any modification which could fairly be regarded as an improvement. For instance, hardships regarding access to the colony, residence in the colony, and right to travel by the higher classes of railways remained unredressed. The despatch continued:

We are of opinion that an endeavour should be made to induce the Colonial Government to relax the stringency of the provisions of the two enactments in question and to secure that in future these provisions may be liberally interpreted and leniently enforced by the authorities charged with their administration. [N.A.I. (Dept. of Com. & Ind.) (Emig.) No. 9 of 1908, p 4]

It is interesting to note that the Government of India did not ask for the repeal of the objectionable measures but only their 'lenient enforcement'.

The Government of India understood the strong feeling of indignation with which British Indians in the Transvaal regarded the obligation of finger-impression and said in the despatch:

While it is true that the system of finger-prints is generally enforced in India, it is only in the case of criminals that impressions of the thumb and of each digit of each hand are taken. In the transactions connected



with pensions, the standing rules of the Indian Accounts Department provide only for the taking of the impression of the thumb and fingers of the left hand, while the impression of the left thumb only is required for person executing documents before Registrars. [*Ibid*, p 4]

Insisting strongly on the fact that as a result of the new legislation, the present condition of the Indians in South Africa “cannot be looked upon as other than most unsatisfactory”, the Government of India believed that attempts should be made to secure that,

the actual administration of the laws, which is entirely within the control of the Government of the colony may be made less onerous and especially that respectable and literate Indians may not be subjected to the harassing restrictions and limitations that are imposed on those of a much inferior class. [*Ibid*, p 4]

The Government of India fully recognised that Indians had very good reasons for carrying on the agitation in South Africa and they observed that “it cannot be denied that there are at bottom real grievances resulting from harshness and unnecessary severity which friendly intervention might succeed in removing.” They added that the Imperial Government had in the past considered intervention justifiable in such cases.

The despatch concluded by saying:

We consider that we should fail in our duty if we refrained from specially addressing you with a view to securing the removal or the mitigation of these grievances. The matter is one of the highest importance, and we need not attempt to describe the deplorable state of feeling that will be created if it be once for all established that the



Government is unable to protect the Indian subjects from worse treatment than they had to endure in the same country under foreign rulers.

The despatch was signed by Lord Minto, the Viceroy, and Lord Kitchner, H. E. Richards, E. N. Baker, H. Adamson, J. F. Finlay and J. O. Miller, Members of his Council. [N.A.I. (Dept. of Com. and Ind.) (Emig.) No. 9 of 1908, p 5]

4

The Transvaal Immigration Restriction Act received the Royal Sanction on 27 December 1907, providing the needed weapon for the enforcement of Act 2 of 1907, and on that very day, the Transvaal Government issued warrants for the arrest of Gandhiji and 24 other leaders. The genesis of the Immigration Restriction Bill lay in the period when Mr Patrick Duncan was Colonial Secretary (1903-1906). The Transvaal Asiatic Ordinance, which had been disallowed by the Imperial Government was intended to maintain the *status quo* in the colony by making possible the detection of unauthorised residents who might have entered the colony surreptitiously. This Ordinance had been rejected by the Home Government in December 1906 as a result of the Indian deputation to His Majesty's Government as narrated in Chapter 1. Another obnoxious bill of the same type was passed by the new legislature of the Transvaal, Act 2 of 1907, and was given the Royal Assent. The Peace Preservation Ordinance of 1903, which forbade entrance into the colony except on permits granted under it, was the only means of checking immigrations. With the passage of the new legislation, this ordinance had ceased to be operative. Lord Selborne had therefore proposed fresh legislation to restrict immigration into the colony.

In a telegram to Lord Elgin on 8 January 1907, Lord Selborne had mentioned that permits under the Peace Preservation Ordinance could be refused without giving any reasons and were actually so refused, but with regard



to Asiatics an understanding had existed since the war that permits would be given to those Asiatics who were *bona fide* residents of the colony before the war and had left it because of the war, if they now desired to return. He had added that since ample time had already elapsed to enable all such *bona fide* refugees to have returned, he proposed to notify that this understanding no longer existed.

Moreover, with regard to the issue of permits, the practice had been to let the applicant come into the colony pending issue of a permit, provided the facts stated in his applications were not *prima facie* false. Lord Selborne now proposed that after issuing the required notification, the applicants be not allowed to come into the colony, but their applications be dealt with, as far as possible at the coast, as fraud was greatly facilitated by allowing them to come in first.

Lord Elgin did not accept either of these two proposals. On 9 February 1907, however, he wired back that he had no objection to Selborne's proposal of fresh legislation to restrict immigration, adding that "His Majesty's Government are willing to assent to legislation for restriction of immigration on the lines of Cape, Natal and Australian Acts, but they are averse to express exclusion of Asiatics."

On July 11, Lord Selborne informed Lord Elgin that "Ministers desire to bring into force at the earliest possible date an immigration Bill, which is now under consideration of Parliament of the Transvaal. Act has been drafted on lines of Cape, Natal and Australian Commonwealth Acts." [Cd., 3308, p 10]

The Immigration Restriction Bill (15 of 1907) was introduced in the Transvaal Legislature on 3 July 1907 and read for the second time on 11 July. The bill defined as a prohibited immigrant a person unable to write out and sign in an European language an application for permission to enter the colony or such



other documents as the immigration officer might require. The definition further included any person, who, under any law in force at the time of his entering or attempting to enter the colony, would be liable to be removed from or to be ordered to leave the colony, whether on conviction for any offence against such law or otherwise in terms of its provisions. This was a clever way of linking the Asiatic Amendment Act with the Immigration Act in a sly manner and thus achieving express Exclusion of Indians without saying so. A prohibited immigrant would be liable, if found in the colony, to a fine of £ 100 or imprisonment for six months and to be removed from the colony at the discretion of the Minister.

The Bill further provided that persons convicted under certain sections of the Immorality Law, persons deemed by the Ministers as dangerous to peace, order and good government of the colony and persons who failed to leave the colony within the period prescribed by an order issued under any law, might be removed from the colony at the discretion of the Minister.

On 16 July, Lord Elgin asked Lord Selborne to send him the full text of the Bill as passed by the Transvaal Parliament “before advising His Majesty with regard to it.” [Cd., 3308 continuation, item No. 10, p 11]

On the same day, the chairman of the British Indian Association stated that he saw no reason for requiring Indians to comply with the Registration Act and that it was a very serious injustice to deprive British Indians, who have paid £ 3 for purpose of settling in the Transvaal but who have not received permits under the Peace Preservation Ordinance, of the right of returning to the country of their adoption. [I.O., 20-7-1907, p 278] Moreover to link the new Immigration Act with the Registration Act, he said, was a clever device to force the Indians to accept the Registration Act which they had vowed not to accept.



Smuts, the Colonial Secretary, had introduced the Immigration Restriction Bill in the Transvaal Assembly in a most casual and summary manner. Points that affected the British Indians were hardly touched by him in his speech; he did not consider them to be of sufficient interest for the Members. He took it as a settled fact that the Asiatic Registration Act was to be a permanent feature of the Transvaal laws and that the Immigration Bill was not to supersede it but to supplement it in its harshness so far as the Asiatic communities were concerned. He did not take the trouble to inform the Members of the Assembly that Law 3 of 1885 which guaranteed residential protection to Asiatics who had paid £ 3 to the Boer Government, was to be overridden by the Bill under consideration. He also saw nothing untoward in the clause which made an Asiatic a prohibited immigrant if, in spite of possession by him of high educational attainments, he failed, on entering the colony to undergo the ordeal prescribed by the Asiatic Registration Act. [C.W.M.G., VII, p 107]

On 17 July, the Bill passed through the Committee stage and was also passed by the Assembly and sent to the Legislative Council. [I.O., 13-7-1907]

On 22 July, the British Indian Association sent a petition to the President of the Legislative Council raising objections to the new law and praying that “this House will grant such relief as to it may appear fit.” [C.W.M.G., VII, p 115]

On 24 July, when the second reading of the Bill began in the Council, Mr Curtis read the petition of the British Indian Association which pointed out that the Bill was objectionable as it perpetuated the Asiatic Amendment Law and did not recognize the status of the Indian languages. Moreover it set aside the rights of those British Indians who before the late war paid £ 3 for the right of settling



in the Transvaal, and who being refugees, had not received permits under the Peace Preservation Ordinance.

By sub-clause D of Clause 2 thereof, it subjected even those Indians, who might pass the education test and were not otherwise prohibited immigrants, to the operation of the Asiatic Law Amendment Act. Indians of educational attainment did not require further identification.

The petition appealed to the Council to give its due attention as the “objections above enumerated are worthy of consideration by the Hon’ble House”. It reminded the House of its “special function to protect the interests of those communities which were not represented in the Parliament of this colony” and that the petitioning Association represented such a community. [C.W.M.G., VII, pp 115-16]

All the same the Bill was, as expected, passed by the Legislative Council on 25 July, 1907. Gandhiji wrote:

It (the Act) will not come into force immediately, as it will be sent to England for approval. We now find in it one article under which the Government will be able to deport forcibly those who may be sentenced under the new law to leave the Transvaal.

This was a new clause and under it the Government would be able to effect forcibly deportation of any Indian served with a notice, he said. This was a fresh hardship. One could not be definite whether this law would or would not be approved by His Majesty’s Government in England. If it was approved, the provision of deportation would apply to all. He added:

But it means nothing. If the Transvaal Government has the courage to imprison Indians, it will as well have the courage to deport them forcibly.



Looking at the situation realistically, it can be presumed that the provision will be applied to the leaders only. A petition against the law is being sent to England by the British Indian Association. [C.W.M.G., VII, p 193]

On 15 August 1907 the Act received the Governor's consent, subject to Royal Assent.

On 21 August a meeting of the committee of the British Indian Association was held at Johannesburg and a draft petition to be sent to the Imperial Government protesting against the Immigration Bill was approved. [I.O., 24-8-1907] On 23 August, the Association sent the petition to Lord Elgin praying that "the said Bill may be disallowed and that the good offices of His Majesty's Government be used to secure such amendment of the Bill as to relieve the present tension adversely affecting Indian subjects of His Majesty the King-Emperor owing to the Asiatic Law Amendment Act." The petition added that if His Majesty's Government found it impossible to secure relief for the Indian community, "it were better for them, and for the sake of peace within the Empire, that Indian subjects of the Crown were withdrawn from the Transvaal and fully compensated for dispossession of vested and acquired rights either from the local or the Imperial exchequer." [C.W.M.G., VII, p 183]

Gandhiji remarked on 31 August:

We shall be painfully astonished if Lord Elgin, with his declared sympathies and with his past Viceregal career before him, advises His Majesty to sanction a measure of this description. He has more than once stated that he does not like the Asiatic Act. He has now a golden opportunity of asking the Transvaal Government to agree to having the Asiatic Act repealed and the principle of re-registration being embodied in a modified form in the Immigration Act. [C.W.M.G., VII, p 197]



The Deputy Governor of the Transvaal, Mr Henry Hildyard, on the other hand wrote to Lord Elgin on 9 September, “My Ministers desire that this Bill should be brought into force at the earliest possible date.” He wanted a reply by telegram. [Cd. 3887, p 31] He also enclosed a report from the Attorney-General stating that as the terms of the Peace Preservation Ordinance 1903 were no longer suited to the existing conditions of the colony, its provisions should give place to an immigration Act based on the lines of the two coastal colonies — Natal and the Cape — as also the Immigration Restriction Act 1901 of the Commonwealth of Australia as amended in 1905.

Section 6 of the Act conferred on the Transvaal Government the power of removal from the colony of persons who had been convicted under the Immorality Ordinance, those deemed by the Minister to be dangerous to the peace of the colony and those who, having been ordered under any law to leave the colony, had not complied with the order. From this it was clear that General Smuts and his colleagues were not only closing the door on fresh Indian immigration, they also wanted to push out those already there. The Attorney-General had, however, used in his report the following eye-washing sentence: “The power conferred will be used with great discretion”, to conceal what the Government had in mind. [Cd. 3887, p 36]

Mr Hildyard had also sent to Lord Elgin the petition of the British Indian Association of 23 August, along with General Smuts’ minutes thereon. The petition objected to the new law on the following grounds:

1. It gave permanence to the obnoxious Law 2 of 1907 which the Indians had vowed never to accept.



2. It disregarded the rights of Indians who had settled in the Transvaal before the war and in many cases had even paid £ 3 as the price thereof in terms of Law 3 of 1885, had left during the war and had not renewed their permits under the Peace Preservation Ordinance.
3. It did not recognise any of the great Indian languages.
4. Sub-section 4 of Section 2 required even Indians who might have passed the education test prescribed in the Bill, to be subjected to the Asiatic Law Amendment Act of 1907.
5. It made no provision for Indian merchants already settled in the Transvaal to import temporarily confidential clerks, and assistants or domestic servants.
6. Sub-section C of section 6 of the Bill gave power for physical and forcible deportation of those affected by the Asiatic Law Amendment Act. [C.W.M.G., VII, pp 180-81]

The General had said, “Ministers do not wish to be understood as in any way agreeing to the allegations contained in the petition, many of which are demonstrably incorrect.” [Cd. 3887, p 30] It may be noted that he did not point out what was incorrect. On the contrary, what the Indians had stated in their petition was all correct.

In addition to the petition, the British Indian Association also sent the following cable to the South Africa British Indian Committee in London on the same day, 23 August:

Immigration Bill sent Royal sanction. Petition forwarded. Bill affects domiciled Indians. Physical deportation passive resisters specially inserted.



Prayer disallowance or compensation Imperial exchequer. [Colonial Office records. C.O. 291/22; C.W.M.G., VII, p 185]

Though attacks against the two pieces of legislation – the Asiatic Registration Act and the Immigration Restriction Act – were mounted in Westminster by the South Africa British Indian Committee most active in campaigning against the two Acts were the Transvaal Indians themselves. Indians of every persuasion and all walks of life gathered under Gandhiji's leadership to fight the common menace. They expressed their feelings to the Secretary of State in a language full of emotion.

Some Punjabis and Pathans, nearly all ex-soldiers took the lead. They asked the Secretary of State, "as men and British Indian soldiers, who are proud to have faced privations of war," to be spared the degradation of imprisonment or deportation, and further wished that "the King Emperor will commend that they be shot by Generals Botha and Smuts on one of the battlefields of South Africa, where they had been under fire while serving their King-Emperor and the British Empire." [T. A. Pathans and Punjabis to Secretary of State, 14 September 1908]

6

On 10 October, Lord Elgin sent all the papers to Mr Morley for his views saying that all through. His Majesty's Government had limited themselves to endeavouring to secure more favourable treatment to those Asiatics who had already acquired a right to reside in the colony. The competence of the Transvaal Government and legislature to restrict further immigration by means of legislation similar to that already adopted in other self-governing colonies, had not been disputed. The practical effect of Section 2(4)* of the Bill would be to prevent further immigration into the Transvaal of British Indians or other Asiatics. Moreover, in the interest of British Indians themselves, it was probably desirable,



in view of the state of colonial feelings, that further immigration should be restricted. He did, therefore, propose not to raise any objection to this provision. Elgin, it may be noted, did not see, or refused to see, that Section 2(4) was a surreptitious device aimed at compelling *bona fide* residents of the Transvaal to accept the Asiatic Law Amendment Act and break their vow or leave the Transvaal. The clause further enabled the Government to deport those who were inconvenient to it in any way.

As for Section 6 ** of the Bill, its object was to enable the Government to deport, in lieu of imprisoning, Asiatics who failed to register under the Asiatic Law Amendment Act. Under that Act, Asiatics failing to register could be ordered to leave the colony and failure to comply with such an order was punishable with imprisonment. While the free exercise of such a drastic power might be deprecated, Elgin felt His Majesty's Government could not consistently object to a provision which sought to enforce the observance of the Asiatic Law Amendment Act, which the Imperial Government had already allowed to become law. He therefore proposed to accept this provision of the Bill as well. [Cd. 3887, p 44]

Elgin refused to recognise the obvious fact that this clause was very harsh and it was aimed at getting rid of any Indian who had the courage to assert his right to self-respect and refuse to be treated as a slave.

Mr Morley requested Lord Elgin on 31 October not to take any action on the Bill until observations had been made by the India Office and the Government of India. He further observed that Section 2(4) of the Bill introduced a principle to which no parallel could be found in previous legislation, as it would debar the entry into the Transvaal of British subjects who would be free to enter any other colony by proving themselves capable of passing the educational tests laid down



for immigrants. It would for instance permanently exclude from the Transvaal members of learned professions and graduates of European Universities of Asiatic origin who might in future wish to enter the colony. The Act might further work grave injustice, as British Indian subjects, who had before 1902 acquired domicile in the Transvaal, but having temporarily left the colony, had not yet registered themselves, might be debarred from re-entry by virtue of the provisions of the Act. [Cd. 3887, pp 52-53]

Morley was obviously on the right track and the Government of India's despatch quoted already also clearly pointed out the need for seeking redress for the Indians. But neither Morley nor Minto pressed their point of view sufficiently strongly on Lord Elgin, the Colonial Secretary, with the result that Lord Elgin had his way and the interests of the Indians were sacrificed.

On 11 November, Mr Morley agreed that Section 6 of the Bill could not be consistently objected to, although he could "not regard it otherwise than with grave misgivings." He further desired that with regard to the issue of temporary permits, an assurance might be obtained from the Colonial Government that they had no intention of refusing access to Indians of distinguished position, ruling chiefs and high officials of Asiatic descent on the ground of their being "undesirable immigrants". Why Lord Morley had to plead for this is not clear, as temporary permits were to be available to all under the proposed law. A separate plea for princes, etc. was not called for.

Lastly, Morley pointed out to Lord Elgin the unfortunate effect which would be produced by the Bill, on public opinion in India, and asked the latter "to impress upon the Government of the Transvaal, the very strong objections, from an Imperial point of view, which stand in the way of acceptance of Section 2(4) of the Bill." [Cd. 3887, pp 53-4]



On 27 November, Lord Elgin agreed that His Majesty's Government would not disallow the Act, if the following two specific assurances were given by the Transvaal authorities:

- i) That there is no intention of refusing access as visitors to ruling chiefs, Indians of distinguished position or high officials of Asiatic descent; and
- ii) That legislation will be introduced limiting this power to persons convicted of some offence, at any rate providing means by which any such order may be brought before courts for confirmation or discharge, and that Ministers will refrain from exercising this power pending such legislation. [Cd. 3887, p 58]

On 3 December, Selborne telegraphically informed Elgin that with regard to Section 6, the Ministers had explained in the Transvaal Parliament that it was an extraordinary power which should be only exercised "in the gravest emergencies of State" that it might be "capable of abuse" and "should be limited in the way proposed by His Majesty's Government or should be abolished altogether" and that they undertook "to introduce legislation necessary for the purpose and to abstain from making use of this power of expulsion in the meantime." [Cd. 3887, p 62]

Enclosing the above reply of Selborne to Mr Morley, Elgin wrote on 10 December, stating that he proposed to inform the Transvaal Governor by telegram that he might issue a proclamation "declaring that His Majesty will not be advised to exercise his power of disallowance with regard to this Act, which will bring it into operation." [*Ibid*, p 64]

On 13 December, Morley replied that he had learnt "with satisfaction that the Colonial Ministers have given the desired assurance as to admission into the colony of Indian visitors of distinguished position." He was aware of the



difficulties in the way of His Majesty's Government in refusing to allow the Act to pass into operation and expected that Lord Elgin's hope of a more favourable treatment of Asiatic residents in the Transvaal as a result of the exclusion of further Asiatic immigration might be justified. [*Ibid*, p 65]

It is sad to note that a man like Mr Morley who had strongly supported the Irish cause, was content with mere pious platitudes with regard to the Indian question.

Lord Elgin sent a telegram to Lord Selborne on 19 December stating, "His Majesty will not be advised to exercise his power of disallowance in respect of Act 15 of 1907; you may issue Proclamation and bring it into operation." [*Ibid*] On 27 December 1907, as we have seen, the sanction of the Act by His Majesty's Government was announced, with immediate adverse effects on the Indians. [I.O., 28-12-1907]

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- * Section 2(4) of the Transvaal Immigration Restriction Bill provided: "Any person who under any law in force on the date of his entering or attempting to enter this colony would be liable, if found therein, to be removed from or to be ordered to leave the colony, whether on conviction of an offence against such law or failure to comply with its provisions or otherwise; provided that such conviction be not the result of commission by such person elsewhere than in this colony, of an offence for which he has received a free pardon."
 - * Section 6 provided: "Any person convicted after the date of the taking effect of this Act of a contravention of Sections 3, 13 and 21 of the Immorality Ordinance 1903 or any amendment of such sections and any person who may be deemed by the Minister on reasonable grounds to be dangerous to the peace, order and good government of this colony if he remain therein or having been ordered under any law to leave the colony fails to comply with the terms of such order, may be arrested, and removed from this



colony, by warrant under the hand of the Minister and pending removal may be detained in such custody as may be prescribed by regulations.”

7

The India Office had sent to the Government of India on 27 September 1907, a copy of the Transvaal Immigration Restriction Bill as amended in the Committee of the Legislative Council. The Government of India were however completely unaware, as noted already, of the correspondence which had passed between Pretoria and London on the one hand and the Colonial Office and the India Office on the other.

The Government of India had in fact objected to certain provisions of the Immigration Restriction Bill in a cable they sent to the Colonial Secretary, Lord Elgin on 5 November 1907. In that cable they had said that their consent to the Bill was conditional on the rights possessed by British Indians under the Peace Preservation Ordinance of 1903 being left unimpaired. The Ordinance contained a provision which entitled Asiatics actually resident in the Orange River Colony on 31 May 1902 to enter the Transvaal without permits. The Registration Act of 1907, which substituted the Peace Preservation Ordinance of 1903, had omitted this provision and yet the Immigration Restriction Bill received the assent of His Majesty, ignoring the stipulation made by the Government of India.

With regard to the finger-prints too, the Government of India had suggested certain changes, but Lord Elgin had decided “not to press the matter further.” [G.O.I., Deptt. of Industry, Emigration No. 9 of 1908, Serial No. 18, p 5] It was therefore Lord Elgin, more than the Government of India, who was largely responsible for the strangulation of British Indians in the Transvaal. However, one must say that the Government of India too could have and should have been more vigilant and more emphatic in impressing upon London the genuine



grievances of Indians in South Africa and should have insisted upon the vetoing of the two obnoxious Acts unless the Union Government agreed to their substantial amendment.

Mr Morley sent all the correspondence to the Governor General of India on 10 January 1908. It reached them on 10 February 1908, when it could not be of any use in influencing the decision-making process.

The Government of India however did express the view that the object of the Act was to perpetuate the exclusion from the colony of future Asiatic immigrants without distinction. “Had we realized this, we would have probably pressed for its withdrawal most strongly, and it is unfortunate that the Secretary of State eventually gave way after having once raised the point.” The Government of India did not however think it fit to issue any orders, but decided on 11 March 1908 to publish the more important provisions of the Immigration Restriction Act.

It is indeed surprising that when London and Pretoria were surcharged with the passive resistance movement of the Indian community in South Africa, the Government of India were blissfully unaware of it! Or, if they were aware of it, they failed to grasp its significance and did not do anything to support the Indians in their grim struggle for survival with honour and dignity in South Africa, the country of their adoption.

The Indians were sent to South Africa in the first instance by the Government of India as indentured labourers to help in the development of that country and were given the assurance of freedom to settle down there after completion of their indentures. It was the success of these hard-working people and other free Indians who had followed in their wake to serve them, that had



roused the jealousy of the white traders in Natal and the Transvaal, and created serious problems for the Indian community.

The Government of India and His Majesty's Government in London, it appears, had lost sight of their obligations towards these unfortunate Indians whom they had sent and for whom they were responsible and had more sympathy with the white traders and white rulers of South Africa than with the brown-skinned Indians who were loyal citizens of the Empire. The Indians were losing confidence in the capacity or the will of His Majesty's Government to ensure justice for them. Mere talk of equality in the Empire did not satisfy them in the face of their sad experience. In this manner, foundation for the liquidation of the Empire was unknowingly being laid by the very men who were the custodians of the Empire.

The Times, in one of its more lucid and eloquent moments, remarked:

As a nation we have little reason to be proud of the treatment now being meted out to our fellow subjects in the Transvaal.... If the Republican Government chastised the Indians with whips, since the annexation of the Transvaal they have been chastised by scorpions....

The wrongs of the Transvaal Indian community will soon be known and brooded over by the dumb millions who look to us as all powerful in India, and, will be used for all they are worth by the agitators against our rule. And the worst of it is that their grievances will be just. Nor can we wash our hands of the business merely by casting the responsibility on the Colonial Government, for Mr Harold Cox points out with undeniable force that His Majesty's Ministers specially reserved the right of the Imperial Government to deal with questions of this nature. [*The Times*, 7 January 1908]



It was most unfortunate that the Ministers never made use of those reserved powers to protect the rights of the Indians in South Africa.

Many others, including Sir Richard Solomon, at that time the Transvaal's agent-general in London, and the Cape's J. X. Merriman, who was no friend of the Indians, were equally unhappy at the way the Transvaal Government was treating the Indians. Mr Merriman felt that rightly or wrongly a certain number of Indians had been admitted into South Africa and they should not be harassed and persecuted. He wrote to Smuts:

If you persist, as you are entitled to do, you will succeed, but I much fear that you will alienate the bulk of liberal opinion in England. You will give the Imperial Government a most serious blow in her most vital part — India — and you will above all furnish a pretext for a great deal of mischievous interference in native matters. [W. K. Hancock: *Smuts, I, The Sanguine Years, 1870-1919* (Cambridge 1962), pp 332-3]

8

Satyagraha had continued in the Transvaal in the meanwhile and many were being tried for refusing to obey the “Black Act” and sent to jail. Gandhiji had offered the satyagrahis his free legal services. As early as 25 April 1907, Gandhiji had written in *Indian Opinion*:

If anyone is prosecuted under the new Act, and if the person concerned holds a valid permit or is otherwise entitled to reside in the Transvaal, Mr Gandhi will defend him in the court free of charge. If the case is to be heard outside Johannesburg, the Association will pay Mr Gandhi's railway fare, but if the place he is required to visit has made no contribution to the British Indian Association already, the Association will collect the dues.... If a person does not hold a licence and is therefore arrested, he will



not be defended free of charge. But a person who has been refused a licence for having failed to take out a new permit will be defended free of charge. Mr Gandhi will not, with or without fees, defend those who do not desire a gaol sentence. [C.W.M.G., VI, pp 495-6; I.O., 25 April 1907]

No great movement, such as the Satyagraha that was started under the guidance of Gandhiji, could be conducted without sufficient funds. Apart from the day-to-day work of the British Indian Association, which cost heavily in the form of cables, telegrams and postage, the families of those who were arrested, had to be looked after either by the leaders of the community or the local associations. Gandhiji had instructed on 30 November 1907 that the dependants of the arrested persons, wherever necessary, should be maintained by the community till the day of release of the imprisoned persons. Every town, he said, should assume responsibility for its own people as the Indians of Germiston had assumed the responsibility for the family of Ram Sundar Pundit. But in cases where this was not possible, the British Indian Association would make some arrangements. [C.W.M.G., VI, p 392]

As for the collection and keeping of funds, he said funds had to be collected for the movement. He had advised that whatever money was raised in Natal should be forwarded to the Secretary of the Natal Indian Congress. The money collected at other places should be made over to the local associations. If any one kept the money with him or if the money raised at a place remained with the local leaders, it would be difficult for those holding it to send it to when and where it was really needed. It should therefore be so arranged that the demands of the Transvaal would be addressed to only one source. [C.W.M.G., VII, p 145]

The first collection for the Passive Resistance movement appears to have been made at a meeting held at Volksrust under the chairmanship of Mr



Cachhalia. About £ 20 were promised and £ 11 paid. [C.W.M.G., VII, p 69] On 6 January 1908, a special Transvaal Indians' Relief Fund was started under the auspices of the Natal Indian Congress and a sum of about £ 260 was collected. Contributions were also received from the Kimberley Gujarati Indians, the Indian Political Association, the Grahamstown Indians, and the Durban Fruiterers Association. Maritzburg alone contributed £ 3700, while the Waschbank British Indian Association, [C.W.M.G., VII, p 145] the Port Elizabeth Indian Association, the Indians at Uitenhage and Umtali (Rhodesia) and the Sanatan Veda Dharma Sabha of Germiston also raised funds to help the families of the passive resisters. [*Ibid*]

The British Indian Association, in a cable to the South Africa British Indian Committee, London, informed them of the state of affairs in the Transvaal as on 25 January 1908 as a result of the enforcement of the Asiatic Registration Act. On that day, 200 Indians were in gaol, 120 were under notice to leave the colony and 20 were warned to appear before the magistrate for failing to register. There were three Chinese in gaol and 38 under notice. Many more arrests were expected, the towns affected being Johannesburg, Pretoria, Pietersburg, Heidelberg, Vereeniging, Krugersdorp, Barberton, Germiston, Potchefstroom and Roodepoort. The arrests included the officials of the British Indian Association, Hindus, Muslims, Parsees, Christians, a barrister, merchants, traders, hawkers, agents, clerks, interpreters and government officials. Colonial-born Indians and Indians who were married in South Africa and had children there, were not exempt. A minimum estimate of the assets belonging to those arrested and which were imperilled in Johannesburg alone, was £ 150,000. Many families were left to the mercy of the community. Some merchants of even twenty years' standing had been imprisoned. The victims included grey beards and youths of tender age, two old soldiers bearing medals of several campaigns, leaders of the



Ambulance Corps that took part in the Boer War and Stretcher Bearer Corps in the Natal Battalion and many merchants who had cheerfully lost heavily during the war. [I.O., 1-2-1908, p 66]

Half the Indian population had already left the Transvaal rather than register. Hundreds of municipal, railway and government employees had been discharged owing to non-registration. The Asiatic Community however stood solidly determined to continue the struggle to the bitter end. [*Ibid*] It did not however mean that all who had been prosecuted bravely faced the odds. There were a few who gave in and accepted the slave deed, but their number was negligible.

9

Soon after Gandhiji and other leaders had become “His Majesty’s guests” [A correspondent had coined this term for persons imprisoned for disobeying the Asiatic Act and suggested that those who had been given notice should be termed as having received invitations from His Majesty. I.O., 18-1-1908] various sources, especially the Press, began to make suggestions for a compromise. Looking at the intensity of the movement, and the discipline, organisation and capacity of the Indian leaders to undergo silent self-suffering for the common cause, they realised that General Smuts would not be able to crush the movement as he had desired and hoped.

Gandhiji had often stated that if the Indians would have the courage to stand up for their self-respect, the whites in South Africa would begin to respect them and even stand by them. This prophecy was now coming true as seen by the reactions to the arrest and imprisonment.

Gandhiji and his colleagues had repeatedly sent proposals to the Government of the Transvaal from March 1907 onwards that they should accept voluntary registration instead of legal compulsion to register once again under



the Black Act which the Indian community considered humiliating. But the Government had rejected their offer every time. To a similar offer, however, when it came through the mediation of Mr Cartwright after the arrest of the leaders, the Government reaction seemed more favourable. The strong reactions to the arrests in South Africa, India and in England may well have been responsible for this change of Government attitude.

Mr Albert Cartwright, the broad-minded editor of the *Transvaal Leader* who had supported the Indian cause and was a good friend of Gandhiji, saw General Smuts soon after Gandhiji's incarceration and offered himself as a mediator. Smuts welcomed his mediation. Cartwright thereupon met the Indian leaders who told him that they knew nothing about the legal technicalities of the question and could not therefore possibly talk about a compromise so long as Gandhiji was in prison. They said that they would like to have a settlement, "but if Government wants it while our men are in gaol, you should see Gandhi. We will ratify any arrangement which he accepts." [M. K. Gandhi, S.S.A., p 154]

Mr Cartwright met Gandhiji in prison. In the course of the negotiations on 21 January "it was agreed between the two that the new law should be repealed during the next session of the Parliament and that the Indian community should immediately take out registers voluntarily. The agreement was also put down in writing." [C.W.M.G., VIII, p 66]

Mr Cartwright himself drafted a letter for Gandhiji. The terms laid down therein, it was believed, had been approved by General Smuts. It was also said that the letter was drafted by General Smuts himself. The draft was presented to Gandhiji on 26 January. It was so drafted as to show that it was being submitted on behalf of the Indian community, leaving out other Asiatics. This was wrong, said Gandhiji. There were also some more objectionable items in the draft. It had



one sentence, for instance, which said “to all who so register the penalties of the Act be not applied.” Gandhiji was interested in the Act being made inapplicable and not merely the penalties under the Act. Moreover, it did not safeguard the interests of those who were outside the Transvaal at that time and it included among registrants children under the age of 16.

In Mr Cartwright’s draft, given below, some words within brackets were inserted* and some were deleted by Gandhiji. [*Ibid*, pp 40-41]

- (i) As representatives of the Indian (and the Chinese)* community, who have taken a prominent part in the opposition to the Asiatic Registration Amendment Act, we have the honour to lay the following considerations before you.
- (ii) Under these circumstances we would once more respectfully suggest to the Government that all Asiatics (over the age of 16 years)* should be allowed within a certain limited period, say three months, to register themselves and that to all who so register, the (penalties of the)** Act be not applied and that the Government take whatever steps they deem advisable to legalise such registration. (Such mode of registration should apply to those also who being out of the colony may return and otherwise possess the rights of re-entry).***

When Gandhiji proposed the few changes mentioned above, Mr Cartwright said, “General Smuts considers this draft to be final. I have approved of it myself and I can assure you that if you all undergo re-registration, the Black Act is bound to be repealed.” He desired that the original draft be accepted.

Gandhiji replied:

Whether or not there is a settlement, we shall always be grateful to you for your kindness and help. I should not like to suggest a single unnecessary



alteration in the draft. I do not object to such language as would uphold the prestige of Government. But where I myself am doubtful about the meaning, I must certainly suggest a change of language, and if there is to be a settlement after all, both the parties must have the right to alter the draft. General Smuts need not confront us with an ultimatum, saying that these terms are final. He has already aimed one pistol in the shape of the Black Act at the Indians. What can he hope to gain by aiming a second? [M. K. Gandhi, S.S.A., p 155]

Mr Cartwright still appeared hesitant. Gandhiji told him that if the changes proposed were not accepted, Indians would prefer to continue in gaol. Visibly touched, Mr Cartwright said:

Well, you must make whatever changes you want. You are fighting for truth. The changes you propose are reasonable, and necessary for your self respect. If Mr Smuts does not accept them, I shall myself oppose him....

[C.W.M.G., VIII, p 66]

After the changes had been made, Mr Quinn and Mr Naidoo who had done excellent work for the Satyagraha campaign, were called in. They both approved the letter and signed it.

The letter which was finally sent, read : [This letter as well as the draft Mr Cartwright brought to Gandhiji in gaol were published in *Indian Opinion* issue of 11-7-1908. The draft was prepared or approved by General Smuts, *vide* S.S.A., p 155; and Johannesburg Letter, C.W.M.G., VIII, p 40. There exist four sources for this letter : The Pretoria Archives; The records of the Colonial Office to whom copy of this letter was sent by the Transvaal Government; an office copy of the Cartwright draft together with Colonial Office records 291/127 and handwritten changes made at Gandhiji's instance (S.N. 4907); and *Indian Opinion*. The I.O. version however is dated 29 January 1908 (*vide* C.W.M.G., VIII, pp 40-42)]



As representatives of the Indian and the Chinese communities [The Cartwright draft has only “the Indian community”] who have taken a prominent part in the opposition to the Asiatic Registration Amendment Act, we have the honour to lay the following considerations before you:

Our opposition has never been directed so much against the finger-print requirements of the Regulations under the Act — in so far as such finger-prints were deemed necessary for identification of Asiatics who could not very well be otherwise identified — as against the element of compulsion contained in the Act itself. On that ground we have repeatedly offered to undergo voluntary registration if the Act was repealed. And even now at this late hour we would urge on the Government the adoption as far as possible of the course more than once proposed by us.

We recognise that it is not possible during the Parliamentary recess to repeal the Act, and we have noted your repeated public declarations that there is no likelihood of the Act being repealed. We would however point out that the periods fixed for registration under the Act by the various Government Notices have expired and that therefore any registration at present would necessarily have to be of that voluntary nature which we originally prayed the Government to concede. [The offer of voluntary registration, which was an alternative to compulsory registration of all Asiatics envisaged by the Asiatic Law Amendment Ordinance, was first made at the Transvaal Indians’ mass meeting of 29 March 1907, vide C.W.M.G., VI, pp 401, 404]

Under these circumstances we would once more respectfully suggest to the Government that all Asiatics over the age of sixteen years [The words “over the age of sixteen years” do not occur in the Cartwright draft. Gandhiji added the words. The additional word “years” found in the Pretoria



Archives version would suggest that the Cartwright draft together with Gandhiji's substantial amendments in it (S.N. 4907) were retyped and minor changes of a purely verbal character made in a subsequent draft which is not available] should be allowed within a certain limited period, say three months, to register themselves, and that to all those who so register the Act [The draft has "the penalties of the Act be not applied", from which Gandhiji deleted the words "penalties of the"] be not applied, and that the Government take whatever steps they deem advisable to legalise such registration. Such mode of registration should apply to those also who being out of the colony may return and otherwise possess the rights of re-entry. [This sentence does not exist in the original draft and was added by Gandhiji, *vide* C.W.M.G., VIII, p 41 fn]

In taking the registration of Asiatics we do not object that the requirements of the Act and the Regulations be *as nearly as possible* [Underlined in the Pretoria Archives version but not in the draft, nor in the *Indian Opinion* version. C.W.M.G., VIII, p 41 fn] complied with, provided the registration officials do not press for any information which offends the religious sense of the applicants, and receive discretion to dispense with the finger-print requirement in the case of those applicants who by reason of their education or property or public character are well known or can be easily identified otherwise. In those cases we urge the officials should have discretion to accept the signature of the applicant as a sufficient identification.

Should the Government agree to these suggestions ["Reopen" in draft instead of "accept". *Ibid*, p 41 fn] and accept registration on these terms, we assume that all further prosecutions and punishments under the Act will be suspended during the period set aside for registration. We on our part



would again undertake to use all our influence to induce our compatriots to register and withdraw all countenance from those who refuse to register or are not legally entitled to register.

We put forward the above suggestions because we are sincerely anxious to prove to the Government that we are loyal and law-abiding, and that we are willing to adopt any course which will lead out of the present difficulty without violating our consciences, [“violating our conscience” added by Gandhiji. The Pretoria Archives version has, however, “conscience” in the singular. *Ibid*, p 42 fn] inflicting any indignity or casting any stigma on us. [The draft had “cast” which Gandhiji changed to “casting”. *Ibid*, p 42 fn]

The letter was signed at 12.30 p.m. Mr Cartwright left with the letter for Pretoria by the 2.30 train on the same day (28 January 1908). At 5 in the afternoon he rang up to say that General Smuts had accepted the terms of the letter. He had asked for permission to alter one word, which was given. [C.W.M.G., VIII, p 66]

Before putting his signature to the letter, Gandhiji had learnt the latest news from the newcomers to the gaol. They had brought a message from the leaders outside that he should accept any suitable compromise without waiting for their consent and that every one was talking about the coming compromise. [M. K. Gandhi, S.S.A., p 156]

* The words within brackets were not in Mr Cartwright’s original draft; they were added by Gandhiji.

** The words within brackets were deleted by Gandhiji in Cartwright’s draft.

*** This sentence was added by Gandhiji.



The letter of agreement signed by Gandhiji, Naidoo and Quinn and carried by Cartwright to General Smuts was acknowledged by the acting Assistant Colonial Secretary, Mr E. M. Gorges with a statement which contained the seeds for the destruction of the compromise. He wrote that General Smuts

appreciates the wisdom of the step you have taken in response to his repeated public declarations that if the Asiatics in the Transvaal volunteer to register in a body, an opportunity for registration should be given to them. You have correctly set out the legal position in your letter and in default of registration under the Act, which is no longer possible after the expiration of the notices, the Colonial Secretary can only accept registration in a form similar to that prescribed by the Act, and subject, as regards the regulations, to the small alterations you mention, and lay the matter before Parliament at its next session. In the meantime, the penalties of the Act will not be enforced against those who do register, and the Colonial Secretary accepts your assurance that you will use your influence with your compatriots to make this registration effective and final. [C.W.M.G., VIII, p 65]

It is to be noted that the acting Assistant Colonial Secretary repeats that “the penalties of the Act” will not be enforced instead of saying that the Act will not apply to those who undergo voluntary registration. He ignores the fact that the Indians had made a similar offer of voluntary registration earlier. He tries to construe the Indians’ gesture as being made in response to the Colonial Secretary’s speeches exhorting them to register. No one at that time attached much importance to this language. Later events would suggest that there was a



design in using it. The acting Assistant Colonial Secretary had probably done it in consultation with the Colonial Secretary.

On Thursday 30 January the Governor of the Prison received an order to arrange for Gandhiji to be taken to Pretoria. He was accordingly escorted to Pretoria by Superintendent Vernon. The Government had made the necessary arrangement for his meal on the way. Everything was to be confidential. The train was therefore stopped before it actually reached Pretoria for Gandhiji to alight lest he should be noticed by the over-vigilant pickets at Pretoria. Gandhiji went to the Colonial Office, accompanied by Mr Lane and Superintendent Bates. He was still a prisoner.

The meeting with General Smuts took place exactly at 12 noon. General Smuts said:

Personally I have nothing against the Indian community. The demands you have made in your letter are rather excessive, but the Government proposes to accept them. What the form of the registration certificate should be and how the registration should be legalized will be considered later. Of course, this registration will be outside the new law. But I suggest that your people do not discuss this matter in public. If you do, you yourself will stand to lose. For my people will turn against me.

[C.W.M.G., VIII, p 67]

These remarks indicate that General Smuts was aware that he was making concessions to the Indians which might be resented by the whites. His remark that this registration would be outside the new law concedes Gandhiji's point that the new law, and not merely the penalties under it, would not apply to the Indians who were to take out voluntary registers.



When Gandhiji referred to the question of finger-impressions, the Colonial Secretary said: “If finger-impressions are found necessary, you will have to give them. You have already said that your resistance is not directed against these. However, of this too, we shall talk later.” [*Ibid*, p 67] He then added: “My second suggestion is that you should not harass the blacklegs.” [*Ibid*, p 67] Gandhiji replied:

It should not be necessary for you to make any recommendation on this point. We are convinced that they had made a mistake; however, they are our brethren, our own flesh and blood. It cannot be the wish of any decent Indian to harass them. On the contrary it will be the duty of every thoughtful Indian to restrain those who are over-enthusiastic in this regard. [*Ibid*, p 67]

A meeting of the Cabinet was called, and the draft reply was given to Gandhiji after it had been approved by the Cabinet. Gandhiji was then told that he was free. [*Ibid*, p 43]

Gandhiji did not have any money on him as he had come straight from the prison. The Secretary of General Smuts advanced to him the railway fare to Johannesburg. [S.S.A., p 145] He took the last train from Pretoria at about 7 p.m. and reached Johannesburg at 10 p.m. [C.W.M.G., VIII, p 69] where he was met by Essop Mia, chairman of British Indian Association.

Before meeting Gandhiji, General Smuts had written to Sir George Farrar, leader of the Progressive Party, the main opposition party, whether there would be any objection from the Progressive Party to the proposed voluntary registration. General Smuts wrote to Sir George Farrar on 27 January:

Will you kindly consult your friends to see whether there would be any objection to registration being re-opened for Asiatics and the chance being given them to register voluntarily, as they desire to do, and to



dispense with finger-prints in the case of educated or well-known Indians? It is probable that Parliamentary ratification of such registration will have to take place, and in the meantime the penalties under the Act will not be enforced against those who register voluntarily. I understand that Asiatics may be willing to make such an offer to Government, and before closing with it we should like to have your concurrence in so doing. [*Ibid*, p 70]

Sir George Farrar replied on 30 January, 1908:

“I am in receipt of your letter of 27 January, and have communicated its contents to my friends.

“From it we extract certain questions or suggestions, which I append together with our replies.

Question No. 1: Is there any objection to Registration being re-opened for Asiatics and the chance being given them to register voluntarily as they desire to do ?

Answer : No, provided time is limited.

Question No. 2 : Is there any objection to dispense with finger-prints in the case of educated or well-known Indians ?

Answer : No, provided that other adequate evidence of identity is forthcoming.

Question No. 3 : Is there any objection to the penalties not being enforced in the meantime against those who voluntarily register ?

Answer : No.

“Am I to understand from the concluding sentence of your letter that the Government do not intend to make the above concessions unless



they are satisfied that the Asiatic community is prepared to accept the new position ?

“I desire to make our position in this matter perfectly clear.

“We agreed to the law and adhere to it, and its objects must be secured. We would, however, point out that as the present regulations were not submitted to us before promulgation the Government must accept all responsibility in regard to them.

“We feel it essential to success that the law be administered with the least possible friction, and as far as possible, with due consideration for the responsibilities and difficulties of the Imperial Government. Believe me.” [C.W.M.G., VIII, p 71]

Smuts knew that whatever happened, he had the backing of the Liberal Government in England. On 25 January 1908, Winston Churchill, the under-secretary in the Colonial Office, had telegraphed to the Governor:

Please tell Botha I am going to support his Government most strongly on the Indian question as I thoroughly understand the view of white South Africa. There will be Parliamentary attacks from our side and from Opposition but the Government majority will be perfectly solid. [T. A. Draft of Tel. undersecretary, Colonial Office to High Com., 25 January]

Gandhiji was allowed to come out of gaol to meet General Smuts and his fellow Indians while still a prisoner. On leaving the Colonial Office, he was allowed to go to Johannesburg. The watchful pickets, having come to know of it, had surrounded the Colonial Office. They were told by Superintendent Bates that Gandhiji had left. But they refused to believe that he could have left without their



knowledge, for they had been guarding all the exits. Finally it so happened that as soon as he came out of the Colonial Office he met the pickets. He informed them that every Indian would be set free the next day which was a Friday and asked them to convey the information to others. [C.W.M.G., VIII, p 69]

On reaching Johannesburg at 10 p.m. Gandhiji was interviewed by representatives of the *Rand Daily Mail* and the *Transvaal Leader*. The *Mail* representative wanted to know if the settlement was honourable to both sides. Gandhiji in reply said, “Perfectly. The honour of the colony had not been affected in the least, while the feelings and scruples of the Asiatics have received the fullest consideration.” [C.W.M.G., VIII, p 42] In reply to another question, he said that they had had no climb down, rather the whole question had been satisfactorily settled — satisfactory to all parties concerned. [*Ibid*, p 42]

In reply to the question of the *Transvaal Leader*, Gandhiji said:

The compromise arrived at is largely the same that was offered by the Asiatic communities before the proceedings under the Registration Act were commenced. This compromise will give complete identification of every Asiatic over the age of 16 years in the colony and those who may be entitled to remain in or re-enter it. The main distinction between the Act and the identification under the offer will consist in the sting of compulsion being removed. [*Ibid*, p 44]

The compromise had put the Asiatics on their honour and responsibility; and if it was not carried out faithfully by his countrymen, he had no doubt that their position would deservedly be worse than it would have been under the Act. “But I do not anticipate any difficulty”, he added.

With reference to the wholesale arrests that had taken place during the last three weeks, he did not think that the Asiatics could have any cause to



grumble; that procedure was necessary in order to test the intensity — as also the reality — “of our feeling about the Act.” He added,

I may state that we who were at the Fort were allowed to petition the Government offering once more voluntary registration, and the course adopted by the Government was in response to that petition. In my humble opinion, the Government have shown real strength in acceding to the request. [*Ibid*, p 44]

Thus it may be seen that while Gandhiji was anxious to preserve the prestige of the Government, the reverse was not true. The Government seemed anxious to prove that they had not made any concession, and that it was the Indians who had climbed down.

With regard to the treatment meted out to the satyagrahis in the gaol, Gandhiji was reported to have said that he and his fellow prisoners could not be sufficiently grateful to the Governor and all the other officials for the kindness and consideration shown to them within the four corners of the prison regulations. But he added that there was much to be said with regard to those regulations and the accommodation and diet provided for the Asiatics. [C.W.M.G., VIII, p 54 fn]

Abdulla Seth had sent a telegram to Essop Mia asking him and Mr Polak to receive Gandhiji who was arriving at Park Station, Johannesburg by the last train. Only Essop Mia and Aswat were there to receive him. Gandhiji suggested that a meeting be called at once. It was held in the precincts of the Indian mosque at about midnight and was attended by about a thousand people in spite of the short notice. A light was put up in the mosque which was near the chairman's house. It served as notice for the community. As most of the Indians lived nearby, they gathered in the mosque. In the meantime Gandhiji and the leaders sat



talking and went to the mosque when the meeting was ready. Gandhiji addressed his eager audience and briefly explained the broad outline of the compromise and advised them to go about their work quietly without noisy demonstrations or processions. The reporter of the *Leader*, who was present, promised not to publish a report of the meeting. Everyone agreed that they were only concerned with the result, and that there was no need for any celebration. People felt extremely happy. [*Ibid*, p 69]

On the following day, Friday morning, shortly after eight Gandhiji went back to gaol and surrendered himself to the gaol authorities. A little later, he along with the rest of the ‘gaol birds’, received formal discharge from prison. There was no demonstration whatever. Less than a hundred members of the two Asiatic communities were present to welcome them. [*Ibid*, p 70]

The prison gates were opened everywhere at 12 noon on Friday, 31 January 1908, and all over the Transvaal Indians, who had been arrested in connection with the Registration law or for carrying on trade without licences, were released. Almost all that happened was reported in the newspapers. Everyone was surprised and happy. The whites, too, were happy. That day and a couple of subsequent days were passed in feasting and educating the community about the settlement. [*Ibid*, p 70]

Commenting on the release of prisoners on 31 January 1908, the *Transvaal Leader* wrote:

The relief with which the Asiatics themselves will once more breathe free air will scarcely exceed that of the prison officials at getting rid of involuntary guests who, owing to their number, the peculiarities of their diet and their non-criminal character have tried the resources of several of the public gaols to their utmost. The sufferings of the prisoners have been



acute. In one little yard in the Johannesburg prison the capacity of which is 45, over 150 men had to pass their days during this trying weather. Two of the Indians dropped down in the ranks fainting on account of heat. The Asiatics complained bitterly that the room at Johannesburg prison, in which they were taken to have their clothing changed on entering the prison, had its roof and sides so full of vermin that it was impossible to keep their clothes or hair free from the pests — a state of things due to age and rottenness of the wood. [C.W.M.G., VIII, p 54 fn]

There was a veritable shower of telegrams greeting the release of prisoners. In all, 150 telegrams had been received from every part of South Africa. On Friday and Saturday, it was observed that the messenger came with a telegram every five minutes. Telegrams also arrived from Aden and India; from Mr Kekobad at Aden, from Mr Hajee Ismail Zaveri at Porbandar, and from the Bombay Presidency Association under the signature of Sir Pherozeshah Mehta. Sir Pherozeshah had sent a long telegram offering his warmest congratulations to the community and expressing admiration for its patience, courage and capacity for self-sacrifice. [*Ibid*, p 70] Some of the telegrams came from the whites. A large number of whites came to the office of the British Indian Association to congratulate the individual office-bearers in person.

12

The help received from the whites in the Transvaal campaign was beyond all expectations. Valuable help was given by prominent whites, such as Mr Cartwright, Mr David Pollock, Rev. Phillips, Rev. Joseph Doke and Mr Vere Stent, editor of *Pretoria News*. Some of them, said Gandhiji, were prepared to go with the Indians to the very end. There were hundreds of other whites who wanted to help, though the Indians did not hear anything about them. [C.W.M.G., VIII, p 74.



Rev Charles Phillips : Congregational Minister, *vide* S.S.A. by M. K. Gandhi, p 181. Also Chapter XVII in this volume]

Support for the Indian cause in England too had increased. It showed that there were persons in that country also, who were prepared to fight for truth. Gandhiji wanted the Indians to appreciate it. He said:

The Indian community must bear this in mind and give up its anger against the whites. We are often thoughtless enough to say that the whites can have nothing good in them. But this is patent folly. Mankind is one, and even if a few whites make the mistake of considering themselves different from us, we must not follow them in that error. [Rev Joseph J. Doke (1861-1913), Minister of Johannesburg Baptist Church, *vide* M. K. Gandhi's S.S.A., p 171. Also in Ch. XVII of this volume C.W.M.G., VIII, p 74]

The Transvaal Indians, we believe, have emerged completely victorious. They struggled for 16 months. All the sections (of the Indian community) have become united. Indians all over South Africa were roused. Their pledge about gaol-going has been fulfilled. After that the settlement followed with unexpected speed. It is a miracle that the prison doors opened before the terms of imprisonment had expired. We shall not come across many instances of this kind in world history. The Government has placed great confidence in the Indian community and an equally heavy measure of responsibility. [*Ibid*, p 60]

On 31 January a mass meeting of South African Indian Association was held at Cape Town to celebrate the success obtained by the leaders of the Indian community in their gigantic struggle against the Transvaal Government. Delegates from all parts of the Cape Colony attended. Mr Ebrahim Norodien, Chairman of the Association, presided. A resolution was adopted, amidst



enthusiastic applause, that a telegram be sent to Gandhiji applauding him for the great stand taken by him against the Transvaal Government and congratulating him on the successful outcome of his endeavour. [I.O., 8-2-1908, p 70]

About 4000 people gathered at a meeting held under the auspices of the British Indian Association at 4 p.m. on 31 January 1908 in the grounds of the Hamidia Mosque, Johannesburg. Essop Mia presided. It was attended by delegates from several places in the Transvaal. Gandhiji thanked God for the victory in Whose name the movement had been started and asked what had made the Government remit the sentences and open the prison gates and let the people out. “Surely our truthfulness and strength. I used to say that, if we scrupulously followed the path of truth, the white colonists themselves, would veer to our side, and that is exactly what has happened.” The Indians were thankful to the whites for the pains they took to further their just cause. They did so because they were inspired by God within to have sympathy for His oppressed devotees and to fight on their behalf. He continued “We will now register voluntarily for purposes of identification and scrutiny. The Government has accepted it.” That meant that the obnoxious law would die altogether. The stigma that attached to them under the law would now disappear. Under the proposed arrangement, the Government would accept signatures by educated persons and by owners of property, but unlettered people would have to give ten finger-prints on the application forms. He saw nothing wrong in having to give finger-impressions if the Government did not come round. For after all they would be giving them of their own free choice. The Government had allowed them a period of three months for the matter to be settled. He would therefore strive to obtain the best that he could for the Indian community.



Under the law, the Government wanted the compulsory registration of children, and this had now been dropped. The question of amending the law suitably would be taken up when Parliament met in Pretoria. For the present, however, the sentences of imprisonment against them had been set aside, and it was now up to them to prove that they were honourable men. [C.W.M.G., VIII, p 46] He added that as soon as Parliament met, the Asiatic Registration Act would be repealed and the Immigration Law amended. Domicile certificates would be issued as was done in Durban. [*Ibid*, pp 47-8]

Gandhiji issued a statement on 1 February 1908 saying that the campaign had undoubtedly shown one thing, if it had shown anything — that Indians in the Transvaal were deserving of self-respect and of being classed as men. A charge had often been brought against them that they were incapable of acting in concert for the common good. “I think I can fairly claim for my countrymen that they have shown unexampled self-sacrifice.” Hundreds of poor hawkers, rather than pay the small fines that were inflicted on them by the magistrate, underwent the hardships of prison life, simply for the sake of a principle. “In the course of my practice, I have not noticed many clients who have been willing to go to gaol when there has been the option of a fine.” They had been willing to pay the heaviest fines, if thereby they could avoid imprisonment. “I must say that, to a certain extent, the cohesion that has been shown by the poorest Indians in the colony has been an eye-opener even to me, and I have no doubt it has been to the colonists.”

It might also be claimed, he said, that if the compromise that had been arrived at was honourable to Indians, as it undoubtedly was to the Government, Indians had figuratively bled for it. It was not possible to give an adequate idea of the sacrifices made by hundreds of Indians, and “in this category I include those



Indians who left the colony because they did not consider themselves strong enough to brave the struggle. Merchants with large stocks in the colony were perfectly resigned to any consequences, but they would not submit to a law which in their estimation degraded them.” [C.W.M.G., VIII, pp 52-3]

13

For Gandhiji, the real work commenced after the compromise. On 1 February he sent the following cable to the South Africa British Indian Committee, London:

Compromise contemplates repeal Act and same as voluntary offer before.
[*Ibid*, p 49; India Office, Judicial & Public Records 3722/08]

Probably Gandhiji also wrote a letter to Mr Ritch giving details of the compromise, as shown by the following extract used by Ritch on 6 October:

. . . . At the end of three months if the registration is not satisfactory, the law can be made to apply against those who have not registered. On the other hand, it is understood that if we fulfil our contract, the law will be repealed by amending legislation. A Bill will be introduced at the next session of Parliament legalising what has been done. [C.W.M.G., VIII, p 49; India Office, Judicial & Public Records 3722/08]

Gandhiji felt that the Indian community had to show to the Government and to the Colonists that they as a body had nothing to do with surreptitious entry into the Transvaal and that although there was no legal obligation, they recognised a moral obligation to give the Government complete identification of every Asiatic who was entitled to remain in the colony or to re-enter it and that if they succeeded in doing so, the bitterest opponent of British Indians would have to admit that those who proved their right to domicile and gave the



Government full particulars as to identification, should not only be left in the colony unmolested, but that they should have every encouragement. [*Ibid*, p 53]

He believed that the highest statesmanship in South Africa consisted not in treating any class of its inhabitants as almost animals or pariahs, but in treating them as men and raising them to a higher level.

It was conveyed to the Government through Mr Cartwright that efforts should be made to reinstate all the Indians who had been relieved of their posts in the Government and that the Indian community should be consulted about the form of the new registration certificate. Mr Cartwright informed them over the telephone that General Smuts would not commit himself on the question of reinstating the Government servants but that he had agreed to do his best. As for the form of the register, he agreed to consult the Indian community. The proposed registration would not be under Law 2 of 1907 and the Indian community would also be consulted as to how voluntary registration should be legalized. [*Ibid*, pp 66-7]

Gandhiji had another meeting with General Smuts on 3 February, at which as Gandhiji understood, all the points were satisfactorily settled. He recorded the decisions as given below:

1. If the Indian community takes out register voluntarily, Law 2 of 1907 will be repealed.
2. Voluntary registration will be legalized by a new Bill.
3. Voluntary registration will not apply to children under sixteen years of age.
4. There will be new forms of application for voluntary registration and for registration certificates. [C.W.M.G., VIII, p 72]



Gandhiji explained to the Indian community that the register will mention the names of husband, wife and children and their respective ages. In the application form for voluntary registration the name of the mother need not be mentioned but names of minors will be necessary. Children under sixteen years of age will accompany their parents to the Registration Office if they can, so that their ages and facial marks of identification can be noted down. Those whose children were outside the Transvaal, need only furnish the name and age of each child. If parents asked for separate registers for their children under sixteen years of age, these will be granted.

As for finger-prints,

- (i) Those who knew English well would not be required to give either finger-prints or thumb-impressions.
- (ii) Men of standing and those who owned property could be exempted from the giving of finger-prints or thumb-impressions.
- (iii) Those who strongly objected on grounds of conscience to giving ten finger-prints, would be allowed to give only thumb-impressions.
- (iv) The rest would have to give the ten finger-impressions.

He also explained to the Indians as to who could apply for voluntary registration:

- (i) Those who possessed valid permits, that is, those whose permits had their own thumb-impressions.
- (ii) Those who were in the Transvaal on 31 May 1902, whether or not they held permits.



- (iii) Those who held the Dutch Register obtained by payment of £3 tax and who were residents in the Transvaal.
- (iv) All children who entered the country lawfully when they were under the age of sixteen. [C.W.M.G., VIII, p 73]

No person possessing proofs in respect of these would find any difficulty in obtaining voluntary registers, he said.

Gandhiji told his compatriots that he had read two letters published in *The Star* which were highly critical of the Government. One of them was written by one Phillip Hammond who said that the Government had yielded to the Indian community on every point, and therefore Mr Smuts had no claim to be called a strong man. Mr Hammond believed that Indians ought to have been kept in gaol long enough to break down their resistance.

The other letter was written by a white person named Mr Hyman Levy. He claimed that he had cast his vote for candidates from Mr Smuts' party. Angered by the settlement with the Indians, he had criticized General Smuts in very strong language. These letters suggested that, when the Parliament met, Smuts would find himself in an awkward position. Gandhiji advised that it would be well for the Indian community to give careful thought to all this and go through the registration as quickly as possible in order to convince everyone that "we are playing the game." [C.W.M.G., VIII, p 73] What the condition of the community would be in future, depended on what they did during the ensuing three months. He hoped that every Indian would think of the interests of the community as a whole and not only of his own.

Gandhiji informed the Indian community that an office would be opened for voluntary registration on Monday 10 February in Old Church in Von Brandis Square. Those who wanted to take out registers voluntarily were to present



themselves there with the utmost despatch. There would be no notice about this. Registration was likely to be carried out through magistrates. “We have been given three months, but it will be better if we finish it within a month-and-a-half,” [Ibid, p 74] he said.

14

A cartoon had appeared in the *Sunday Times* during the Satyagraha representing the Transvaal Government as a steamroller which was up against an elephant — the Indian community. The paper now published a sequel showing the wrecked steamroller, and General Smuts, lying on the ground amidst the ruins of his chair, miserable, looking unhappily at the elephant. He was shown wearing a convict’s cap. The elephant seemed pleased with himself as he surveyed the wreckage and, with his trunk raised to General Smuts, inquired, “Everybody happy?” Gandhiji shown as *mahout*, had his digits extended fan-wise at the extremity of his nose, as much as to ask General Smuts, “So you have had a taste of digit-impressions?” Underneath the cartoon was the caption: “Picture of Colonial Secretary Receiving Mr Gandhi’s Digit- impressions”. [C.W.M.G., VIII, pp 32, 80]

The press and many others were, it seems, willing to concede victory to the Indians, General Smuts was still anxious to prove that the Government had won a victory.

Interviewed at Sterkstroom by a correspondent of *The Star*, on 31 January 1908 General Smuts said, “The arrangement that we have arrived at is that all those Indians who are well-known, who have property and who are educated will be exempted from the finger-print system, and they will not be pushed to answer questions about which they have religious scruples.” the Colonial Secretary



reserved the discretion to decide who were to be exempted. He tried to take the credit for the scheme of voluntary registration:

This offer, which I have been asking them to make for a month past, they are making now, and they promise to register in three months. Then I will bring the matter before Parliament, which will have to pass a special law legalising the arrangement. Meanwhile I undertake not to prosecute them. No licences will, however, be issued to them, pending the decision of Parliament, but they can trade without licences. There is no question of the Government having given in. These people have insisted that before they register, the law must be repealed; but the Government has refused, as it considered this a preposterous proposal, and now the Indians have dropped it. [I.O., 8-2-1908]

He added however that there was nothing wrong in climbing down. He could not respect a person who would not climb down.

General Smuts' statement and speeches gave the impression that he had agreed to repeal the Act after the voluntary registration, but it was one of the oral promises which he cleverly did not mention at his Press interview in clear terms. He conveniently ignored the fact that the Indians had offered voluntary registration first on 29 March 1907, long before the Black Act was implemented, and had repeated the offer several times since then.

The contrast between Gandhiji's way of putting things so as to maintain the dignity of the Government, and that of General Smuts' assertion that the Indians had now become reasonable and had agreed to do what the Government had been asking them to do for long, is obvious. But Smuts could not fool all people, as shown by some of the press comments.



About the statement of General Smuts, quoted above, the *Rand Daily Mail* commented on 1 February:

It is certain that the compromise now agreed upon differs in no material respect from that suggested by the Indians themselves in May last, and it is just as certain that for this reason every Indian regards the compromise as complete victory over the Government in spite of the very generous and exemplary attitude adopted in public by Mr Gandhi himself. [I.O., 8-2-1908, p 75]

Some white people could thus see through General Smuts' claim of a victory.

At Sterkstroom, the Colonial Secretary said:

Registration would now take place within three months. This would place the colony in a position to prevent any further Asiatic immigration; most of the Asiatics in this country did not have wives here, consequently the Asiatic population would decrease, and in 20 years or more there would be no Asiatic questions, and then they could fight out the native question for themselves. [*Ibid*, p 71]

These remarks showed how the Colonial Secretary's mind was working. He was hoping that in twenty years or so the Asiatic problem in the colony would thus be automatically solved. Gandhiji, on the other hand, was hoping that Indians in South Africa would be a permanent part of the new South African nation. He thought in terms of a multi-racial South Africa, while General Smuts was apparently committed to a white South Africa, in spite of the fact that whites were a small numerical minority in the midst of the non-whites in that country.



To a correspondent of the Reuter Gandhiji said that those Indians who proved their right to domicile should not only be left in the colony unmolested, but should be given every encouragement, so that instead of remaining a festering sore, they, as far as possible, could be assimilated and form a part of the future South African nation. “The dominant race should look forward to the time when the lower races should be raised higher in the scale of civilization.” Gandhiji agreed with General Smuts that “the system of indentured labour in Natal should be stopped at any sacrifice.” [C.W.M.G., VIII, p 53]

It may be noted that at that time Gandhiji was willing to concede that the white races were at a higher level of civilization, a claim which he considered questionable later on, and which sounds strange in our ears today.

The press was on the whole appreciative of the compromise. The *Transvaal Leader* commented on the agreement, saying:

It is to the credit of both sides that they have had enough common sense to agree upon a compromise which seems reasonable and — given a right tendency of the official mind — workable. The reasonable-minded majority of white colonials will, we venture to predict, approve of the settlement. There have been a few demands for an extreme and vindictive policy towards the Asiatics. But the spectacle of men going to prison for semi-political offences, and giving up profitable business rather than do what seemed to them unmanly and wrong, has left most white Transvaalers unhappy; and the consideration that the prisoners hail from a State of the Empire of which every Briton feels proud, increased their unhappiness. [I.O., 8-2-1908, p 75]

The *Star* was somewhat critical and wrote:



We confess that the distinction between ‘voluntary’ registration within three months and ‘compulsory’ registration of precisely the same nature is just a little too subtle for the average European mind; but if the change will satisfy a sensitive Oriental people, we are for making it. There are minor distinctions which, however, apparent to the Asiatics themselves, are not readily appreciated by Europeans even of long Asiatic experience. The essential condition of any concession of this kind is that every lawful Asiatic resident must be susceptible of prompt identification, and so long as that condition is absolutely fulfilled, the precise method is of little consequence. [I.O., 8-2-1908, p 75]

The *Rand Daily Mail* said:

The principal object of that legislation was not directly to keep fresh Asiatics from coming in, but to register those who were already here; and in as much as that object will be achieved by the compromise which had now been accepted, the Government cannot be said to have violated any principle of policy to which it was committed. It is once more in its methods of administration that it has erred. [*Ibid*, p 75]

General Botha, like General Smuts, tried to show that the compromise meant a victory for the whites. On 1 February 1908 he said in the course of his speech at Potchefstroom that the Asiatics had agitated for the Government to withdraw the law, and had said that when the particular law was withdrawn, they would register voluntarily. The Government had refused to listen to that. After most of the leaders had been put in gaol, the Government had received a letter in which they did not ask for withdrawal of the law any more, but asked to be allowed to voluntarily register. No other registration was possible at the



present time. They could only do it voluntarily. The Government therefore “have accented that proposal.” and promised to put it before the next session of the Parliament. The Government had also promised not to continue further prosecutions until this matter had been put before the Parliament again. [I.O., 8-2-1908]

General Botha conveniently ignored the fact that the Indians had offered to register voluntarily long before the law was promulgated and that the compromise stipulated repeal of the law when voluntary registration was completed. This had been clearly understood on both sides, even though it was not put down in writing.

About 5000 to 6000 Indians legally domiciled in the Transvaal had left the colony as they could not bear the hardships of Satyagraha. Nor could they agree to register under the law. General Botha almost gloated over it. He tried to make out that the Asiatics who had left were not legal residents. He said that six thousand of those Asiatics who were in the Transvaal unlawfully had become afraid and had left the country, and they certainly would not come back again. Those who were still in the country were justified in thinking that they had a right to remain, unless of course they refused to register. They had come to the Government and said : “Give us the opportunity of registering within three months and we will do so voluntarily.” The white people were victors, he said, and they were the people who could show generosity, he said. [I.O., 8-2-1908]

The Government were aware that they had been wrong in rejecting the offer of voluntary registration made by the Indians in the first instance and were now bending backwards to prove that the Government in coming to a compromise had won a victory, and the Indians had been made to eat the humble



pie. Botha labelled all those who left the Transvaal as unlawful citizens, without any proof whatsoever. He appeared to hope that they would not come back.

General Botha went on to add that they must not look at this matter merely from the small Transvaal standpoint. The parties in the Parliament had unanimously consented to the law, and he was glad to be able to say that all parties in the Parliament had worked together and given consent to the present policy.

The press however did not accept the Government's claim at its face value.

Commenting on General Botha's speech, the *Transvaal Leader* asked on 4 February 1908, how the officials knew that 6000 "unlawfuls" had left the country when they did not know it when they were coming in and could not check them ? It asked General Botha by what method this compilation was arrived at. [*Ibid*]

The Government attitude did not augur well for ensuring the success of the compromise. It indicated mental reservations on their part.



CHAPTER IX: OPPOSITION AND ASSAULT

1

Gandhiji had already developed the essential qualities of a true Satyagrahi, namely, fearlessness, a supreme faith in God and faith in the essential goodness of human nature. He and the Indians' campaign had won the respect and sympathy of several leading Europeans. He had the generosity to forgive his assailants. He had overcome the fear of death. In the face of mortal danger and deep despair, the words that came to his lips were the name of God, '*Hey Ram*' (Oh God) — the very expression that he uttered when he fell to the assassin's bullet forty years later at New Delhi.

As soon as the news of the compromise came out, a section of the Indian community was unhappy. Not that they were opposed to it on any principle, they just wanted the struggle to continue for their own ends. There were some Indians who wished that there should be no settlement and they were ready to wreck it, if it was effected. [M. K. Gandhi, S.S.A., p 163] The opposition to the compromise arose from different motives. The Pathans were led to believe that Gandhiji had sold the community. Being an easily excitable people who cannot bear dishonesty, it was the Pathans who led the physical assault. But those who misled them had mixed motives. Some of them had succumbed to the temptation of taking the line of least resistance and had registered under the Black Act. Life for them was "anything but pleasant". They had been severely criticised as "Blacklegs". They were unhappy when they saw the vast majority of the community stand solidly behind the leaders, and against the Black Act, and undergo all kinds of hardships and suffering including imprisonment. Over two thousand persons had actually gone to jail. It was a shock to the "blacklegs" that



the Government was now ready and willing to reach a compromise with the satyagrahis.

There was also another party in the Transvaal which comprised such Indians as had entered the colony surreptitiously without permits or were interested in bringing in others secretly, either without permits or with false permits. This party knew that the settlement would be detrimental to their interests. None had to produce his permit so long as the struggle was on. During the struggle, members of this group could carry on their nefarious trade without fear and could easily avoid going to gaol for it. Therefore the longer the struggle was protracted, the better it was for them.

A group was, therefore, formed by these elements to oppose the compromise. Cowards as they were, they silently canvassed from house to house against the compromise and spat poison day in and day out to serve their own ends. They probably instigated the simple-minded Pathans who had joined the Passive Resistance movement for the sake of their honour.

The Pathans in the Transvaal numbered 50 or a few more. They had mostly come over as soldiers during the Boer War and had permanently settled down in the Transvaal like many other Indians as well as Europeans. Most of the Pathans hired labourers to make straw or coir mattresses which they sold at good profit. There were often quarrels among them. Gandhiji had been legal advisor for many of them. A rumour was set afoot by the interested parties that the Indian leaders, especially Gandhiji, had sold the community to General Smuts for £ 15,000. This infuriated the Pathans. But Gandhiji knew nothing about it. The atmosphere was surcharged with suspicion and insinuation.

It may be noted that four important meetings were held after Gandhiji was released from prison: (1) a small meeting with the leaders on 30 January, 1908



soon after his arrival at Johannesburg, (2) immediately after that a mass meeting on 30-31 January which began at about 11 p.m. and continued well beyond midnight, (3) a mass meeting in the evening on 31 January and (4) another mass meeting on 2 February.

A brief recapitulation of what passed at these meetings may be useful here even at the risk of some repetition.

In the small meeting held on 30 January with the leaders, Gandhiji explained the terms and conditions of the proposed compromise clearly to the anxious group. Every one of them, however, was troubled by one doubt, “What if General Smuts broke faith with us ? The Black Act might not be enforced (now) but it would always hang over our heads like Damocles’ sword.” They felt that if in the meantime they registered voluntarily, they would have knowingly played into the adversary’s hands, and surrendered the most powerful weapon in their possession for resisting the Act. The right order for the settlement, they said, was that the Act should be repealed first and then they should be called upon to register voluntarily.

Gandhiji liked this argument and felt proud of the keen common sense and high courage of his fellow-Indians. [M. K. Gandhi, S.S.A., pp 158-9] The original offer of voluntary registration had stipulated withdrawal of the offending legislation first. But in the compromise proposed by Mr Cartwright, the order had been reversed and withdrawal of the Black Act was to follow the voluntary registration.

Gandhiji said that their argument was excellent and deserved serious consideration. If they could have registered voluntarily after the Act was repealed, there would have been nothing like it. “But then it would not be a compromise.” Compromise meant that both the parties made large concessions on all points except where a principle was involved. Their principle was that they



would not submit to the Black Act, and therefore, would not by virtue of it do even such things as were otherwise unobjectionable; and to this principle they must adhere at all cost. The principle with the Government was that in order to prevent illegal entry of Indians into the Transvaal, it must get Indians to take out non-transferable permits with marks of identification and thus set the suspicions of the Europeans at rest and allay their fears. The Government could not give it up on their part. The Indians had admitted this principle by their conduct up to date, and therefore even if they felt like resisting it now, they might not do so “until we find fresh grounds for such a departure. Our struggle aims not at the abrogation of this principle but at removing the stigma which the Black Act sought to attach to the community.” [M. K. Gandhi, S.S.A., p 159]

As for the argument that they must not surrender their most powerful weapon, namely, resistance of the Black Act by not registering, before the Act was repealed, he said : “A satyagrahi bids goodbye to fear. He is therefore never afraid of trusting the opponent. Even if the opponent plays him false twenty times, the satyagrahi is ready to trust him for the twenty-first time, for an implicit trust in human nature is the very essence of his creed.” [*Ibid*, p 159]

In making the above statement Gandhiji was laying down the basic and the most fundamental principles of Satyagraha, namely fearlessness and trust in the opponent which implied a living faith in the basic goodness of human nature.

To say that by trusting the Government they would be playing into its hands, Gandhiji explained, was to betray an ignorance of the principles of Satyagraha. Suppose the Indians registered voluntarily, but the Government committed a breach of faith and failed to redeem its promise to repeal the Act, could they not then resort to Satyagraha ? If they refused to show at the proper time the certificates of registration which they had taken out, their registration



would count for nothing, and the Government would not be able to distinguish between them and the Indians who might have entered the Transvaal surreptitiously. Therefore, whether there was any law in force or not, the Government could not exercise control over them without their co-operation. Resistance to a law meant that if they refused to accept the restriction sought to be imposed upon them under the law by the Government, they were liable to punishment under that law. Generally it so happened that the fear of punishment led men to submit to the restriction.

But a satyagrahi was different from the generality of men in this regard. If he submitted to a restriction, he submitted voluntarily and not because he was afraid of punishment. A satyagrahi submitted because he thought such submission was essential to the common weal. And such was precisely their position regarding registration. It could not be affected by any breach of faith, however flagrant, on the part of the Government.

The group was apparently satisfied with the explanation and the meeting came to an end. In his memoirs of *Satyagraha* in South Africa, Gandhiji has written: “I was thus able fully to satisfy the one or two of the small company who struck a discordant note, but I did not then even dream of the storm which was to break out at the midnight meeting.” [M. K. Gandhi, S.S.A., p 161]

2

Immediately after the meeting the leaders went to the mass meeting at the mosque which went on long past midnight. Gandhiji said in his speech that the responsibility of the community was enhanced by the settlement. They must register voluntarily in order to show that they did not intend to bring a single Indian into the Transvaal surreptitiously or by fraud. If any one of them failed to



register, he would not be punished at present, but that would only mean that the community did not accept the settlement. He added:

It is necessary, indeed, that you must here raise your hands as a mark of your agreeing to the settlement. But that is not enough. As soon as the arrangements for fresh registration are completed, every one of us who raises his hand, should take out a certificate of registration at once. Moreover, just as many of you had volunteered before in order to explain to our compatriots why they should not register, even so you should now come forward to explain to the community why they must register. And it is only when we have thus worthily fulfilled our part that we shall reap the real fruit of our victory. [*Ibid*, p 161]

As soon as Gandhiji had finished his speech explaining the consequences of voluntary registration, a Pathan stood up and greeted him with a volley of questions :

Pathan : Shall we have to give ten finger-prints under the settlement?

Gandhiji : Yes, and No. My own view of the matter is that all of us should give digit impressions without the least hesitation. But those who have any conscientious objection to giving them or think it to be derogatory to their self-respect, will not be obliged to give those impressions.

P : What will you do yourself ?

G : I have decided to give ten finger-prints. It may not be for me not to give them myself while advising others to do so.

P : You were writing a great deal about the ten finger-prints. It was you who told us that they were required only from criminals. It



was you who said that the struggle centred round the finger-prints. How does all that fit in with your attitude today?

G : Even now I fully adhere to everything that I have written before about finger-prints. Even now I say that in India finger-prints are required from criminal tribes. I have said before and say even now that it would be a sin in virtue of the Black Act to give even our signatures, not to talk of finger-prints. It is true that I have — and I believe, wisely — laid great stress on this requisition of finger-prints. It was easier to rouse the community to a sense of the gravity of the situation by a reference to such a new and startling feature of the Act as the finger-prints, than to minor items in which we had already yielded. And I saw from experience that the community grasped the situation at once. But circumstances have now changed. I say with all the force at my command that what would have been a crime against the people yesterday is in the altered circumstances of today the hallmark of a gentleman. If you require me to salute you by force and if I submit to you, I shall have demeaned myself in the eyes of the public and in your eyes as well as in my own. But if of my own accord I salute you as a brother or fellow-man, that evinces my humility and gentlemanliness, and it will be counted to me as righteousness before the Great White Throne. That is how I advise the community to give the finger-prints.

P : We have heard that you have betrayed the community and sold it to General Smuts for 15,000 pounds. We will never give the finger-prints nor allow others to do so. I swear with Allah as my



witness that I will kill the man who takes the lead in applying for registration. [M. K. Gandhi, S.S.A., pp 161-2]

The last remark of the Pathan showed how poisonous the anti-propaganda had been. No one else believed this charge. The accusation of the Pathan had little effect on the people who had gathered, for they favourably voted for the compromise when asked to do so.

Gandhiji said : I can understand the feelings of Pathan friends. I am sure that no one else believes me to be capable of selling the community. I have already said that finger-prints will not be demanded from those who have sworn not to give them. I will render all possible help to any Pathan or any other person who wishes to register without giving finger-prints, and I assure him that he will get the certificate all right without violence being done to his conscience.

I must confess, however, that I do not like the threat of death which the friend has held out. I also believe that one may not swear to kill another in the name of the Most High. I, therefore, take it, that it is only in a momentary fit of passion that this friend has taken the oath. However that may be, whether or not he carries out his threat, as the principal party responsible for this settlement and as a servant of the community, it is my clear duty to take the lead in giving finger-prints and I pray to God that He graciously permit me so to do.

Death is the appointed end of all life. To die by the hand of a brother, rather than by disease or in such other way,



cannot be for me a matter for sorrow. And if even in such a case I am free from the thoughts of anger or hatred against my assailant, I know that that will redound to my eternal welfare, and even the assailant will later on realise my perfect innocence. [M. K. Gandhi, S.S.A., pp 162-3]

Gandhiji had developed fearlessness and a burning faith in God from his early youth. The language used here is the same as he used towards the end of his life in the face of bombs and bullets in the last days of his life in 1948.

No one in the audience had taken the Pathan's charge seriously. But the Pathan was not pacified. Gandhiji wrote in his memoirs later that he reached home at 2 or 3 a.m. He could not have had much sleep that night.

At the meeting held in the evening of 31 January, Gandhiji exhorted the Indian community to remain united and explained that there was nothing wrong when the finger-impressions were given by individuals out of their "own free choice" and not out of compulsion. He expected that the Black Act would be repealed and the Immigration Bill suitably amended during the next session of Parliament. The community should not feel triumphant over the success achieved but should feel humble and adopt the highest standard of conduct so as to show to the Government that "we do not practise deception." [C.W.M.G., VIII, pp 45-8]

On 2 February 1908 a huge meeting of the Indians was held on the ground near the Hamidia Islamia mosque. About 2,000 people attended; Essop Mia presided. Welcoming the audience the Chairman said: "We must trust Mr Gandhi who has sacrificed his all for the sake of the community. Keeping confidence in his judgement we must wait for the result without lending our ears to any sort of



rumour.” He added, “I think whatever Mr Gandhi has done, has been done for the welfare of the community; and therefore I must do whatever he says.”

Continuing, he said that for the last sixteen months he could not look after his business properly and he had to postpone even the Haj pilgrimage for the sake of the community’s work. “I hope God will forgive me for this reason.” At the end he urged upon all to sincerely help *Indian Opinion*, it being the only journal that had assisted the community in all ways.

Gandhiji then addressed the meeting. Promising to continue to work as a passive resister, he said that he feared none but God. “Some persons are threatening to resort to violence if the community agrees to give the ten finger-prints. I must tell these persons that I myself gave my finger-prints twice while in gaol.” He said that if violence was to be used against anyone, let it be first used against him. He would not lodge a complaint with the Magistrate on that score. Rather, “I shall thank the person who assaults me, grateful for the blow from one of my brethren and feel honoured by it.”

He owned the responsibility for whatever had happened and might happen in the future. No one but he was to be blamed for anything that had happened. He did not wish to be proud of being the leader of the community, nor did he claim any credit for it; he wished only to remain their servant and would feel joy in rendering to the community whatever service he could. It was his duty to make public the true state of affairs and that was what he had always done. If under the law, he was asked to take out the register by signing his name, he would have refused to do so. Once the new law was withdrawn, he held that it would be in keeping with their dignity to take out the register voluntarily even by giving finger-prints. Their pledge had been honoured and the demand they had insisted



upon had been conceded, which meant that they shall be treated as men.
[C.W.M.G., VIII, pp 55-6]

As for the result of the struggle, he told his audience: “There is only one task we have accomplished through the fight, and that is to have prepared the ground. What remains now is to construct a building on it.” The kind of building to be constructed depended on the liking of the community. He concluded by saying: “I am doing nothing for the community for the sake of reward or fame. Everything I do is done as a matter of duty, and I shall continue to do so in future.”
[*Ibid*, p 56]

On 9 February Gandhiji declared that in view of the promise of repeal of the law, he did not see any dishonour in giving finger-prints without the compulsion of law. On the contrary, he thought it was honourable to do so. He had told himself when the Pathan had threatened to kill anyone who gave finger-impressions that if he was alive on Monday 10 February, he would definitely give his finger-impressions. [*Ibid*, p 93]

3

Gandhiji was kept busy educating the community as to their responsibility, writing for *Indian Opinion*, and attending to his multifarious responsibilities with regard to the Phoenix Settlement, as well as dealing with the officials at Johannesburg and Pretoria.

In spite of his heavy preoccupation, Gandhiji did not forget common courtesies such as thanking friends and well-wishers for their kind thoughts, or enquiring after the health of those who might have fallen sick. For instance, Mr Vogl was a draper and both he and his wife sympathised with the Indian campaign. Mrs Vogl took a keen interest in Indian women and took classes with them. On 1 February Gandhiji wrote to Mr Vogl thanking him for his message of



congratulations on the compromise. He added that he was sorry to have learnt of Mrs Vogl's indifferent health. He would have liked to go to see her and thank him personally. "But just at present I must know no rest. The work of destruction is finished, that of construction has commenced — a far more difficult one, but, seeing that I have not relied upon my own strength but on the strength of truth, otherwise spelt God, I am quite at ease." [C.W.M.G., VIII, p 52]

From 30 January to 4 February piles of congratulatory letters were received by Gandhiji. On 4 February, he replied to all of them in an open letter of thanks, which was published in English and Gujarati in *Indian Opinion*. He asked to be excused for not sending individual replies. [*Ibid*, p 55]

Registration was to start on 10 February. A question was asked as to how long it would remain open. Gandhiji replied that since about 1000 persons were registering every week and assuming the Indian population of Johannesburg to be about 5000, it seemed probable that it would remain open for five weeks.

Some one asked whether the police would demand registration certificates. Gandhiji replied that there was a written assurance that those who registered voluntarily would not be subject to the obnoxious law or the regulations made under it in any way. He suggested that the following rules be observed during the next three months:

1. Every Indian should disregard self-interest and think only in terms of the interest of the community as a whole.
2. No one should use a false permit or encourage another to do so.
3. No one should even think of arranging illegal entry for his relatives or friends.
4. Correct particulars about names and ages of children should be furnished.



5. The temptation to see a large number of Indians come in should be resisted.
6. One must not be rude to the officials. Not that we need flatter, but we must show respect.
7. We should assume that all Indians will take out registers promptly.
8. Most of the Indians should give their finger-impressions in the conviction that there is no disgrace in doing so.

He added : “If these rules are observed, I make bold to say that whatever law is enacted, will be mild and bearable enough and will be in keeping with our dignity.” [C.W.M.G., VIII, p 98]

4

The registrar of Asiatics was ready to issue registration certificates under the new scheme and on Monday 10 February Gandhiji went to his office, where other Indian leaders were to join him. From there they were all to leave for the registration office, which was not more than a mile away. It had been agreed that the leaders would go for registration on the first day to break down any resistance or feelings of awkwardness or shyness on the part of Indians who had earlier stoutly opposed registration and also to make sure that the officials observed the necessary courtesy and correct attitude towards those who went for voluntary registration and there were no problems of any kind.

A few Pathans, Mir Alam and some others, were seen standing outside Gandhiji’s office, which was also the office of the Satyagraha Association, when Gandhiji went there to meet the other satyagrahis to go with them for registration. Mir Alam was one of his clients and sought his advice on all matters. He, like many other Pathans, used to hire labourers to make straw or coir-mattresses, which he sold at good profit.



Mir Alam was six feet tall and of a strong and powerful build. Gandhiji wrote in his memoirs, “I saw him for the first time outside my office instead of inside. His face did not have the usual smile. He did not salute me in the usual manner. But when I saluted him, it was my impression that he returned the salute.” [M. K. Gandhi, S.S.A., p 167] But Gandhiji also noticed that there was anger in his eyes and he had a premonition that something was going to happen.

Gandhiji asked him, “How do you do?” and got a reply that he was all right. He then went inside his office. When Essop Mia, Thambi Naidoo and others arrived, they all left at 9.45 a.m. and started walking towards the registration office. They were happy because Smuts had agreed to revise the registration forms and all objectionable clauses had been removed. Mir Alam and his companions followed them.

The registration office was at Von Brandis Square, less than a mile from Gandhiji’s office. Besides Essop Mia and Thambi Naidoo, there were about 100 others. They all, except the three leaders Gandhiji, Essop Mia and Thambi Naidoo, went straight to the registration office. The three leaders turned towards Eloff Street. What followed may best be described in Gandhiji’s own words:

As we were going along Von Brandis Street, outside the premises of Messrs Arnot and Gibson, not more than three minutes’ walk from the Registration Office, Mir Alam accosted me and asked, ‘Where are you going?’

‘I propose to take out a certificate of registration, giving the ten finger-prints’, I replied. ‘If you will go with me, I will first get you a certificate, with an impression only of the two thumbs, and then I will take one for myself, giving the finger-prints.’



I had scarcely finished the last sentence when a heavy cudgel blow descended on my head from behind. I at once fainted with the words, “*Hey Ram*” (O! God) on my lips, lay prostrate on the ground and had no notion of what followed. [M. K. Gandhi, S.S.A., p 167]

Mir Alam was carrying a heavy stick with which he had given Gandhiji a terrific blow on the head with the intention of killing him on the spot. Gandhiji wrote later, “I do not remember the manner of the attack, but people say that I fell down unconscious with the first blow which was delivered with a stick. Then my assailants struck me with an iron pipe and a stick and also kicked me.” [C.W.M.G., VIII, p 93]

He received several blows on his left ribs, a bruise above his left eye and a wound on the forehead. His upper lip had a cut on the left side and there were minor injuries on the right hand and left knee. The assailants left him thinking him to be dead. Some of the blows and kicks of Mir Alam and his companions were ward off by Essop Mia and Thambi Naidoo. As a result they too became the target of attack and had injuries.

The noise attracted some European passers-by to the scene. Mir Alam and his companions fled but were caught by the Europeans. The police arrived in the meanwhile and took them in custody. Gandhiji was picked up and carried into Mr. J. C. Gibson’s private office. [I.O., 15-2-1908, p 62]

Fortunately Mir Alam’s stick had missed the spinal column though it had felled Gandhiji to the ground unconscious. The report published in *Indian Opinion* 15 December 1908 said:

Mr Gandhi in falling struck his head against a jagged stone, with the result that his upper lip and cheek were badly lacerated and a tooth loosened, whilst his forehead just above the eye struck another stone and



a third stone just missed the eye itself. Whilst on the ground, several of the Pathans dealt terrible blows upon Mr Gandhi's body, one of the men being armed with an iron rod. Mr Thambi Naidoo and Mr Essop Mia hastily intervened but Mr Essop Mia was soon put out of action by a blow upon his hand, which slightly injured the finger, and he thereupon hastened into Messrs Arnot & Gibson's office to seek help. Meanwhile Mr Thambi Naidoo engaged the attention of Mir Alam, who rained blow after blow upon him, which fortunately, Naidoo was able to ward off by means of an umbrella which he was carrying at the time. Eventually the umbrella broke and one more blow felled Naidoo to the ground, his head being badly gashed, and when he was on the ground, further blows were struck at him and he was considerably bruised. Assistance now came from Messrs Arnot & Gibson's office and a number of Europeans, including constables, hastened to the scene and eventually put an end to the disturbance. All the Pathans with the exception of Mir Alam managed to escape. Mir Alam, however, was arrested together with a certain Abdul Rahman, a Konkani, who had also taken part in the assault, and these men were detained by the police inside Messrs Arnot & Gibson's office and were eventually taken to Marshall Square where they awaited the formal charges to be laid against them.

[*Ibid*, p 82]

At Gibson's office, when Gandhiji regained consciousness, he saw Reverend Joseph Doke, bending over him. "How do you feel?" asked Reverend Doke.

"I am all right" replied Gandhiji, "But there is pain in the teeth and the ribs. Where is Mir Alam?" he asked.

"He has been arrested along with the rest."



“They should be released.”

“That is all very well. But here you are in a stranger’s office with your lip and cheek badly lacerated. The police are ready to take you to the hospital; but if you will go to my place, Mrs Doke and I will minister to your comforts as best as we can.”

“Yes, please take me to your place. Thank the police for their offer but tell them that I prefer to go with you.” [M. K. Gandhi, S.S.A., p 168]

And so he was shifted to Rev Doke’s residence. Gandhiji has recorded in his memoirs:

As I came to, I got up with a smile. In my mind there was not the slightest anger or hatred for the assailants.

On reflection, I feel that we fear death needlessly. I believe that I have not known such fear for a long time now. And I have grown more fearless after this incident. If I had not regained consciousness, I would not have felt the suffering that I went through later. We can thus see that there is suffering only as long as the soul is in intimate union with the body. I became aware of the suffering only when the soul’s union with the body was restored.

I do not blame anyone for the assault. Those who attacked me would have at one time greeted me and welcomed me enthusiastically. When they assaulted me, it was in the belief that I had done them and the community harm. Some people thought I had sold the community by having agreed to the system of finger-impressions (in our compromise) with the Government. If that is what they thought, is it surprising that they attacked me? If they had some education, they would, instead of assaulting



me, have adopted other means of venting their dislike of me. In either case, they would have had the same reason. Experience tells me that some people know of only one way of expressing disapproval. For them physical strength is the one supreme thing. How then could I be angry? What point would there be in having them prosecuted? My real duty consists in disproving their charge against me. That will take time. Meanwhile, as is the way of the world, people will persist in the methods of violence. In this situation, the duty of the wise man is only to bear the suffering in patience. I think of myself as a wise person. I have therefore no choice but to endure the suffering inflicted on me. My religion teaches me to have no fear save of God. If I had any such fear, I should be violating a divine command. Why then should I be afraid of suffering? I, therefore, ask of God that I may remain fearless till the last. I ask my well-wishers to say the same prayer.

[C.W.M.G., VIII, pp 93-4]

Mr Chamney, registrar of Asiatics, too arrived on the scene. Gandhiji had been taken in a carriage to Rev Doke's residence in Smith Street. A doctor was called in. Gandhiji said to Mr Chamney: "I wished to come to your office, give ten finger-prints and take out the first certificate of registration, but God willed it otherwise. However, I have now to request you to bring the papers and allow me to register at once. I hope that you will not let anyone else register before me."

"Where is the hurry about it?" asked Mr Chamney. "The doctor will be here soon. You please rest yourself and all will be well. I will issue certificates to others but keep your name at the head of the list."

"Not so," Gandhiji replied. "I am pledged to take out the first certificate if I am alive and if it is acceptable to God. It is, therefore, that I insist upon the papers being brought here and now." [M. K. Gandhi. S.S.A., p 168]



On hearing that, Mr Chamney went away to bring the papers.

5

The second thing that Gandhiji did was to wire to the Attorney General that he did not hold Mir Alam and others guilty for the assault committed upon him, that in any case he did not wish them to be prosecuted and that he hoped they would be discharged for his sake. [*Ibid*, p 168]

They were discharged on the first day. But the Europeans of Johannesburg addressed a strong letter to the Attorney General saying that whatever views Mr Gandhi might hold with regard to the punishment of criminals, they could not be given effect to in South Africa. Mr Gandhi himself might not take any steps, but the assault was committed not in a private place but on the high road and was therefore a public offence. Several Englishmen were in a position to tender evidence and the offenders must be prosecuted. [I.O., 29-2-1908] On this, despite Gandhiji's telegram to the Attorney General, Mir Alam and Abdul Rahman were re-arrested on Tuesday, 11 February afternoon by Superintendent Vernon and were brought before Mr Jordan on the following day at 2 p.m. Both had engaged lawyers.

Mr Van Diggelen and Mr Reuter appeared for the defence; the former claimed to have been instructed by the accused, while Mr Reuter said he had been instructed by a friend. The accused were given the choice and Mr Van Diggelen was selected. He at once asked for remand. The public prosecutor while not objecting said that he had his witnesses present and was ready to go on. The magistrate remanded the accused till Wednesday 19 February and fixed bail at £ 100.

On Wednesday (the 19th) at 2.15 p.m. Mir Alam and Abdul Rahman appeared before Mr Jordan in 'C' Court on a charge of assaulting Mr Gandhi and



Essop Mia at about 10 a.m. on 10 February in Van Brandis Square with intent to do grievous bodily harm. The accused were defended by Van Diggelen. J. D. Schuurman appeared for the Crown. Gandhiji was not present. Knowing his views, the prosecution had decided not to call him as a witness.

The prosecution presented several witnesses including Essop Mia, Thambi Naido and other Indians and Europeans who were eye-witnesses to the assault.

Van Diggelen made a statement complaining that the press had carried stories about the incident while the case was *sub judice*. This was prejudicial to his clients. The magistrate replied, “We don’t take notice of what the press has said.”

Both the accused pleaded not guilty. They tried to make out that they had not gone to assault Mr Gandhi, and the assault was not connected with the registration issue. They had been provoked into it by Mr Gandhi’s abusive language. They had not hit him after he had fallen, nor had they used the iron pipe to hit him. The accounts of the eyewitnesses produced by the prosecution, however, contradicted these statements.

The defence produced several witnesses including a Nawab Khan and Ladha Singh. Nawab Khan said that at the time of the assault, he was at his residence and had never told anyone to assault Mr Gandhi. Ladha Singh stated that he knew both the accused. He remembered 10 February. He was at Boksburg on that day. He was not present when the assault took place.

In giving the judgment the magistrate said that the case was a very clear one. The charge of assault had been proved against both the accused. He said, “I might add that Mr Gandhi is well known to me personally, and I am perfectly sure that Mr Gandhi did not use the words alleged against him.” He did not think anyone could be brought forward to say that Mr Gandhi had used bad language.



It was from his personal knowledge of the man that he could say that Mr Gandhi was not a man to use words of that description. It was an assault of a very unprovoked description. One knew what these Pathans were — a very ignorant race, and when they got an idea in their heads, one could not get it out. He sentenced each of the accused to three months' hard labour. [I.O., 29-2-1908]

6

Dr Thwaites came to Reverend Doke's house while Mr Chamney had gone to bring the papers. He examined Gandhiji and put five stitches in the cheek and on the upper lip. The remaining injuries, which were in the nature of severe bruises and contusions, were given local application and bandaged where necessary. The doctor also prescribed some medicine to be applied to the ribs and enjoined silence upon the patient so long as the stitches were not removed.

Gandhiji restricted his diet to liquids only. No bones were broken and the doctor said that he should be able to leave his bed and take up his ordinary activities in a week, but that he should be careful not to undertake much physical strain for two months more. After saying this, he left.

Gandhiji has recorded in *Satyagraha in South Africa*:

Thus speech was forbidden me, but I was still master of my hands. I addressed a short note as follows to the community through the chairman and sent it for publication:

I am well in the brotherly and sisterly hands of Mr and Mrs Doke. I hope to take up my duty shortly. Those who have committed the act did not know what they were doing. They thought that I was doing what was wrong. They have had their redress in the only manner they know. I, therefore, request that no steps be taken against them.



Seeing that the assault was committed by a Musalman or Musalmans, the Hindus might probably feel hurt. If so, they would put themselves in the wrong before the world and their Maker. Rather let the blood split today cement the two communities indissolubly; such is my heartfelt prayer. May God grant it.

Assault or no assault, my advice remains the same. The large majority of Asiatics ought to give finger-prints. Those who have real conscientious scruples will be exempted by the Government. To ask for more would be to show ourselves as children.

The spirit of Satyagraha rightly understood should make the people fear none and nothing but God. No cowardly fear therefore should deter the vast majority of sober-minded Indians from doing their duty. The promise of repeal of the Act against voluntary registration having been given, it is the sacred duty of every good Indian to help the Government and the colony to the uttermost. [M. K. Gandhi. S.S.A., p 169]

Mr Chamney had in the meantime returned with the papers and Gandhiji made formal application for registration, giving every particular required by form which had been mutually agreed upon between the leaders of the Indian community and Smuts. Although in great pain, Gandhiji gave ten-digit impressions, and then the simultaneous impressions of the four digits of each hand, the object being to show that there was nothing degrading in the mere giving of finger-impressions as a voluntary Act and not under the degrading and humiliating law. Mr Chamney was visibly moved. Gandhiji wrote : “I then saw that tears stood in Mr Chamney’s eyes. I had often to write bitterly against him, but this showed me how man’s heart may be softened by events.” [M. K. Gandhi, S.S.A., p 170]



All this had taken place within a few minutes. Mr Doke and his good wife were anxious that Gandhiji should be perfectly at rest and peaceful after the assault, and were therefore pained to witness his mental activity. They were afraid that it might react in a manner prejudicial to his health. They, therefore, by making signs and using similar devices, removed all persons from near his bed, and asked him not to write or do anything. Gandhiji made a request in writing that before and in order that he might lie down quietly, their daughter Olive, who was then only a little girl, should sing for him his favourite English hymn, ‘Lead, kindly Light’.

“Mr Doke liked this very much and acceded to my request with a sweet smile.” He called Olive by signs and asked her to stand at the door and sing the hymn in a low tone. “The whole scene passes before my eyes as I dictate this, and the melodious voice of little Olive reverberates in my ears.” [*Ibid*, p 170]

It may be noted that Gandhiji had met Rev Doke only three or four times before this incident in connection with the Indian campaign of Passive Resistance, in order to explain the position to him. The Dokes had, therefore, taken into their home almost a stranger. Their son’s room was placed at his disposal and the boy slept on the floor in the library. They did not allow the slightest noise anywhere in the house. “Mr Doke took the sanitary part of the duties upon himself while I looked helplessly on.” [C.W.M.G., VIII, p 95], wrote Gandhiji in a special article ‘My Reward’ in Gujarati published in *Indian Opinion*. The work of bandaging the patient and washing the bandages was taken on by Mrs Doke. Husband and wife sat by his bedside on the first night. In doing all this, they had no other motive but to please God. Rev Doke also prayed every night sitting by the patient’s bedside and said grace before and after meals. He also called on Mr Cartwright,



Rev Phillips and others, carrying messages. His children too took turns in looking after the illustrious sick guest.

The injuries had been quite serious but the healing and recovery were quicker than anticipated. Gandhiji attributed it to his adoption of nature cure treatment. For the first two days he had nothing to eat or drink except water. On the third day he had no fever and started on a diet of a quarter pound of milk to which he gradually added grapes, pears and other soft fruits. Pain caused by injury to three upper left teeth prevented him from eating anything hard for several days, but he could soon eat bread soaked in milk. [C.W.M.G., VIII, p 96]

He put clean mud poultice on his swollen forehead and mouth and the swelling subsided. The doctor was afraid of sepsis, but Gandhiji applied the mud poultice at his own risk. He wrote later, “If earth is judiciously used, it can be a useful remedy in many ailments.” He was obviously not aware of the possibility of Tetanus spores being present in the mud. To everyone’s good fortune, the mud he used must have been free from them and he made an uneventful recovery.

In about ten days Gandhiji had recovered enough strength to move about fairly well, and took leave of the Doke’s godly family. The parting was a great wrench to him as well as to the Dokes. [M. K. Gandhi, S.S.A., p 173]

On 20 February 1908, Thursday the Khatri section of the Hindu community presented, in an interesting function held at the residence of Mr Doke, Smith Street, Johannesburg, the reverend gentleman with a beautifully illuminated and richly-bound address, expressing their gratitude and thanks to “Mr and Mrs Doke for their loving, sympathetic and Christian attention to Mr Gandhi during his recent illness following upon the assault”. Mr G. P. Vyas made the presentation, including a purse, and Mrs Vyas presented Mrs Doke with a handsome diamond brooch.



Amongst those present were the Reverends Charles Phillips and Perrv, Mrs Phillips, Messrs Kallenbach, Polak, Isaac, Fssop Mia and Imam Abdul Kadir Bawazeer.

Reverend Doke made a suitable reply, accepting the address for himself and the brooch for his wife. But he placed the money in the hands of Phillips and Perry for some suitable scheme of educational work on behalf of Johannesburg Indians. The proceedings were entirely private. [I.O., 22-2-1908]

On 23 February a meeting of the Hamidia Islamic Society unanimously passed the following resolution:

That this meeting of the Hamidia Islamic Society desires to place on record the expression of the deep gratitude to the Rev Doke and Mrs Doke for their kindly and charitable assistance to our fellow countryman and leader Mr Gandhi in his time of physical need. The warm sympathy that Mr and Mrs Doke have shown to Mr Gandhi we regard as a token of their feeling towards every British Indian and this meeting desires to acknowledge its recognition of the broad and humane feeling of brotherhood manifested by them. [I.O., 29-2-1908]

7

Gandhiji stayed in Rev Doke's house for ten days and on his recovery, while still very weak, came to the small house which the Polaks had hired after Gandhiji's arrest earlier in December 1907. He stayed there till the end of February. Mrs Polak has written: "During the early days of his convalescence he developed the power, which he afterwards retained, of being able to fall asleep while at work just where he sat, and after a very few moments to awaken refreshed and without any break in his continuity of thought."



She wrote: “I have sat in the room while he has been dictating to his secretary, who had come up from the office for this purpose, and quite suddenly the voice ceased and the eyes closed. The secretary and I would sit still, then equally suddenly Mr Gandhi’s eyes would open again and the voice would continue dictating from the very point that it had stopped. I never remember his asking, ‘Where was I?’ or ‘What was I saying?’ ” [Millie Graham Polak: *Mr Gandhi : The Man*, p 71]

Gandhiji wrote in *Indian Opinion* on 22 February, 1908: “The lesson that every servant of India is to draw from the assault is this : If any one wants to serve the community and always do the right by it, he must be prepared for physical assault.... Such assaults should really be looked upon as rewards.” [C.W.M.G., VIII, p 96]

Reverend Dewdney Drew, editor of *The Friend* of Bloemfontein and a member of Parliament in the Orange River Colony, whom Gandhiji described as “one of the best speakers in South Africa” and who had earlier resigned as a clergyman to take up the editorship of *The Friend*, wrote to Gandhiji: “I thought it was an easy victory you had achieved with a brief term of imprisonment. But I see now that you were not to be let off so lightly. However, I hope that your community will accept the very excellent and honourable compromise that has been reached. If it does not, the Indians will not retain the sympathies even of a single European.” [*Ibid*, p 97]

Lord Selborne wrote to Gandhiji:

“I received the news of the ruffianly assault upon you with great regret and indignation when I was on trek, and I am indeed glad to learn on my return that you are progressing favourably. Pray accept the expression of my sincere sympathy and best wishes for your speedy recovery.” [I.O., 22-2-1908]



General Smuts also sent a telegram to Gandhiji. [I.O., 22-2-1908, p 93]

William D. Pitt, the secretary of the Ebenezer Congregational Church, wrote to Gandhiji: “At a Church gathering of the Ebenezer Congregational Church on Thursday the 13th February 1908, a unanimous standing vote was passed by the members as a token of their heartfelt sympathy with you in your suffering as the result of the recent brutal assault you experienced at the hands of your countrymen for whose welfare you fought so courageously.” [*Ibid*]

A meeting of the British Indian Association was held on Friday 21 February. A large number of Indians were present. After some discussions, it was resolved at the instance of Mr Emam Abdool Kadir, who was supported by Mr Thambi Naidoo, to express the community’s gratitude to all those who had served it. They were to try and send Mr Ritch a sum of £ 300 at the least “as a mark of our appreciation for his work,” and if necessary, to draw upon the funds of the Association for this purpose to the extent of £ 100. It was further resolved to send addresses to Lord Ampthill and Sir Muneherjee Bhownaggee at a cost of up to £ 25, and to give a gift of about £ 50 value to Mr Polak, and £ 10 or more to Miss Schlesin, £ 10 to Mr Isaac, £ 10 to Mr Curtis and also send gifts to others who had rendered appreciable help in furthering the movement.

It was also decided at the same meeting to give a dinner to Mr Cartwright, Rev Philips, Rev Doke and a few others. Tickets priced at two guineas each were to be issued for the dinner. It was hoped that about 30 Indians would buy tickets. The proceeds were to be spent on the dinner to which 20 whites were to be invited. [C.W.M.G., VIII, p 112]

Gandhiji’s prolific writings were resumed probably after two or three days’ forced rest. Writing about the assault on his person he said, “If we do not take



these things to heart, we shall have more peace of mind and happiness and, to that extent, more strength to serve the community.” [I.O., 22-2-1908; C.W.M.G., VIII, p 96]

After his partial recovery he began to educate the Indian community again as to their duty. He even cited the letter of Mr Drew, editor of *The Friend* of Bloemfontein mentioned earlier, in order to emphasise the importance of wholehearted acceptance of the compromise by the community. Mr Drew had been of great help to the Indian community in a private capacity during the Satyagraha. So Gandhiji wrote: “When a person like him (Mr Drew) writes in this manner, we should infer that things have come to a pretty pass indeed.” [C.W.M.G., VIII, p 97]

Gandhiji, it will be thus seen, made use of every opportunity to educate the community and make them understand the novel nature of their struggle and the strength of Satyagraha. He wrote:

We are also thankful to the whites for the pains they took to further our just cause. They did so because they were inspired by God within to have sympathy for His oppressed devotees, and to fight on their behalf. [*Ibid*, p 46]

He explained to the community that the compromise represented a complete victory for the Indians. The secret of their success lay in their adherence to Truth. He added that what had succeeded was their determination to press for and insist upon Truth, which meant Satyagraha. He wrote:

If this is a victory for truth, it is also a victory for Satyagraha. Every Indian should by now be convinced that Satyagraha, or passive resistance, is an infallible remedy. It can cure the most dangerous of ailments. Our success should lead at least to one result, namely, that we make full use of



Satyagraha. Only it should be used on proper occasions, and the people should remain united. [*Ibid*, p 61]

He added that it must also be realised that there were evils to which Satyagraha could not be applied. For instance, if the Government did not allow them to acquire land, Satyagraha would be of no avail. If, however, it forbade them from walking along a certain footpath, or asked them to shift to locations, or sought to prevent them from carrying on trade, they could resort to Satyagraha. “That is, if we are required to do anything which violates our religion or insults our manhood, we can administer the invaluable physic of Satyagraha. There is one condition however to be observed, if the remedy is to be effective: We should be prepared collectively to accept hardships.” [C.W.M.G., VIII, pp 61-2]

He warned Indians against resorting to Satyagraha in order to find solutions for their individual grievances of a material nature. In South Africa Gandhiji was groping his way and was evolving the technique of Satyagraha. It was necessary that the people should not only understand what a mighty weapon Satyagraha was to fight exploitation and oppression in any shape or form, but also know how to use this mighty weapon. Those who would become satyagrahis, he explained, had to be pure in heart, unselfish and dedicated to the common good. Satyagraha represented the mighty force of love, self- sacrifice and self-suffering, which would melt the opponent’s heart and make him do the right thing of his own accord.

He wrote in his memoirs:

Again as Tolstoy has observed, the Transvaal struggle was the first attempt at applying the principle of Satyagraha to masses or bodies of men. I do not know of any historical example of pure mass Satyagraha.... My knowledge of history is limited. But we have nothing to do with



historical precedents. It will not do to dismiss such a valuable force with the remark that it is difficult or impossible of application. Brute force has been the ruling factor in the world for thousands of years and mankind has been reaping its bitter harvest all along as he who runs may read. There is little hope of anything good coming out of it in the future. If light can come out of darkness, then alone can love emerge from hatred. [M. K. Gandhi, S.S.A., p 188]

9

To understand the full significance of the Pathans' opposition to the compromise and to Gandhiji, one has also to go into the communal problem and the Hindu-Muslim question. In South Africa the indentured labourers were almost all Hindus, and Muslims were mostly traders from Surat, Kutch and other parts of Gujarat. They had gone there in the wake of indentured labourers to meet their needs and had established good businesses in due course. There was no Hindu-Muslim rivalry. The Indians as a whole, indentured or free, remained silent and submissive and the rulers, Boers or Britons, were not interested in fomenting communal trouble between the two communities at that stage. All Indians were coolies to the whites.

The missionaries came and converted some of the indentured labourers to Christianity. In due course some of the coolies, after completing their indentures, set up small farms or took to business as hawkers. Some free Hindu businessmen also came from India to South Africa and with the spread of education, the Indians became more articulate. This was particularly so after Gandhiji came to South Africa in 1893 as the legal consultant of Dada Abdulla & Co., and began to give political education to the Indians and provided the necessary leadership. The



whites now began to encourage Hindu-Muslim difference which had not been in the forefront anywhere in South Africa earlier.

Most of the rich Indian merchants in South Africa were Muslims. Gandhiji was hired in the first instance by one of them. They were all with him in the earlier stages because he was helpful to them with regard to their problems with the Government. As an educated man and a lawyer he could help them with their petitions with regard to their business licences and in various other ways. But as the Satyagraha movement progressed and Gandhiji's ideas developed further along the lines of renunciation which demanded self-sacrifices for the cause, several of these rich persons left him. The whites also were at their old game of fomenting Hindu-Muslim differences. This was especially true of those officers who had earlier served in India and had come to South Africa during the Boer War and had stayed on there afterwards.

More and more Tamilian and Telugu ex-indentured labourers and their children born in South Africa began to be drawn into the passive resistance movement as the merchants fell off. Most of the former were Hindus and some were Christians. Educated youth in this group were very helpful and several of them played a prominent part throughout the movement.

It may be noted that H. O. Ally who had gone with Gandhiji as a member of the first deputation to London in 1906 fell a victim to this poison of communalism. He did not like the idea of Passive Resistance and was not ready to go to gaol, but he could not stop the community from adopting that course under Gandhiji's leadership. He, therefore, wrote a letter to Ameer Ali who was one of the members of the deputation which had waited upon Lord Elgin in London on 8 November 1906. In this letter Ally tried to make out that the policy and programme of Mr Gandhi, a Hindu, was taking the Muslim traders to utter



ruin. Hindus, he said, were all coolies and hawkers, while the Muslims were well-to-do traders. [C.W.M.G., VIII, pp 99-100]

It was as a result of this letter that a telegram was received from the South Africa British Indian Committee in London, advising the British Indian Association and the Indians in the Transvaal not to resort to passive resistance. The telegram was ignored by the community and passive resistance was continued, leading to hundreds of arrests. Ultimately a compromise was reached in January 1908 on the basis of voluntary registration. The seeds of suspicion had, however, been sown and the opposition to the compromise was influenced by those suspicions and communal considerations.

Several well-to-do Mohammeden merchants of Natal had been patronising the Phoenix Settlement. Maganlal wrote to Gandhiji about the possibility of that source of support drying up. Gandhiji replied to him on 5 February 1908, reiterating his faith in God rather than looking to any human agency for help. The letter gives us a glimpse into his mind at that time. It said:

The discontent in Durban does not affect me or disturb me in the slightest degree. I did not expect it in such vehemence; but neither is it unexpected.... I am fully prepared for it, for the simple and sole reason that, while I have utilised all the help received and promised, I have never placed unflinching reliance on any such helps. At best, I have treated them as so many instruments through which God, otherwise Truth, has worked. Have I not noticed times without number that men have been (faithful) only in so far as it was necessary for them to serve Truth unconsciously (For) not having had it in them, they have fallen away as scales do from trees as soon as their protective (function is) finished. In so far as you allow



these events to beat you to the extent they have, you have not assimilated and you have not understood the chastening effect of suffering.

What does it matter ... to me if even the few who understand the real struggle were to turn round? . . . A time might come when every vestige of support might be withdrawn from us. Even then, we will continue to do our duty unflinchingly, undismayed and without being morose. That time has not come, but those who are prepared for the worst can always philosophically take the intermediate stages.

I wish I could pay a visit to Phoenix and see you all, but that cannot be yet. However, I might be able to do so in a month's time. [C.W.M.G., VIII, p 57]

It is interesting to note how this fortitude and unflinching faith of Gandhiji in God closely accords with the feeling expressed by Gurudev Tagore in his famous poem “Ekla Chalo” (walk alone). It became Gandhiji’s favourite song in 1946 in Noakhali March.

Due to Gandhiji’s constant vigilance and wise handling of the situation, however, the Hindu-Muslim problem in South Africa was not allowed to grow or come to the forefront, in spite of the efforts of the whites to divide and rule.

Maureen Swan, in her book, *Gandhi: The South African Experience*, has said that the fact of Muslim support drying up led Gandhi to turn his attention to less affluent sections of society for support. This is, in my opinion, a superficial analysis. It has to be borne in mind that Gandhiji was not a Mahatma when he went to South Africa. He was a young barrister who had gone there in search of a living, as well as the lure of seeing a new country. It was the experience there



that moulded his future and led him in an unforeseen direction. He faced each situation as it arose and tried to find solutions for the problems as they faced him.

It was an in-born trait in Gandhiji to work with the instruments that God sent him. This practice stayed with him throughout his life. It was a Muslim merchant who had hired him to go to South Africa. So he was in touch with that class in the first instance. He was deeply pained to see the indignities heaped upon Indians in South Africa. He had a first-hand experience of these right at the start of his career in South Africa. He tried to make the merchants react to this kind of treatment, but initially they were more interested in making money than in preserving their self-respect. They may have had political and social awareness and some organisation, but they were certainly not actively doing anything for their rights as citizens, before Gandhiji's arrival.

Gandhiji had not planned to stay in South Africa and there is no reason to doubt the account that he has given of how at the farewell meeting arranged for him by his client Dada Abdulla, after he had successfully settled his case, he was persuaded to stay on in that country. He had to earn a living and decided to set up law practice. The merchants hired him for legal advice. He helped them in organising the community and led the fight for their rights free of charge. In this process he grew and matured professionally as well as politically. He became a success at the bar and was increasingly recognised as a leader by his compatriots.

His interest in religion, his studies and his quest for truth led him to change his life-style. He set up the Phoenix Settlement, and shifted *Indian Opinion* and the press, which he had acquired in 1903, to Phoenix. His family and friends also went to live there.

His growth and development were very rapid thereafter. He devoted all his income, after paying back to his brother what he had spent on his education, to



Phoenix Settlement and the weekly *Indian Opinion* in the service of the community. He took to a life of voluntary poverty, voluntary reduction of wants and identification with the poor Indians he met. Some of them were very poor. The merchants continued to be dominant in the circle of his friends and some of them gave financial support to Phoenix.

The birth of Satyagraha on 11 September 1906, when the community took a vow with God as witness to resist the Black Act, was not preplanned. Nor was it born out of young Gandhi's quest for political leadership. In fact, he was taken aback when an oath in the name of God was proposed. He explained its implications to the assembled Indians before they took the vow. Once the vow was taken, he stood by it and expected others to do the same.

The Satyagraha that ensued resulting in prosecutions and arrests, imprisonments, fines and other hardships led to several of the eminent Muslim merchants leaving him in the lurch. Ally, who had gone with him to London in the first deputation, left the Transvaal. Haji Habib who later went with him in the second deputation formed his Conciliation Committee in 1909. Gandhiji had increasing support now from the less affluent Indians such as the hawkers, most of whom were Hindus and mainly ex-indentured labourers. While a good number of Muslims, especially most of the Memon community, began dissociating themselves from the movement, the Tamils and the Parsees started taking increasing part in the struggle and were prepared to undergo all kinds of hardships in and outside gaols. Some of the Muslim merchants also did stick with him but their number was small. Financial support of the Muslim merchants had been valuable but Gandhiji was not dismayed when it dried up. His faith in God sustained him.



Polak was sent to India at the time of the second deputation to explain the Indian position to the leadership in the mother country and not on a fund-raising mission, as appears to have been made out by Maureen Swan. That Jamshedji Tata sent Rs. 25,000/- as a result of this visit, which came just when the need was most acute, was attributed by Gandhiji to divine help. It came when Gandhiji needed funds badly for the Satyagraha, which was resumed after he came back from London empty handed in December 1909. But we shall come to that story later.

Suffice it here to note that Gandhiji always reacted to the situation. The situation as it developed in South Africa, moulded him and made him what he was when he came to India, a Mahatma, a great soul who had dedicated his entire life to the service of God by serving men. His focus was on Indians in South Africa first and then on India, because that was where God had placed him. He literally followed the hymn “Lead kindly Light”. “One step enough for me” was always his motto in life.

Gandhiji wrote in *Indian Opinion* (Gujarati Edition) on 22 February 1908:

The controversy over the compromise with the Government has now largely subsided. There is a better appreciation of it among the people and, to that extent, they appear to have been pacified. However, controversies continue. I have received some deprecatory letters from Natal. Some of them pour abuse on me, and this only shows the pitiable state we are in. The abuse has not had the slightest effect on my mind, but it indicates the extent to which feelings have been roused.

I also see that the objections some persons have to the compromise are only a pretext, their real intention being to set the Hindus and the Muslims at variance with each other. I believe I have equal regard for the



two communities. In public service, Hindus and Muslims have stood together as a united people. It is not, I have noticed, the Hindus who have blamed me; they are presumably satisfied that the compromise is a reasonable one. The condemnatory letters that I have received are all from Muslims. It is necessary to go into the reason. I am reluctant even to write of this matter, but it would not be proper to keep back (from the readers) what is on the lips of many and has become a subject of talk. Not only that; it may prove positively harmful to suppress the incident.

When the passive resistance movement was at its height, Mr Ally [Haji Ojeer Ally : Born in Mauritius in 1853 of Indian and Malay parents; spoke Dutch, English and Hindustani fluently (*vide* S.S.A., Ch. XIV), came to South Africa in 1884 and devoted himself wholeheartedly to the Indian cause; took notable part in the agitation against Cape Franchise Law Amendment Act; elected chairman, Cape Coloured People's Organization in 1892; founder-president, Hamidia Islamic Society and member, along with Gandhiji, of Transvaal Indian Deputation to England in 1906 (*vide* C.W.M.G., VI). Unable to join Satyagraha campaign and unwilling, to submit to the Asiatic Registration Act, he left the Transvaal in 1907, leaving behind large interests; (*vide* C.W.M.G., VII, p 204) — C.W.M.G., VIII, p 99 fn.] could not continue to trust me fully because I was a Hindu. He therefore sent a telegram to Ameer Ali. [Syed Ameer Ali (1849-1928) : Member, judicial committee of the privy council; Judge of Calcutta High Court, 1890-1904; author of *Islam* and books on Mahommedan Law, etc. In July 1907, H. O. Ally wrote a letter to Ameer Ali, a member also of the South Africa British Indian Committee, expressing his opposition to Gandhiji's continued campaign against the Asiatic Registration Act, for, he said that it would ruin "thousands of my co-religionists who are all traders while Hindus are mostly hawkers." He sought the intervention of the committee against the Satyagraha movement; *vide* also C.W.M.G., VII, pp 123-4 -- C.W.M.G., VIII. p 100 fn] On this occasion, a few



Muslims thought of sending a telegram to Mr Jinnah; and the Pathans eventually sent one. [C.W.M.G., VIII, pp 99-100]

I do not blame Mr Ally for what he did. Again, I do not blame the Pathans for what they have done now. I have known Mr Ameer Ali. I asked for his help on behalf of the community and it was given. I have also known Mr Jinnah. I regard them both with respect. I do not, therefore, write to complain but only to point to these things as symptoms of our mental state.

The symptom is this: I occasionally observe some lack of trust (in me) though I have worked hard to bring the two communities together. This is a sign of our weakness. It makes me unhappy. I have heard some Muslim brethren say in arguments about the compromise, “Gandhi has totally ruined the Muslims and has been doing so for the last fifteen years.” [C.W.M.G., VIII, p 100] It is most regrettable that any Indian should utter these words. I am sure those who say this themselves know that I have never even dreamt of harming anyone If I have done anyone harm it must be to the community as a whole and not to the Muslims alone. And I do not see that any harm has been done. Yet people go on arguing. I, therefore, wish to warn my Muslim brethren against those who are out to set people at variance with each other by saying these things; they ought to be treated as enemies of the community, and no one should take any notice of what they say.

I would tell those who take pleasure in creating dissensions that they bring ruin not only upon themselves but on the whole community. They must stop this. Let them give up considerations of mere self-interest and turn their minds to doing good.



To the Hindu brethren I would say that all of us should live together as one people, regardless of the things a few Muslims who are enemies of the community may say. Looking at the matter in that light, they should give no thought to others' mistakes. They must not answer back. There can be no quarrel unless both the sides are at fault. Let them be careful, therefore, not to be in the wrong even partly.

In South Africa, I have only one duty: to bring the Hindus and the Muslims together and serve them as a single community. [I.O., 22-2-1908]

It must be said that Ally did not do anything more to oppose Gandhiji or the community. He moved to Cape Colony as he could not himself take part in the Satyagraha and go to gaol nor could he bring himself to take out a register under the Black Act. This incident gives us a foretaste of later events in India which led to Mr Jinnah leaving the Indian National Congress, with far more disastrous results. But of that, more in its proper place in a subsequent volume of this biography.

11

Gandhiji's family was at Phoenix and Kasturba and others were most anxious to see him after the assault which had reduced him to bed for several days. They had all taken the vow of poverty, and the allowance of £3 per month drawn by each one did not leave them money for travel. It was, therefore, necessary for Gandhiji to go to Phoenix as early as possible.

As in the case of the Transvaal, in Natal too the settlement had been grossly misunderstood. Gandhiji had received a sheaf of correspondence addressed to *Indian Opinion* which had criticized the settlement. Although the Satyagraha struggle was confined to the Transvaal, they had to seek the support and sympathy of Indians in Natal also. Moreover it was not a mere local affair and



the Transvaal Indians were fighting the battle on behalf of all Indians in South Africa. For this reason also, it was important that misunderstandings in Natal be removed. Gandhiji, therefore, felt that he had to go to Durban from where he could proceed to Phoenix.

The Natal Indian Congress had convened a meeting on 6 March at the Indian Theatre, Durban, to hear Gandhiji on the recent compromise on the question of Asiatic registration in the Transvaal. Friends warned him that he might be attacked in the meeting and, therefore, he should not go there. If he must go, he should make arrangements for self-defence. Gandhiji felt that neither of the two courses suggested was open to him. He was a servant of the community and when the master called, the servant must go. The servant must not be afraid of punishment if the master felt that the servant had done something wrong. "Service of the public for service's sake" he wrote later, "is like walking on the sword's edge. If a servant is ready enough for praise, he may not flee in the face of blame." [M. K. Gandhi, S.S.A., p 184] So he went to Durban.

The meeting had been well advertised and was held at 8 p.m. on the appointed day. More than 2000 people were present. Gandhiji presented himself on time. He explained how the settlement was reached and answered questions put by the audience. The chairman Seth Dawad Mohammed had asked other speakers to confine their remarks to questions and take not more than two minutes each. Some latitude, however, was given and several persons spoke much longer than two minutes. One person towards the end of the meeting wanted full fifteen minutes which the chairman refused. There was a commotion and several persons rushed towards the stage. The meeting was nearly over. Suddenly a Pathan rushed to the platform with a big stick. The lights went out at the same time. Seth Dawad Mohammed, the chairman, stood up and tried to put



down the disturbance. Some of those on the platform surrounded Gandhiji to ward off any attack on his person. Friends who had feared an attack had come prepared and one of them had a revolver. He fired a blank shot. In the meanwhile, Parsi Rustomji who had sensed the gathering storm, had rushed to the police station and Superintendent Alexander sent a police party. The police made a way for Gandhiji through the crowd and escorted him to Parsi Rustomji's place.

Parsi Rustomji collected all the Pathans at his house the next morning and asked them to bring out all their complaints against Gandhiji. Gandhiji met them and tried to reason with them. But it was of no use. They had a preconceived notion that he had betrayed the community and till that poison was removed, it was not possible to conciliate them. "The canker of suspicion cannot be cured by arguments or explanations," [M. K. Gandhi, S.S.A., p 185] Gandhiji wrote later in his memoirs of that period.

Gandhiji left for Phoenix the same day. The friends who had guarded him the previous night insisted on accompanying him to Phoenix. Gandhiji tried to dissuade them. "I cannot prevent you if you will come in spite of me," he said, "but Phoenix is a jungle. What will you do if we, the only dwellers in the place, do not give you food." That did not frighten the friends. "Who is there to prevent us from robbing your pantry?" they said, and the merry party left for Phoenix. The leader of this self-appointed guard was Jack Moodaley, a Natal-born Tamilian, well known amongst the Indians as a sportsman and a trained boxer. He and his companions believed that no man in South Africa, whether white or coloured, was a match for him in boxing. [M. K. Gandhi, S.S.A., pp 185-6]

Gandhiji had been in the habit of sleeping in the open. The self-appointed guard decided to keep watch all night. Gandhiji confessed later that although he had tried to laugh them out of their purpose, he felt safer for their presence. He



wrote, “I believe that I have an unflinching faith in God. For many years I have accorded intellectual assent to the proposition that death is only a big change in life and nothing more, and should be welcomed whenever it arrives. I have deliberately made a supreme attempt to cast out from my heart all fear whatsoever including the fear of death.” [M. K. Gandhi, S.S.A., p 186]

He admitted, however, that he could remember occasions when he had not been able to rejoice at the prospect of approaching death. “Thus man often remains weak in spite of his efforts to be strong,” he wrote, and knowledge that stopped at the head and did not penetrate the heart, was of but little use in the critical times of living experience. “Then again the strength of the spirit within mostly evaporates when a person gets and accepts support from outside. A Satyagrahi must be always on his guard against such temptations,” [M. K. Gandhi, S.S.A., p 186] he added.

12

At Phoenix Gandhiji rested and took time to write a great deal. In *Satyagraha in South Africa* he has stated that he wrote an imaginary dialogue, to clarify the various misconceptions and misunderstandings with regard to the compromise settlement, while he was resting at Phoenix. It was published in *Indian Opinion* in Gujarati on 15 February 1908. So it must have been written earlier, between 30 January and 10 February. A few extracts from that dialogue will not be out of place here.

Explaining the gains of the compromise he wrote:

Now the Government has accepted the offer of voluntary registration in writing, saying that the law will be repealed if we register on our own initiative. We feel that this, by itself, would have been a complete victory for us. According to the terms of the compromise, however, due



account will be taken of the status of educated persons and of men of standing who register on their own. Moreover, (the right to) voluntary registration will also be allowed to future Indian immigrants into the Transvaal. And finally, those who have been relieved of their posts in the Government will most probably be reinstated. [C.W.M.G., VIII, p 77]

In order to clarify the differences between voluntary registration and registration under the Black Act, he wrote:

If by way of service to a friend, I wash his feet or carry his bedpan, that will strengthen our friendship, give me an inner satisfaction and win for me the good opinion of others. Another, although he dislikes such work and thinks it derogatory may yet do the same thing either under duress or for the sake of money. We shall call him mean. He will himself feel ashamed of his job. [*Ibid*, p 78]

In answer to a doubt whether the offer of voluntary registration was not motivated by self-interest, Gandhiji wrote:

In fact, every act is motivated by some kind of self-interest. Even in my example, there is an element of self-interest in the service which I render to a friend. My self-interest lies in the inner happiness which I seek. It is the will of God that I should work for such happiness. Knowing this as I do, whatever I do to obey that command is in fact inspired by self-interest, if of the best kind. [C.W.M.G., VIII, p 78]

Answering the criticism, whether there was not inconsistency in accepting the giving of finger-prints by common people while exempting the educated and well-known persons, he wrote:



Strictly speaking, the question of inconsistency would have arisen if this demand (concession for educated and well-known Indians) had been made by Mr Gandhi. What happened was that the suggestion about this matter came as it were from the Government. It would have been improper to reject what in effect the Government offered us as a right. There is a great deal of difference between our asking for special privilege for men of standing and the Government offering them on its own. [*Ibid*, p 84]

Moreover, the distinction that has been made as between classes, will favour educated persons. We have never opposed any distinction being made in their favour. For education — true education — will always enjoy respect. If even educated persons are required to give finger-impressions for purposes of identification, (as was the case under the Black Act) then they cease to be a means of identification and take on a racial aspect. Distinctions based on education are nothing unusual. [*Ibid*, p 84]

Answering the criticism as to why the leaders had signed the letter to General Smuts from jail without consulting the community, Gandhiji wrote in the imaginary dialogue:

You will agree moreover that those who are accepted as leaders must have a certain freedom (of action) in crisis. Great care should be exercised in choosing leaders. But once they are chosen, it may prove harmful if on occasions they are not allowed any freedom of action. If they are required to consult the others every now and again, that will suggest lack of confidence in them. In the absence of such confidence work will suffer. Confidence in the leaders is a sign of unity, of generosity and of an unflagging spirit among the people. No people can progress if the leaders are not honest and if they are not trusted. [*Ibid*, p 85]



Answering a question as to the final result, he wrote:

The final result depends on us. If we always show the courage that we have done this time, there will be no obnoxious laws directed against us in future. Everyone knows that the Indian community has risen considerably in public esteem. That is the important thing. Our object in this campaign was to win increased respect for ourselves. If we do no more than gather in our gains, that should be good enough, Satyagraha should become a common practice; the Indian community can then be assured of success in all fields.

Nothing can detract from the perfect success of our Satyagraha campaign (regardless even of) whether or not the Indian community conducts itself well in the coming three months, whether or not it keeps its word about voluntary registration. Even supposing that giving in on the question of finger-impressions was a mistake, Satyagraha remains unsullied. Its success is complete. You may, if you wish, blame those who gave in on the question of finger-impressions. But truth has emerged victorious. Let there be no doubt of that. [C.W.M.G., VIII, p 86]

This imaginary dialogue clarified the doubts in many minds and cleared the atmosphere to a large extent.

It was brought to Gandhiji's notice that the Chinese had not given finger-impressions. Gandhiji said that the Indians should continue to give them.

Listing the advantages of Indians giving their finger-impressions Gandhiji wrote:

- (i) By agreeing to give our finger-impressions we have only shown our good sense and proved that the campaign was not against these.



- (ii) I thought it wise to satisfy the Government on a matter such as this. Experience has confirmed the view.
- (iii) If we had not agreed now to give the finger-impressions, we would have later been compelled to give them. Whether or not we would have given them then is another question.
- (iv) Several clauses of the Immigration Act provide for the taking of whites' finger-impressions.
- (v) I think I acted honestly in giving my finger-impressions. I have, therefore, made good my pledge and shown that I was not cowed down by the Pathan's assault. I have also forestalled the charge that I had so contrived things as not to have to give my own finger-impressions.
- (vi) This (arrangement) safeguards the interests of many poor people.
- (vii) It has added to the prestige of the Indian community and several whites have now become ardent friends of the community. [*Ibid*, p 115]

Gandhiji, once he was himself convinced of the correctness of a course of action, left no stone unturned to carry conviction to his compatriots and readers of *Indian Opinion*, as in this case of the finger-prints. His writings and other efforts to meet criticism and explain the real situation to the people resulted in clearing the atmosphere in the Transvaal, where it was most important to remove the misunderstandings.

As a result, although in the beginning there was strong opposition from several Indians to giving finger-prints, the question was satisfactorily settled. The people everywhere in the colony began registering and giving their finger-prints.



Offices were opened in Pretoria and Johannesburg by the Government for the purpose, and officials went round Petersburg, Potchefstroom and other towns, [C.W.M.G., VIII, pp 177-8] receiving applications from Warmbaths and Lydenburg, Benoni, Volksrust and Krugersdorp, thus covering all places in the colony. By 8 April the number of applications received was 7607 and the number of certificates issued 4590. [*Ibid*, p 184]

It was also announced that those Indians who got their new registers would get their licences for trade for the whole year on the production of their registers and those who did not have the registers would get licences valid up to 30 June.

Pretoria News wrote a long article on registration and said that the Indians and the Chinese had assisted the authorities and had behaved satisfactorily. Registration had gone on without difficulty and there had been very few cases in which objections could be raised. [*Ibid*, p 184]

13

The community had decided on 21 February to arrange for a dinner in which 20 Whites were to be invited. [*Ibid*, p 112] On 14 March it fulfilled this obligation. The Masonic Hall had been secured through the good offices of Mr Kallenbach. The Secretary of the hall volunteered to make the necessary arrangements for the banquet. The tickets were priced at two guineas each and the Indian leaders gladly loosened their purse-strings. The management of the hall charged only ten shillings per head. Printing of invitation cards, etc. also cost some money.

A good many persons were invited, and the function was a great success. Mr Essop Mia presided. Among those who attended were Mr Hosken, member of the Transvaal Parliament, Rev and Mrs Phillips, Rev and Mrs Doke, Mr



Cartwright, Mr and Mrs Vogl, Mr Issac, Mr Brittlebank, the Rev Mr Perry, Mr Kallenbach, Mr McIntyre, Miss Schlesin, Mr and Mrs Polak and Mr Proctor the Reuter agent. [C.W.M.G., VIII, p 149] In addition, Mr Brown, a Johannesburg businessman, was also invited. A few other whites like Mr Stent, editor of *Pretoria News*, and Mr Lichtenstein, a Johannesburg lawyer, could not attend. Most of them sent their good wishes for the occasion. [*Ibid*, p 149]

Mr Quinn, the President of the Chinese Association, was present. About 40 Indians were invited to the function.

Essop Mia, Emam Abdool Kadir, Cama and Gandhiji thanked the whites. Mr Hosken, replying on behalf of the whites, said in the course of his speech:

I feel ashamed now to think that in July (1907) I had advised the Indian community to accept the law. I meant well. I felt it would prove to be futile to resist the Boer Government. But Mr Gandhi told me that they did not depend on human help for their movement. They depended on divine aid. They were sure of help from Him in Whose name they had embarked on the movement. I see his words have come true. The courage shown by the Indian community has won for it increased sympathy from the whites. The Indian community has taught the whites a great deal. I was glad to receive your invitation. Whites and Coloured people ought to live together amicably. The Indian community deserves praise for the unity, patience and humility it has shown.

Mr Cartwright said that he was sorry he had not been able to do more. The Indian community, he thought, had gained immensely in respect through its courage. The example it had set was well worth following.

Rev Phillips said:



I associate myself with what Mr Hosken has said. The Asiatics have shown true faith in God. The Chinese have set a worthy example by donating £105 to an association in aid of the poor among the whites. It is no small matter for the Chinese to have helped the same association that refuses to help any Coloured person and the very whites who have harassed them so much. I am indeed glad that we have assembled here today in this manner. There are some persons who are afraid that the Government may play foul, but it will be unable to do so now. If it does, a large number of whites will come forward to oppose it. [C.W.M.G., VIII, p 150]

Mr Doke said in his speech that Satyagraha was a true battle that the Indians had fought. He hoped that they would preserve the good name that they had earned. [*Ibid*, p 150]

Mr Proctor said: “Reuter’s duty is no more than to disseminate news. If Mr Polak had not supplied the required information, Reuter would not have been able to do what it did.” [*Ibid*, p 150]

He was followed by Mr David Pollock, who said:

The Indian community has opened the gates of freedom to the entire Coloured population. It has taught what true Imperialism means. It has, by its work, brought the blacks and whites closer together. [C.W.M.G., VIII, p 150]

The menu card had the following printed on it:

This dinner is arranged as an expression of gratitude to those whites who fought for truth and justice during the Satyagraha campaign.



The menu consisted of 24 dishes. Meat being excluded, the courses were so chosen that they would be acceptable to everyone and could be liked equally by the whites and other people. The drinks served were lime juice, soda water, etc. This dinner was the first of its kind in South Africa, and was kept strictly private. No publicity was given.

There was a brief speech by Mr Polak which was followed by *God Save the King*. The meeting dispersed at 11 p.m. [*Ibid*, p 150]

On Friday 20 March the Chinese arranged two functions. One was to present addresses to those who had helped their cause and the other was a dinner. The first function was scheduled for 3 p.m. It was in their own hall. Invitations were sent to Englishmen and a few Indians. The hall was elegantly decorated. At the function a noble tribute was paid to Rev Phillips in an address which carried beautiful drawings. It thanked him for his exertions.

Another address was presented to Mr Doke. He was thanked for his work and for looking after Gandhiji. Mrs Doke was presented with a beautiful oaken desk for looking after Gandhiji. Mr Cartwright was given a gold watch costing £27. Mr David Pollock was given a purse of £20. Mr Henry Polak was presented with an address in which he was thanked for the excellent work he had done for the community. It said:

We cannot measure your work in terms of money. Though you consider the satisfaction you derive to be sufficient reward, we hope you will accept what we think is our duty to offer you and to Mrs Polak. [C.W.M.G., VIII, p 162]

Mrs Polak was given a gold necklace and cutlery set costing about £28 and Mr Polak was given a purse of £50.



The address sent to Mr Ritch in England was read out at the meeting. It said:

But for your unremitting efforts, this excellent settlement would have been impossible. There is admiration all round for what you have done. It was entirely due to your efforts that a strong fight was put up in England. We shall never forget your good work.

Along with this they sent Mr Ritch a purse of £60. To Miss Schlesin, a gold watch costing £ 10 was given as a gift. [*Ibid*, p 163]

Gandhiji was presented with an address which said:

It was thanks to your political acumen that this excellent settlement was effected. You were the only one who could have achieved this, and we are very grateful to you for what you have done. But for you, we would have lost. We revere you especially for your good qualities of character, which, we believe, ennobled our campaign, with the result that Asiatic communities are treated today with respect. You combine courage with courtesy and humility, on account of which all of us bear you love and want to seek your guidance. [C.W.M.G., VIII, p 163]

Mr Hosken was present at the banquet. He made an excellent speech.

At the dinner table, covers were laid for 92 persons. Thirty of them were guests and the remaining 62 were Chinese. There was a band in attendance. There were three Chinese ladies at the dinner and the Chinese Consul was present. Dinner over, Mr Quinn proposed a toast to the (Chinese) Emperor and said in the course of his speech:



We are able to live in freedom in the British Empire, and therefore, wish it prosperity. We are Chinese subjects, and it is accordingly our duty to wish prosperity to the Chinese Emperor.

The Secretary of the Chinese Association said in his speech:

European gentlemen helped the Indian cause because Indians are British subjects. They have no such bond with us, yet they helped us and this could only be ascribed to their sense of justice. It is in appreciation of that, that we give this dinner, although it is not very much.

Mr Hosken then rose to reply. He said:

There is very little I have done. I make no distinction between Coloured persons and Whites. The Asiatics have taught us a lesson. I think both your courage and your success are worthy of the highest admiration.

Rev Phillips said:

Everything that has been said about the courage of the Asiatics is true. I shall certainly continue to do all I can.

Mr Doke spoke in the same strain. He was followed by Mr Cartwright and Mr Polak. Mr Polak said:

This struggle has been profitable to every Asiatic. I think the credit for defeating the Boer Government should really go to the Asiatics.

Gandhiji said:

It would be a good thing for the Asiatics not to be flattered by these compliments. There are yet many tasks ahead. If we fail in these, there will be a set-back. It is necessary that we maintain the utmost courtesy, humility and truth. We cannot do so unless we are pure in our hearts.



Essop Mia said in his speech:

The Chinese have outdone the Indians. In many respects they have excelled them. It was a good thing that the Indians and the Chinese presented a united front during the campaign. I was very near being disillusioned with British rule. But I see now that justice is done under it, if those who want justice are diligent and have a genuine case.

The meeting dispersed at eleven after singing *God Save the King*. [C.W.M.G., VIII, p 164]

Gandhiji wrote in his Johannesburg letter:

Mr Polak had received a gift of £50 from the British Indian Association in connection with the last campaign. Instead of spending the money on themselves, Mr Polak and Mr Isaac (who received a similar gift) decided to use it for the (benefit of the) Indian community. Accordingly, Mr Polak has sent the amount as a gift to Joseph [*Ibid*, p 276. “Joseph Royeppan : Born in Natal of Indentured Indian parents; barrister-at-law and graduate of Cambridge University; was one of the five student signatories to a representation to Lord Elgin against the Asiatic Law Amendment Ordinance and generally helped the Transvaal Indian Deputation during its stay in England in 1906; *vide* C.W.M.G., VI, pp 78-80, 259. Later became a satyagrahi and went to gaol as unlicensed hawker; *vide* S.S.A., Chapter XXX, p 219] who is passing through a difficult time in England and has had to stop his work due to lack of funds. Mr Isaac decided to spend the sum received by him to further the cause of Indian education, and has done so. I have already referred to the gifts received by Mr Doke and Mr David Pollock. They have decided to use them in the cause of Asiatic education. This way of using one’s gifts clearly deserves to be admired and emulated. [*Ibid*, p 276]



CHAPTER X: FOUL PLAY

1

Friends, Indian as well as European, had warned Gandhiji not to trust General Smuts. But Satyagraha is based on trust. Gandhiji trusted General Smuts and gave him every protection against criticism by his fellow whites by putting the letter of compromise in language to which no exception could be taken. It preserved the prestige of the Government in every way.

The Parliament being in recess, Gandhiji could convince the Indians that while repeal of the Black Act could take place only when the Parliament met, they had to register without delay. It satisfied General Smuts and the whites that the Indians had given up their insistence upon the repeal of the Black Act before voluntary registration. Repeal of the objectionable Act was not written down as a clause of the compromise, but it was made clear in the conversation Gandhiji had with General Smuts that this was a must and the General had agreed to do it. It was on this condition that the Indians had agreed to take voluntary registers. Cartwright was a witness to this agreement.

It seems voluntary registration was of as great importance for General Smuts as it was for the Indians. He had not been able to get them to register under threats, but he did not wish to admit failure and wanted to see them all registered at the earliest. He therefore agreed to voluntary registration as a compromise. In his speeches he emphasised that the compromise was a victory for the Government, that the Indians had climbed down by agreeing to register without prior repeal of the law while the Government had remained firm on its stand.



Newspapers and many whites however could see no difference in the original offer of voluntary registration made by the Indians in March 1907 before the implementation of Law 2 of 1907 (the Black Act), and the compromise formula now accepted. They felt that the Government had actually climbed down, while General Smuts insisted that the Indians had climbed down. He however tried to soften it by saying that there was no shame in a climb-down and he would not respect a man who could not climb-down. Negotiation and compromise, as every one knew, always meant give and take by both sides, he said. [I.O., 15-2-1908]

This provided ammunition to some of his critics. The speech of Abe Bailey, a Witwatersrand mine-director and a leading Progressive Party member of the Transvaal Parliament was worth noting in this context. [Thompson, L. M. : *The Unification of South Africa*, 1902-1910, p 69] Bailey said at Krugersdorp on 21 March that the Asiatic Ordinance was passed “with undue haste”. It was passed for the express purpose of protecting the white trader in the Transvaal. The Parliament did not give it the consideration which it deserved and which was necessary. It was put to the House that General Botha was proceeding to the Imperial Conference, and as they knew that the measure had been before the country for months they allowed it to go through; in fact they pushed it through. It was only because of their eagerness to see that the white population of the country was protected. He did not regret the measure having gone through even as it did. If he had his way he would have made it more stringent than ever (Applause). “What did they find ? They found that General Smuts, the Colonial Secretary, in administering that law, went through the country threatening the Asiatics. He pointed out to them what he would do. He told them he carried a loaded gun



(Laughter). He told them he would build gaols enough to hold all the Indians if necessary. He told them he was determined to carry out this law.”

Continuing, Bailey said that the British Government brought pressure to bear upon the Transvaal Government (hear, hear). He never heard whether it was through the five millions loan, or whether it was promises for the future, or what it was, but all he knew was that there was pressure brought to bear, because simultaneously with the meeting of the British Government at Home, the Transvaal Government climbed down (Applause). It reminded him of a story that he read of a boy climbing a garden wall for the purpose of stealing from an orchard. The gardener was watching him and the boy did not know it. When he got to the top the gardener said, “Where are you going?” The boy replied, “I am going back again.” (Laughter). As far as the Transvaal Government was concerned, they were asked “Where are you going?” and General Smuts said “Back Again.” [I.O., 28-3-1908]

Commenting on the speech of Abe Bailey, Gandhiji wrote in *Indian Opinion*: “There are two points to be noted in Mr Bailey’s speech. First, whatever the Indians may believe, the whites at least know that the Government has lost and has had to climb down. And secondly it may still be necessary for us to put up a fight against the whites. The Indian community therefore must ever remain vigilant. If we are caught napping, we shall be ruined. Truth and unity, our two weapons, must ever lie ready to hand.” [C.W.M.G., VIII, p 165]

It is not possible to say whether it was criticism of this type in public which made General Smuts have second thoughts about the full and honest implementation of the compromise agreement in letter and spirit, or whether he had had reservations about it from the very beginning. General Jan Smuts was known in South Africa as ‘Slim Janny’, a slippery fellow. Many English friends had



told Gandhiji to beware of General Smuts. He was a very clever man and a trimmer. They said:

His words were intelligible only to himself and often of a kind that either party could interpret them in a sense favourable to himself. Indeed on a suitable occasion he would lay aside the interpretation of both the parties, put a fresh interpretation upon them, carry it out and support it by such clever arguments that the parties for the time being would be led to imagine that they were wrong themselves and General Smuts was right in construing the words as he did. [M. K. Gandhi, S.S.A., p 189]

And yet Gandhiji, as a true satyagrahi, continued to trust him. But he was soon to discover the truth of what friends had told him about General Smuts.

2

We have seen that the compromise settlement had a written and an unwritten component. Repeal of the Black Act, which was the most important part of the agreement so far as the Indians were concerned, was implied and accepted by both sides, but it did not form a part of the written agreement. It had been made clear by Gandhiji beyond any doubt to both Cartwright and to General Smuts that the only concession made by the Indians was that the repeal of the Black Act, instead of preceding voluntary registration according to the original offer of the Indian community, would now follow the voluntary registration by the Indians. The Parliament was not in session and Gandhiji and his companions had agreed that the Black Act might be repealed in the next session of the Parliament, while voluntary registration would start without delay and be completed within three months.

It had therefore been a bit of a shock to Gandhiji when after meeting General Smuts on 30 January, he met Mr Chamney, who told him that registration



would be done and legalized under the Asiatic Act. He became upset, because it was clearly stated in the compromise letter that “to all who so register, the Act be not applied and that the Government take whatever steps they deem advisable to legalize such registration.” [C.W.M.G., VIII, p 41] Evidently Chamney’s remark was uncalled for. It gave rise to the suspicion that General Smuts might be concealing something in his mind contrary to his words.

But Gandhiji thought that the bureaucracy must have interpreted the compromise formula in its own fashion in order to maintain its power and prestige. So he sought another interview with General Smuts on the same day (30 January) to clarify the position, and P. C. Lane, Private Secretary to Smuts, told him that he would be able to see the Colonial Secretary soon. But as he did not get the appointment, Gandhiji wrote a personal and confidential letter to Smuts on 1 February, assuring him that his reply would be kept confidential. In that letter he said that the conversation with Mr Chamney had made him a little uncomfortable, as the latter still harped on the Asiatic Act. Indeed, Gandhiji had gathered from him that the registration that would now proceed would be legalized under that Act. “At the interview with you, I did not understand any such thing at all, and the joint letter [C.W.M.G., VIII, pp 40-2] of Messrs Quinn, Naidoo and myself, too, makes it clear. I am most anxious to see this business finished without the slightest difficulty and with perfect satisfaction to yourself. I am, therefore, naturally most anxious to avoid any misunderstanding. Pray believe me also when I say that I shall leave no stone unturned to remove the difficulties in your path owing to the clamour of anti-Asiatic agitators: May I, therefore, ask you to be good enough to reassure me on the point?” [*Ibid*, p 50]

In this letter Gandhiji also repeated that the forms of application and registration should be finalised in consultation with the leaders of the community



as quickly as possible. This was done, but the assurance asked for was neither given nor refused.

Gandhiji also referred to the matter of ten finger-impressions being unnecessary for purposes of identification. He said that he had obtained information from the Protector of Indentured Immigrants and the Principal Immigration Restriction Officer in Natal. The reply of the Protector said that the system of taking ten finger-impressions from indentured Indians on arrival was started on 1 April 1903, on being found desirable. The telegram from the Immigration Restriction Officer, who controlled the immigration of Asiatics said that only the two thumb-impressions were required for certificates issued by his department.

Gandhiji wrote:

The distinction observed by the Immigration Department and the Protector's Department, too, is most valuable testimony in favour of my contention. The Protector has to deal with a class of Asiatics who have every temptation to hide their identity. Classification in their case is, therefore, necessary. The Immigration Department has to deal with a class of Asiatics and others who have always to prove their identity in order to make good their claim to enter or remain in Natal. Hence that Department required only thumb-impressions. Does not this show conclusively that you do not need digit-impressions at all (for identification)? At the Cape, too, only thumb-prints are required. [C.W.M.G., VIII, pp 50-1]

Referring to the discretion to exempt well-known and educated Indians from giving the ten finger-prints, he added, "In this connection, I do wish to impress upon you the fact that the question of discretion is an element which will lead to favouritism and even fraud ultimately." The only exception that should be



made, he said, should be in the case of those who may be able to pass the education test prescribed by the Immigration Act. [*Ibid*, p 51]

He very thoughtfully added,

I also venture to suggest that the open permission to Indians to trade without licences will give rise to bickerings amongst the Colonists. Do you not think it will be better either to issue licences or take from them deposit of licence fee against provisional receipt? [*Ibid*, p 51]

It is significant that General Smuts never replied to this letter. Subsequent events would make one think that the Colonial Secretary was deliberately evading clarity and preferred vagueness so that once the Asiatics had come round and registered, he could put his own interpretation on the compromise as and when necessary.

Gandhiji had met Smuts on 30 January and again on 3 February and made sure that (1) voluntary registration would not be validated under the Asiatic Registration Act but by an amendment of the Immigration Restriction Act or by other acceptable means and (2) that the Asiatic Registration Act would be repealed “during the next session of Parliament”. This was not reduced to writing, but the discussion and agreement had taken place in the presence of Cartwright and Chamney.

This private promise was publicly confirmed by General Smuts in his speech on 6 February at Richmond in the course of which he had said “The Indians’ second contention was that they would never register until the law had been repealed, that the law was an indignity and disgrace.” He did not agree and had told them that the law would not be repealed so long as there was an Asiatic in the country who had not registered. [I.O., 15-2-1908] This obviously conveyed to Gandhiji and the Indian community that it would be repealed when they had



registered. General Smuts could have replied to Gandhiji's letter and told him what was in his mind. But it suited him to let the Indians think that the Act would be repealed so that they would undergo early voluntary registration. He did not wish to give them any cause to change their mind in this regard.

3

There were other discordant voices too in South Africa besides the ones mentioned earlier, which must have made General Smuts more inclined to scuttle the compromise. The press comments had said that the compromise had been arrived at under pressure from His Majesty's Government. Whitehall, anxious to prove that they were not interfering, issued a statement saying that they had not advised the Transvaal Government to repeal the Asiatic Registration Act. They were not aware, they said, that it was being repealed. Sir Solomon, the Agent-General of the Transvaal Government in London issued a statement that the Act was not being repealed. All these developments must have encouraged Smuts to break his promise given to Gandhiji and to keep the Black Act on the books.

Gandhiji had in the meantime gone to Phoenix. He spent most of his time there writing on various subjects in *Indian Opinion* for the enlightenment of the Indian community. His object was to keep the people in India informed of the developments in South Africa and to educate the Indians in South Africa by introducing them to new ideas and thoughts of eminent men from all over the world. He wrote more than once during this period about the great Egyptian leader Mustafa Kamal Pasha, who had died young and had done a great deal to give a new and progressive direction to his countrymen. He also wrote about Socrates, his teachings, and his trial by the Athenians.



He had practically given up his practice of law. Even when he did some legal work, he would not charge his clients unless they agreed to pay, as is illustrated by the following letter to Maganlal written on 28 March 1908:

Please also tell Mr Budrea that after the last account that was rendered to him and about which he said something, I have not charged any fees at all, and I am not charging any fees without his concurrence with reference to the work I am now doing. Please ask him what his own opinion is in the matter, and whether I should charge a fee. Tell him, that although it is not the usual thing, I wish to be guided entirely by him in the matter of fees, as he has reposed so complete a trust in me. [C.W.M.G., VIII, p 168]

His family circle had grown wider and wider and now included the whole of the Indian community in South Africa and also many whites. His spiritual growth was much faster than that of his family members, friends and companions, with the result that he was fast becoming a lone spirit. And yet he was most human and full of love. He gave the first place to the service of the sick. He saw God in the service of man.

4

Towards the end of March 1908 Governor Selborne made a very damaging speech. It greatly encouraged the anti-Indian sentiments in the Transvaal. He said: "East is East and West is West. Now there are certain parts of the world where the two cannot meet in competition because of the climate." [I.O., 4-4-1908] But there were other places which were congenial both for the Western and the Eastern people and that created problems. The burden of his speech was that Indians and other Asiatic races should be kept out from areas suitable for the Western people. Such areas should be reserved for the whites. The Eastern races might settle in districts to be specially set apart for them. As to how they could



be prevented from settling in areas reserved for the whites, he suggested that since the Indians were British subjects and a ‘cowardly people’ they could be easily kept out. But there remained the Japanese and the Chinese. The British Navy ought to be strengthened to keep them out. [C.W.M.G., VIII, p 169]

He added:

I tell you that the British Navy is just as important to the farmer living on the high veld of the Transvaal. (Applause). It is that which keeps, and will keep, South Africa for him and for his children, and which will enable him, unimpeded, under all the advantages which God has given him, to work out the salvation of his own country. (Loud applause). [I.O., 4-4-1908]

Among countries to be reserved for the whites, Lord Selborne mentioned South Africa, Australia, America and New Zealand. He conceded that the Indians should be allowed facilities for colonisation, and suggested that Colonies in East Africa might be set apart for them. [Lionel Curtis made a similar suggestion in 1906, *vide* C.W.M.G., VI, pp 454-5]

Gandhiji commented on this speech saying: “On reflection we see that this would mean perpetual slavery for Indians, for, if Indians settle in regions such as East Africa, even there the whites will have the upper hand.” He regarded Lord Selborne’s speech as utterly selfish and dangerous. “If he had his way, not a single Indian would be left in South Africa.” Selborne believed that East and West could never meet and if this view was correct, Gandhiji said, India could have a place in The British Empire only as a subject country. No other way was open to her. But he did not subscribe to this view. He added:

If it is proved that the British people share this view and that there can be no alternative to it, we shall be compelled to raise our banner against British rule. It will then be necessary to adopt, and to help others



adopt, the means to free India totally from British rule. But we believe that we can still enjoy freedom by continuing to live under the British flag. The Boers live under the British flag, and are none the less free for that. [C.W.M.G., VIII, p 169]

Gandhiji believed that if Indians wanted to settle in diverse regions of the world and prosper, they would have to find the necessary means to do so. The following measures, in his view, were imperative for this purpose:

1. Every Indian should faithfully follow his religion;
2. Hindus and Muslims should remain united; and
3. Indians should acquire the right kind of education.

If the first condition was realised, he said, the remaining two would be fulfilled as a matter of course. “We believe all the great religions of the world to be true.” If, therefore, every community followed its religion diligently, it would come to have faith in and consequently to cherish nothing but truth. If they practised their own religion in its proper spirit, they would not squabble among themselves but remain united. Furthermore, those who would follow the path of religion sincerely, could not choose to remain uneducated and ignorant. They would find it impossible to remain idle and, if there was no idleness, everyone, whether a child or an adult, would be busy learning. [C.W.M.G., VIII, p 170]

5

On Sunday, 17 May at 2 o’clock, Essop Mia, chairman of the British Indian Association, was assaulted by a Pathan, named Mansuk Madee alias Maula Bagas. The assailant was assisted by others.

The newspaper report said:



It is said that several Pathans at some distance from one another were awaiting him. As soon as Mr Essop Mia and his companions passed by, one of the Pathans, with a short heavy stick, struck him on the back. He looked back and was hit on the face, the blow breaking the bridge of the nose. Mr Essop Mia became insensible and fell down. Mr Cachhalia and Mr Moosa Ebrahim Patel, who were with him, struggled with the Pathan. The struggle resulted in some injury to Mr Moosa Ebrahim Patel. In the meanwhile, Mr Camay, who was passing by, also approached and whistled for police. Before, however, the police had come, Mr Essop Mia, although bleeding profusely had got up and caught hold of his assailant, until he was taken in custody by the police. Mr Essop Mia then went to the police station, and thence to Dr Gilchrist who bandaged him. The injury received by Mr Essop Mia is very serious and according to Dr Gilchrist, it will keep him in bed for at least eight days. It is highly probable that the nasal bone having been set, there will be no permanent injury done to the nose. In the meanwhile, Mr Essop Mia can speak, though not without great difficulty. The upper part of his face is heavily bandaged. The injury on the back also is very severe; though there is no rupture of the bone or skin, there is a large swelling. The front teeth also have been badly shaken. [I.O., 23-5-1908, p 220]

The news spread like wild fire amongst the Indians, and scores of them visited the patient. Essop Mia, in spite of the injury, was perfectly cheerful and quite calm. Several telegrams of sympathy were received including telegrams from the President of the Natal Indian Congress Dawad Mohammed, and Parsee Rustomjee. The assailant was in custody. The case was not likely to be brought before the court for some time, said newspapers, as Essop Mia was not able to leave his bed.



The event cast a gloom over the Indian community. All sensible people regretted the assault. Among the numerous callers were Rev Phillips, Rev J. J. Doke, Polak, Quinn, Miss Schlesin, MacIntyre, Isaac and others. The cause for the assault was the Asiatic compromise. It was well known that Essop Mia had worked hard to ensure its success. The newspaper report said, “The assailant himself seems to be an unknown man put up to the thing by those who have remained studiously behind the scenes.” [I.O., 23-5-1908]

The case was brought before Mr Jordan in B Criminal Court, Johannesburg on 24 June [I.O., 4-7-1908] and Mansuk Madee was found guilty. The magistrate awarded him six months’ imprisonment with hard labour on 24 July 1908. [I.O., 1-8-1908, p 347]

It is interesting to note that Mir Alam and another Pathan, who took part in the assault on Gandhiji three months earlier, were discharged on 18 May and were feted and congratulated by some of the Pathans. [I.O., 23-5-1908]

Gandhiji wrote on 23 May that on 17 May Essop Mia was proceeding to the Location to attend a dinner party when he was assaulted. “The assault appears to have had something to do with the compromise. The Pathans are believed to have picked on Mr Essop Mia also for attack, on account of the prominent part he played in that regard.” It was said that the Pathans wished to take revenge on Essop Mia for having given evidence about the earlier attack on Gandhiji. [C.W.M.G., VIII, p 251] It was his advice that, if the Indians could develop real courage, they might suffer assault rather than turn away from their duty out of fear of violence. “If, however, such courage is beyond our reach, we must learn to keep the stick with us and be prepared to defend ourselves with it.”

Gandhiji had already formulated most of his ideas by this time. There was no place for cowardice in the method he advocated. Non-violent resistance he



considered to be the best, but if that was beyond one's capacity, it was better for him to use a stick in self-defence than to be a coward or seek police protection.

He added:

This is also part of Satyagraha. A satyagrahi will adhere to truth to the last. If we want to be satyagrahis, we must have the courage to range ourselves against the Government or our own community if necessary, and courage consists in being fearless. We must be fearless about everything. We must have no fear of violence to our person or of loss of money. We may even lose the good opinion of others. We may let everything go. But we must not allow truth to forsake us. This and this alone is fearlessness.

At the end he expressed his belief that a large number of Pathans would not approve of acts of violence. [C.W.M.G., VIII, p 252]

The assault on Essop Mia did not end Gandhiji's troubles. It only intensified his difficulties. One Mohamad Shah, Shahji, a Pathan who himself remained behind the scene, was an active agent in having the assault committed. Shahji was also one of the ring-leaders of the trouble shooters. He was a fanatic Muslim. He had once wired to Jinnah stating that 700 Muslims were displeased with the compromise. [*Ibid*, p 148]

It might be borne in mind that it was Shahji alone who had opposed the compromise in the 30 January meeting. [*Ibid*, p 113] It was also known that Shahji had once assaulted one Imam Kamali. [C.W.M.G., VII, p 317] Again he had attacked Mahomed Shahboodeen [*Ibid*, p 330] during the Satyagraha days. Though the Indians knew the weakness inherent in such violent actions, nobody could "argue" with Shahji. [*Ibid*, p 331]



It was no wonder then that Gandhiji received threatening letters. It was also certain that, maniac as he was, Shahji could be used by others. Many dissatisfied Indians simply hung around him so that he felt that he was a leader and for that reason could safely belabour anybody he thought fit to beat up. Gandhiji therefore in a letter to General Smuts on 21 May 1908, requested him to deport Shahji if possible. [C.W.M.G., VIII, p 253]

Shahji had already been arrested. On receipt of Gandhiji's letter, General Smuts offered to give him police protection. [I.O., 4-7-1908] Gandhiji had not asked for it and did not accept it. His letter was apparently misunderstood. He wrote to E. F. C. Lane, Private Secretary to Smuts, to say that he had "never asked for or desired any protection," for himself from the Government, nor "do I desire any now". [C.W.M.G., VIII, p 273]

He did not fear death. He wrote to Maganlal:

If that (his death) should happen, we need not be unhappy. If I have to give my life for a cause which I consider to be good, what better death can there be? After all, this world is transient. If, therefore, I leave this world, why should one be worried on that account? It should be enough to wish that nothing improper is done by me as long as I live. We should of course be careful that we do nothing improper even by mistake. True, I have not yet reached the stage when I can attain liberation but I do believe that if I leave this body while treading the path along which my thoughts are nowadays running, I shall be reborn and speedily attain to *moksha* at the end of that life. [C.W.M.G., VIII, pp 254-5]

He did wish to live, no doubt, in order to fulfil his mission and complete the work that he had begun. His life was meant for service and service alone.



9 May 1908 was the last day of the three months for receiving applications for voluntary registration. About 8700 applications had been received and 6000 certificates issued. [*Ibid*, p 226] Once the date for receiving the applications had passed, the authorities refused to accept thereafter the applications of even those who were *bona fide* residents of the Transvaal.

Hajee Habib informed Gandhiji from Pretoria that Government intended to apply the old act to the applicants who were now coming. General Smuts had gone back on his word. Gandhiji decided to enquire and sent a telegram to Mr Chamney who confirmed that “all Asiatics who at the time of the compromise were outside the colony and who are now coming in and who have arrived after the 9th instant, should apply under the Act.” [*Ibid*, p 230] According to him since persons who entered the colony during the last three months had been allowed to apply for voluntary registration, the terms of the settlement had been fulfilled.

Gandhiji immediately wrote to Smuts on 12 May:

I am sure you do not mean this at all, in the face of the clear statement in the letter addressed by me from the jail. It has created almost a panic. I venture to hope that the necessary instructions will be issued, and that voluntary registration will be accepted from those who may now come in. [C.W.M.G., VIII, p 230]

On receipt of Gandhiji's letter Lane wrote on 13 May saying that his contention with regard to voluntary registration had been considered by Mr Smuts who did not agree with it. When the compromise was made in January last it was arranged that all Asiatics over the age of sixteen years should be allowed to register voluntarily within a certain limited period of three months. This mode of registration was also to apply to those who being out of the colony might



return within such period. The period for voluntary registration having come to an end further applications could only be received under the law. The alternative course of keeping voluntary registration open for an indefinite period was clearly out of the question. [I.O., 4-7-1908]

Gandhiji again wrote to Smuts on 14 May, but the reply he received was negative and rather frightful, suggesting foul play. He wrote on 16 May in the Johannesburg letter that it was not in itself a serious matter that a score or so of Indians who had returned from home were not allowed to take out certificates voluntarily. That would not be sufficient cause for panic. What however caused apprehension was whether the Black Act would now be repealed. He felt it must be repealed. If that was not done the consequences would be grave. The Indian community would be back to where it was before the compromise. He wrote fully and frankly to General Smuts, but the latter's reply merely said that his demand could not be accepted. It said nothing as to whether or not the Act would be repealed. [C.W.M.G., VIII, p 248]

The most painful point in this episode was not that Smuts did not honour his word, but the fact that Gandhiji still put so much faith in this man, even though he had been warned not to trust him. Nobody would have been happier than Gandhiji if he could picture Smuts in a better light. He felt ashamed of this aspect of his opponent. [M. K. Gandhi, S.S.A., p 189]

The Government's going back on its word did not pain him too much, because in a way he had never placed too much weight on the compromise. When everyone was jubilant, he had said "We do not think that our victory is yet complete." [C.W.M.G., VIII, p 64] He had cautioned the Indians that they need not be unduly flattered that they were being trusted by the Government. The real victory would be theirs when they proved themselves worthy of the trust. [*Ibid*, p



64] He had also said “As long as we are ready to go to gaol and fight on, we shall wield sufficient power over the Government to make it do the right thing.”

The Indians had now to show that they had no fear to suffer for the right cause. Gandhiji’s leadership and the honour of the Indian community were at stake.

The Indians saw that General Smuts had exposed himself and there had been foul play. He could no longer be trusted. Satyagraha had to be re-started. Gandhiji wrote on 16 May “If the struggle is revived, Satyagraha will be put to the test again. It will be all the more impressive, and, if the Indian community proves resolute, a wonderful spectacle to watch.” He added:

This is no occasion for cowards, only for the brave. One must be prepared to stake one’s life on the campaign. One must not look only to self-interest, but should instead strive for the common good. What do we own? What did we bring with us (when we came into this world)? What will we take back with us? I, for one, wish to assert without reservation that we must look at the matter in this light, dedicate our all to truth and draw once again the sword that has been returned to the scabbard. Let us understand this and not blame the compromise. After all, men do repudiate the written word and fight one another. This is what has happened on this occasion. There can be no guarantee against foul play. Nor on that account can it be argued that we must never trust anyone for fear of being betrayed.

Moreover, when the gaol doors were thrown open, we could not have got more than we did. [C.W.M.G., VIII, p 249]

He still wanted to give a chance to Smuts, his opponent. He tried to ascertain what General Smuts really meant. Did he err or did he play foul



Chamney, Registrar of Asiatics, wrote to the chairman of the British Indian Association on 22 May 1908:

Several cases have recently occurred of Asiatics introducing into the Transvaal minors between the age of 8 and 16 years other than their *bona fide* sons. In this respect I would invite your attention to Sub-section (2) of section 8 of Act 2 of 1907 and would suggest that you warn your countrymen of the penalties they make themselves liable to by such action. If any further cases of this nature occur I shall be obliged to put the provisions of the law in force against the offenders. [I.O., 30-5-1908]

On 23 May Essop Mia, as chairman of the British Indian Association, replied to Chamney that if he would be good enough to let him have the names of those who had wrongly introduced minors as alleged, the British Indian Association would make a careful enquiry and help the Government to the utmost. But he would respectfully point out that in view of the fact that the part of the compact between the Government and the British Indian community, applicable to the latter, had been fulfilled, the Act quoted by him was a dead letter so far as the British Indian community was concerned. They would consider it a breach of the compromise if the Act was enforced. This however did not mean that they wanted to encourage the entry of minors not entitled to enter. All that they wished to submit was that Act 2 of the 1907 could not apply to the British Indian community. A new Act of a general character would have to cover “attempts of the nature described in your letter”. [C.W.M.G., VIII, p 259]

Chamney’s letter made clear the intention of the Government. They would not only not repeal the Act but were determined to apply it. Thus General Smuts had deceived the Indian leaders. Knowing fully well that according to the Act after



the expiry of the extended period, the Asiatics could not be forced to apply for registration, unless they themselves voluntarily did so, he had agreed to voluntary registration which could be regularised by a resolution of the Parliament. He had kept silent regarding the repeal of Law 2 of 1907. By 9 May applications of all the Asiatics living in the Transvaal had been received for voluntary registration and General Smuts must have felt satisfied that he had got what he wanted. However, he had got it in the Western sense ‘diplomatically’ and in the Eastern sense ‘fraudulently’. He could now put his own interpretation on the compromise. Gandhiji could no longer say “I do not believe that Smuts can play foul to the end”, as he had earlier written. [*Ibid*, p 254]

To make matters worse, a few Indians who had recently arrived from India submitted to the new law and took out registration certificates, thereby giving a further lease of life to the obnoxious Act. [*Ibid*, p 249]

Gandhiji realised that “He (Smuts) has no intention of repealing the obnoxious Act”, though “the Government has not yet made the news public.” [*Ibid*, p 266]

Gandhiji had to inform the community and especially the leaders that he had been duped by General Smuts. They heard him and told him that he had been too credulous. It would not have mattered much if his credulity affected a personal matter. But here it was the question of the whole community having been let down. It would be very difficult to enthuse them to once again offer Satyagraha and go to gaol, they said.

There was no bitterness in what they said, but they were genuinely worried. Gandhiji told them that they had to take him as he was. He was credulous. Credulity was a part of him. But he did not think there was any reason to be down-hearted. He was sure the community would respond positively. He



was ready to go back to gaol and so were the other leaders. Then why should they think that the rest of the Indians would not be willing to do so?

8

Gandhiji advised that as the first step they should all withdraw their applications for voluntary registration and if necessary be prepared to burn the certificates of voluntary registration. A meeting was called and Gandhiji apprised all the Indian leaders of the latest situation. They resolved to resume the struggle. The decision of a satyagrahi is definite and quick.

On 26 May Essop Mia wrote to General Smuts: “My Association is advising British Indians in the Transvaal to withdraw their applications for voluntary registration and all documents lodged with Mr Chamney.” This was an act done by the community as a matter of grace and in order to “show the Government its complete *bona fides*”. It was impossible for them to accept the decision of the Government, for the simple reason that it was never the intention of the community to submit to an Act “Which the community was bound by a solemn obligation not to accept, and moreover to strive to resist.” [C.W.M.G., VIII, p 260]

It was brought to the attention of the Government that the leaders of the Asiatic community had, at much personal risk to themselves, endeavoured throughout the last three months unceasingly to help the Government to identify British Indians resident in the Transvaal. The least, therefore, that the British Indian Association had a right to expect was a scrupulous regard for that part of the compact which was to be carried out by the Government. [*Ibid*, p 260]

On the same day 26 May Gandhiji wrote to Chamney applying formally “for a return of my application for voluntary registration and all the papers given by me to you in connection with the matter, for the following reasons”:



I have just learnt that it is the definite intention of the Government to legalize voluntary registration under the Asiatic Act making the Act applicable to such Asiatics in every other respect. This I consider to be a distinct breach of the compact arrived at between the Government and the Asiatic communities of the Transvaal. [*Ibid*, p 261]

A look at the original draft proposal and the amended one would make it clear, that the words “the penalties” were deliberately struck off by Gandhiji so that it read that “the Act be not applied” to those who opted for voluntary registration. [*Ibid*, p 262]

Gandhiji gave Chamney three days’ time for reply so that he could consult General Smuts if he wished. He reminded Chamney that he had “no legal right to the documents, including the applications possessed by you and which were given to you only as a matter of grace and not in virtue of any law.” [*Ibid*, p 262]

Chamney was also given to understand that “this unfortunate decision (of the Government)” showed that the General had “failed entirely to appreciate the essence of the late struggle now about to be revived.” [C.W.M.G., VIII, p 262]

Emam A. K. Bawazeer, Chairman of the Hamidia Islamic Society, also wrote to Chamney on the same day:

Kindly do return to me my voluntary registration application form filled in by me and other documents in your possession. I have read the letter addressed to you by Mr Gandhi, and I associate myself entirely with the contents thereof. Should the Government at any time wish to carry out, both to the letter and in the spirit, the compact with the Asiatic communities, I will be pleased to return the documents. Till then I propose to keep them myself. [*Ibid*, pp 263-4]



On the same day, 26 May, Leung Quinn, chairman of the Transvaal Chinese Association, and Mr C. K. T. Naidoo too wrote to Chamney in a similar strain. [*Ibid*, p 267]

Immediately after this, on 27 May a meeting of the committee of the British Indian Association was held at the office of Gandhiji under the chairmanship of Essop Mia, who was still suffering from the injury caused by the Pathans' assault on him. The office was crowded to capacity. The steps taken already were approved and everyone agreed that the Satyagraha campaign should be resumed. [*Ibid*, p 268] There was great enthusiasm.

The following circular was issued to all the Town committees of the Indians in the Transvaal:

It is now certain that the Government will go back on its word about voluntary registration and repeal of the new law. Ignoring his written assurance, General Smuts has stated that the proposed bill will only legalize voluntary registration that has taken place under the new Act. To exploit voluntary registration in this manner is plainly foul play. General Smuts now wants to gull us by putting a wrong construction on the promise which he gave in writing.

We need not be alarmed by this double-crossing. Since our cause is just, we have reason to believe that this double-crossing can only be to our advantage, if anything.

It is necessary now to resort to Satyagraha. As a first step in the campaign, every Indian should write a letter requesting that the application made by him voluntarily be returned. He should ask for the application and the other documents to be returned to him, or sent to the Association. I attach herewith a specimen letter.



Here, everyone is in high spirits and prepared to resume the fight. Ask everyone there to keep up his courage. For the present, no one must correspond with the Permit Office or even ask for registers etc. Those without licences should continue their business fearlessly after tendering the licence fee.

Those who are prosecuted under the new law will be defended by Mr Gandhi free of charge, exactly as was done earlier.

It should be assumed that all of us are again without registers.
[C.W.M.G., VIII, p 268]

Gandhiji wrote on 30 May that the decision to withdraw applications was likely to make a strong impression on General Smuts. If the Government refused to return the documents, it should be possible to take legal action. General Smuts would find it extremely difficult to return the documents. It would not do to refuse to return them. To return them would mean loss of face for the Government. Indians should now realise the importance of voluntary registration. If it had been a case of compulsory registration, it would have been impossible to ask for the applications to be returned.

He repeated that no Indian should so much as mention the Permit Office for the present. Those who wished to enter the Transvaal were advised to postpone their plans. It was felt that it might be necessary to hold meetings in other parts of South Africa with a view to helping the Transvaal Indians. He added:

Now that the struggle has been resumed, every Indian must realize that it is directed against the Act, and that all the emphasis should accordingly be on this point. We use the argument about finger-impressions and thumb-impressions (to explain our campaign), but that



only subserves the issue of the law itself. Just now, we should not even affix our signatures, even under the law. [*Ibid*, p 267]

9

On 26 May Gandhiji had written to Chamney to return his application form and the associated documents to him in view of the breach of faith by General Smuts. Chamney replied saying that he would do the needful on General Smuts' return from the Cape. On 29 May Gandhiji sent him a telegram to the effect that it was an urgent matter. The documents should be returned without delay.

On 30 May Chamney telegraphed to Gandhiji to say that the draft bill submitted by Gandhiji having been misplaced, another copy should be sent. Gandhiji immediately sent copies of his letter and the note containing his suggestion on the draft bill. On 1 June Gandhiji was informed by a telephonic message that General Smuts had called a meeting of the Cabinet and a reply would be sent on 2 June. [C.W.M.G., VIII, pp 274-5]

The Angel of Peace Mr Cartwright had been informed of all these developments and he immediately took up the matter. He arranged for Gandhiji to meet Sir Percy Fitzpatrick, Chaplin and Lindsay. All these persons admitted that the outrageous Act ought not to apply to those who had taken out registers voluntarily or might do so in future. [*Ibid*, p 275]

On 2 June Hosken, Doke, Phillips, Polak, Perry and others met at Hosken's office. At this meeting they reaffirmed their decision to lend assistance to the Indian community. [*Ibid*, p 275]

General Smuts, it seems, wanted to use the compromise to get rid of as many existing Asiatics as possible. He did not wish to break the negotiations. He hoped that he would be able to cajole the leaders of the Indian community to



agree to his clever manipulations to give up the right for the rights of those who were not already covered by voluntary registration. On 4 June E. F. C. Lane, private secretary to General Smuts wrote to Gandhiji that the Colonial Secretary had under his consideration a draft Bill which he proposed to introduce in the coming session of the Parliament. He would be much obliged if Gandhiji would go to Pretoria on Saturday 6 June to discuss it with him at 10 a.m. He wanted a reply as to whether it would suit Gandhiji. [S.N. 1160]

A meeting of the Committee of the British Indian Association was immediately held. It was decided to send a reply to General Smuts saying that Gandhiji would meet him in order to acquaint himself with the contents of the Bill and then report to the Committee on the interview. “Mr Gandhi was instructed not to commit himself to General Smuts in any way.” He was only to reiterate the demand for the repeal of the Black Act. [C.W.M.G., VIII, p 285]

The interview took place as scheduled on 6 June. Mathews, who had drafted the Bill, Gorges and Chamney were present at the meeting. In the course of the talk, they discussed the question of amending the immigrants Restriction Act as also the repeal of the Asiatic Registration Act (The Black Act). General Smuts admitted that the Asiatic Act served no useful purpose. He added that whatever the nature of the Bill that was ultimately passed, the voluntary registrants would not be subject to the Asiatic Registration Act. [*Ibid*, p 275]

In the interview no clarification was given about the status of those who had taken out registers voluntarily, neither was any assurance given about the repeal of the Act. It was merely stated that the Bill was yet to be drafted. This meant that General Smuts was ready to keep at least one of the three promises he had made. The voluntarily registrants would not come within the scope of the obnoxious Law 2 of 1907.



But General Smuts could hardly be relied upon. It was found from practical experience that he only did justice because of his fear of Satyagraha. Gandhiji wrote to him on 6 June immediately after his interview saying: “You still hesitate about repeal of the Act, and you are emphatic that, if the Act is not repealed, it is under it that Asiatics who arrived after the 9th ultimo and who had a right to enter the country should be registered. The repeal of the Act, as I have always said, was the goal of the Asiatics.” They had suffered much and surrendered much, in order to reach that goal. He added, “I have gathered also that you admit the Asiatic Act to be wholly bad, and that amendment of the Immigrants’ Restriction Act is not an undesirable way of solving the problem.”

He reminded Smuts of what he had told Gandhiji at an earlier interview on the subject, that if the Asiatics carried out their part of the compromise, he would repeal the Act.

I know you added also that if there was one recalcitrant Asiatic who obstinately refused to take out a voluntary registration certificate you would enforce the Act against that Asiatic. As a matter of fact, within my knowledge, there is no such recalcitrant Asiatic left. But, if there were, I have taken the above expression to be purely theatrical to emphasise the fact that the vast majority of the Asiatics then resident in the colony should abide by the compromise. This they have done.

He added that time was of the essence “and I do hope that you will let me make a definite statement that the Act is to be repealed”. Otherwise, he would be reluctantly compelled to fall back upon his letter to Chamney regarding the withdrawal of the applications for voluntary registration. He was most anxious to avoid a situation of that character, but it was impossible to wait for the assurance regarding repeal of the Black Act till the first week of the opening of the next



session of the Parliament. “If, therefore, you cannot give the assurance and if you cannot return the application forms to those who have written for their return, an application must be made to the Supreme Court for an order compelling the return of the documents.” [C.W.M.G., VIII, pp 277-8]

After his interview with General Smuts Gandhiji wrote to Cartwright on 6 June that the situation required consideration “*de novo*, I had to return without a definite assurance of repeal.” Smuts had departed absolutely from the position that voluntary registrants should have their status defined under the Asiatic Act, so that “if we did not remain firm and the Progressive Party put obstacles in this way, we might have the ludicrous position of 6,000 to 7,000 Asiatics practically lawless.” Gandhiji concluded his letter by saying that he would take an early opportunity of seeing him. “May I rely upon you to continue the role of Angel of Peace, and to sufficiently change the Progressives’ mind in favour of justice and Righteousness?” [*Ibid*, p 279]

10

Gandhiji tried to contact Mr Leonard, his well-known Barrister friend, but failed owing to the latter’s preoccupation with an important commission. So he saw Mr Ward who was a very able barrister, though not of the same calibre as Mr Leonard. Mr Ward took the view that the Government had no alternative but to return the applications of Indians. Mr Leonard too had expressed the same view. Gandhiji then sent a telegram to General Smuts saying that if no reply was received from him, the case would be taken to the Supreme Court and this was also the view of an eminent counsel.

Affidavits by Ebrahim Ismail Aswat, Essop Mia and Gandhiji were being drafted and preparations for the case were going ahead at the same time. Meanwhile, a telegram was received from General Smuts inviting Gandhiji for an



interview on Saturday 13 June at 9.45 a.m. at Winchester House. In view of this, it was decided not to send the affidavits to Pretoria. [*Ibid*, pp 297-8]

On 6 June Gandhiji also wrote to F. O. P. Crompton of the Progressive Party seeking the Progressives' support. Crompton replied on 9 June that "both Sir George and Sir Percy are away and you will, I am sure, understand that in their absence I cannot commit them, much less the Progressive Party, to a definite policy." [S.N. 1164]

On 13 June at 9.45 a.m. Gandhiji saw General Smuts who said that the Asiatic Law would certainly be repealed and the Immigrants' Restriction Act amended. But he had still to consult his draftsmen in the legal department. He therefore advised Gandhiji to wait for a week. He added, however, that the British Indian Association did not represent the entire Indian community and that he had received a petition from some Indians requesting that the law be retained. [C.W.M.G., VIII, pp 297-8]

The remarks of General Smuts were duly communicated to the leaders of the British Indian Association. The Committee of the British Indian Association met at 11 a.m. to study the situation created by the interview. It showed how the community was geared for quick action. Essop Mia presided over the committee meeting. The meeting resolved to give a week's time to General Smuts. "If no final reply was received from him, a meeting would be held on Sunday 21 June to which Indian delegates from outside Johannesburg should also be invited and the matter made public." [*Ibid*, p 298]

In the meeting on 13 June Smuts had tried to persuade Gandhiji to agree to certain proposals affecting Indians not yet registered, which the Indians could not accept as honourable men.



After the meeting on 13 June Gandhiji wrote the following letter to General Smuts on the same day:

With reference to the amendment of the Immigration Act, I wish to make the Asiatic position perfectly clear with reference to the following:

1. No position will ever be accepted by the Asiatic communities that does not put those who have not yet entered the country but are entitled to do so, on a level with Asiatics who have voluntarily registered. They will, therefore, exchange their documents under the amended Act, and take out certificates in the same form as the voluntary form.
2. Refugees who have not yet received permits under the Peace Preservation Ordinance should be protected. There will be no objection to defining who may be termed a refugee. I suggest residence in the Transvaal for two years prior to the 11th day of October, 1899 and a period may be fixed within which these applications may be received say one year, and they should be entitled to prove their claim before a court of law.
3. Those who hold £3 Dutch Registration Certificates should also be protected, the onus being on them to prove that they are bona fide holders thereof.
4. Those who hold Peace Preservation Ordinance permits or permits issued by Asiatic Officers should be protected.
5. Those who possess educational qualifications, whatever the test may be, should be free to enter like the European immigrants.



6. There are applications being made which have not been yet decided by Mr Chamney, or which he has refused. These should be decided finally before a court of law. [C.W.M.G., VIII, p 291]

He added:

You told me that you did not want to give any rights of domicile beyond those given by the Asiatic Act. You will see that in the above, with the exception of holders of £3 Dutch Registration Certificates, all are provided for under the Asiatic Act, and I have told you that in my opinion, and according to Mr Duncan's speech, even the holders of £3 Dutch Registration Certificates are protected under the discretionary clause. Only I have suggested that they should be recognised as a matter of right, provided of course, that they prove their *bona fides*. [*Ibid*, p 291]

But Smuts was not in a mood to listen to arguments, however sound and reasonable. He offered to repeal Act 2 of 1907, provided Gandhiji would give up insistence on the points mentioned above. It was a clever move on his part. He hoped the self-interest of those who had received the voluntary registers would induce them to sacrifice the interests of their brethren. In this he was to be sorely disappointed.

11

The Transvaal Parliament met on 15 June. The Governor among other things said that the Asiatic Law Amendment Act, which was passed in the last session, met with serious opposition in its administration. A compromise was, however, effected with the leaders of the Asiatic community, as the result of which practically the whole of the Asiatic population of the Colony, to the number of 9072, had tendered voluntary registration and registration certificates had already been issued to 7617 Asiatics lawfully resident in the Transvaal. "A Bill to



legalise those certificates will be submitted for your consideration.” [I.O., 20-6-1908, p 277]

Pretoria News said:

We understand that, according to General Smuts’ promise to Mr Gandhi, the Act will be repealed and that voluntary registration will be legalised under the Immigrants Restriction Act. It will also contain a provision for appeal to a court of law. This amendment is to be made in response to suggestions from the Imperial Government.

Commenting on this the Editor wrote:

The Governor’s speech very wisely says little about the Asiatics. The surrender by the Government in that connection is complete; not only are they going to legalise voluntary registration, but they are going to repeal the Asiatic Registration Ordinance and recast the Immigration Act. [C.W.M.G., VIII, pp 298-9]

The impression created was that Britain was interfering in the affairs of the colony. This was not liked. Sir Richard Solomon, interviewed by Reuter’s Agency, said that there might be certain modifications in the Registration Act but he did not believe it would be repealed. On 10 June, from London the news came that the Colonial authorities “state that they have not heard that the Registration Act is being repealed and declare that no pressure has been used in the matter.” [C.W.M.G., VIII, pp 298-9]

In the Johannesburg Letter which Gandhiji wrote on 14 June he said that there was a cable in “today’s papers” saying that this question was being discussed in England, and another to the effect that it had been decided to repeal the obnoxious Act, and that a committee had been set up in India to work for the protection of the rights of Indians abroad. “Sir Richard Solomon gave an



incomplete reply to a question on this subject and said that the Asiatic Act would be amended, not repealed. I for one attach no importance to this reply.”

He added: “The lesson to be drawn from the foregoing cable is that Satyagraha has struck deep roots and will daily grow in strength.” It also suggested that Ritch was ever active in England in the service of the community without a moment’s respite. [C.W.M.G., VIII, p 298]

On 19 June, Lane wrote to Gandhiji to meet General Smuts for a few minutes the next day at 9.40 a.m. at the Railway Office, Johannesburg. [S. N. 1171] On Saturday 20 June Gandhiji met Smuts who told him “Please see me on Monday. One or two minor points remain to be considered. All else is settled.”

The words of the General were heartening and Gandhiji cherished great hopes on the outcome of the meeting on Monday. The *Transvaal Leader*, which was supposed to know the mind of the Government, wrote editorially on Monday that it had been decided to repeal the Act. *Ibid*

Gandhiji saw Smuts on Monday morning. He was shown a draft of the proposed Bill repealing the Act. It was an amendment to the Immigration Restriction Act proposed by the Government. General Smuts intimated that if the Indian community approved the draft, the Bill would be passed and the Asiatic Registration Act repealed. It was an excellent Bill in that it did not contain any of the objectionable provisions of the earlier obnoxious Act. There was however a big “but” about the Bill, as, accepting it would mean foregoing the undermentioned rights:

1. Even educated persons would not be allowed to enter the colony except on a temporary permit;
2. Those who held £3 Dutch Registers could not enter;



3. Asiatic refugees from the Boer War could not enter;
4. If the applications now pending before the Registrar of Asiatics were rejected, there would be no appeal against the administrative decision.

In effect all the points made by Gandhiji in his letter of 13 June to General Smuts were not accepted. Smuts' one object was to reduce the number of Asiatics in the colony and stop all future entry.

After perusing the draft amendment Bill, Gandhiji raised the case of the Asiatics who had made voluntary application for registration giving their fingerprints and who, for some reason or the other, had not received their permits. He said that in cases where permits were refused, an appeal to some judicial authority was necessary.

Indians outside South Africa, who were in possession of residential passports issued by the Republican Government in return for the registration fee of £3 should be permitted on their return to register voluntarily.

Further he said that genuine refugees domiciled in the Transvaal before the War and now in India or elsewhere should be permitted on producing necessary evidence, to return and register voluntarily, and lastly that the educational exemption should be maintained in the new Act as it was in the old one.

General Smuts argued that there was no educational exemption under the old law. He also declined to make provision for an appeal against the decision of the Registrar of Asiatics in cases where voluntary registration had been refused. He was not willing to offer facilities for the return of Asiatics at present out of the



country, who were genuine refugees or who possessed the Republican residential passports.

The interview was a brief one, and the Colonial Secretary informed Gandhiji that if he, as the leader of the Indian community, was prepared to accept the proposed amendments to the Immigration Restriction Act, the Asiatic Law Amendment Act would be withdrawn. [C.W.M.G., VIII, pp 308-9]

Gandhiji could not accept the conditions proposed by General Smuts. The efforts towards a settlement therefore came to an end. General Smuts said in effect, “Since you do not accept this Bill, we will not repeal the Asiatic Act. We will legalize voluntary registration in the manner we think best.”

Gandhiji thereupon repeated that his application for voluntary registration be returned. Smuts replied that they could fight out the issue in the court.

Throughout the negotiations, the leaders of the Indian community had been kept informed, as also the general body of the community, as to what was going on. The decision of General Smuts therefore, though painful, did not take them completely unawares. Many Indians had already written to Chamney to return their application forms and other documents filed with him voluntarily by them. These documents were however not returned. They had to go to court.

12

In an interview with the representative of the *Star* Gandhiji said that he would immediately apply to the Supreme Court for an order calling on Chamney to return the finger-impressions and other documents voluntarily tendered by the Asiatics. [C.W.M.G., VIII, p 309]

On 22 June Gandhiji wrote a letter to the press regretfully announcing the breakdown of the negotiations between the Government and the Asiatic



communities. He was now able to state the case regarding the breach of the compromise by the Colonial Secretary before the public. He explained why he had to reject General Smuts' draft bill. The Asiatics, mostly British Indians, had suffered much to get the Black Act repealed. General Smuts was under promise to do so and he was willing to do it, provided the Indians would agree to sacrifice the interests of some of their compatriots who were entitled to enter and live in the Transvaal.

He said:

In rejecting the claims for consideration and adjudication, not for admission *ipso facto*, General Smuts has misread the passive resistance struggle. It was undertaken, not for selfish purposes, but for the benefit of the Asiatics as a whole, and, shall I add, even the Empire. Moreover, he has wrecked a whole compromise to avoid the possible accession to the Asiatic population of the Colony of two thousand Asiatics as an outside figure. I call these people an 'accession' but in fact, they are already domiciled residents of the colony, though General Smuts' draft ignored their rights.

The position of the Asiatics was simple, he said. They would revert to the conditions that prevailed before the compromise and had therefore asked for the return of their applications for voluntary registration. He added:

Asiatics were labouring under a cloud of suspicion up to January last. Mr Duncan had levelled the charge and it was repeated, even in the highest places, that there was an organised illicit entry of Asiatics. The fact that over 7600 out of 9,000 have already proved their *bona fides* disposes of the charge. It was in order to refute that foul charge that voluntary registration was tendered, and for no other reason. The Asiatics, therefore, approach the public with clean hands. Moreover, they have shown by their



sufferings that they have a right to command sympathy from a humanitarian public.

Gandhiji said that the fact that some of the leaders had been severely assaulted by their own countrymen showed that they were just as eager to serve the Government as they were to serve their own countrymen. He held that their struggle was as much for the good of South Africa and the Empire as for the Asiatics.

In tampering with the compromise, I venture to say that General Smuts does not know what he is doing. Will the Englishmen in the Colony tolerate the position, when their main intention is granted that future immigration of Asiatics should be effectively controlled? [C.W.M.G., VIII, p 307]

The *Star* published General Smuts' point of view in the controversy and said that the Colonial Secretary was unwilling to repeal Act 2 of 1907 and then find an agitation started afresh against the Immigrants Act.

Referring to the applications of Indians for the return of their applications for voluntary registration, Gandhiji said that as those documents had not been returned the case would go to the Supreme Court. Even if they were unsuccessful, it was not the intention of the Asiatics "to allow voluntary registration to be legalised anyhow."

He explained the conditions laid down by General Smuts for the repeal of the Asiatic Act. These conditions were indeed suicidal for some questionable gains. How could they be accepted by any sane person? So he had rejected General Smuts' offer.



Gandhiji wrote about the Bill proposed by General Smuts on 23 June that it was an excellent Bill from the point of view of those who had registered voluntarily or might do so in future. It did not contain any of the objectionable provisions of the earlier obnoxious Act. [C.W.M.G., VIII, p 316] But for the petty gains they could not be expected to forgo for ever the elementary rights of the people yet to come.

Hosken, Cartwright, Stent and other Europeans were contacted and promises were made by them to help the Indians. Cartwright said : “Really I cannot understand this man at all. I perfectly remember that he promised to repeal the Asiatic Act. I will do my best, but you know that nothing can move General Smuts when he has once taken up a stand. Newspaper articles are as nothing to him. So I am afraid. I may not be of much help to you.” [M. K. Gandhi, S.S.A., p 196]

The Indian community, having tested the efficacy and seen the beauty of Satyagraha under the leadership of Gandhiji, was not frightened. It accepted the challenge of the man of double standards.

A meeting of the Committee of the British Indian Association was held on Monday 22 June afternoon on Gandhiji’s return from Pretoria. Members were found to be enthusiastic at the prospect of resumption of Satyagraha. They displayed once again a magnificent spirit and they resolved to put up a fight in a “do or die” mood. It was decided at the meeting to fight a test case for the withdrawal of applications for registration and to announce a mass meeting on 24 June. [C.W.M.G., VIII, p 317]



CHAPTER XI: RIGHT VERSUS MIGHT

1

Indians in the Transvaal had to resort to Satyagraha in order to preserve their self-respect and protect their meagre rights to live with dignity and earn an honest livelihood in the colony. These rights were threatened by the arrogant might of the white majority which could command the support of the white government. A few good white men among the clergy, businessmen, pressmen and even politicians were, however, greatly impressed by the passive resisters. They seemed to them to be demonstrating the teachings of Jesus Christ by resisting injustice in a non-violent manner and undergoing silent self-suffering. Some of these friends had tried to bring about a compromise. As a result Gandhiji and his fellow satyagrahis had come out of gaol before completing their sentences. Thereafter the Indians had undergone voluntary registration in order to prove that they were not interested in surreptitious entry of more Indians into the Transvaal and that they could be trusted to do the right thing without the compulsion of law. They expected to be trusted thereafter and consulted with regard to measures affecting the Indian community. But they were in for disappointment. General Smuts wrecked the compromise by putting humiliating conditions for fulfilling his part of the compromise — conditions which the Indians could not accept.

A mass meeting was called on 24 June 1908 and a decision was unanimously taken to resort to Satyagraha again and undergo once more imprisonment and self-suffering in order to make the white people and white rulers realise their duty towards the Asiatics, a small voteless minority in the colony.



In the second phase of the Satyagraha about to start the satyagrahis under Gandhiji's leadership were to show how moral and ethical values could be introduced into politics. Satyagraha would demonstrate how ordinary men and women could absorb and put into practice the highest moral and spiritual concepts of truth and non-violence in order to resist and overcome the forces of oppression and exploitation.

Non-violence has been preached and practised by sages, seers and saints from time immemorial. It was Gandhiji, however, who was destined to mould this mighty force of love into a tool, a mighty weapon which could be wielded by ordinary men and women to solve the problems of life. It could be used by the poor, the weak and the dispossessed. It would lead them to success, provided they had the courage and strength to stand up for truth and, if necessary, lay down their lives for the cause they believed to be right. If they could suffer the consequences of the defiance of law with dignity and courage, said Gandhiji, their self-suffering would act as a catalytic agent to awaken the spark of divinity in the breasts of their opponents. It would awaken in them the inherent goodness which lies dormant in every human breast, resulting in their giving up the path of oppression and exploitation, of their own free will. That this could be done was demonstrated by the Satyagraha struggle in South Africa for the first time in the history of mankind.

The Asiatic Registration and Immigration Restriction Acts were not the end of anti-Indian laws. As early as 30 March the Transvaal Government *Gazette Extraordinary* had announced the introduction of "A Bill to consolidate and amend the law relating to prospecting and mining for precious and base metals



and to provide for matters incidental thereto.” The draft bill had 137 sections and occupied 23 pages of the *Gazette*.

It had far-reaching implications for the Asiatics. The penalties were very severe. Under Section 113 any person who received from a coloured person any unwrought precious metal by way of purchase, barter, pledge or gift “shall be guilty of an offence and liable on conviction to a fine not exceeding £100 or to imprisonment without the option of a fine, for a period not exceeding five years or to both”. “Coloured person” meant any African or Asiatic native, or coloured American person, coolie or Chinaman.

There were severe penalties also for the purchase of land for residence in the mining area by coloured persons. [C.W.M.G., VIII, pp 491-2]

Gandhiji advised the Indian community to put up a stiff fight against this law.

By 25 April the Chairman of the British Indian Association submitted a petition to the Colonial Secretary Mr Smuts praying for the complete withdrawal of the objectionable clauses of the Bill as “the majority of British Indians domiciled in the Transvaal live within the mining areas.” [*Ibid*, p 201]

Besides Section 113 mentioned above the following Sections of the Bill also affected the Indians:

Section 114. Any Coloured person who shall sell, barter, pledge, or otherwise dispose of any unwrought precious metal, or who shall obtain by purchase, barter, or pledge, or shall be in possession of any precious unwrought metal, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years; provided that nothing in this section contained shall apply to a Coloured person handling



unwrought precious metal in fulfilment of any contract of service with a person exempted under sub-section (1) of section 105.

Section 127. (1) Same as is provided in section twenty-four, no right may be acquired under this act by a Coloured person; and the holder of a right acquired under law no. 15 of 1898 or a prior law or under this Act shall not transfer, or sub-let or permit to be transferred or sub-let any portion of such right to a Coloured person, nor permit any Coloured person (other than his *bona fide* servant) to reside on or occupy ground held under such right.

(2) Any person contravening this section shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty pounds, and in the case of a continuing contravention to a fine not exceeding five pounds for every day during which such contravention is continued.

Section 128. (1) No Coloured person shall be permitted to reside on proclaimed fields in districts comprised in Clause A, except in Bazaars, Locations, mining compounds, and such other places as the Mining Commissioner may permit.

(2) Any Coloured person contravening this section shall be liable on conviction to imprisonment for a period not exceeding one month and upon such conviction the Mining Commissioner may cause any structures occupied by or erected for the use of such Coloured person to be removed.

(3) Nothing in this section shall apply to Coloured persons in the employ of a white person in so far as they live on the premises where they are employed.



Nobody could predict when the Bill would be introduced. The rapidity of the passage of the Bill was equally unpredictable. The session of the Transvaal Parliament began on 15 June 1908. On that very day the chairman of the British Indian Association submitted a petition to the Hon'ble Speaker and Members of the Legislative Assembly of the Transvaal stating that the Indian community had read the Bill with alarm. He prayed that the House would reject the provisions of the Amending Bill, as also the Municipal Law Amendment Bill, a separate petition against which was also submitted on the same day. The chairman of the British Indian Association reminded the House: [C.W.M.G., VIII, pp 293-4]

1. Your petitioner has read with alarm Section 3, 104, 113, 114, 127 and 128 of the Bill to amend the Gold Law of the colony, recently published in the *Government Gazette*.
2. Your petitioner humbly submits that the above-mentioned Sections, if they are approved by this Hon'ble House, will impose upon British Indians resident in the Transvaal disabilities graver than those contemplated by the existing Gold Law, thereby inflicting grave loss to and threatening with ruin a community admitted to be peaceable and law-abiding.
3. Your petitioner ventures to draw the attention of this Hon'ble House to the following specific objections on the part of the British Indians resident in this colony :
 - (a) The Bill retains in the definition of the term "Coloured person" the word "coolie", which as this Hon'ble House is doubtless aware, when applied to the present British Indian population of the colony, is an offensive term, there being in the Transvaal very few, if any, "coolies" in the proper sense of the term. Moreover, the bracketing together of African aboriginal Natives and Asiatics, British subjects and Non-



British subjects, is to ignore the peculiar position occupied by British Indian subjects of the Crown.

- (b) In your Petitioner's humble opinion, the definition of "unwrought gold" is calculated to prevent Indian goldsmiths from plying their trade of manufacturing goldware and jewellery even out of gold bars prepared in and imported from England, and, it is submitted this would be a grievous hardship for the goldsmiths in question.
- (c) The retention of the original law as to dealing in unwrought gold, in so far as it specially affects Coloured people, besides their coming under the general prohibitions of the law, assumes that Coloured people are the greater offenders in respect of this crime, whereas, in the humble opinion of the petitioning Association, the contrary is the fact, in so far as British Indians are concerned.
- (d) Your Petitioner ventures to assert that section 127 of the Bill is vaguely drawn and seems to contemplate entire prohibition of acquisition by British Indians of any rights under it. The prohibition, under the same section, to holders of rights acquired previously to the Bill to transfer or sub-let such rights to a Coloured person makes the proposed law retrospective in its effect.
- (e) Section 128 contemplates the compulsory segregation of British Indians residing within certain proclaimed areas, to wit, the entire Witwatersrand District, and, if approved by this Hon'ble House, would make it impossible for a very large number of British Indians even to remain in the colony. Your Petitioner would remind this Hon'ble House that the large majority of British Indians resident in the Transvaal are to be found in the above-mentioned areas, whilst the



principle of compulsory segregation of British Indians under penalty is a direct extension of existing disabilities by indirect means, which disabilities the petitioning Association has consistently protested against.

4. Your Petitioner ventures to assert that, in as much as these sections are based upon race and class distinctions, they can never give satisfaction to the British Indian community. Moreover, such distinctions cast an undeserved slur upon the community that your petitioner has the honour to represent, as they must inevitably raise in the minds of the white Colonists of the Transvaal, feelings of contempt and scorn towards British Indians, thus increasing the difficulties unfortunately standing in the way of a better understanding between the two communities.
5. In your Petitioner's humble opinion, restrictions of the kind above referred to obviously confer absolutely no privileges upon British Indians, but, on the contrary deprive them of many rights and much esteem that they at present possess.

As for the Municipal Consolidation Amendment Bill, it was gazetted in May 1908, and conferred the following powers on municipalities:

1. To lay out Locations for Asiatics, and to transfer them from one site to another as may be deemed fit. In case of such transfer, compensation must be paid for losses on account of buildings.
2. Municipalities may refuse to grant any licence which it is within their power to grant. If a licence is refused, the applicant shall be entitled to appeal to a magistrate. Licences can be withheld if the premises are unsatisfactory or the applicant has been previously convicted three times within the three years immediately preceding his application.



3. It will be entirely within the discretion of a municipality to grant or refuse a licence to a hawker. In the event of refusal, there shall be no appeal against the decision of the municipality. This means that hawkers will be at the mercy of the municipalities. [C.W.M.G., VIII, p 250]

Gandhiji wrote on 23 May, “If this Bill is approved, it will mean the complete elimination of Indians from the Transvaal.” [C.W.M.G., VIII, p 250]

Explaining the Bill he said that Lord Elgin, when he occupied the position of Colonial Secretary, had said that he would not allow the existing rights of Asiatics to be infringed. But if the draft Bill went through and received the Royal Assent, Asiatic trade would be ruined. The Bill gave a threefold power to the municipalities under which the Asiatics would not be allowed to walk on footpaths, they would be shifted to Locations laid out by the municipalities from time to time, and they would not be able to carry on trade unhampered. The Imperial Government should not allow such arbitrary powers to rest in the hands of the municipalities. [*Ibid*, p 255]

On 15 June, when the Transvaal Parliament opened, the chairman of the British Indian Association prayed to the Speaker and the members of the Legislative Assembly not to pass the Bill. He said:

Your Petitioner further ventures to remind this Hon’ble House that the imposition of further disabilities upon the resident British Indian population of the Transvaal will enormously intensify the irritation and bitterness of feeling already existing in the minds of many millions of His Majesty’s subjects in India. [*Ibid*, p 296]

After this the office of Lord Crewe who had succeeded Lord Elgin as Secretary of State for the Colonies, and the British Government could not support the vagaries of the Transvaal authorities without increasing troubles for



themselves. The Transvaal's doings had caused headache to London so far as India was concerned. They knew that the fight in South Africa was imminent. [*Ibid*, p 318]

None in London or Pretoria had cared to know of the views of the Government of India. The relevant papers were sent to Delhi and the officials concerned observed that clause 128 of the Bill restricted the area in which the Indians would be allowed to reside and further recognised no distinction among the different classes of Indians. This was contrary to the pledge given by Lord Selborne that Indians already in the Transvaal would be given satisfactory treatment and Indians of a superior class would be allowed to reside anywhere. A judgment given by the Supreme Court of the Transvaal in 1904 had also recognised the right of the Asiatics to trade outside Locations. The official note said:

The British Indian Association has, among other points, referred to the above provisions of the Bill in its protest. It is for consideration whether we should take the opportunity to refer to the Secretary of State the previous discussions on the points. It seems unnecessary to do so. The Secretary of State is already in possession of the view of the Government of India, and his attention to the points has already been drawn. His Excellency should see.

L.S. 6-7-1908.

A.K.S. 6-7-1908.

H. M. S. GUBBAY,

6-7-1908



I agree that it hardly appears necessary for the Government of India to move in the matter at present.

B. Robertson, 6-7-1908.

W. L. (Harvey), 7-7-1908.

I agree.

M(into), 8-7-1908.

(Viceroy of India).

The Government of India did not take up the Indians' cause. The Indian community in South Africa had to fend for itself.

Ultimately, Smuts gave notice to Parliament withdrawing both the bills.

3

The decision to restart Satyagraha having been taken, Gandhiji set to work straightway to educate through the press the general public opinion on the one hand and the Indian community on the other.

As early as 30 May 1908 he wrote a letter in *Indian Opinion* [C.W.M.G., VIII, p 272] in order to prepare the community for Satyagraha. In that letter he had referred to certain questions which were troubling an average Indian's mind. He had said that they could well ask that "the law, it was said, was sure to be annulled. What has happened to all that talk?" What had come of Gandhi's words? What would he have to say now? How would he face the Indians? With all these questions echoing in his ears, his reply was: "Even now I say that the law will be repealed, provided the Indian community carries through the Satyagraha campaign." He stood by his word; there was no reason for him to feel so ashamed that he could not face his brethren. "I need be ashamed if I myself betray the cause." He had not done so. There was nothing that could be gained through



deception. Smuts too would not gain anything thereby. It was undoubtedly true that there existed an agreement to repeal the Black Act. If Smuts chose to go back on his promise, that did not prove that he had been wrong in having agreed to the compromise in the first instance, he said.

He remembered the warning given to him by a large number of Indians and whites. They had told him not to trust Smuts. And yet he had trusted him. There was nothing else he could have done. “That is how political affairs have always been and will be conducted.” When the two parties to a settlement knew their strength, foul play could avail little. He believed that the strength of the Indian community consisted in its adherence to truth. Smuts’ falsehood would prove unavailing in the face of truth.

“To those who blame me, I have only this to say : ‘If you were sincere in your reproaches, you should join the Satyagraha movement again.’ ” He had advised voluntary registration because he had put his trust in General Smuts. They had all taken a pledge to see to it that the obnoxious Law 2 of 1907 would be repealed; they had fought together to fulfil that pledge and they should continue to do so till it was done. “It will suffice if you did this.”

He went on to say that they deserved to be congratulated in that their suspicions proved to be justified. If, in the sequel, his trust turned out to be ill-placed, he did not hold himself responsible, for he had no alternative then. “The Indian community”, he believed, “has lost nothing by trusting Smuts.” “For we shall gain more now if we stand together.”

To those who were pleased with him on account of the settlement and who approved of it, he would say that if General Smuts was bent on playing foul, it did not follow that the settlement itself deserved to be condemned. “It has been nothing if not beneficial. If our strength is real, we will not retreat an inch.



On the contrary, the more the other side attempts foul play, the better to advantage will our truth be set off. Diamonds shine the brighter for being strewn among stones. Learn to think of truth in this way.”

He concluded by saying that whether or not those who had been angry with him or those who approved of his action, joined the Satyagraha campaign, “My pledge stands, I will never submit to the obnoxious Act. I will fight it unto death, even if I should be the only one to do so. I hope *Khuda-Ishwar* will inspire the same thought in every Indian.” [C.W.M.G., VIII, pp 272-3]

On 27 June Gandhiji wrote:

It is true that the bait was held out by the General in the shape of easing the position of those who were included by him in the repealing Bill. To the credit of the community, let it be said that they have not taken the bait. As passive resisters they could not, in order to gain a position for themselves, barter away the rights of others who were just as much entitled to remain in or enter the Transvaal as they themselves. [*Ibid*, p. 322]

He had been trying to prepare the Indian community for the revival of the passive resistance movement. Their fight now, he said, was not for the repeal of the Act, as General Smuts was ready to repeal it. It was for the rights of those who held the £3 Dutch registration certificates and those refugees who were still outside the Transvaal but were in a position to prove that they were old residents of the colony. It was also for the rights of educated Indians who might like to come to the Transvaal later. [*Ibid*, p 329]

Making this point clear, Gandhiji as the General conducting the Satyagraha struggle, drew up the following guidelines for the satyagrahis. He said that the Indians should ignore the Government’s law and be ready for action:



1. To burn the certificates of voluntary registration when necessary;
2. to refuse to affix their finger-impressions or signatures on any documents and not to give their names when asked by the police; and
3. to tender the licence fee, but if the licence was refused, to carry on trade without a licence.

If, as a consequence of these actions they had to suffer imprisonment, they must accept it. If they did that, the day of their deliverance would be hastened. They had so far fought only for their own rights. Henceforth, those who had received certificates of voluntary registration would be fighting for the rights of others. Therefore this second Satyagraha was far more pure. He added:

And if we refuse to fight, we cannot claim that ours is true Satyagraha. It is not as if the sword of Satyagraha can be used only once and becomes useless afterwards. If we have discovered its real worth, we can use it each time we have to fight. It is more effective than a sword of steel. All that is required is the capacity to endure suffering. We should not fight shy of imprisonment. We must not imagine that eating mealie pap will do us any harm. [C.W.M.G., VIII, p 330]

In this context, surprisingly. Smuts also said that the Government itself in refusing to return the applications of voluntary registrants, wanted to act like a passive resister. Gandhiji argued : “I shall not admit this to be Satyagraha.” Smuts’ action was mere unreasonable obstinacy. “By refusing to return our applications, the Government wants to avoid being obliged to send us to gaol.” The Government’s motives were unworthy, he said. The Government was afraid of the 7000 voluntary registrants who were full of courage and were capable of fighting it out. The Government did not wish to do anything which might provoke them. [*Ibid*, p 331]



As announced on 22 June a mass meeting was called at Johannesburg Mosque on 24 June to discuss the situation arising out of the “breach”, by the Transvaal Government, “of the spirit of the compromise of 30 January 1908.” It was a meeting attended by delegates from all over the Transvaal. The meeting started at 3-45 p.m. Essop Mia presided.

Welcoming the delegates the chairman remarked that those who had assaulted the chairman and secretary of the British Indian Association (Essop Mia and Gandhiji) had been moved by distrust of the Government. They thought that their leaders had misled them and sold the community to the Government. “While I emphatically repudiate any such suggestion, it is impossible for me to deny that the Government have by their recent conduct lent colour to the suspicion and distrust.” Proceeding further he said “We went to ... prison to buy liberty of conscience and freedom from molestation and restraint, and we did not come out of the prison gates in order to submit to a law, or a revised edition of it, which was calculated to take away those priceless possessions.” They wanted no bandying of legal phrases and subtleties of lawyers, he said. “We, as common-sense men want our honour to be respected and it is for that, that this great meeting has come to plead.” [C.W.M.G., VIII, pp 319-20]

There was a difference of opinion between Mr Gandhi and Mr Smuts with regard to the compromise he said. He was not in favour of selling the rights of those who were not in the colony or the rights of the future educated immigrants. He fully supported the points made by Mr Gandhi in his letter of 13 June to General Smuts, which Smuts had not accepted. He insisted that (a) the evidence about the claims to domicile in the Transvaal should be taken from applicants of voluntary registration in a public and judicial manner, so that the reasons for any



official negative decisions could not be kept secret; (b) they would not sell the rights of would-be educated Indian immigrants in return for some questionable advantages for Indians already in the colony.

Gandhiji as honorary secretary of the British Indian Association then addressed the gathering and said that the many telegrams received showed the unanimity with which the object of the meeting had been received. There was however electricity in the air and the telegrams did not demonstrate the whole truth. There were a number of Indians seething with discontent over what the leaders, and especially he himself, had done in connection with the compromise. A number of Indians in the meeting believed that the Indian community had been sold. The chairman had repudiated the charge and so did he, but he did not blame his countrymen who had brought that charge against him, he said.

Some of his countrymen had told him, and perhaps with some justification, that he had not taken them into confidence when he went to see General Smuts on the strength of the letter placed before him in the jail yard. He believed that in seeing General Smuts as he did, he had acted correctly and in accordance with his conscience. But time had shown that his critics were right. Time had also shown that he need not have gone to see General Smuts as he did. He had done nothing more than accept voluntary registration which had already been offered by the Indian community. He felt he was yielding nothing in accepting the compromise. He believed that he had full instructions from his countrymen to do so. Perhaps he believed too much. He did not know then what was to come later, that there would be a repudiation of the emphatic promise made in connection with the repeal of the Act. He now knew that the compromise was not to be respected by the Government.



He explained how General Smuts had denied having made a promise to repeal the Act, though he had said so in the presence of witnesses like Mr Chamney and Mr Cartwright and there were documents to prove it. So it had become necessary to call the mass meeting again, and if it be the will of God, to again undergo the same measure of suffering, only much more bitter.

If therefore there was electricity in the air, he pleaded guilty. He was responsible for it, because he had put too great a faith in the statesmanship of General Smuts, in his honesty, in his integrity. If his countrymen felt that he had sold them, they had good reason to believe so, although there was no justification for it in his estimation. But they could judge him only by the results obtained and not by his motives.

They had all been working for the repeal of the Act. They had fought for it for sixteen months. He had believed that if they could prove that the vast majority of the Indians had entered the Transvaal with perfect right, that the Indians held correct documents properly obtained, and that they were capable of being trusted without legal restraint, the Act would be repealed. They had fought for sixteen months not to secure a nominal repeal of the Act, but to secure recognition for themselves as human beings, to secure a voice in the legislation that might be passed concerning them. They did not want voting power, for voting power for the Indians or Asiatics might not be worth the paper on which the signature was put. They wanted real voting power, that is the right to be consulted before any legislation was passed with regard to their affairs.

And what did they find? A gold law and a municipal bill still further to restrict the rights of those who were entitled to stay in the country. They had every right to believe that he had misled them.

He went on to say:



I state most emphatically and definitely that General Smuts did promise that he was going to repeal the Act, in the presence of the Registrar of Asiatics, if the Asiatic communities abided fully, frankly, and freely by the terms of the compromise, if the Asiatic communities enabled General Smuts to identify every Asiatic in the country, and if the Asiatic communities enabled General Smuts to see to it that there was no Asiatic who could surreptitiously enter into the country and not be found out by his police. These terms the Asiatic communities have fulfilled, and yet we find today, we meet this afternoon to find that this Act is not to be repealed as it should be repealed, and that the promise of repeal is hedged in on all sides by such restrictions as could never be accepted by any self-respecting man.

He concluded by saying that the passive resistance movement was undertaken to gain rights for all Asiatics who had a right to remain in this country and not for a chosen few, and if there was one man, whom he could recall, who was in Ladysmith, who came to this country in 1885 and paid £25 to the Boer Government for remaining in this country, carried on a trade and possessed European credentials - "If he cannot enter this country, I, for one, do not wish to remain in this country, if my countrymen before that time do not remove this head which seems to have done grievous wrong to them." [C.W.M.G., VIII, pp 319-22]

The meeting then passed four resolutions:

The first resolution moved by Maulvi Ahmed Mukhtiar deplored the fact that the Government intended to depart from the spirit of the compromise reached with the Asiatic communities in January, in that they made it a condition



of repeal of the Asiatic Law Amendment Act, that rights of certain Asiatics domiciled in the Transvaal from before the war, were surrendered and that the Asiatic communities assented to insult being offered to Asiatics of educational attainments.

Emam Abdul Kadir Bawazeer moved the second resolution which said that because the Government had decided not to honour their part of the compromise, the meeting resolves to withdraw all the applications for voluntary registration sent by practically all the Indians and reiterates the resolution of 11 September 1906 not to submit to the Black Act and suffer all the penalties of non-submission.

The third resolution thanked all those in South Africa, England and India who had sympathised with and helped the Indian community in their struggle for legitimate freedom and preservation of their self-respect and hoped that they would continue to do so till the British Indians got justice.

The fourth resolution authorised the Chairman to forward the above resolutions to the Colonial Secretary and the Governor of the Transvaal for onward transmission to Imperial Secretaries of State for the Colonies & for India. It was proposed by Mulgi G. Patel. [I.O., 27-6-1908]

The mass meeting over, the second Satyagraha had begun. The next stage of the struggle was to be carried on in a new way. The struggle this time was not for any self-interest, but merely to protect the rights of others. It was indeed an advance towards true Satyagraha.

Writing on 4 July 1908 in Gujarati in *Indian Opinion* under the heading *Self-sacrifice*, Gandhiji said, “Satyagraha and self-interest do not go together. Satyagraha always calls for sacrifice of self.” He added that the rights of Indians holding permits had been secured and the Government was prepared to exempt



them from the obnoxious Act. However, the situation demanded that the permit holders should sacrifice their own interests for the sake of those holding the £3 Dutch Registration Certificates, refugees and the educated Indians. “We rejoice in this opportunity (for sacrifice) as though it were a nuptial occasion, and want every Indian to do the same. Satyagraha will reveal its real meaning now.”

He added that the Government was agreeable to the repeal of the Black Act. But no action was being taken because the Indian community would not accept the conditions for the repeal. This was no mean achievement, for the community was being treated as a worthy opponent by the Government. The Government was obliged to consult the community in drafting the new Bill. “It is Satyagraha which has brought this about.”

There had been an element of self-interest in the campaign earlier, he said. Every Indian who fought in the Transvaal so far, was defending his own rights as well as those of the community. “The Indians who join the campaign now will be defending the rights of their brethren. That is the beauty of it.” The Indian community would achieve an undying name for itself if it succeeded in its selfless task. It would ensure its own happiness and that of others, and thus win the admiration of all India. “We hope, therefore, that the Indian community will remain steadfast.” [C.W.M.G., VIII, pp 335-6]

Gandhiji was concentrating on the struggle in the Transvaal, because it was of importance for the whole of South Africa. He was however also watching the developments in the other colonies. As he had anticipated, the obnoxious Law 2 of 1907 was having its effect in other colonies in South Africa. In Rhodesia a bill on the lines of the Transvaal Asiatic Amendment Act was introduced. Assuming that the main objection to Act 2 of 1907 in the Transvaal was to the finger-prints,



the Rhodesian Government had said that finger-prints would not be insisted upon. Gandhiji advised the Indian community in Rhodesia on 4 July 1908 to resist the Bill by resorting to Satyagraha if necessary.

He wrote:

What does it matter if, after imposing slavery on the community in the form of the law, they do or do not ask for the finger-prints? The important thing is that this law should go, instead of which, they wanted to retain the law and said that the finger-prints would not be insisted upon.

He advised his readers to note the distinction between the law as such and the system of finger-impressions. “We have no hesitation in advising the Rhodesian Indians to give their finger-impressions if, by doing so, they can have this legislation withdrawn.” The law meant perpetual slavery. The giving of finger-prints might be a means of avoiding that enslavement. He did not suggest that the Rhodesians should offer Satyagraha or give their finger-impressions right away. They should send a petition to England, [C.W.M.G., VIII, pp 336, 337] he advised, and wait for the reply. But if the reply was unfavourable, he hoped that they would resort to Satyagraha and refuse to submit to the law.

Gandhiji advised the Natal Indians and Indians in the Cape Colony also to get ready for Satyagraha. They were to continue helping the Indian struggle in the Transvaal in every way.

The Indians had decided to have a test case in the Supreme Court for the return of their application forms for voluntary registration, which Smuts had refused to return to them.



Affidavits by Aswat, Essop Mia and Gandhiji had been filed. In reply to these, Chamney and Smuts had filed their affidavits. Gandhiji had asked for permission to file further affidavits in reply to these. This was granted.

On 29 June both Aswat and Gandhiji gave their affidavits in reply to those of Chamney and Smuts challenging the veracity of their affidavits. The case was, however, lost by the Indians. Here is a summary of the report of the case:

In the Supreme Court, on Thursday 2 July 1908, the postponed application of Ebrahim Ismail Aswat was heard before Sir Wm Solomon, for an order on Montford Chamney to return to the applicant the three documents handed by him to the respondent, namely:

1. A permit to reside in the Transvaal granted to the applicant under the Peace Preservation Ordinance;
2. A registration certificate under law 3 of 1885; and
3. A form of application for registration.

The main argument turned upon the question of the ownership of the third document containing the applicant's finger-impressions along with particulars of age, and caste etc., which the respondent claimed was the property of the Government.

The applicant desired to have his papers returned to him. "His application for registration was not sent under the Act. He had formally withdrawn it in writing and claimed that the application form containing his finger-impressions should be returned to him." Counsel contended that "the application was as much the property of applicant as if it were a photograph which he had sent in for a temporary purpose. It was sent in merely with the intention that it should be retained by the Government if an Act were passed confirming the voluntary



registration; until such an act were passed the applicant had a *locus penitentiae*, and could withdraw his application for registration. In that application, the applicant had supplied the Government, under certain conditions, information which he had formerly refused to supply. The conditions not having been complied with, the applicant claimed that he was entitled to have the document returned to him. He attached value to it arising from the fact that this and other similar applications were refused to be made until 30 January, when the compromise was arrived at. Counsel contended that the position was the same as if the applicant had sent the respondent an article of value for sale, with a document containing its history; if the sale did not go through, surely he was to reclaim the document.” [I.O., 11-7-1908]

In delivering the judgment, Sir Wm Solomon said that the whole question of law was simply to determine in whom the property of the application form vested. His Lordship was of the opinion that as the applicant had handed it over to the Registrar of Asiatics with the intention that the latter should retain the document, the property passed from the applicant and the document became the property of the Registrar of Asiatics. “His Lordship found it difficult to distinguish the present case from the ordinary case of a letter written by one person to another. As long as the letter remained in the possession of the writer it was his own property; when it passed into the possession of the person to whom it was written, it became that person’s property.”

“It was said that the applicant had a *locus penitentiae* and could recall the document. That depended on the intention at the time it was handed over to the Registrar of Asiatics. In his Lordship’s opinion, the applicant never intended or contemplated, when he handed the document over, that he should have a right to reclaim it. Therefore, on the simple ground that the property in the document



passed to the Registrar of Asiatics when it was handed to him, with the intention that it should be permanently retained by him, it could not now be reclaimed by the applicant.” The two older certificates, however, were to be returned to him and would be returned on request. “What the applicant mainly desired to have returned to him, was the form which bore his finger-impressions. The application would therefore be refused, with costs.” [I.O., 11-7-1908]

Immediately after this judgment Gandhiji wrote to the press on 2 July:

The questionable victory gained by General Smuts on a highly technical point of law will not thwart the purpose of the Asiatics to become dis-registered provided that they have sufficient courage and spirit of self-sacrifice. [C.W.M.G., VIII, p 333]

He added that the path before his countrymen was clear. They must be prepared again to suffer. Through their sufferings the public would see who was right. [*Ibid*, p 335]

7

In one of his earlier letters Gandhiji had written that immediately after the assault committed on him and his companions as a result of his acceptance of the compromise, Mr Chamney had seen him at Mr Doke’s house, and he and Chamney drew up a notice for publication in Asiatic languages, that in the case of the Asiatics complying with the compromise, the Act would be repealed. This notice, Mr Chamney said, would be taken to General Smuts and then published. He returned the next day or the day after and informed Gandhiji that Asiatics were registering and inquired whether, in view of that fact, it was necessary to publish the notice. Gandhiji, never dreaming of recantation on Smuts’ part, said it need not be published. He now wrote:



I challenge him to produce the original draft, if it is still in existence. I add further, that Mr Chamney, not once, but often, told me that General Smuts would keep his promise and repeal the Act, and that, not much over a month ago, I met him by appointment at Winchester House, where he actually discussed the draft submitted by me and, in the main, approved of it. He has, on oath, denied that General Smuts promised repeal in his presence. He may similarly deny the statements I am now making. But Truth is superior to General Smuts, him, and me. [C.W.M.G., VIII, pp 334-5]

Gandhiji said he could understand Chamney's denial, he being a subordinate official to whom his job was everything. But what about General Smuts, a well-known hero of many battles? How could one conciliate between the two traits of a valiant man? He was very much pained that Smuts had fallen short of his expectations.

In his letter to the press on the same day (2 July), Gandhiji wrote that the Supreme Court had decided that the Asiatics had no right to recall their voluntary registration applications. They had gone to court because the voluntarily registered Asiatics wished to place themselves on the same footing as their unregistered brethren who had a right to be placed on par with them, but who, according to General Smuts, ought to be banished off from the country or if absent, should not be allowed to return.

The application to the Supreme Court had a legal as also a moral basis, Gandhiji explained. The legal basis consisted in the ability on either side to treat the compromise as a nullity. The moral basis consisted in the ability of showing that the Asiatics wished to treat it as a nullity, even without getting any relief from the court, because of breach of the compromise by General Smuts.



The breach was two-fold. General Smuts was not willing to repeal the Act without imposing unacceptable conditions, nor to accept voluntary registration from those who were now returning to the country and who were entitled to enter and register voluntarily in terms of the compromise. General Smuts had denied having promised to repeal the Act and interpreted the compromise to mean that those, who entered the country after the lapse of three months from the date of the compromise, should register under Act 2 of 1907. Gandhiji asked the public to judge the meaning of the following extract from the compromise offer letter which was accepted by the Government:

Under these circumstances, we would once more respectfully suggest to the Government that all Asiatics over the age of 16 years should be allowed within a certain limited period, say three months, to register themselves and that to all who so register, the Act be not applied, and that the Government take whatever steps they deem advisable to legalise such registration. Such mode of registration should apply to those also who being out of the colony may return and otherwise possess the right of re-entry. [*Vide* “Letter to Colonial Secretary”, C.W.M.G., VIII, p 41]

“General Smuts says that the men who were out of the colony should have returned within the three months in order to entitle them to come under the compromise.” Gandhiji asked whether it was possible even to inform Asiatics throughout the world of the existence of the compromise, or for them to return, within that period?

“As to the promise of repeal, I beg to ask your indulgence for publication of the enclosed correspondence, [Gandhi-Smuts correspondence between 28-9-1908 and 22-2-1908] and to leave it to the public to judge whether the repeal was promised or not.” He drew attention to the fact that, in answer to his letter of 22



February [C.W.M.G., VIII, pp 101-3] addressed to General Smuts detailing the legislation to repeal and replace the Asiatic Act, there was not one word of repudiation of the promised repeal. With regard to Gandhiji's allusion to the promise, there was also no repudiation in the correspondence that took place after suspicions were roused. Gandhiji's pointed questions had been just evaded by Smuts. [C.W.M.G., VIII, pp 333-4]

8

In addition to Mr Aswat's case asking for return of his application for voluntary registration, another test case was also taken to the Supreme Court. This second case was taken up on 8 July 1908 in order to test the right of entry of educated Asiatics under the Immigrants' Restriction Act. Right from the beginning, Gandhiji had held that the Immigration Restriction Act (Law No. 15 of 1907) as it stood then, could not restrict the entry of educated Indians into the Transvaal. He declared on 4 July that "educated Asiatics were free to enter under the Immigration Restriction Act," [C.W.M.G., VIII, p 341] like any European. Section 1 of the Act, Gandhiji contended, clearly stated that immigration was to be disallowed only to "any person who, when asked, whether within or outside this colony, by a duly authorised officer, shall be unable through deficient education to write out (from dictation or otherwise) and sign in the characters of an European language an application for permission to enter this colony or such other document as such officer may require; provided that for the purposes of this sub-section Yiddish shall be accepted as an European language." [*Ibid*, p 487]

General Smuts did not accept this claim. He did not wish to accept the equality of races. He wanted to amend the Immigration Restriction Act so as to make all Indians prohibited immigrants in future, however highly educated they might be. He was willing to let some educated Indians come into the Transvaal



on temporary permits, which he said would be extended any number of times, so that persons holding such permits could stay in the Transvaal permanently for all practical purposes. But this did not satisfy Gandhiji. He insisted on the right of Indians to enter, if they qualified in terms of the law as it stood, and become citizens of the Transvaal, to be recognized and retained.

Gandhiji wanted equal rights of immigration for the educated Indians in law, though in actual practice their number might be drastically restricted. It was the principle of racial equality for which Gandhiji was fighting and it was this very principle which Smuts did not wish to concede. The Boers were brought up on the Old Testament and believed that they were the chosen ones, whom God had made superior to all others, and especially to the non-whites, the Africans and the Asiatics.

The Immigration Restriction Act 15 of 1907 had laid down an educational test for immigrants and Asiatics were not debarred from entry under it. Gandhiji wanted this to be proved in a court of law. It was therefore decided to have a test case by bringing in an Asiatic with high standard of education and culture. Sorabji Shapurji Adajania of Charlestown, Natal, was selected for the purpose.

Sorabji Shapurji Adajania was a Parsi. He had been in South Africa for six years, in Durban for a year-and-a-half, and in Charlestown for four-and-a-half years. He had received his English education at the Surat High School in, Bombay Presidency. He had received seven years' education through the medium of English language, and before that, seven years in vernacular. He was a book-keeper and manager of the store of Mr Rajee Hasan of Charlestown, Natal.

Sorabji was respected by Europeans. Samuel R. Higgins, chairman, Charlestown Local Board, wrote about him that he had known Sorabji Shapurji for at least five years and could certify to his excellent character. "In business I



have always found him straight-forward, obliging, civil, (and) attentive.” He was generally held in good opinion by the residents of Charlestown and the district. [I. O., 11-7-1908]

Dr. I. E. Briscor, District Surgeon, J. P., Charlestown, wrote: “He is exceptionally well-educated and speaks and writes English well. He has always borne the most excellent character, and I have pleasure in stating that in my opinion he deserves the greatest consideration in any application he may make to Government or generally.” [I.O., 11-7-1908]

Mr H. M. Callachor, Immigration Restriction Officer, Charlestown, wrote:

During my tenure of office at Charlestown he has assisted me by interpreting a great number of Indian cases, and I have always found him obliging and willing to help my department. He appears to be a complete master of many dialects, and his knowledge of the English language is by no means small – he speaks, reads and writes it very well. In all my dealings with him I have always found him honest, upright and straightforward.

I have always heard him spoken of by the residents of Charlestown (and also Durban) in the very highest terms. [*Ibid*]

Sorabji entered the Transvaal on 24 June at 6 p.m. to challenge the Immigrants’ Restriction Act. [C.W.M.G., VIII, p 345] He had informed the authorities that he was coming. He came all the way from Charlestown just to go to gaol. [*Ibid*, p 369] But the police did not arrest him though Superintendent Vernon saw him daily.

After his arrival Sorabji again informed the police superintendent, Johannesburg, and let him know that he, being educated was ready to submit to an examination by the officer if he so desired. No reply to this was received. [M.



K. Gandhi, S.S.A., p 213] Gandhiji wrote, “The Government were not at all prepared for this and could not at once decide what to do with Sorabji who had publicly crossed the border and entered the colony. The Immigration Restriction Officer knew him. Sorabji told him that he was deliberately entering the Transvaal as a test case, and asked him to examine him in English or to arrest him just as he pleased. The officer replied that there was no question of examining him as he was aware of his knowledge of English. He had no orders to arrest him.” [*Ibid*, p 213]

At last Sorabji was arrested, not under the Immigration Act, but under Act 2 of 1907, and was brought to trial on 8 July 1908 before Mr Jordan in ‘B’ Criminal Court, Johannesburg. Mr D. J. Schuurman prosecuted Sorabji and Gandhiji defended him. The accused pleaded not guilty.

Cross-examined by Gandhiji, Superintendent Vernon said that the accused knew English well.

So Sorabji could not be arrested under the Immigration Act, said Gandhiji.

Vernon : I have nothing to do with that. I cannot give any opinion.

Gandhiji asked for discharge of his client under sub-section 3 of section 8 of Act 2 of 1907, [I.O., 11-7-1908, p 306; C.W.M.G., VII, p 484 : *Sub-section 3 of Section 8 of Act 2 of 1907*] under which he was charged on the ground that the necessary notification by the Colonial Secretary in the *Gazette*, as required by that sub-section, had not been issued and the court had not yet received the *Gazette* notice.

After arguments, Gandhiji said he knew it was a technical error, but it paid the defence to take advantage of it.



The Magistrate : And bring him up again, and give as much trouble as possible.

“That is the point”, replied Gandhiji.

The Magistrate said that he would look up some other cases and give his decision next morning. [C.W.M.G., VIII, p 347]

On 9 July, Sorabji’s case came again before the court. The Magistrate upheld “Mr Gandhi’s contention” and discharged the accused, finding him not guilty. [I.O., 11-7-1908]

9

Sorabji however immediately received a warning to appear before the court on 10 July. [M. K. Gandhi, S.S.A., p 215] *Indian Opinion* of 18 July 1908 reported:

On Friday, the 10th instant, before Mr Jordan, in ‘B’ Court, Mr Sorabji Shapurji, the Parsi gentleman, who had already been acquitted of a similar charge, was charged, in terms of Section 8, sub-section 3 of Act 2 of 1907, with having failed to produce a registration certificate issued under the Act when the same was demanded of him by Superintendent Vernon, on the 9th instant. Mr Cramer prosecuted for the Crown, and Mr Gandhi appeared for the defence. [C.W.M.G., VIII, p 354]

This time Gandhiji failed to get his client released. “The Magistrate referred to Mr Gandhi's argument as very subtle and very able. He dealt with the points raised and said that the accused had not made any application for registration but he gloried in the fact, and had set the Government at defiance. He ordered him to leave the colony within seven days.” [*Ibid*, p 358]

However, Gandhiji’s point had been proved. The Immigration Restriction Act as it stood did not close the door on educated Indians. There was no colour



bar in that Act. Sorabji could not be brought before the court under that Act. It was the Asiatics Registration Act (Law 2 of 1907) that had to be resorted to in order to keep Sorabji out. The case brought out clearly the need for repeal of Law 2 of 1907, the Black Act, and its total repeal without any conditions. The Indians had to fight for it and resist the proposed amendment of Immigration Restriction Act banning entry of all Asiatics except as visitors.

Sorabji Shapurji did not obey the order to leave the colony within seven days and therefore on 20 July he had to again appear before the same magistrate Mr Jordan, in 'B' Court, charged with failure to obey the magistrate's order under Section 7 of the Peace Preservation Ordinance. As before, Mr Cramer prosecuted and Gandhiji appeared for the defence. The accused pleaded not guilty.

Superintendent J. C. Vernon stated that he arrested the accused at 7 a.m. on 20 July in the Malay Location for not producing a certificate of authority to reside in the colony and after having received the warning from the court on 10 July to leave within seven days. The accused replied that he did not intend to leave.

Cross-examined, the witness, Mr Vernon said that a letter had been sent by Gandhiji to the deputy commissioner of police stating that the accused was prepared to attend the court at any time his presence was required. Asked why then the accused had been arrested, he replied that he had received instructions from his superior officers to arrest him.

Sorabji, the accused, giving evidence on his own behalf, stated that after receiving the notice to leave the colony, he had remained in the colony and had informed Superintendent Vernon that it was not his desire to leave. He did not wish to leave the colony and was prepared to suffer the penalties for disobeying the order of the court. He was a British subject and as long as he shared the full



responsibilities as a subject of the British Empire, he considered that he had every right to remain in the Transvaal. Cross-examined, he said that he had disobeyed the order of the court and had all along intended to disobey it.

Addressing the court, Gandhiji said that he wished to draw the court's attention to the fact that it was going to be a terrible struggle for British Indians in the Transvaal. He also mentioned that several Indians who had been waiting outside to enter the court and watch the proceedings were hustled about and also assaulted.

The Magistrate : I know nothing about that, and I cannot take *ex-parte* statement. There are quite enough in the court now to make it uncomfortable.

Gandhiji : That is so, but there are a lot outside.

The Magistrate : The court can only hold a certain number.

Gandhiji : It is the question of handling the thing properly. The Court House is within your worship's jurisdiction and I think I might be allowed to make a statement about the matter.

The Magistrate : All I can say is that the court is uncomfortably full.

Gandhiji then proceeded to refer to the case, which he stated was very simple.

The Magistrate : "Very simple !"

Gandhiji continued saying that his client Sorabji, rightly or wrongly, believed that it was a matter of principle for him to remain in the colony under the Immigrants Restriction Act. His client had felt aggrieved that he had been called upon to accept the Asiatic Amendment Act. The accused was ready to



suffer for the sake of a principle. He had to choose between his conscience and the order of the court, and he had chosen to abide by his conscience.

The Magistrate sentenced Sorabji to one month's imprisonment with hard labour. [C.W.M.G., VIII, pp 376-7]

10

Outside the court a large number of members of the Indian community had assembled from about 2.15 p.m. awaiting the opening of the doors, so that they might secure admission to watch the proceedings of the trial of Sorabji Shapurji. The court had double doors, but on all occasions, when important Indian cases were before the court a practice was made by Superintendent Vernon of opening only one side of the doors and admitting the Indians to a portion only of the space reserved for the general public even though there might be no other people present. At the doors were also posted constables to regulate admission to this space. The result of these precautions was to make it impossible for one to enter the court without a great deal of jostling. On 20 July, it was obvious to even a casual onlooker that a deliberate attempt was being made by the police to cause as much trouble to the Indians who wished to attend the court proceedings as possible. Scarcely was the door gingerly opened than the constables posted there pushed back violently those who were striving to enter, while the other constables charged back at the crowd. One of them was conspicuous by the brutal manner in which he hurled certain Indians from one side of the verandah to the other after a certain number had been admitted. There was still plenty of space within the room reserved for the public. Superintendent Vernon instructed the police to push the crowd back and not to admit any more. This they did in a violent manner. Superintendent Vernon was



also overheard saying to one European spectator that he should stand with the other Europeans.

Whilst the court proceedings were going on, a number of well-dressed and educated Indians, noticing that the constables were admitting to the court Europeans and Natives, applied for admission but were peremptorily refused. One of them, Mr G. K. Desai, remonstrated. Some of the constables then proceeded roughly to push him and the other people back. Mr Desai was taking the number of one of the constables who was specially brutal when the latter, noticing it, struck him a heavy blow on the face. He was proceeding to deliver a second one, when another constable held him back. The Indian onlookers were then pushed back by police to the trees about twenty yards from the Court House. The unnecessary violent and brutal ill-treatment perpetrated by the police without any provocation was bitterly resented by the Indian community who became all the more determined to continue the struggle. [I.O., 25-7-1908] G. K. Desai, Polak and another person filed affidavits in regard to the police assault with the commissioner of police. [*Ibid*]

As soon as the court proceedings had concluded, Gandhiji came out and addressed the crowd that was awaiting the result of Sorabji's trial despite police atrocities. Gandhiji said that Sorabji was convicted and had gone to gaol for the sake of a principle and not to open the gates of the Transvaal for the unrestricted immigration of Asiatics. He had come in under the Immigration Act in order to pass the educational test under the Act which made no distinction as to the race, class or colour. He had studied English for seven years, but he now found that all his English was of no avail, notwithstanding the fact that the Immigration Act was general in its application and that he was a British subject in a British colony. Gandhiji asked all to return their licences and go to gaol for trading without



licences. He repeated that the Colonial Secretary had promised to repeal the Registration Act but had not kept his promise. [C.W.M.G., VIII, p 378]

At this a few Indians handed over their trading licences and registration certificates. All of them were indignant at the manner in which the police had cleared them away from the entrance of the Court House. [*Ibid*, p 378]

Sorabji's conviction was a proof, if any proof was required, that the Asiatic Registration Act which was the root cause of the mischief, would not be repealed. This fact having become clear, Gandhiji and the Indian community could no longer wait till the session of the Transvaal Parliament. He therefore wired to Mr Ritch in London on the evening of 20 July:

Sorabji Shapurji sentenced month hard labour disobeying order leave colony. Entered under Immigration Act having educational qualifications charged not registering under Asiatic Act. Was willing voluntary register. Community considers proceedings harsh reactionary. [*Ibid*, pp 378-9]

After the sentence was passed on Sorabji Shapurji, a mass meeting was held on the same day at 4 p.m. at the premises of the Hamidia Mosque. Essop Mia presided, and about 2000 people attended. Delegates from Germiston, Boksburg, Ispingo, Pretoria, Roodepoort, Krugersdorp, Klerksdorp and Standerton attended. Essop Mia explained at the meeting why Gandhiji had been asked to keep away from the last meeting. He said that it was done to show that it was not Gandhiji who was at the root of the trouble, as alleged by Smuts, but that the entire Indian community was against the Black Act.

Later Gandhiji was invited to address the meeting. He said:



We have been informed through Mr Cartwright that the Government will agree to a settlement if we do not insist on the rights of educated Asiatics. But all of you resolved at a previous meeting that you would agitate for the cause of the educated. Your decision is commendable. We certainly cannot agree to the abolition of the rights of educated Asiatics. [C.W.M.G., VIII, p 380]

Notices had been published by the Government in newspapers to the effect that the Asiatic Registration Act would stay, and also that those who refused to take out licences would be punished in accordance with the law. They could not take out trading licences because the Government demanded thumb-impressions from them under the law. Gandhiji said that if thumb-impressions had been asked for outside the objectionable law, that is on a voluntary basis, he himself would have advised them to give their thumb-impressions. But under the law he could not advise anyone to give even his signature, leave aside the thumb-impressions.

To those who had been frightened by the Government notices into taking out licences, he advised that they should not make use of them but court arrest and thereby fill the gaols as they had done in January before the compromise. By doing so they would humble the Government. [*Ibid*, p 381]

The Government blamed him, he said, for needlessly inciting the people. Whatever the Government might say, his duty was to place the facts, as they were, before his brethren. “So I go on doing my duty regardless of the Government’s accusations,” he said.

The time had come to burn their certificates and plunge into the second Satyagraha, armed only with courage. The leader as well as his people were ready for it.



CHAPTER XII: A NOVEL PROTEST

1

By the end of June 1908, with the Indian community's rejection of Smuts's offer, the Satyagraha campaign was resumed. Announcements appeared in *Indian Opinion* on 27 June [C.W.M.G., VIII, pp 322-3] and 4 July [*Ibid*, p 328], and on 5 July a mass meeting of about 800 British Indians was held at the Hamidia Mosque (Fordsburg) to consider the Indian position following the decision of the Supreme Court upholding the Government's decision not to return the applications of Indians for voluntary registration, and to decide on their next step.

They decided on a novel method of protest which proved most dramatic as well as effective, namely, they would burn the Registers issued to the voluntary registrants by the Government.

Essop Mia presided over the meeting. Sorabji Shapurji whose case was about to be tried, declared in front of the gathering that he would not submit as a British subject to the Registration Law, the Black Act, and was prepared to go to gaol. He claimed as an educated man the right of free entry into the Transvaal. His remarks were greeted with applause by the audience.

The assembly resolved to call another meeting at 4 p.m. on the following Sunday. The voluntary registration certificates, it was decided, would be publicly burnt in that meeting unless a settlement had in the meantime been arrived at. [I.O., 11-7-1908]

It was to be a declaration of open defiance, the ushering of the second Satyagraha and filling the gaols.



In a letter to Smuts next day 6 July Essop Mia expressed the hope that the Government would finally close the Asiatic question so far as it was effected by the Asiatic Law Amendment Act, by repealing that Act. It would thus not only fulfil its part of the compromise but also give the lawful Asiatic residents of the colony the respite and peace to which their conduct during the recent trouble had entitled them as universally acknowledged. Last but not the least, this should be done “to save the British Indians from the step to which they are committed in the event of the Government’s unfavourable decision.” [C.W.M.G., VIII, p 344]

Gandhiji wrote in *Indian Opinion* on 7 July, “If a favourable reply is received, and the Government agrees to repeal the Act unconditionally, nothing more will remain to be done, and there will be no need to burn the registers.” [*Ibid*, p 349]

Many whites sympathised with the Indians. On 4 July Rev J. J. Doke wrote to the *Transvaal Leader* that the Colonial Secretary had at last agreed to repeal the objectionable Asiatic Law Amendment Act. “This, I believe, is inevitable to any just and hopeful settlement.” When the compromise was being effected circumstances had placed him at the very focus of the trouble. He was convinced from personal knowledge, he said, that the Asiatics did not doubt that the repeal of the Act was an essential part of the agreement. The Colonial Secretary himself had fostered this conviction by his speech at Richmond as published in the press on 6 February in which he had said that “he had told them (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 he had said, “Until every Indian in the country had registered, the law would not be repealed.” This prospective repeal was evidently made an incentive to obtain the registration of all the Asiatics. Rev Doke added, “This is simply to show that these men had good ground for believing what is now emphatically denied.” But the Colonial Secretary had now agreed to repeal the



Act; only, unfortunately, in offering this concession he had attached conditions to it which the Asiatics deem themselves unable to accept. These conditions were new to the subject. He said, the idea had apparently been promulgated that the Asiatics had brought forward new claims. This was not true. The conditions insisted upon by Mr Smuts were the new claims, not one of them having been contemplated in the compromise. [*Ibid*, p 502]

Explaining the new issues that Smuts had raised. Rev Doke said that the Asiatics claimed simply the right of interpretation by and protection of the Supreme Court. They did not resent the Immigration Restriction Act. They only claimed that it be not interpreted by any official, however exalted he might be, but by a recognised court and by the judgment of that court they would abide. They did not resent the rejection of Asiatics' applications for voluntary registration, nor their deportation, but they claimed that no official should be made supreme. They asked for the right of appeal in such cases to the well-balanced judgment of a properly constituted tribunal. The protest was against the new claims made by the Government not contemplated in the compromise, and also against the spirit of autocracy which dominated the rulers.

He continued that while these points were of supreme importance to the Indian sufferers, they were not after all vital matters so far as the Transvaal Government was concerned. No inrush of Asiatics would be possible under the proposed stringent test to be applied in enforcing the Immigration Restriction Act. There could be no loss of prestige in acting justly. "To these men the new conditions involve so much that I understand they are prepared to return to the position in which the compromise found them, and that passive resistance will be commenced again in a few days." Could not something be done now to effect a settlement without suffering such a calamity, he asked.



Doke concluded: “We recognise that whatever is done must be a real settlement this time. I trust a patchwork will be tolerated by no one. But we may rest assured of this, that there will be no such thing as final settlement, unless justice and good faith are alike satisfied.” [C.W.M.G., VIII, p 504]

Doke’s letter had won many whites over to the Indian side, and their number was increasing every day, Gandhiji wrote in *Indian Opinion* on 7 July. [*Ibid*, p 349]

In view of these developments Smuts seemed to be in a difficult position. Yet, he was adamant. He did not hesitate to call Gandhiji “cunning”. [W. K. Hancock: Smuts, *The Sanguine Years 1870-1919*, p 338] It was difficult for him to understand that Gandhiji could be so honest, so transparently truthful and straightforward in his dealings. His own cunning made Smuts see only cunning in Gandhiji’s straightforward conduct.

2

Mr E. M. Gorges, Assistant Colonial Secretary, wrote to the British Indian Association on 6 July that the step taken by the Association in advising the British Indians in the Transvaal “to carry on trade in conflict with the law” was regrettable. [I.O., 18-7-1908]

Immediately after the despatch of Gorges’ letter, Chamney issued letters on 7 July to various town clerks of municipalities saying that “it has now been decided that Act 2 of 1907 is to remain on the statute book”; consequently all Asiatics applying for trading licences “must be required to produce a registration certificate issued under the law or in the form of voluntary certificate” (form enclosed for reference) and furnish a clear impression of their right hand thumb, “for examination in this office”. Without fulfilling these requirements, no Asiatic was to be issued a licence to trade. On 8 July a second letter from Chamney said



that it had been decided to institute court proceedings against all Asiatics who were refused licences. He wanted that the names and addresses of all such persons to whom issue of trading licences had been refused, should be sent to him. [I.O., 18-7-1908]

The *Transvaal Leader* reproduced both the letters and commented that names and addresses of all Asiatics who were applying to the municipalities for trading licences without having conformed to requirements of Act 2 of 1907, were being sent by the municipalities for necessary action. Quite a number of Asiatics had been deported for non-compliance with the law. Legal action against others would be taken without delay at Pretoria and convicted persons were likely to be deported from the Transvaal. [I.O., 18-7-1908]

European friends like Cartwright and Hosken had in the meantime advised the Indian community not to take any drastic action. Gandhiji therefore wrote to Cartwright on 9 July that “the burning of the certificates next Sunday, 12 July, will be postponed.”

The *Transvaal Leader* did not support the extreme measure of burning the certificates when the Parliament was in session and politicians were trying to find a way out. It hoped that there was no truth in the report that the Asiatics intended, at the end of the week, to take steps of a sensational nature, in pursuance of their contention with the Government. It was possible, but hardly probable, the paper added, that the leaders at any rate, were not aware that while the Parliament was in session. Ministers, private members and officials were all working at full pitch together, and that if there was anything calculated to put Parliament into the sternest mood, it was suggestion of outside agitation and pressure to hasten the wheels of the legislative chariot. [I.O., 18-7-1908, p 320]



In reply to the *Transvaal Leader*, Gandhiji wrote on 10 July, drawing attention to Chamney's circular to town clerks. "You advise Asiatics to do nothing rash and to await developments, regarding the renewal of the Asiatic struggle." But the Chamney circular had stated the decision of the Government to retain the Black Act (Act 2 of 1907) on the statute book, and evidently to legalise voluntary registration under it. "If so, could Asiatics have any patience? Could they have any trust in the promise, written or verbal, of the Government?" The circular, if it correctly set forth the Government's decision, was "a tremendous eye-opener". However, the mass meeting advertised for the burning of registration certificates would remain postponed. He added, "Every Asiatic awaits publication of Government's declaration." The only reason for drawing public attention to the circular, he said, was to show that when Asiatics did take any irrevocable step, it would not be without the gravest provocation. [*Ibid*]

3

On 10 July it was reported that the Government had decided to enforce the Registration Act. [*Ibid*, p 367] Chamney's letter to the town clerks suggested that the Government wanted to bring the voluntary registrants also within the scope of the Act. All the conditions of the compromise were thus being violated. Alarmed at this prospect, Cartwright and Hosken met Smuts at the request of Gandhiji. [C.W.M.G., VIII, p 360]

On 11 July Gandhiji sent the following three questions to Cartwright:

- (1) Reading the letter addressed from the gaol on the compromise, the Act by itself is not to apply to those who are voluntarily registered. What, then, is the meaning of the circular dated the 7th instant purporting to have been addressed by Mr Chamney to municipalities and published in the *Leader* ?



- (2) Is there any truth in the rumour that the Government are willing to recognise the domiciliary rights of *bona fide* holders of £3 registration certificates whether within or without the colony and of refugees who do not possess certificates, but who can establish their claim to pre-war domicile ?
- (3) Is there any truth in the statement generally made that the Government are willing to concede the right of appeal to the Supreme Court of those whose applications for voluntary registration are rejected by Mr Chamney? [C.W.M.G., VIII, p 360-1]

At the interview with Smuts, it was made known to Cartwright and Hosken that the Act would not be applied to holders of £3 (Dutch registration) certificates and other refugees. The right of appeal would be allowed and the Act would not apply to the voluntary registrants. The Colonial Secretary was however not willing to concede the rights of educated Asiatics to enter the colony like the Europeans on the basis of an educational test. He insisted that the Indians should agree to the total ban of Asiatic immigration in future.

Smuts mentioned in the interview the charge that Gandhiji was receiving from 'Mahomedans' £2 a piece per voluntary registration certificate. This was a mischievous distortion of facts. The fact was that Gandhiji was charging from both Hindus and Muslims two guineas for the legal work in connection with voluntary registration applications, and the specific mention of the fee being charged from 'Mahomedans' in this connection was intended to spread the virus of communalism and foster dissension between the two communities, and also to tarnish the image of Gandhiji.

On 14 July Gandhiji wrote to Cartwright, and explained:



What I have done is to charge a fee of two guineas for legal work done for voluntary registration applications, whether I made them on behalf of Hindus or Mahomedans. I asked the book-keeper to give me the number of such applications made by me, and it does not exceed 235. These applications involve more than two guineas worth of work. I had to examine the case of each individual applicant, then to fill in the form, to send a clerk with the man and in many cases to carry on voluminous correspondence with the Registration Office. This was work strictly within my province, and I have worked like any other Attorney. But, as I hold the office of secretary of the British Indian Association also, I informed Mr Chamney that if individual Indians came to me and wanted me to prosecute their claims before him, I charged a fee of two guineas, and asked him to convey that information to General Smuts also. This, as you will see, is totally different from his (General Smuts') statement . . . that I have charged £2 from every Mahomedan for a voluntary registration certificate. [*Ibid*, pp 362-3]

Smuts had obviously tried to exploit, for his own purpose, the information voluntarily given by Gandhiji. This action of Smuts brings out the contrast between satyagrahi Gandhiji and politician Smuts.

On 18 July Gandhiji wrote in *Indian Opinion* asking why difficulties were constantly arising. The answer, he said, was that there were certain Indians who had become enemies of the community. They told Smuts that the Indian community had no fight left in it, that everyone would submit to the Act, that the talk of burning the registers was mere bragging, that everyone would take out licences and give thumb-impressions, that it was Gandhi and a few other Indians who were the cause of the mischief and that the others had no grievances. These



reports were most welcome to Smuts. He believed them. The result was that the Indians suffered. “If all the Indians are in fact prepared to submit to the Act, it is only right that the law should apply to them,” he said.

But he believed that there were only a few Indians who accepted the Act. Letters continued to come to him from many towns such as Barberton, Christiana, Volksrust, Vereeniging, Nylstroom, Heidelberg and Germiston to say that Indians were steadfast and would fight for their rights. There were many Indians in those towns who had not taken out licences and did not mean to. So long as this spirit persisted, Gandhiji affirmed, Indians would not suffer defeat. “What is reported to General Smuts, and by whom, will make no difference.”
[C.W.M.G., VIII, p 369]

4

Smuts was not willing to give up his insistence on all Indians wishing to come to the Transvaal in future being made prohibited immigrants, irrespective of their educational achievements, though he was ready to yield on other points. He wanted a total ban on the entry of all Asiatics in future, except on temporary permits and he wanted the Asiatics to agree to it. Essop Mia, the chairman of the British Indian Association, was at first somewhat inclined to yield and accept Smuts’ terms, but Gandhiji differed with him and made him realise that they could not barter away the rights of future generations of Indians.

On 14 July a meeting of the Committee of the British Indian Association was called to discuss the position, and it was decided to convene an informal meeting of representative members of the community the same evening. Gandhiji was specially requested to absent himself from the meeting so that the representative group could come to its own conclusions uninfluenced by Gandhiji.



Some 200 representatives met in the precincts of the Hamidia Mosque, Fordsburg, and discussion took place from 7 o'clock until 11 at night. The proceedings were lively and participants were enthusiastic. It was unanimously decided not to accept General Smuts' terms and also that the passive resistance movement should continue so long as the Government made repeal of the Registration Act conditional upon the assent of the community to an amendment of the Immigration Law so as to totally exclude British Indians from immigrating into the colony even when they possessed the highest educational qualifications. The general feeling was that to give way on this crucial point was tantamount to accepting a racial insult. Moreover if the community had no educated leaders in future it would be at the mercy of the Government at any time that the rulers might think it fit to adopt reactionary and repressive measures.

As a result of the discussion, Essop Mia, chairman of the British Indian Association, Emam Abdool Cadir Bewazeer, chairman of the Hamidia Islamic Society and other important leaders of the community applied to the Johannesburg Municipality for hawkers' licences, but refused to give their thumb-prints under the Registration Act as required. Most of these applicants were wealthy merchants who already had licensed stores. The new licences for hawking were refused, but these gentlemen decided to trade as hawkers without licences and court arrest. Their main purpose was to protest in the most emphatic manner against the autocratic attempt of the Government to rob the community of its existing rights, and the non-fulfilment of General Smuts' promise to repeal the Black Act.

The Municipal Office was surrounded by pickets who explained to those who intended to take out licences that in the new situation that had arisen, they would, by giving their thumb-prints, be submitting to the Black Act and placing



themselves and the community at a disadvantage in the struggle for their rights.
[I.O., 18-7-1908]

On 13 July the *Transvaal Leader* reported that “since the law was to be enforced, municipalities had been asked to send to the Colonial Secretary the names of traders or hawkers who were doing business, so that these persons might be prosecuted.” This threw many Indians into panic and they thronged before the municipal offices. When thumb-impressions were asked for they gave them readily. They had completely forgotten their pledge not to submit to the Act, for the thumb-impressions were given under that Act. In reply to arguments by pickets at the gate they said, “Gandhi made the people give 18 digit-impressions; what is wrong with our giving two thumb-impressions?” Many persons argued with these men and tried to explain the difference between voluntary action and acting under the compulsion of the Black Act, but to no avail. They were woefully ignorant of the spirit of Satyagraha and did not realise the difference between the giving of 18 digit-impressions voluntarily and the giving of two thumb-impressions compulsorily under an obnoxious law. These Indians had thus forsaken Satyagraha by giving their thumb- impressions, but there were many others who were unyielding and realised that it was wrong to obey the law and hence they returned from the municipal office without giving their thumb-impressions. A number of these men boldly continued to trade without licences, holding themselves in readiness to go to gaol. [C.W.M.G., VIII, p 368]

On 16 July Essop Mia, Emam Abdool Cadir and two members of the Committee of the British Indian Association went out hawking various commodities without licences. Essop Mia carried two baskets of fruits and went



to various wellknown wholesale business houses selling his goods. He was surrounded everywhere by a crowd of European sympathisers. [*Ibid*, p 368]

Before taking to hawking, Essop Mia had written to *The Star* on 16 July that as the position stood it seemed to him that he and other Indians had armed themselves with voluntary registration certificates and also yearly licences, and had thus placed themselves in a better position than their fellow countrymen who had an equal right to live and trade in the Transvaal. The position of these fellow Indians was in jeopardy in view of the utter disregard by Mr Smuts, of the solemn obligations undertaken by him. Essop Mia therefore felt that he had erred in taking out his voluntary registration certificate and his annual licence. He, as well as other British Indians, who had taken a prominent part hitherto in helping the Government to the best of their ability, had therefore decided by way of protest and penance to become hawkers and give themselves the privilege of hawking without licences. If therefore the people of Johannesburg saw strange Indian faces with baskets of fruits and vegetables, they should understand that they had become unlicensed hawkers by way of protest against injustice. In taking this step with deliberation, Indians had no desire willingly to defy the laws of the land. It was because they had too great a respect for the laws of the country in which they lived, that they had undertaken to break certain statutes which were mis-called laws, but which could be more properly described as engines of tyranny. It was nobody's duty to submit to tyranny. The step they had now taken was therefore in his opinion a perfectly lawful and just one. [C.W.M.G., VIII, pp 364-5]

Gandhiji defined the second Satyagraha which had now started as true Satyagraha. "Those who are now ready to go to gaol are true satyagrahis, for it is in the interest of others that they are offering Satyagraha." He added that while



repeal of the Black Act was most important, the struggle was “not aimed merely at securing the repeal of the Act. It is a conflict between the whites and the coloured persons. The whites want to ride roughshod over us and keep us down always as slaves. We want to be their equals. The sword of Satyagraha was not to be used for cutting dung-cakes” he said, which was what the domiciliary rights of a handful of Transvaal Indians really were, “but to pierce the violent, rock-like hatred in the hearts of the whites”. This was a task which could not be achieved without courage. “Even if the Transvaal threw up a few brave Indians, they would fulfil their task, and cover themselves with undying glory.” [C.W.M.G., VIII, pp 366-7]

The first Satyagraha had been against the compulsory requirement of re-registration under the Black Act and compulsory giving of finger and thumb-impressions as provided under that Act. The second Satyagraha was for protecting the rights of educated Indians who might come in future. It was a fight against the proposed amendment of the Immigration Act by Smuts so that no Indian however highly educated could come to the Transvaal in future, except as a visitor. This was considered not only unfair to the future generations of Indians who might wish to migrate to the colony, but also to those who were already in the Transvaal, for they needed the services and support of highly educated Indians.

Moreover, the Indians could not be a willing party to all Indians being declared prohibited immigrants in future, as desired by Smuts. Smuts insisted on their acceptance of the proposed amendment of the Immigration Act as a precondition for the repeal of the Black Act. He said that he did not wish to face a Satyagraha against the amended Immigration Act later on. The Indians were not prepared to oblige him by agreeing not to resist blatant racial discrimination and meekly accept the proposed amendment.



The first convictions in the second Satyagraha took place on 21 July 1908 when the following persons were convicted for hawking without licences:

1. Ismail Akoojee
2. Moosa Essop
3. Dahya Prag
4. Hari Bhikha
5. Saleji Bemat
6. Ismail Ibrahim
7. Keshav Gulal and
8. Nagaji Morar.

Ismail Akoojee was charged before Mr P. C. Dalmahoy of 'D' Court for trading without a licence. Gandhiji appeared for the defence.

J. B. Barnett, who was a licensing inspector under the Johannesburg Municipality, stated that on the previous day, in the Market Square within the Municipal area, he had seen the accused exposing fruits for sale. He had asked the accused for his licence, but the latter had replied that he did not have one.

Cross-examined, he said that he did not know anything about Government instructions.

T. H. Jefferson, who was the Chief Licensing Inspector, produced the Government *Gazette* containing the Asiatic Law Amendment Act, the regulations and the notices issued thereunder authorising him to prosecute. He had seen a letter addressed to the Town Clerk by the Registrar of Asiatics of 7 July stating that the Asiatic Law Amendment Act was to remain on the Statute Book and that



no licences were to be renewed or issued to Asiatics unless they produced the registration certificates and gave their thumb-prints under the Act.

Cross-examined, he recollected that in January last several prosecutions had taken place and that Asiatics so prosecuted were then sentenced. In February the Government had issued instructions to him to issue licences to all Asiatics who produced a letter from the Registrar of Asiatics acknowledging the receipt of an application for voluntary registration. Such Asiatics were not called upon to give thumb-impressions. It was competent then for him to give licences for the quarter ended 31 March 1908 and afterwards he was authorised to issue licences for the quarter ended 30 June. He did not think that any licences had been issued from his Department for the whole year. The instructions contained in the letter of 7 July were the revised and most recent ones. He admitted that many Asiatics had produced voluntary registration certificates but had declined to give thumb-impressions.

Magistrate : If thumb-impressions were refused ?

Jefferson : I refuse to give licences. The registration certificate also must be produced.

Witness did not think that there had been any refusal to produce registration certificates. They had not been produced only by those who had not yet received them.

In reply to a question by the magistrate, witness stated that it was unnecessary up to the end of June to give thumb-impressions. No intimation was given of that requirement until Asiatics came to apply for licences. There was nothing in the *Gazette* about not giving thumb-impressions up to the end of June. That appeared to be an act of grace on the part of the Government.



This closed the case for the Crown.

The accused, giving evidence on his own behalf, stated that he had applied for a licence during the current month offering the licence fee. The licence was refused to him, because the authorities wanted his thumb-impressions under the Act, which he had refused to give. He had the licence up to the end of June and also a voluntary registration certificate.

Cross-examined, he said that he was not hawking without a licence at the time stated, but was walking along with his fruit in a basket on his way to the fruit store. He was not looking for customers. He admitted, however, that he had been hawking in the morning without licence. This closed the case for defence.

Gandhiji addressing the court said that it appeared that the Government had first issued one set of instructions and afterwards another, and the position was that the Indians did not know where they stood. [C.W.M.G., VIII, pp 382-3] If the Government had issued licences independently of the Asiatic Registration Act in February, why did they now insist on issuing them only under the Act?

The Magistrate sentenced the accused to a fine of 10 sh or in default to undergo four days' imprisonment with hard labour. The other seven accused were also awarded similar sentences. All the eight opted to go to gaol. [*Ibid*, p 388]

One Ahmed Essop Dowd was also similarly charged, but he did not answer to his name when called, and his bail was estreated. A few minutes afterwards he entered the court and stated that he had not heard his name being called. Gandhiji asked that his bail might be refunded, but the magistrate stated that he did not have the power to do so. [I.O., 25-7-1908; C.W.M.G., VIII, p 383] So he lost his bail money.



On the morning of 21 July Thambi Naidoo, a member of the Committee of the British Indian Association, and the same afternoon, Emam Abdul Cadir Bawazeer, Chairman of the Hamidia Islamic Society, G. P. Vyas, Mahomed Ebrahim Kunkey, M. G. Patel and G. K. Desai were arrested for hawking without licences. They refused to be bailed out and were brought before the court the next day.

Gandhiji sent the following cable to the South Africa British Indian Committee in London immediately:

Four Mahomedan and four Hindu hawkers elected to go to gaol hard labour trading without licences. They tendered licence fee but refused comply formalities Asiatic Act. Chairman Hamidia Society five other prominent Indians arrested similar charge refused being bailed. [C.W.M.G., VIII, pp 383-4]

Gandhiji wrote to Cartwright on the same day, 21 July, that Emam Abdul Cadir, chairman of the Hamidia Islamic Society, T. Naidoo, “co-signatory with me to the letter sent from the gaol” and four others had also been arrested for hawking without licences. These last were all gentlemen who in ordinary walk of life, were not hawkers, but they had taken to hawking by way of protest. The arrest of Emam Abdul Cadir would create a sensation not only in South Africa but throughout India, he added. [*Ibid*, p 384]

All the six mentioned above were charged with trading without having proper licences. J. B. Barnett, inspector of licences, stated that he arrested the accused at 2.30 p.m. on the 21st at the corner of the Market and Simonds Street. They stated that they had not taken out licences. Emam Abdul Cadir was the first to be tried.



Magistrate : Has he got permission from the Colonial Secretary to hawk without a licence ?

Gandhiji : No.

Gandhiji stated that his client felt aggrieved by General Smuts' action and had decided to suffer along with his poorer countrymen. They were now called upon to submit to the Asiatic Act contrary to General Smuts' earlier assurance. Having already complied with voluntary registration, they thought they should not be called upon to do so.

Magistrate : You took to hawking lately to put yourself in the same position as the hawkers ?

Accused : I took to hawking to defend my people.

Gandhiji : You are one of the people who assisted the Government in carrying out the compromise?

Accused : Yes, I endeavoured to explain to my people what the compromise was and I told them that if they complied with voluntary registration, they would not be called upon to submit to the Act.

Gandhiji : And the members of the Society you represent followed your advice and took out voluntary registration certificates?

Accused : Yes.

The Magistrate said that the charge was admitted and that was all that he was concerned with. He sentenced the accused to pay a fine of 10 sh. or suffer imprisonment for four days with hard labour.

The other accused were also similarly sentenced. [C.W.M.G., VIII, pp 385-7]

None paid the fine. They all went to gaol.



In the same court, the cases of Ebrahim Ismail and Suliman Bagas were also brought on 22 July and they were awarded the same sentence. They too opted to go to gaol instead of paying the fine. These two gentlemen had been the first to be arrested in this Satyagraha and their trial began on 20 July, but the judgment could not be delivered until the 22nd.

All Indians who went about hawking were not however strong-willed. One Adam Moosa and another Mangal Singh were arrested; while Adam Moosa went to gaol, Mangal Singh paid the fine thus escaping from going to prison. [*Ibid*, p 389]

Gandhiji wrote on 22 July that he hoped that those who went to gaol and would be free after four days, “will all take up the basket again for the sake of their country and start on their rounds, so as to be re-installed in gaol.” [*Ibid*, p 390]

7

After the arrest and sentence of Emam Abdul Cadir, a meeting was held near the court on 22 July and was attended by hundreds of Indians. It was resolved to observe a *hartal* on 23 July all over South Africa.

The following telegram was sent to Anjuman-i-Islam, Bombay, as well as to Calcutta, Madras and Lahore and also to the All-India Muslim League, Aligarh, and to Justice Amir Ali in England:

Chairman Hamidia Islamic Society and Priest other prominent Indians imprisoned hard labour non-compliance Asiatic Act. All Indian business South Africa closed symbol mourning. Society fighting India's honour. Government offer repeal Act if we accept prohibition entry eminent Indians. Indians reject this. [*Ibid*, p 390]



On 23 July “all Indian business throughout the Transvaal ceased for the day as a mark of respect towards the chairman of the Hamidia Islamic Society. Indian hawkers and pedlars ceased their regular rounds much to the discomfort of those European housewives who depended upon the services of these men. [I.O., 1-8-1908]

A large and enthusiastic meeting of over 1500 persons assembled in the precincts of the Hamidia Mosque, Fordsburg and listened intently to the addresses delivered by Gandhiji and other speakers. A few delegates from Reef towns attended, though none was specially invited. Essop Mia presided. [*Ibid*] About 300 Chinese also attended. [C.W.M.G., VIII, p 391]

Gandhiji was the main speaker, and he spoke both in English and Hindustani. [I.O., 25-7-1908] This was the longest speech delivered by him so far. He said that in January 1907 when they had embarked upon the passive resistance struggle in earnest, the ground had been prepared for it for nearly 16 months. But it was only in the month of January 1908 that General Smuts and his co-Ministers were able to realize the intensity and nature of the feeling that underlay the Indian agitation against the Asiatic Act. Rightly or wrongly, in the opinion of Indians the Act constituted an attack on their self-respect, their honour and their religion. However, the finishing touch was perhaps not put upon that fight when the prisoners were suddenly released owing to the compromise. “That finishing touch, in my opinion, is being placed upon the whole thing on this occasion.”

He added that Smuts had evidently been informed by some enemies from their own camp that the agitation in the previous year and during the month of January this year was mostly manufactured and that Gandhi was principally instrumental in keeping the fire up. He thought that Smuts had by this time come



to understand that the agitation was not a manufactured one, that the movement was absolutely sincere and spontaneous, and the part if any that he had played was that of a humble interpreter between the Government and his own countrymen. He was undoubtedly the first man to inform the community of what the Asiatic Act meant. He was the first one to point out that it bristled with objections, religious, as also on the score of the community's honour, but having done that, he claimed to have done everything that it was his duty to do. It was the Indians themselves who recognised the importance of the objections that he had ventured to place before them, and they decided solemnly and sincerely not to accept the Act. "And here we are today. In order to emphasize our objections, we find that one of the best men in South Africa among our own countrymen, the respected chairman of the Hamidia Islamic Society, has chosen to go to gaol rather than enjoy the liberty that he had received owing to his having received the voluntary registration certificate." He chose to suffer with his humbler countrymen, the hawkers. He felt that he should place himself in the same category and suffer imprisonment for the sake of the honour of India, for the sake of the hawkers themselves whom the Government wanted to have in their grip. "We have assembled this afternoon to do honour to that beloved fellow-countryman of ours, as also the others who have gone with him to share the miseries of gaol life." [C.W.M.G., VIII, p 392]

Continuing, Gandhiji said that everyone, both Indian and European, had thought that Indians would rather pay large sums of money in fines than go to prison. This view was universally shared even by the Indians living in South Africa. But all of them had now changed their opinion with Imam Saheb accepting gaol life for the sake of the community.



He added that the cleanest weapon that they had discovered for self-defence was the weapon of passive resistance which meant the acceptance of gaol life or whatever punishment the Government might choose to impose upon them for the breach of a law which they could not accept as free human beings. [*Ibid*, p 393]

Gandhiji told his audience that those who were taking licences under the Registration Act did not know what they were doing. “It might be asked why prominent Indians should go and take up hawking and force matters.” The answer was obvious and very simple — it was not possible for these men to sit still and remain in their comfortable homes, when they saw that poor hawkers, who perhaps did not understand the position as well as the leaders, were suffering. “I think that the leaders would have failed in their duty if they had not come forward and taken up hawking in order that they might be able to explain the real position and direct their poorer countrymen.” [*Ibid*, p 394]

8

On 24 July eight Indian prisoners were released. They reported to the British Indian Association that at the Johannesburg gaol for the morning meal they were offered mealie pap which they did not take, not having been accustomed to it. Consequently they had to be satisfied with only rice and beans at noon and if available for supper. The chairman of the British Indian Association wrote immediately to the director of prisons drawing his attention to the fact that British Indians as a body were not used to mealie pap and it was difficult for them all of a sudden to take to that diet. In view of many more Indians who would be suffering imprisonment in connection with the Asiatic struggle, he wrote, he would like the prison authorities to change the diet scale for British Indians. He added, “My Association does not ask for any favours, but simply for a substitute



which will be in keeping with the food habits of the British Indians.” [C.W.M.G., VIII, p 397]

The next day on 25 July Emam Abdul Cadir, G. P. Vyas and other leaders who had been sentenced on 22 July were released two hours before the usual time for release. This was presumably done in order to prevent any demonstration by the Indian community. However, it did not prevent an enthusiastic reception being given to the released prisoners. They returned to the gaol gates at the appointed hour and were received and welcomed by their friends. Amongst those who received them were Essop Mia, Gandhiji and other prominent men like Rev J. J. Doke, H. Kallenbach, G. Desai and Polak. The released Indians then drove to the Hamidia Mosque where refreshments were served. Hospitality was extended by Essop Mia. Then Emam Abdul Cadir and others including Gandhiji addressed those present. The burden of their speeches was that the struggle should be continued at all costs, [I.O., 1-8-1908] and that they were ready for a second and longer term of imprisonment. [*Ibid*]

On 26 July a meeting of the Konkani section of the community was held, which decided to collect funds for carrying on the struggle. At 2 p.m. on the same day a big mass meeting was held in front of the Hamidia Mosque to honour the released prisoners. Here they were accorded more honours and many more speeches were made. A great many persons handed over their registers to the British Indian Association, for being burnt. All present seemed to be full of enthusiasm and courage.

This was followed by tea and a concert organised by some Hindus. It was attended by the released prisoners and some select guests. There were in all 50 persons. The chairman of the Chinese Association Mr Quinn was also present. Essop Mia who took the chair said that such gatherings served to strengthen the



bond between the Hindus and Muslims. [C.W.M.G., VIII, pp 407-8] Gandhiji then spoke and endorsed Essop Mia's remarks wholeheartedly. He said, "Once we show courage and fill all the cells in the gaols, the Government will have to yield." Going to gaol was the key which would open the locks and remove their disabilities. [*Ibid*, p 401]

Urging all Indians to be courageous Gandhiji added that the Indian community must realise that even among the Indians the Government had created two classes. This was unjust. He would advise every Indian to fight unto death if the Asiatic law was retained.

Licences and registers had not yet been received in sufficiently large numbers from the people, he said. He wanted them to be handed over for burning. "I would also advise people to refuse thumb-impressions at Volksrust. We shall be deemed to have truly honoured those who had been to gaol, only if we ourselves — all of us — go to gaol." [*Ibid*, p 402]

On the evening of 26 July the Gujarati Hindus entertained the released prisoners in their hall on 13th street, Vrededorp. [I.O., 1-8-1908]

Gandhiji was doing all he could to make the Indians fearless. Fearlessness was the key to make a man a true satyagrahi. His letter dated 26 July, written at midnight to his cousin Khushalbhai, father of Chhaganlal and Maganlal, gives us a glimpse into his own state of fearlessness and spiritual development:

You ask me to look after 'myself, but we have been taught that the self does not die, neither does it kill nor cause anyone to be killed. If you mean by 'self the body, and ask me to take care of it, I would then point out to you that this has been dubbed *moha* (infatuation) by the Lord. What then shall I look after ? I shall take care of the self only, that is, I shall try



my utmost to realize it. One must cultivate the strength to sacrifice one's body in the process, if need be. [*Ibid*, p 401]

9

Gandhiji had meanwhile seen Hosken who showed him the draft Asiatic Voluntary Registration Bill that General Smuts intended to introduce. It was highly unsatisfactory. Gandhiji wrote to Cartwright on 27 July that this Act would never be accepted by the Indian community as it indirectly put voluntary registrants in the same category as those who had accepted the Act. "I draw your attention to the fact that it takes no note of pre-war refugees, whether holding £3 Dutch registration certificates or not. It rejects even the claims of those who hold Peace Preservation Ordinance permits and have thus a right to demand entry, and makes them liable to take out registration under the Asiatic Act." The new Bill, to his mind, was a wanton insult to the intelligence of the Asiatics whom it evidently assumed to be a lot of children who could be pleased by a little bit of gilding on the pill, he said. [C.W.M.G., VIII, p 402]

He also wrote to Mr Chaplin of the Progressive Party urging the adoption of his original suggestion that validation of voluntary registers should take place by an amendment of the Immigration Registration Act. [*Ibid*, p 403]

27 July began with the following notable arrests : Thambi Naidoo, Charlie Singli, Veerasamy Naidoo, Karumuttu Pillay and Gandhiji's eldest son Harilal Gandhi. [*Ibid*, p 409] A day earlier, Ramaswamy, Ali Mian, Gor Mian and Kanji Morar had been arrested. [*Ibid*, p 408] Gandhiji stood as defence counsel for Ramaswamy and others who were charged with hawking without licences in the court of Mr P. C. Dalmahoy. All of them were found guilty and convicted. [*Ibid*, pp 404-5]

Harilal, one of the convicted, had been studying in India away from his parents. In India, at the age of 19, he was betrothed and married by his uncle



Lakshmidas against the wishes of his father [C.W.M.G., VI, p 431], who was opposed to early marriage. He had come back to South Africa recently with his wife to live at Phoenix with his mother. [C.W.M.G., VII, p 40] When leaders from Natal began to pour into the Transvaal to defy the Immigration ban, Harilal could not resist the desire to join as a satyagrahi. He entered the colony *via* Volksrust where he was arrested for failure to register and warned to appear at Pretoria to apply for a registration certificate. Gandhiji wrote to the registrar of asiatics that his son did not intend to apply for registration certificate at Pretoria. [*Transvaal Leader*, 28-7-1908]

Young Harilal joined his father at Johannesburg. There he immediately commenced hawking and was arrested. He was put to trial on 28 July along with Thambi Naidoo and others. He was fined £1 or to seven days' imprisonment with hard labour. He preferred to go to prison. [*Ibid*, 29-7-1908; C.W.M.G., VIII, pp 405-6] Friends remonstrated with Gandhiji for letting his son go hawking. Giving the reasons for sending Harilal for hawking and to prison, Gandhiji said that he had advised every Indian to take up hawking. He himself could not join them since he was enrolled as an attorney. He therefore thought it right to advise his son to make the rounds as a hawker. He hesitated to ask others to do things which he could not do himself. "I think whatever my son does at my instance can be taken to have been done by me."

He added that it would be a part of Harilal's education to go to gaol for the sake of the country. He had always been telling people that Satyagraha was easy for those who could understand it well. "When I go to defend those who have been arrested, I do not strictly speaking defend them but only send them to gaol. If we have acquired enough courage, there should be no need for me to present myself in court." He thought it only proper that he should make the experiment



of letting satyagrahis fend for themselves by choosing his own son to do so in the first instance. Accordingly no arrangements were made for Harilal when he arrived at Volksrust, and he was left to fall back on his own resources. Since there were others with him at Johannesburg, Gandhiji had attended the court but asked for the maximum penalty for his son and his associates. It was their “misfortune” that they did not get it, [C.W.M.G., VIII, p 432] he said.

Gandhiji had often advised that no one should give his thumb-impression on arrival at Volksrust. People had not followed this advice. He had not insisted on this point before, but the time had now come for him to do so, he said. Thumb-impressions were now being asked for at Volksrust under the obnoxious law and they should not therefore be given. This object also he could easily achieve through Harilal.

After Harilal’s conviction, a series of arrests took place and trials followed each case. Gandhiji appeared in each and every one of the Johannesburg trials, and Polak was sent outside whenever legal appearance was needed. Besides this Gandhiji was constantly exchanging correspondence with the Government and writing to the editors of the leading papers to explain the Indian stand. No leader of the British Indian Association had however been arrested so far. Perhaps Gandhiji did not press them as he was still trying to negotiate with the Government.

On 5 August he wrote to Hosken bringing to his notice the diet problem of Indian prisoners. He informed him that the British Indian Association had approached the director of prisons for giving Indian prisoners a more humane diet. Europeans got food suitable to them, Cape boys got European food, and Natives got their national diet. Indians who were classed with Natives were however entirely neglected, except that for one meal they got a small quantity of



rice and ghee. For breakfast most Indian prisoners had to starve, as they could not accustom themselves to mealie pap. “I am afraid that perhaps the authorities out of sheer vindictiveness will not alter the diet scale of Indian prisoners if only to harass them. I think that my countrymen will not flinch but will accept the additional brutality. But can you not put questions in the House and otherwise move actively in the matter and bring about a reform that is just?” He added that General Smuts, when he was anxious to have everything from Indians at the time of the compromise, had smilingly told him that he would listen to him with reference to the special hardships of Indians in the Transvaal gaols. But those days were now gone. He hoped however that “a man like you (Hosken) would simply insist on some dietary decency being observed, or at least dissociate himself from the inhumanity practised in the name of the people of the Transvaal.” [C.W.M.G., VIII, pp 428-9]

Enclosing a copy of this letter, he wrote to Cartwright on the same day saying that while he took pride in the fact that so many of his countrymen were going to gaol and suffering even unnecessary hardships, he could not help feeling the situation most keenly, especially when he who was chiefly responsible for all this suffering had to remain unhurt. “I do think that subject to correction by you, it is time for you now to move editorially and give the Transvaal Press a lead.” [C.W.M.G., VIII, p 429]

It is not known whether Cartwright replied to this letter or talked to Gandhiji over the telephone advising him to write a letter to the editor of the *Transvaal Leader*. The telephone number of Gandhiji was 1653. [*Ibid*, p 360]

Gandhiji wrote to the paper on 8 August that Indian prisoners did not get the food they needed and therefore were half-starved, that Indians got mealie pap for breakfast every day and mealie pap for supper three times a week. Mealie



pap was good for those who were accustomed to it, but unfortunately Indians did not take mealie pap, and so in the Transvaal gaols they were partially starved. Moreover there was an added objection. In the mealie pap animal fat from beef and ham was added while cooking it, which was taboo for Indians, Hindus and Muslims. The authorities had been approached for relief, but up to the time of writing there had been no response. He added “My countrymen draw the conclusion, probably unjustifiably, that relief has been withheld in order to exasperate the Indians into submission.” If so, let the authorities take care that they did not exasperate them “into bitterest opposition to the Government and their measures.” [*Ibid*, p 435]

The *Transvaal Leader* editorially commented:

He (Mr Gandhi) asserts that Asiatics sent to gaol under the present Tom-fool administration of the Asiatic Act are being half-starved, owing to their not being given the kind of food they are accustomed to, and their inability to consume that which is supplied to them. These men are political prisoners; it is unjust if they are put to hard labour or made to wear prison clothing; it is infamously unjust if they are treated dietetically (sic), as Mr Gandhi says they are. We thought that countries professing themselves civilised had abolished torture. We seem to be an exception. Surely the medical authorities of the prisons are recommending the prisoners’ food which they can take. Are the medical officials’ instructions obeyed, as it is the duty of everybody connected with the Prisons Department, from the Colonial Secretary downwards, to obey them? Are the medical officers’ views being set aside? It is not as if there were any cooking difficulties. There is no food more easily prepared than rice.



If Mr Gandhi's accusation be well founded, we are acting in a way which would disgrace a Turkish province, let alone one of the British Imperial States. [C.W.M.G., VIII, p 434 fn]

10

The second prosecution of Harilal Gandhi took place on 10 August 1908. An unusually large crowd of Indians had assembled in 'B' Court in the afternoon to witness the proceedings. Harilal, aged 20, and described as a student, was brought before Mr H. H. Jordan on a charge of contravening the Asiatic Amendment Act by failing to be in possession of a registration certificate.

Harilal pleaded guilty. He was defended by his father. Mr A. Cramer appeared for the prosecution.

Police Superintendent Vernon gave evidence regarding Harilal's arrest, and further stated that he called upon the accused to produce his certificate of registration. The accused failed to do so saying that he did not possess one.

Gandhiji in defence said that the accused had no desire to leave the colony. Nevertheless, he was desirous that the court should make an order for the accused to leave the colony within 24 hours, as Harilal had no preparations to make and had made up his mind to go to gaol. [*Ibid*, p 442] Gandhiji made this request also because two other Indians, whose notice period under the Act to leave the colony was to expire on 12 August, would be ready to go to gaol. Harilal could go to prison with them. He hoped that the magistrate would accept this request. The accused's affairs were in his hands and so he had made the request on his behalf.

Mr Jordan ordered Harilal to leave the colony within seven days. [*Ibid*, p 436]



On the same day, 10 August, four other prominent Indians were charged before Mr Bangley, the assistant resident magistrate, for hawking without licences. Godfrey appeared for their defence. The magistrate found all of them guilty and imposed a fine of £1-7 Sh.-6d. Each of the accused was intimated that the fine would be collected by warrant of execution on the goods and chattels of the accused, under Section 248 and 249 of Ordinance No. 1 of 1908. [I.O., 15-8-1908] Thus a new form of harassment of satyagrahis was started.

In a mass meeting on the same day Gandhiji stated that he had received a telegram from Vereeniging to the effect that several Indian storekeepers, who were arrested for hawking or trading without licences, had been given by the magistrate no option of imprisonment but had been fined £1-7sh.-6d each and had to pay the fines within 24 hours or else to have their goods sold by the court. This had introduced a new phase in the struggle but he had no doubt that British Indians would not be put out by this. He did not know whether the magistrate had received instructions from the Law Department to put into force the provisions of the Law, meant for certain exceptional cases, or whether he had done it on his own initiative, but it showed clearly that the Indians were going to receive no quarter from Smuts. Nor did it behove them to ask for any. They were carrying on a fight which they hoped might compel Smuts to carry out his promise to repeal the Act — a promise which was published in the report of a meeting held at Richmond in which he had said that when all Indians in the Transvaal had registered, he would repeal the Act. [C.W.M.G., VIII, p 436] Gandhiji characterised this action of the magistrate as “organised robbery - legalised robbery”. [*Ibid*, p 438]

When Thambi Naidoo was in gaol, his pregnant wife went into labour pains and later gave birth to a still-born boy. Gandhiji accused the Government of high-



handed action in keeping Naidoo in gaol at that time and severely criticised Smuts saying that the Colonial Secretary was “responsible for the murder of young Mr Naidoo.” [C.W.M.G., VIII, pp 438-39]

The press was in general sympathy with the Indians. The *Transvaal Leader* wrote on 11 August that it had been agreed that no more Asiatics were to be allowed in and the Colonial Secretary had said the country could safely carry those already in the colony. “He has also told us that we cannot deport these people and cannot indefinitely imprison them.” Australia had managed to keep out Asiatics “by the way it interprets certain clauses of its Immigration Act.” The Transvaal could do the same with intelligent and uncorrupt officials. The Asiatics did not in the least object to their doing so, but they would be less than men if they did not say that they were not going to expressly and formally approve “our action in so doing.”

For the rest, the paper said the Indians only asked that the Colonial Secretary should carry out the promise contained in his own speeches, that with regard to the Asiatics who had registered voluntarily under the compromise, practically all in the colony had done it, the old Act would not apply and it would be repealed, “which we have no doubt the Colonial Secretary will do.” They asked further that Asiatics then outside the colony, but possessing the right to reside in the Transvaal, should “be free to submit their cases to our own courts, by whose decisions they must abide.” It was to be hoped, the paper added, that something on these lines would be done. “By all means, let us keep out Asiatics henceforth and by all means let us rigorously prosecute any here who do not conform to proper municipal standards and so compete on unfair terms; but what we gain in cash or credit by imprisoning and terrorising people whom our own Government



tells us we have to accept, willy-nilly, we are too dense to be able to comprehend.” [I.O., 15-8-1908]

The Star was on Government’s side and commented on 11 August:

Mr Gandhi accuses the Colonial Secretary of a flagrant breach of promise in that he declines to repeal the Asiatic Act, while on the other hand Mr Smuts insists that the Asiatic leader now demands new concessions.... But his (Gandhi’s) testimony... is certainly not conclusive...

When Mr Gandhi goes so far as to accuse Mr Smuts of ‘murder’ and ‘organised robbery’, even those who are not unsympathetic must feel sceptical of his trustworthiness in questioning of fact Mr Smuts is the servant of Parliament and any promise he may have made to Mr Gandhi was necessarily subject to the ratification of the legislature (Accepting Mr Gandhi’s proposal would involve) the unrestricted admission ... of the thousands of Indian lads who have been or are being educated in the schools of Natal (or India) Whatever hardships the Asiatics have suffered they owe entirely to the recalcitrancy and folly of their leaders ... they cannot complain when they are called upon to bear the consequences.... [C.W.M.G., VIII, p 446 fn]

Reminding the editor of *The Star* of what Smuts had said on 6 February immediately after the compromise, and what his paper (*The Star*) had reported, Gandhiji wrote on 12 August:

You resent my having accused General Smuts of the murder of Mr Naidoo’s child and my having used the expression “legalized robbery” in connection with the magistrate’s order at Vereeniging to seize the goods of the Indians charged, in lieu of the payment of the fines imposed upon them. I witnessed the scene enacted in Mrs Naidoo’s room immediately



after her husband's third incarceration. I cannot forget it. Six days after, I heard that she had a still-born son. Mr Naidoo had committed no offence save that, first of helping General Smuts out of an awkward dilemma, and then of preferring his conscience to everything else. Although you may wonder, I must repeat that the death of the child must be laid at the door of General Smuts. Lastly, if a private individual were to take away my goods by violence, the law would call it robbery. When the legal machinery itself is utilised to confiscate my goods and thus to compel me to surrender my conscience, I may be pardoned for calling the process "legalized robbery". And yet that is what a forced sale of the goods of those, who have done no wrong, means to most Indians. [C.W.M.G., VIII, p 447]

11

11 August 1908 was a memorable day for the Indians living in the Transvaal, nay, the whole of South Africa. The much-awaited Bill to amend the Asiatic Act was announced by the Government.

Its name was "Bill to validate Voluntary Registration of Certain Asiatics who failed to comply with the provisions of Asiatic Law Amendment Act, 1907".

Section 1 of the Bill read:

1. Every person
 - (a) who is an Asiatic as defined by the Asiatic Law Amendment Act [2 of] 1907; and
 - (b) by whom an application for such voluntary registration as aforesaid on the tenth day of February [1908] or on any day subsequent thereto up till the tenth day of May 1908, was made to the Registrar of Asiatics or other duly authorized officials; and



(c) to whom a certificate in the form set forth in the Schedule to this Act was issued by such Registrar,

shall be deemed to be the lawful holder of a certificate entitling him to enter and reside in the colony. [*Ibid*, p 454]

This was obviously a most unsatisfactory piece of legislation. In an interview to the *Transvaal Leader* on 12 August Gandhiji explained that the Bill would not satisfy the Asiatic communities, “because they hold that it breaks the terms of the promises made by General Smuts when the compromise was arrived at”, and that it set up two kinds of legislation for the same class of people. The Bill did not protect Asiatics who were entitled to enter the country and had entered after the expiry of the three months appointed for voluntary registration, and also those who were resident in the Transvaal on the date of the compromise, but did not take out voluntary registration certificates. These Asiatics would have to be in accordance with the new Bill, registered under the old Asiatic Act. The result in some cases would be peculiar for the Asiatics. There were cases in which sons had taken out voluntary registration certificates and fathers, who were not in the colony during the three months, had not done so, and would therefore be called upon to register under the old Act. The Bill, the Indians held, only nominally exempted Asiatics, who had voluntarily registered, from the provisions of the Act.

There were two conditions to be fulfilled by the Government under the compromise. One was that to all those who registered voluntarily the Act should not be applied. The other was that the voluntary mode of registration should apply to those who were outside and came back and entered the Transvaal later. Both of these conditions were being disregarded in the new Bill. Further, no provision had been made for pre-war Asiatic residents who had not yet returned



to the Transvaal; such old residents, if they chose to accept the old Asiatic Act, could, under the discretionary clause, take out certificates of registration. The Asiatics who would not comply with the terms of the old Act would now be debarred from entering. The same remarks applied to educated Indians who could enter the colony under the Immigrants' Restriction Act, but who would become prohibited immigrants by reason of their non-compliance with the Asiatic Act. "This is an adroit move, but hardly an honourable one." [C.W.M.G., VIII, pp 448-9] The Indian community took strong objection to it, Gandhiji said.

On 13 August, the leaders of the British Indian Association submitted a petition to the Speaker and members of the Transvaal Legislative Assembly. The petition stated, among other things, that the new Bill was "in conflict with the compromise", and "in breach of terms that were to be fulfilled by the Government". It said that the leading members of the Indian community had fulfilled their part of the compromise "at much personal sacrifice and even at the risk of their lives". The Bill disregarded "the admittedly valuable help" rendered by the British Indian Association to the Government in connection with the compromise. The petition prayed that the "Hon'ble House reject the Bill or grant such other relief as to it may seem fit and proper". [*Ibid*, pp 450-1]

Gandhiji sent this petition immediately to Hosken for presentation to the House, but the latter informed him on 14 August that it would be presented on the 18th as it had reached him "too late for presentation today". He added, "I have twice had a talk with General Smuts over your case but failed to get him to take my view. He assures me, however, that he desired to deal justly and sympathetically with the Indian people." [S.N., 188-9]



On 14 August Gandhiji wrote to Smuts that he was approaching him “on the eve of what promises for Indians to be an interminable struggle”. He said:

On Sunday (16 August)* we meet to burn registration certificates By Sunday, it is highly probable that we will have at least 1500 (certificates received for burning).

The difference between you as representing the Government and the British Indians is very small indeed. I appeal to you once more, therefore, to revert to the draft Immigrants’ Restriction Bill that was shown to me, and to accept the amendments suggested by me, leaving the question of educated Indians open, unless you can bring yourself to so amend the Act as to keep the door open for educated Indians being professional or university men. I ask you to study carefully the petition to be presented to the House and to answer to yourself whether the Bill published does not break the compromise in almost every particular. I ask you, then, to go back to the interviews we had before voluntary registration started, and to what you used to say. I ask you further to accept my assurance that there is absolutely no wish on my part or on the part of the leaders of the Indian community to seek for anything more than fair treatment of those who are *bona fide* residents of the country.

If the proposal above made by me is not acceptable to you, I venture to suggest that you see a few Indian leaders and come to an acceptable arrangement which will carry out the spirit of the compromise and end a painful situation. If you cannot do either, I am afraid that the resolve to burn the certificates at the mass meeting on Sunday must be carried out.



The sole responsibility for the advice rests on my shoulders. [C.W.M.G., VIII, pp 451-2]

When the letter was received by Smuts, it was taken as an ultimatum — the word used by the General himself. On receipt of this letter, the Colonial Secretary got angry and said that the people who had offered such a threat to the Government had no idea of its power. He was only sorry that some agitators were trying to inflame poor Indians who would be ruined if they succumbed to their leaders' blandishments. [M. K. Gandhi, S.S.A., p 305]

Gandhiji wrote later that when the draft of the letter to Smuts was being prepared, there was much discussion. Would not the demand for reply within a stated period be considered impudent? Might it not be that it would stiffen the Government and lead them to “reject our terms which otherwise they might have accepted? Would it not be sufficient to announce the community's decision indirectly to the Government? After giving due weight to all these considerations we unanimously came to the conclusion that we must do what we thought to be right and proper for us to do.”

They felt that they must run the risk of being charged with discourtesy, as well as the risk of the Government refusing in a huff what otherwise they might have granted. “If we do not admit our inferiority as human beings in any sense whatever and if we believe that we possess the capacity for unlimited suffering for any length of time, we must adopt a straightforward course without hesitation.” [*Ibid*, pp 307-8]

The proposed step which had ‘some novelty and distinction’ about it had ‘its reverberations in the Legislature and in European circles outside.’ Some congratulated the Indians on their courage while others got very angry and asked for condign punishment to be awarded to Indians for their insolence. Each



section acknowledged the novelty of the Indians' fresh move. The letter created a greater stir than even the commencement of the Satyagraha movement in 1907 had done, which was also a novelty when it was started. The reason was obvious. When Satyagraha was started, no one knew what the Indians were capable of, and therefore neither a letter of this kind nor the language in which it was couched would have been fitting for that initial stage. But now the community had had its baptism of fire. "Everyone had seen that the Indians had the capacity of suffering the hardships incidental to an attempt to get their wrongs righted, and therefore the language of the 'ultimatum' appeared in the light of a natural growth and not at all inappropriate in the circumstances." [M. K. Gandhi, S.S.A., p 309]

On the same day 14 August Gandhiji also wrote to Sir George Farrar, as he considered it his duty to lay before the Leader of the Opposition the gravity of the situation and to set out his objections to the Validation Bill, for the latter's consideration. [C.W.M.G., VIII, p 453]

* The date earlier fixed for burning these certificates was Sunday, 12 July, but it was postponed in deference to Cartwright's suggestion.

On Sunday 16 August 1908 at 4 p.m. a huge mass meeting was held at Johannesburg. The whole space looking westwards from the Fordsburg mosque within the fence was packed with members of the Indian community of all grades, of all creeds and from all places of origin. Some 3000 British Indians had gathered together purposefully, intent only upon consigning the registration certificates to the flames. Gandhiji wrote in his memoirs later, "It was a wonderful display of



national unity and one that the mother country might well be proud of.” The air vibrated with expectancy and a tense feeling seemed to hold every one in check — until the supreme moment came.

On the platform were the Natal Indian Congress leaders, Dawad Mahomed, President Natal Congress, Pardee Rustomjee, Vice President Natal Congress and M. C. Anglia, besides Adam H. G. Mahomed, Chairman of the British Indian League who by a happy chance was able to represent the Cape Indians, and Leung Quinn, Chairman of the Chinese Association. Delegates from several Transvaal towns were also present, and Indians from those places that were unrepresented in the meeting had sent telegrams of sympathy and support.

Essop Mia presided over the meeting. Below him was the Press table, and beyond that, a sea of upturned and expectant faces with determination, and a bitter merriment stamped deep upon each face. In the front row, a dozen representative Chinese leaders sat with grim faces, awaiting the fateful moment. [I.O., 22-8-1908; C.W.M.G., VIII, p 456]

The chairman said that the meeting was one of the most unique in the Indian annals in South Africa. “You see before you the revered chairman of the Natal Indian Congress, the president of the British Indian League at Cape Town, a vice-president of the Natal Indian Congress, and you see the joint secretary of that Congress. All these have come to assist us and to show that they are just as ready to suffer as we are.” He added that their presence demonstrated that the question in the Transvaal was a South African question, indeed an Imperial question. They had to meet an unholy combination against them. “I fear that, on this question, there is no such thing as progressive opposition,” and, if they were successfully to fight this combination, “it goes without saying that we must be united and we must be prepared for the worst.”



Why had these gentlemen from Durban come here, the chairman asked. Why had they brought with them others who claimed the right to enter the Transvaal ? It was not because they wanted to defy the laws of the country in so far as they were bearable, but they wished to show as clearly as they could that it was impossible for the Government to administer their laws successfully, unless they carried with them the majority of, and the most respectable among, the community to which such laws were applicable. “We are now showing, by the determined opposition that we are offering to the Asiatic Law Amendment Act, that we resent it, that it is against our conscience to submit to it, that we have suffered much for it, and that the vast majority of Indians in South Africa are totally against it.”

Everyone who had entered the Transvaal had entered by way of protest against the breach of the compromise committed by General Smuts, he continued, and “against an invasion of our just rights”. They claimed that those who had lived in the Transvaal before the war had a right to return to the Transvaal and to live in it unmolested, subject to such supervision as might be necessary in order to effectively identify them from those who might be intruders. They claimed that those who were so entitled should not be subjected to harassing inspection, much less to any symbol of the Asiatic Act, so long as it remained on the Statute Book. They claimed further that educated Indians had, under the laws of the colony, a right to enter the colony. “In our Durban guests, therefore, we have, in Mr Dawad Mahomed and Mr Parsee Rustomjee, not only distinguished Indians, but pre-war residents of the Transvaal. In Mr Anglia, we have again a representative Indian, but at the same time, possessing sufficient educational qualifications (required) under the Immigrants’ Restriction Act.” There were other Indians who had arrived who possessed Peace Preservation



Ordinance Permits, or Dutch Registration Certificates, or educational qualifications. “These, according to General Smuts, should become prohibited immigrants, if we want repeal of the Asiatic Act. It is impossible for us to accept any such bargain.” They had been fighting all along, he concluded, not with a view to gain some questionable advantage for themselves but to gain self-respect and equal advantage for all those Indians who had a right to enter the Transvaal. [I.O., 22-8-1908]

Gandhiji in his speech declared that he was going to repeat the advice that he had been giving his fellow-countrymen for “some length of time” and that was that “as events have taken the turn that you know in connection with our struggle, we must burn our certificates” (Applause). He added that he was told that he might be instrumental in imposing on his countrymen untold suffering if they followed his advice. “I know that well, but I do know this also that if the burning of the certificates will impose untold suffering on you, the keeping of these certificates and submission to the Asiatic Act or to the Validation Bill that is to be read a second time tomorrow, will impose on my countrymen untold indignity, and I say with the greatest emphasis at my command, that I would far rather that my countrymen suffered all they have to suffer, than that they have imposed on themselves indignity.” Further, “my countrymen here in the Transvaal” had taken a solemn oath not to submit to the Asiatic Act. The solemn oath was taken not merely to be fulfilled in the letter but in spirit also, and if they were so ill-advised by him, or by anybody else, that they might accept the Voluntary Asiatic Registration Validation Bill and flatter themselves with the belief that they had escaped the Asiatic Act, “I shall call myself a traitor to my countrymen, a traitor to God, and a traitor to my oath. I shall do no such thing, no matter what suffering may be imposed on you by reason of burning your certificates.”



He however warned, that if they did burn their certificates, they should bear in mind that they were not to take advantage of the certificates at any time whatsoever until a proper and just and honourable settlement had been arrived at.

“It is open to you to take copies tomorrow of the certificates that may be burned to ashes today, by paying 5 sh. I dare say that the Government will give you copies of these certificates even free of charge because the Bill has not yet become law, but if there is any Indian in this vast assemblage who wants to take out a copy of that certificate and today wishes to burn the certificate, either out of shame or false modesty or any other reason of a similar nature, then I say emphatically let him step forward and say he does not want his certificate to be burned, but if it is your solemn resolution that you will not go to the Government to ask for a copy of the certificate, then I say, you have well done.” [C.W.M.G., VIII, p 457]

Polak, who followed Gandhiji, said that he wished first of all to thank the audience for their hearty welcome. He then informed them that he had been honoured by being conferred a special title, ‘the shepherd of the Indian community’. He did not know exactly why, but he presumed it was for three reasons : “First of all, because I have considered it my duty, so far as possible, to guard the Indian community; next, because I have considered it my duty to see that they went the way they should go; and thirdly, because I have considered it my duty to see that when all was finished they were properly locked up.”

He said, he was in Durban a few days ago, and at that time he was the guest of Mr Anglia. At the dinner Mr Abdul Cadir said to him jokingly, “Mr Polak, you cannot be Indian, because your complexion is too fair.” Polak replied that it was



of course possible to be an Indian even if one had a fair complexion; but he looked at it from another point of view. He said:

“We today are not here as Indians only, we today are here as men first of all. We were men before ever we were Indians or Englishmen, and, although you may be born in India and I in England, although seven oceans may lie between us, although the whole stretch of a continent may divide us, there is one thing that unites us, and that is what Mr Anglia has called our common humanity, and that is regardless of colour, race or religion. I am here today to speak to you as an Englishman and not as a member of the British Indian Association nor as the Editor of *Indian Opinion*, but as an Englishman, because I wish to join myself with you today, as I feel that my honour is at stake equally with yours, in the proceedings that are before our eyes today.” [I.O., 22-8-1908]

Four resolutions were then- passed unanimously. The first resolution protested against the Asiatic Voluntary Registration Validation Bill which was before the Parliament of the Transvaal, and endorsed the Petition presented to the Hon’ble the Legislative Assembly on behalf of the British Indian Association.

It was proposed by Mr Dawad Mahomed, President Natal Indian Congress, seconded by Mr Adam H. Gool Mahomed, President British India League, Cape Town, and supported by Mr Parsee Rustomjee (Vice-president, Natal Indian Congress), Mr M. C. Anglia (Joint Secretary, Natal Indian Congress) and Mr V. A. Chettiar, Chairman, Tamil Benefits Society.

The second resolution re-affirmed solemnly, sincerely, and prayerfully the resolution of the British Indian community not to submit to the Asiatic Act, which it considered to be contrary to religion and their conscience.

It was proposed by Mr Emam Abdul Cadir Bawazeer (Chairman, Hamidia Islamic Society), seconded by Mr T. Naidoo and Moulvi Ahmed Mukhtiar, and



supported by Messrs Ebrahim Aswat, Dildar Khan, E. M. Cachhalia, R. K. Padiachy (Pretoria), V. Chetty, P. K. Naidoo, and M. P. Fancy.

The third resolution said that the Asiatic Voluntary Registration Validation Bill was a breach of the compromise entered into by the Government with the Asiatic communities and hoped that the colonists would demand an honourable fulfilment of the terms entered into by General Smuts on behalf of the Government of the colony and in the name of the colonists.

It was proposed by Mr Abdul Rahman (Potchefstroom), seconded by Mr E. M. Patel (Vereeniging), and supported by Messrs R. S. Chokalingam Pillay, Harishankar Joshi (Durban), A. E. Chootabhai (Krugersdorp), and Amod Suliman Khota (Heidelberg).

The fourth resolution authorised the chairman to forward copies of these resolutions to the proper quarters. [I.O., 22-8-1908]

What followed next may best be given as reported in the *Transvaal Leader* of 17 August.

“A large three-legged pot [Gandhiji has, however, said that it was a four-legged cauldron. S.S.A., p 204] was then filled with the registration certificates, about 1300 in all, and about 500 trading licences. Paraffin was then poured in and the certificates set on fire, amid a scene of the wildest enthusiasm. The crowd hurrahed and shouted themselves hoarse; hats were thrown in the air and whistles blown. One Indian, said to have been a leading black-leg, walked on to the platform, and setting alight his certificate, held it aloft. The Chinese then mounted the platform and put their certificates in with the others.” [C.W.M.G., VIII, p 456]



The die was cast. The final irrevocable step had been taken. The second Satyagraha struggle was a ‘do or die’ struggle to end in death or victory.



PART THREE
THE STRUGGLE DEEPENS



CHAPTER—XIII: PERVERSION OF DEMOCRACY

1

When Gandhiji and Ally went to England in October 1906 to represent to His Majesty's Government against the ordinance meant for enforcing the third registration of Asiatics, Sir Richard Solomon had gone there to advise His Majesty's Government with regard to the new constitution for the Transvaal. Smuts had been there earlier in January 1906 to plead for early self-government for the Transvaal on the basis of a constitution which would give real power to the elected representatives of the people.

Smuts had been able to win the head and heart of Prime Minister Campbell-Bannerman, who in turn had convinced his Cabinet that the Boers could and should be trusted. In 1906 the Transvaal was thus on the way to self-government.

Smuts wrote thus in an account of his crucial meeting with the British Prime Minister, published 42 years later in Campbell-Bannerman's old school magazine :

The man who wrought the miracle was Sir Henry Campbell-Bannerman, to all appearances an ordinary man, almost commonplace to the superficial view, but a real man, shrewd and worldly-wise but rooted in a great faith which inspired a great action. I discussed my mission with many members of the Cabinet — perhaps the most brilliant Government Britain had had for a long time — and with men among them like Asquith, Edward Grey, Lloyd George, John Morley, and last but not least, Winston Churchill. Campbell-Bannerman looked the least distinguished in that



galaxy of talent. But what a wise man, what statesmanship My mission failed with the rest, as it was humanly speaking bound to fail. What an audacious, what an unprecedented request mine was — practically for the restoration of the country to the Boers five years after they had been beaten to the ground in one of the hardest and most lengthy struggles in British warfare. But with Campbell-Bannerman my mission did not fail. I put a simple case before him:

‘Do you want friends or enemies? You can have the Boers for friends, and they have proved what quality their friendship may mean. I pledge the friendship of my colleagues and myself if you wish it. You can choose to make them enemies, and possibly have another Ireland on your hands. If you do believe in liberty, it is also their faith and their religion.’ He was a cautious Scot, and said nothing to me, yet I left that room that night a happy man. My intuition told me that the thing had been done. [Hancock W. K.: *Smuts, Vol. I The Sanguine Years*, 215, quoting from Glasgow High School magazine’s Campbell-Bannerman centenary issue]

Smuts told the British leaders, it was not the Englishman in South Africa that the Boers were afraid of; they were opposed only to the money power of the capitalists. This argument appealed to the Liberals. Smuts had also held out the hope of early establishment of the union of all the four colonies in South Africa and said that Boers and Britons would be equal partners in the Union. They would merge to become the new South African nation, just as the French and the English-speaking immigrants had become a new nation in Canada. The Union of South Africa, he assured them, would be a loyal member of the Empire. The Imperialists were happy that the Transvaal had accepted the fact of its annexation by Britain and had agreed to become a self-governing colony.



It did not worry the Boers or the Britons or His Majesty’s Government that there was a large population of non-whites in South Africa — the natives of Africa, the Coloureds (mixed breed) and the Asiatics, especially Indians who had been brought by the Government to Natal and had played an important part in the development of South Africa, especially Natal. These non-whites numbered several times the total white population. They were being completely ignored by the new constitution which gave them no political rights.

2

The population composition of South Africa, according to the 1904 census [Official Census figures 1904 of South African States], was as below:

	Cape Colony	Natal	Transvaal	Orange River Colony	Total	Percentage
Europeans	579,741	97,109	297,277	142,679	1,116,806	21.58
Native	1,424,787	904,041	937,127	225,101	3,491,056	67.45
Coloured	395,034	6,686	24,226	19,282	445,228	8.60
Asiatic	10,242	100,918	11,321	253	122,734	2.37
	2,409,804	1,108,754	1,269,951	387,315	5,175,824	

It did not seem strange or incongruous to the white man to occupy the Natives’ land and reduce them to virtual slavery, or to exploit the labour of Africans and Indians and deny them the basic human rights.

There were a few men with a conscience such as Merriman and Schreiner of the Cape Colony, who felt that Natives and other non-whites should be given the franchise, provided the white supremacy was not threatened. The Cape Colony had severely restricted the number of those who could have the vote, by



laying down stringent economic qualifications to restrict the number of voters, especially the non-white. The result was that in 1907 out of 142, 367 voters in the Cape Colony, 85.2% were white, 10.1% Coloureds and 4.7% Africans. But even this limited franchise was considered a danger, by other colonies, the fear being that the Africans and the Coloureds, by voting together, might be able to influence the elections. This factor had considerable weight at the time of framing the Union Constitution which limited Parliamentary seats to “British subjects of European descent”. [James D. Hunt : *Gandhi in London*, p 106]

In Natal, which was ruled by Britons, there had been the pretense of colour-blind franchise, but in actual practice in 1909, out of the 23,686 registered voters, 99.1% were whites and there were just 150 Asian, 50 Coloured and six Native voters. [Taken from Select Constitutional Documents on South African History, edited by G. W. Eybers (London 1918)]

In the Transvaal and Orange Free State, the two Republics, ruled by the Boers, franchise had been given to every adult Boer and denied to every non-white. The English-speaking white Uitlanders had been also practically disenfranchised by President Kruger by clever regulations. This was one of the causes of the Boer War. [Gandhi, M. K. : S.S.A., pp.32-3]

The South African League, before the War, had called Kruger’s policies racist as they asserted Boer supremacy over Britons. After the Boer War, Afrikaner propaganda called Milner’s policies racist because they asserted British supremacy over the Boers. It was a case, on both sides, of the pot calling the kettle black. Both were highly racist with regard to the non-whites and were not even conscious of the injustice of their racist policies. [Pyarelal : *Discovery of Satyagraha*, Vol. II, p 442]



Smuts in his student days believed that the Native question was a major question for South Africa. In later years he admitted that it was a long-term crucial question but he tried to sweep it under the carpet both at the time of formulating the Constitution for the Transvaal in 1906 and of the Union of South Africa in 1908 and 1909.

Commenting on Smuts' memorandum with regard to the Constitution of the Transvaal which he had sent to Merriman, the elder statesman wrote to the younger man saying, "What struck me at once in reading your admirable remarks on liberal principles was that they were open to the same objection in kind as the American Declaration of Independence, viz., that you ignore 3/4 of the population because they are coloured." He did not like the Natives at all and he wished that they had no black man in South Africa. But there they were, "Our lot is cast with them by an over-ruling providence," and the only question was how to shape their course so as to "maintain the supremacy of our race and at the same time do our duty." [Smuts Papers, Vol. 4, p 53, serial 287]

Thus it is seen that even the best of them went only thus far and no further. The whites were a superior race and must dominate the non-whites who were, according to them, either completely uncivilized such as the Natives, or at a far lower scale of civilization as the Indians. It did not cross their minds that eastern civilizations might be superior to their own civilization.

3

Merriman was against complete disfranchisement of the non-whites. He realized that there might be some danger in following the Cape policy. It might be possible that some day the Coloured vote could become overwhelming and swamp the whites because of numbers, or else that the whites might truckle to the non-whites in order to get their votes. But these dangers were insignificant



and very remote as compared to the danger of denying the vote to them all, as was done by the two republics. This latter danger, he felt, was “Immediate, cumulative and extreme.” He was of the view that the franchise would act as a safety valve and prevent a violent explosion.

In his excellent book biography of Smuts, Hancock quotes Merriman as below:

What promise of permanence does this plan give ? What hope for the future does it hold out ? These people are numerous and increasing both in wealth and numbers. Education they will get, if not through us then by some much more objectionable means. They are the workers, and history tells us that the future is to the workers. [W. K. Hancock : *Smuts — The Sanguine Years*, p 220]

Merriman added that above all they had the saddest of all spectacles, the ‘poor white’, that appalling problem, which must cause the deepest anxiety to anyone who loved South Africa or who wished to see it flourish, people who in many cases sank below the level of the clean-living native. “Does such a state of affairs offer any prospect of permanence ? Is it not rather building on a volcano, the suppressed force of which must some day burst forth in a destroying flood, as history warns us it has always done ?” [Hancock, *op cit.* p 220]

Merriman advised Smuts to adopt the model of the Cape franchise in the Transvaal. He said, “Give every man who qualifies a vote but set the qualification reasonably high.” Such a procedure would enfranchise a few ‘rich blacks’ and disfranchise many ‘poor whites’. Any other procedure seemed to him ‘false doctrine’. [Smuts Papers, Vol. 4 No. 53]

Smuts replied on 15 March 1906 : “With much that you say I most cordially agree. In principle I am entirely at one with you on the Native question. I sympathise profoundly with the Native races of South Africa, whose land it was



long before we came here to force a policy of dispossession on them.” It ought to be the policy of all parties to do justice to the Natives, he said, and to take all wise and prudent measures for their civilization and improvement. But he did not believe in politics for the Natives. “Perhaps at bottom I do not believe in politics at all as a means for the attainment of the highest ends,” he added. But certainly so far as the Natives were concerned, politics, he thought, would have an “unsettling influence”. So he would not give them the franchise but would feel inclined to shift the intolerable burden of solving that sphinx problem to the ampler shoulders and stronger brains of the future. “Sufficient unto the day....” He felt that strong forces were at work which would transform the Afrikaner attitude to the Natives. Also, it hasn’t happened until today.

“On manhood suffrage”. Smuts continued, “I frankly disagree with your old-world Toryism So let us agree to differ.” [*ibid*] Smuts might have admitted the brutal truth that any man in the Transvaal who suggested enfranchising the Natives on however limited a scale and disfranchising the whites, however poor and ignorant, had no future in the politics of the colony.

It is interesting to see that while the franchise, according to Smuts, would raise the level of the poor whites, he did not apply the same logic to the Natives on whom, he said, it would only have an “unsettling influence”. [Smuts Papers, Vol. 4 No. 54 Serial No. 287] Men are generally prone to find arguments to justify their own beliefs and Smuts was no exception.

Merriman and Smuts were both aware of the injustice that was being done to the Natives. The only difference between them was that Merriman wanted to give them a restricted franchise which would preserve the supremacy of the whites. Smuts wanted to keep them out of politics and the power game altogether. Merriman weakened his own case by adding at the end of his letter



that what he had said on the Native question was “a pious opinion” and “impossible” from a practical point of view. [Smuts Papers, Vol. 4 No. 54, Serial No. 287] It might be said that he had truckled to the prevailing colour prejudice.

4

If Smuts was busy with the Transvaal constitution in 1906 when the Asiatics were putting up a fight against the Black Ordinance, he was overwhelmingly burdened with the activities connected with the Union of South Africa including the drafting of the Union constitution from 1907 to 1909, when the Indians were fighting against Law 2 of 1907, the Black Act passed by the Parliament of the self-governing colony of the Transvaal and assented to by His Majesty’s Government and for legal equality of Indians and Europeans. He had very little time to attend to the Indian problem and could barely find a few minutes to meet Gandhiji and his friends from time to time.

The Satyagraha had ended with the compromise resulting in the voluntary registration of Indians. This compromise having been wrecked by Smuts, Indians had launched the second Satyagraha. Smuts did not take it too seriously. He had on his hands what was for him the more important and pressing problem, the problem of the unification of South Africa.

The Union of South Africa had long been contemplated and finally became a reality in 1910. Smuts was its main architect. A look-back at the history of South Africa will not be out of place at this stage.

The British had conquered the Cape early in the 19th century in order to have control over the sea route to India. Keeping that control secure was their firm purpose. For the rest, their evangelical, economic and imperial interests were in conflict with one another. In the second quarter of the 19th century the British were anxious to remove the disabilities of the Natives and pursued a



liberal policy towards Africans. [Thompson L. M.: *The Unification of South Africa* p 1] This did not find favour with the Boers.

The Boers in the Cape were of Dutch descent. They were farmers and when they found that over and above losing their slaves as a result of abolition of slavery, they could not take work from Africans as they wished, they decided not to submit to British interference with their independence and left the Cape and moved up north. They not only occupied free land, but in addition took the Natives' land by ousting the Africans from their own land in their own country. They set up the Republic of South Africa which later was named the Transvaal. [Thompson L. M.: *The Unification of South Africa* pp 1-2]

Similarly, the Republic of the Orange Free State which the British named the Orange River Colony (O. R. C. 1902 to 1910) was also set up. Both the Republics were ruled by Boers. Their language was Dutch which changed in the course of time and a vernacular was evolved which differed sufficiently from Dutch to develop as a new language and ultimately became the language of the Boer Republic and a symbol of Boer nationalism.

The British had annexed Natal in 1843. The Cape and Natal came to be ruled by Britons — the English-speaking immigrants from Britain. The British granted the Voortrekkers' two Republics, ruled by the Boers, independence under the Sand River Convention of 1852 and the Bloemfontein Convention of 1854, keeping some sort of an overall suzerainty over them. The Cape and Natal became selfgoverning colonies of Great Britain before long.

Both Boers and Britons were settled in all the four colonies in various numbers, although as a whole the Boers were more numerous than the Britons. Britons, though less in numbers, dominated the finance and commerce of all the four colonies.



There was often conflict between Boers and Africans in the Republic of South Africa which led to instability. In order to have peace and harmony in the interest of their commercial pursuits. Sir George Grey, as High Commissioner in 1858, thought of setting up a federation of the four colonies. The Orange River Colony gave support to the idea as Boers there were having trouble with Basutos and needed British help. But the British Government in London did not approve the proposal and the idea was given up. [Thompson L. M.: *op cit* p. 2]

In 1875 Lord Carnarvon, as Colonial Secretary, revived the federation idea and called a conference to consider it. The British had in the meantime annexed Basuto-land in 1868 and Griqua-land West in 1871. The Orange River Colony was sore about it and did not support the proposal. The Cape Colony, which had become self-governing in the meantime, also did not wish to have anything to do with a scheme initiated 'from outside'. The Colonial Secretary Lord Carnarvon then tried to realize this objective by commissioning Sir Theophilus Shepstone to annex the Republic of South Africa which was bankrupt and close to anarchy. This was carried out in 1877 "without any resistance to the proclamation of annexation", but the new administration that was set up was resented by the Boers and there was a rebellion in 1881 in which Boers defeated the British army at Majuba. [*Ibid*, pp 2-3] The British smarted under the defeat until they had avenged it in the Boer War of 1899 and defeated Boers in a bloody conflict spread over nearly four years.

After Majuba, the Gladstone Government granted the Transvaal a qualified independence and three years later full autonomy, except in the matter of concluding treaties with other countries, with the exception of the Boer Republic of the Orange River Colony. [*Ibid*]



The Boer War saw victorious Britain master of the four colonies in South Africa. But there was no unity within or among the colonies. Boers were in a majority in three colonies — the Transvaal, Orange River Colony and the Cape. Lord Milner, the High Commissioner, however wanted to see Britons in a majority in the whole of South Africa by encouraging the immigration of English-speaking whites into South Africa. At the same time he wanted to brainwash Boers and anglicise them by making English the medium of instruction, although Dutch was also to be taught if the parents so desired. He also thought that prosperity would make Boers more civilized and less insular. He therefore made plans for the economic development of the Transvaal. Milner's plans were approved by Whitehall.

Milner, the man on the spot to translate the British policies into action in South Africa, was an able administrator. He received his peerage in May 1901. He was High Commissioner for South Africa from May 1897 to April 1905. From May 1897 to March 1901 he was also Governor of the Cape Colony; and from August 1901 to April 1905 he was Governor of the Transvaal and of the Orange Free State. He was a firm believer in the Union of South Africa. Thompson says Milner had a remarkable flair for finance and a prodigious capacity for work. [*Ibid*, p 50]

On 28 November 1899, Milner wrote to Sir Percy Fitzpatrick:

The ultimate end is a self-governing white community, supported by *well-treated and justly governed* black labour from Cape Town to Zambesi. There must be one flag, the Union Jack, but under it equality of races and languages. Given *equality* all round, English must prevail, though I do not think, and do not wish, that Dutch should altogether die out. I think though all South Africa should be *one Dominion* with a common Government



dealing with Customs, Railways, and Defence, perhaps also with a common Native policy, a considerable amount of freedom should be left to the several States. But though this is the ultimate end, it would be madness to attempt it at once. There must be an interval, to allow the British population of the Transvaal to return and increase, and the mess to be cleared up, before we can apply the principle of self-government to the Transvaal.... As for the Boer himself, provided once I am sure of having broken his political predominance, I should be for leaving him the greatest amount of individual freedom. First beaten, then fairly treated, and not too much worried on his own 'plaats' in his own conservative habits, I think he will be peaceful enough. [*Ibid*, p 6]

In a memorandum which he drew up in 1900 he made his intentions even clearer. There were to be three steps. (1) He explained that the number of the British element in the population of South Africa was to be increased and the Afrikaners' vision was to be widened through education and the teaching of history. (2) The two Boer Colonies were to be governed as Crown Colonies for an indefinite period till there was a secure British majority among the whites of the South African population. (3) Lastly, industrial and economic development was to be ensured and agriculture modernised all over South Africa.

The memorandum said :

Generally speaking, our political aim should be to work towards federation, by making or keeping, as many branches of Government as possible common to two, or more, or all the colonies.... I believe a great deal can be done to federate *practically and in detail*, before we embark on the discussion of a federal constitution, just as I believe in a lot of *virtual self-government* in the new colonies, without letting the supreme control



out of Imperial hands. We must be very sure of our ground before we part with executive authority. Indeed, I hope that there may never be 'responsible government' in the two colonies as separate States, but that we shall always keep Imperial control over them till we can with safety grant 'responsible government' to a Federated South Africa. [Milner Papers, pp 242-4]

In May 1902 Milner had publicly advocated the suspension of the Constitution in the Cape Colony so that he could control all the three colonies which had a majority of Boers. But Chamberlain did not agree to the proposal.

In the Treaty of Vereeniging, Milner however succeeded in having his way with regard to the language issue and the continuation of military government in the two Republics for an indefinite period. Article 5 of the Treaty of Vereeniging reads :

The Dutch language will be taught in public schools in the Transvaal and Orange River Colony where the parents of the children desire it, and will be allowed in courts of law when necessary for the better and more effectual administration of justice. [Thompson, L. M. *op. cit.* p 10]

Article 7 left the timing of self-government vague. It said, "As soon as circumstances permit, representative institutions leading up to self-government will be introduced." [*Ibid*, pp 10-11]

In return, he persuaded Britain to yield to the Boers on the franchise question and Chamberlain had to give up his insistence on the right of vote for the non-whites. The non-whites had done no harm to Britain and Indians, besides helping the development of Natal, had helped them actually during the Boer War. Yet the rights of non-whites were sacrificed to please the white Boers, who had waged a war against Britain for four long years.



White blood was thicker indeed than the blood running in the veins of the non-whites!

6

The four years of the war had devastated the economy of the Boer Republics. At the end of the war there were 31,000 Boer men-prisoners of war, out of whom 24,000 had been sent overseas to St Helena, Ceylon and elsewhere. There were 110,000 men, women and children in the concentration camps wherein thousands died of malnutrition and disease. The Boer homes had been devastated, farmsteads burnt, livestock killed and crops destroyed. There was loud and strident criticism by Emily Hobhouse and her band of selfless British workers, women and men. The British Government therefore dealt with the problem of their rehabilitation expeditiously and in a humane manner. They made a free grant of £ 3 million for distribution among the needy victims of the war, £ 7 million toward partial payment of war losses, £ 2.5 million against receipts issued by the military during the war, and another £ 9 million on account of grants and loans for resettlement. Botha recalled at Versailles in 1919 that it was “a generous peace that the British people made with us.” [Thompson, L. M.: *op cit*, p 13]

For material recovery of South Africa, Milner wanted the Witwatersrand gold miners to start functioning so as to vitalise the economy of South Africa. But there was acute labour shortage. African natives did not wish to work in the mines because they had some savings from their wartime earnings. The wages offered by the miners were poor and unattractive.

White labour was too expensive. The Indian Government had not agreed to send indentured labour on terms offered by the Transvaal, which required their compulsory repatriation at the end of their contract. The Indians in South



Africa had sent a telegram to the Government of India not to accept the repatriation clause. A deputation, sent to India by Milner to negotiate, failed as Lord Curzon was very strong on this issue. [Pyarelal : *Discovery of Satyagraha*, pp 170-2]

As a result, Chinese labour was sought to be imported. Early in 1904, the legislative council passed a Labour Importation Ordinance which was approved by the Cabinet Secretary, and in June 1904 Chinese labour began to arrive. They were on contract for three years and were to perform unskilled labour on the same terms as applied to Africans coming from Portuguese East Africa. At the end of three years and if the contract was renewed, at the end of the new term, they were to be sent back to China. In July 1906 there were an average of 17,615 whites, 102,420 Africans and 53,062 Chinese employed in the gold mining industry. The average monthly wages of the whites were £ 26, the Africans 52 sh 3d and of the Chinese 41 sh 6d. The gold mining industry began to flourish. The value of the output of gold increased from £ 12,628,057 in 1903 to £ 27,400,992 in 1907. [Thompson, L. M.: *op cit*, p 14]

There was a hue and cry among the liberals in Britain and among Boers in South Africa against the importation of Chinese labour. After self-government was granted, the Boer Republic banned further labour importation and sent back the Chinese labour at the end of their contract.

Milner's political objective of having a British majority in the white population of South Africa was not realized. There was not enough new white immigration. In 1911 the Boers were not 40 per cent, as Milner had hoped, but more than 54 per cent. Very few of the Britons had taken to farming in spite of £ 2.5 million having been spent from the guaranteed loan in order to encourage Britons to settle on the land. [*Ibid*, p 15]



Milner had displayed great zeal in furthering his educational projects. While the war was still in progress, schools were established in the concentration camps and teachers were drawn from Britain and other parts of the Empire. An elaborate system of government schools was set up in the two colonies. Ordinances were passed making English the sole medium of instruction, allowing Dutch to be taught as a subject for not more than five hours a week.

This policy, if persisted in for a long period, might perhaps have resulted in the Afrikaner inhabitants of the Transvaal and Orange River Colony being drawn out of their cultural isolation, as Milner had hoped. Followed only for a few years, it acted mainly as an irritant and gave stimulus to resentment and severe Afrikaner reaction against Milnerism, which symbolised to the Boers a naked attempt by Britain to denationalise them.

Milner retired from South Africa in April 1905. Selborne took his place. In his farewell speeches, Milner reiterated the main points of his imperial policy. He said :

If you believe in me, defend my works when I am gone I shall live in the memories of people here, if I live at all, in connection with the great struggle to keep this country within the limits of the British Empire I should prefer to be remembered for the tremendous effort, wise or unwise in various particulars, made after the war, not only to repair its ravages, but also to restart the new Colonies on a far higher plane of civilisation than they had ever previously attained. [Thompson, L. M.: *op cit* p 160]

Milner wrote a private letter to Selborne in which he warned the latter that “no Afrikaner politician was to be trusted.” Every one of them used the same weapons of ‘duplicity and deceit’ ! He believed that ‘years of strong, patient policy’ which he had initiated would alone ensure that South Africa continued to



be a part of the British Empire, and that too without interference from the ‘tomfoolery’ of British party politics. [Milner Papers (Headlam) pp 550-8]

But such a policy was just not possible. Thompson considers it conceivable that if Milner had his way, the Afrikaner people might eventually have been anglicized. He goes on to say:

It is also arguable that their descendants and the other inhabitants of South Africa, white and non-white, would have benefited from such a process. But a liberal democracy, such as Britain was by the twentieth century, inevitably lacked the ruthlessness and the will to see such a policy through to conclusion. [Thompson, L. M.: *op cit* p 16]

Milners plans were fatally unrealistic. Moreover, to attempt to denationalise a people and to fail makes things much worse. “They produced the very opposite result of what was intended. ‘Milnerism’ therefore became to the Afrikaner the epitome of ‘British oppression’ and sowed the seeds for a nationalism more bitterly anti-British than anything that had existed before the war.”

Pyarelal deals with this subject in some detail in his Vol. II, *Discovery of Satyagraha*. His conclusion is that Milner did a great deal of harm to South Africa. He encouraged the Britons to aspire to be the dominant race in South Africa, which was not realistic. The Afrikaners’ reaction was to develop a strong Anglophobia. Nothing was done to protect the rights and improve the prospects of the non-whites. Milner thus made it immeasurably more difficult for the peoples of South Africa to establish for themselves a stable and humane society. [Pyarelal, *op cit* p 442]



There was bitter resentment against Milner's policy among the Boers. The war had left them impoverished, dispirited and disunited. Among them there were the bitter-enders', who had fought till the end, 'hands-uppers', who had passively accepted British rule, and 'National Scouts' who had actively assisted the British forces. Milner's policies helped to unite them all and led to a rapid Afrikaner revival, greatly encouraged and assisted by the Church.

Paul Kruger had died in Switzerland in July 1904, and his body was brought for burial to South Africa. At the funeral in Pretoria Dr. H. S. Bosman, Moderator of the Dutch Reformed Church in the Transvaal, delivered his message:

Then referring particularly to the words (Psalm 137) :

"By the waters of Babylon there we sat down; yea, we wept when we remembered Zion." He said the Afrikaner people grieved, but not as those who had no hope.... [*Cape Times*, 17-12-1904, quoted by Thompson *op cit* p 18]

Boer parents felt that there was danger of their children being anglicised if they went to Government schools and they preferred to let them stay away from school. This highlighted the need to start their own schools by the Afrikaners. The Church helped in this educational movement and in the development of their own vernacular, named Taal, which received a fillip. An emotional appeal was made to speak Dutch and not English.

Poets and writers began writing powerful poetry and literature in the vernacular. Thus Milner's effort at denationalising the Afrikaner by anglicising them, had the opposite effect. It provided a strong incentive for the revival of



Afrikaner language and culture and strengthened their desire to be a distinct nation in isolation from the Uitlanders.

The South African Language Union had adopted a simplified spelling of Dutch in 1904, which was given recognition by the educational authorities in all the four colonies. But there were others who did not think that simplification of Dutch was enough. Preller, the sub-editor of *Pretoria Volksstem*, said that Dutch and English were both foreign languages for the Afrikaner. “As a transitional measure until Afrikaans is universally written (in South Africa), he said “our line of action will be : write and talk Afrikaans, learn Dutch, read both.” [Thompson, L. M.: *op cit* p 20]

There was a ready response. Organisations came up with the object of promoting the writing of Afrikaans, to convince the Afrikaners to use it as their written and spoken language and to get official recognition for it. Poetry of high quality on the subject of the sufferings of the Afrikaners during the war was written in Afrikaans by several eminent poets. This demonstrated the literary potential of the new language which was to develop as the national language of South Africa before long. “The poetry of Totius was permeated by the Calvinist spirit, while Celliers was a self-conscious nationalist,” writes Thompson. [*Ibid*, p 20]

Celliers wrote in 1907:

But it is clear to every Afrikaner that only our own literature, steeped in the Afrikaner spirit and intelligible to Afrikaners, through and through in language and content, that only such a literature is really calculated to hit the mark here. Who wants to help us build up such a literature for our people? We have a people to serve, we have a nation to educate, we cannot wait! [Thompson, L. M.: *op cit* p 20]



There were advocates of Dutch and Afrikaans. They met at Paarl in December 1907 and both groups joined hands to work against anglicization. They agreed to work together for getting an equal status for Dutch with English in the first instance, with clear understanding that Dutch would be ultimately replaced by Afrikaans. [*Ibid*, p 20]

The Predikants (Church leaders) had organised opposition to Milner's educational policy. They started private schools for Christian National Onderwijs (Christian National Education). In the C.N.O. schools, stress was laid on Calvinist tradition and promotion of Afrikaner nationalism besides emphasis on Dutch language. The C.N.O. movement was short of money, but it had the moral support of most Afrikaners, and many extended material support to the best of their ability.

Difficulties arose later when the Orange Free State, after it had obtained self-government, tried to make Dutch compulsory for all children as a symbol of equality of Dutch and English languages. This was resented by the Britons.

8

The Chinese Labour Importation Ordinance was passed in order to help the Witwatersrand gold miners. It was strongly criticised by the Afrikaner, and also by the liberals in Britain, who called it a modified form of slavery. Botha and fourteen others sent a telegram to Lyttelton, Colonial Secretary and protested against the importation of Chinese labour in the name of Boer opinion in the Transvaal. The Colonial Secretary refused to accept their claim to speak in the name of Boers in the Transvaal, because the Legislative Council had agreed to the Ordinance.

The Executive and Legislative Councils in both the Transvaal and Orange River Colony consisted of nominated officials till May 1903. Then the Legislative



Council of the Transvaal was reconstituted to have fourteen non-official members and sixteen officials. Botha, De la Rey and Smuts had been offered and had declined to accept nominations to the Council. They now decided to form a political organisation so that no one could question their right to speak on behalf of the Boers of the Transvaal.

A Congress was held in May 1904 under the chairmanship of Botha at Pretoria, which passed a resolution asking for real self-government for the two ex-republics. In January 1905 Botha launched his political party Het-Volk (The people). The head committee of the new party had Botha as its chairman and Schalk Burger, J. H. De la Rey, C. F. Beyers and J. C. Smuts, all of whom had been generals in the Boer War, and A. D. W. Wolmarans and Ewald Esselen as its members. [Thompson, L. M.: *op cit* pp 21-2] In a very short time, Het-Volk had established a branch in every village in the Transvaal.

Smuts was ambitious but he decided to push Botha in front. The two men were very different. They were complementary to one another. Botha was by far the more popular. “A great, massive, almost grossly moulded, swarthy Afrikaner, with large eyes under arched eyebrows and full lips in keeping with his heavy face, he was warm-hearted, gentle and courteous, entertaining lavishly and benevolently on his farm in the hospitable old Boer fashion a genial host. Tact and patience he had in abundance and that valuable and indefinable quality of personal magnetism which is not the prerogative of the great. With trusting hearts men came to him with their troubles great and small. Always he had the time and the patience to hear them out and greatly encouraged they would take their leave, firmly believing that Louis Botha was their personal friend and that they — each and every one, individually — meant a great deal to him” writes F. S. Crafford. He was a good farmer, not a scholar or a learned man.



In contrast Jan Smuts was of slighter build and very fair. Spare, and lively in his movements, with clear thinking and tremendous capacity for hard work, he was almost entirely wanting in tact. He had very poor public relations. “His uncommunicative nature, cold inaccessibility and all-too-obvious lack of interest in people and their problems, repelled and antagonized his fellows (Boers) and many members of Het Volk looked askance at him while their hearts warmed to Botha.” This trait of Smuts, in spite of his learning and ability, created many difficulties for him when he came to power.

But Smuts’ brain directed the organization of Het Volk and “behind the rapid growth of that organization lay, in the main, his extraordinary capacity for hard work and clear thinking.” [F. S. Crafford, *Jan Smuts — A Biography*, p 60]

There were three other parties formed by the people of British origin in the Colony, of which one was the Transvaal Progressive Party led by Sir George Farrar as its President. He and Sir Percy Fitzpatrick, Drummond Chaplin and other Directors of the gold mining industry and financial houses were in favour of importing Chinese labour. They valued the British connection which they wished to continue and become permanent and stood for representative government, but not responsible government for the Transvaal.

Then there was the Transvaal Responsible Government Association led by H. P. Solomon, which was critical of Milner and demanded responsible government for the colony.

The various labour groups got together and formed a Labour Party.

The result was that the Boers were united under the Het-Volk, led by ‘bitter-ender’ generals, while the Britons were divided into three parties.



In July 1904 Lyttelton announced in the House of Commons that the elective element was being introduced in the Transvaal Legislature. On 25 March 1905 Letters Patent to this effect was approved by the Cabinet but was not issued for several months.

The Lyttelton Constitution had provided for a predominantly elected legislature, consisting of 30 to 35 elected members and 6 to 9 officials. The franchise was given to all the white men who had been burghers of the South African Republic entitled to vote for the first Volksraad or who had property worth £ 200 in the Transvaal or earned wages in the Colony at the rate of £ 100 a year. This franchise covered most of the townsmen but excluded many young landless Boers in the country. According to Smuts, it excluded 10,000 Boer voters. It excluded all women and all non-whites — Coloureds, Asiatics and Africans.

English was to be the language of debate in the legislature, but a member could speak in Dutch with the permission of the Speaker. [Cd. 2409 (1905), quoted by L. M. Thompson, *op. cit.* pp 22-3] This Constitution was not acceptable to the Boers. As it was, it proved to be still-born.

9

The severe criticism of the Government in Britain and a series of defeats in by-elections led to Prime Minister Balfour resigning in December 1905. The Unionist ministry was replaced by the Liberal Government headed by Henry Campbell-Bannerman as the Prime Minister. Selborne replaced Milner in South Africa.

The Liberals had won an absolute majority in the Parliament, so they could afford to follow their own policies. They were as anxious as Unionists had been that South Africa should stay in the Empire, but they did not believe in the methods of the previous Government. Their motto was : “Liberty, not force, was



the cement of the Empire.” The basic principle of the Empire, they believed, was self-government for the settler communities. They had blamed Milner and Chamberlain for leading Britain into an unnecessary and unjust war, because of impatience and bad diplomacy. [Thompson, L. M.: *op cit* p 23]

The Liberals had considered it their duty to make amends to the Boers when they came to power. That hour had now come. In fact, Campbell-Bannerman had promised self-government for the Transvaal in a speech as early as November 1904. He had dissociated himself from the “faulty negotiations”, which “led to Boer War, and Government’s methods of barbarism,” such as burning of farms, putting women and children in concentration camps and deporting men. He and his colleagues had approved of the Treaty of Vereeniging with generosity towards Boers. They refrained from criticising the colour bar, so as not to hurt Boer feelings on the subject. [*Ibid*, drawing from G. B. Pyrah’s *Imperial Policy*, p 24]

The Unionists at the time of Balfour’s resignation had believed with Milner that the time for granting responsible government to the two erstwhile republics was far off. [*Ibid*, p 24] Smuts had convinced Campbell-Bannerman that responsible government in the Transvaal should not be delayed. He had pleaded for granting responsible government to the Orange River Colony also and had asked for the scrapping of the Lyttelton Constitution.

Smuts had met the Prime Minister on 4 February 1906 and the latter had convinced his cabinet on 8 February that the Transvaal should be granted responsible Government without delay, and that the Lyttelton Constitution should be revoked. Sir H. Ridgeway headed a committee to go into the electoral question. The committee spent two months in South Africa, interviewed all parties, and gave its report. It was a compromise between the wishes of Het-Volk



and of the Progressives. The British Government accepted the recommendations and on 31 July the new constitution of the Transvaal was laid before both Houses of Parliament in London. Balfour criticised it vehemently as the “most reckless experiment”. [Thompson L. M.: *op cit* p 27] But the government stood firm. The Letters Patent was issued on 6 December 1906, promulgating the new constitution.

The action of the Liberal Government, says Thompson, was a “bold and generous deed” for winning the confidence and loyalty of the Boers. It was unfortunately also “a decisive step towards the triumph of political colour bar throughout South Africa.” [Thompson L. M.: *op cit* p 27] Their humanitarian sentiments bypassed the Asiatics and the Africans. It was enough for the Britons to please the Boers in order to claim that they had stood firm by their liberal principles. [Thompson L. M.: *op cit* quoting from Pyrah, p 27]

In the election Het-Volk had won an absolute majority and formed the Government with Louis Botha as Prime Minister of the Transvaal. [*Ibid*, p 27]

10

The Transvaal had been poor before 1870, but the discovery and development of diamond mines in Kimberley in 1870 and of gold mines in Witwatersrand in 1886 had changed the picture. British capital and capitalists came and skilled labour was also supplied by British immigrants. The unskilled labourers were the natives, who were poorly paid. The Transvaal came to supply half the world’s diamonds and a quarter of world’s gold. President Kruger used the mines as the main source of revenue but refused to give Uitlanders (the name given to British immigrants) any effective say in the Government of the colony. This caused a great deal of discontent among them, and was one of the declared causes of the Boer War of 1899. [Thompson, L. M.: *op cit* p 3]



One of the powerful mine magnates was Cecil Rhodes, a self-made man, who dominated De Beers Consolidated Mines which controlled nearly the whole of the diamond industry and the Consolidated Gold Fields which was one of the greatest gold-mining corporations, as also the British South Africa Company. He was a great imperialist and strongly believed in the unification of South Africa. In 1890, he became Prime Minister of the Cape Colony. [*Ibid*, p 3]

Smuts was greatly impressed by Rhodes as Rhodes was by Smuts. It was probably at Rhodes' and Hofmeyr's recommendation that President Kruger had selected young Smuts at the age of 28 as his Attorney-General. Smuts made an outstanding success of his job. But the Jameson Raid and the revelation of Rhodes' complicity in it, turned Smuts against him.

The Transvaal became a self-governing colony within the Empire in January 1907 and Smuts became Colonial Secretary in the Botha Government which was established under the new Constitution. "It was a Botha government," wrote a sagacious commentator, "but Smuts pulled the strings." He was regarded by all as the "Power behind the Throne".

Smuts however always pushed Botha into the foreground. Avoiding limelight himself he worked silently behind the scenes. "As a rule. Smuts himself was the Government's mouthpiece in the House." He would announce its policy on important questions, submit schemes for the members' approval, introducing and piloting bills which he had drafted himself, and replying to questions, (not necessarily concerning his own particular departments), "and invariably evincing an encyclopaedic knowledge of all the affairs of the Government." [Crafford, F. S.: *op cit* p 65]

Smuts had always dreamt of a Union of South Africa. He now saw the opportunity as also the urgency of achieving it in order to counter the Boer



reaction against Imperialism and also to forestall the tendency on the part of the four colonies each to go its own way.

In December 1906, soon after the publication of the Letters Patent granting self-government for the Transvaal, the British Government announced self-government for the Orange River Colony also.

Boers in the Orange River Colony had also organised themselves politically and formed a political party called Orangia Unie. J. B. M. Hertzog, Abraham Fischer and C. R. de Wet were the most prominent leaders of the new party. Afrikaners were in overwhelming majority among the whites in the Colony and supported Orangia Unie. The Constitutional Party led by Sir John Fraser, an old Free State Burgher of Scottish origin, had the support of British settlers. [Thompson, L. M.: *op cit* p 28]

In the general election held in November 1907, the Orangia Unie won 30 out of 38 seats. On 27 November Abraham Fischer formed the Government as Prime Minister and he also became Colonial Secretary. Hertzog became Attorney-General and Education Minister. Efforts were made to persuade him to take up the post of Chief Justice. But he declined to accept it. [*Ibid*, p 28]

Steyn, as President earlier, had resisted the anglicising forces. He stood for strengthening the ties with the sister republic of the Transvaal. He was born and brought up in the Orange Free State. The Boer War had been a crusade for him and he was in the field to the bitter end. His ideal was and had always been a pan-African Afrikaner Republic. Any meaningful cooperation with British South Africa, he felt, could only come when Afrikaner morale had recovered from Milner's onslaught to denationalise them.

Steyn was critical of the Transvaal's initiative in 1902 for negotiations to end the war. Self-government under the British Crown was, according to him, no



substitute for an independent republic. But his health was shattered and after prolonged medical treatment in Europe, he returned in March 1905 to his farm near Bloemfontein. He could not take any office on health grounds. But was still highly respected and was consulted on all important matters. [*Cape Times*, 23-1-1906]

Hertzog, a shy man with scholarly tastes, was the ablest member of the team. He was a judge of the Orange Free State High Court before the war. Under normal circumstances, he might have distinguished himself as a great jurist. But the Boer War made him a commando leader. He was shocked and deeply pained to see the poverty and inferiority complex of the people of the colony and he made it his mission to help them regain their self-respect. He therefore refused the post of Chief Justice after self-government was established in the colony and preferred to be Education Minister. He worked for equality for the Dutch and English languages and his Education Bill led to a great deal of controversy. [*Cape Times*, 23-1-1906]

11

Soon afterwards, early in 1908 there was a change of Government in the Cape Colony also. The oldest and the most powerful political organisation in the Cape Colony was the Afrikaner Bond founded in 1879 by Stephannus J. De Toit. Though most of its members were Afrikaner, it had many English-speaking allies.

The Bond from 1884 had been dominated by Hofmeyr who accepted the Cape's status as a British Colony. He believed in Colonial Nationalism shared by Boers and Britons alike. He declined the premiership more than once and did not think that Bond should form a ministry. Cecil Rhodes was able to form a Cabinet in 1890 with Bond support. Rhodes was rejected by the Bond after the Jameson Raid.



Dr Jameson, of the Jameson Raid fame, had become Prime Minister in the Cape Colony after the Boer War. A number of Boer voters had been disfranchised after the war as rebels, which had enabled Jameson's Progressive Party to win the election. In September 1907, following a defeat in the Legislative Council, Jameson dissolved the Parliament. The prestige of the Progressive Party led by Jameson had been on the decline due to the economic depression.

In 1903 several leading independent anti-imperialist politicians, of British as well as of Afrikaner descent, had joined with Bondsmen at the parliamentary level to form the South African Party. The Bond remained a separate political party and retained its own elaborate organisation and complete autonomy. In the general election in the Cape Colony, early in 1908, which followed the dissolution of both Houses of Parliament, the election for the Council was held before that of the Assembly. The South African Party of J. Merriman won 16 out of 22 seats in the Legislative Council. As a result, Jameson resigned. On 3 February 1908 Merriman as leader of the South African Party formed his Government in the Cape Colony.

Merriman held independent views and was known as a man of unquestioned integrity. He believed with Gladstone, whom he greatly admired, that 'politics was a struggle between right and wrong.' The Imperialism of Rhodes, Chamberlain and Milner he considered a catastrophe and contrary to the true British policy.

During the Boer War, Merriman was a member of the Schreiner Ministry, which fell because Merriman had opposed the introduction of a Treason Bill. He spoke on pro-Boer platforms in England and led the agitation against Milner's attempt to suspend the Cape Constitution. He was therefore the natural leader of the newly formed South African Party. He wanted Boers and Britons to come



together and become one nation. But he never endorsed Botha's 'conciliation' policy. He was highly suspicious of Imperialism till the end. [Extracted from L. M. Thompson, *op cit* pp 38-39]

The South African Party Government formed in February 1908, after Dr Jameson's resignation, had three men of British descent, Merriman, Burton and Currey, two Bondsmen, Malan and de Waal, and two others, Saver and Graff. [Thompson, L. M.: *op cit* p 37]

The Legislative Assembly elections came soon afterwards in March 1908, in which the South African Party won 67 seats and Jameson's Party, which was now called the Unionist Party, won 33 seats. Merriman had already formed the Government in February and besides being Prime Minister, he was also Treasurer and Minister for Native Affairs. F. S. Malan, a leader of the Afrikaner Bond was Secretary for Agriculture and N. F. de Waal became Colonial Secretary. [*Ibid*, pp 27, 37]

Merriman's conduct during the war had won him Afrikaner admiration. This, coupled with his fine parliamentary and administrative record, made him acceptable as the leader of the South African Party from the start and as Prime Minister when the party came to power. His ministry was however insecure, as his majority in the legislature was derived from the Bond, of which he was not a member. Anti-imperialism had been the cement of the party. It had enabled it to win the election but it was not enough when the party came to power. Merriman thought English would be the ultimate language in the whole of South Africa. He stood outside the cultural movement of Afrikaner. Moreover, as Finance Minister, he felt he had to balance the budget even by imposing fresh taxation if necessary. The Bondsmen were opposed to further taxation. [Extracts from L. M. Thompson, *op cit* pp 35-39]



By February 1908 all the three Colonies with Boer or Afrikaner majority were being ruled by trusted leaders of the Afrikaner. Natal had always been predominantly British and was a self-governing colony within the empire. Smuts and his trusted friends were in power in the three predominantly Afrikaner Governments. They felt that the time was now ripe to work for a Union of South Africa. Smuts was sure Natal too would fall in line with the three Boer dominated colonies.

12

After the war from 1903 to 1908 there was economic depression in South Africa. It had been expected that many British immigrants would come over after the war when the four colonies had come under the British Crown. But this did not happen. On the contrary many British immigrants went back because of unemployment and economic depression and the number of English-speaking whites actually went down. Then there was economic depression in Europe and the export of diamonds went down because of the fall in the purchasing capacity of Europeans. This further hit the economy. Shortage of labour and political uncertainty affected the gold-mines. Chinese labour was brought in 1904, a step severely criticised both by the Afrikaners and the Liberals in Britain. It had to be stopped.

The depression had more serious repercussions on the towns' people than in the rural areas. It affected the coastal colonies more than the inland Colonies. [Thompson, L. M.: *op cit* p 52] The coastal colonies wanted an increase in the customs tariff. The inland colonies were opposed to it. The white population of Orange River Colony had increased while that of Natal had gone down. All these factors caused inter-colonial friction. [*Ibid*, pp 54-55]



The Transvaal found it cheaper to use the Lourenco Marques port (now Maputo) in Mozambique rather than the ports of Durban or the Cape. This adversely affected the revenues of the two coastal colonies. Their main source of income was customs and railway receipts. The decline in their revenues from these sources could not be checked by the coastal colonies by themselves. They needed the cooperation of the Transvaal and the Orange River Colony. The custom tariffs could not be raised by the coastal colonies without the consent of the other two colonies. This led Natal to give notice to withdraw from the Customs Union in 1906.

The two coastal colonies had hoped that after the war, the British Colony of the Transvaal would prefer to trade with them because of the common British ties. But this did not come about for reasons of geography and economy, the Lourenco Marques route being the shortest from the coast to Witwatersrand. Moreover, the Transvaal had to recruit labour in the Mozambique. As much as two-thirds of the Transvaal's African labour came from the Mozambique.

In return for this, the Transvaal had agreed that railway rates from Lourenco Marques would be lower than those from the coastal colonies. As 85% of the railway line lay within the Central South Africa Railway system, formed by the amalgamation of the Railways of the Transvaal and of the Orange River Colony, the Transvaal would not make these concessions for the coastal colonies. This became a cause of still greater friction between the coastal colonies and the two erstwhile republics. The completion of the two new railway lines in the middle of 1906 made the position still worse by further disturbing the distribution of trade between the ports.

Lord Milner had sympathised with the Cape and Natal and had convened an inter-colonial conference in February 1905 at Johannesburg. The Conference



decided to ask the Mozambique Government to agree to reduction in the preference granted to it. The Portuguese were, however, not willing to give up their advantage. [Thompson, L. M.: *op cit* pp 54-55]

Lord Selborne wrote to the heads of the four governments that unless the different railway systems were combined, friction would continue and even increase. But it produced no results.

In March 1906 there was an inter-colonial railways and customs conference in Pietermaritzburg. With great difficulty a compromise was reached based on the principles of protection, imperial preference and free internal trade. The colonies were advised that to compensate for revenue loss, changes “should whenever practicable be effected through customs tariff and not through the preferential instrumentality of railway rates.” [Thompson, L. M.; *op cit* pp 56-57] Railway rates on imports of certain commodities were reduced and it was agreed that no railway administration would change the rates without consulting the others.

New railway disputes arose between the colonies with the opening of new railway lines. It was thus clear that things could not continue as they were. [*Ibid*, p 57]

By the middle of 1907 F. R. Moor, Prime Minister of Natal, had obtained a reduction in the sea-freight to Durban from the shipping ring which monopolised the South African trade. This was most upsetting for the Transvaal and the Cape. Botha, Jameson and Moor met on 6 July 1907 at Bloemfontein and somehow managed to maintain the *status quo* by allowing a railway rebate equivalent to the reduction in sea-freight to Durban. [*Ibid*, p 59] By August 1906 the fragile balance of economic peace was broken and a rate war had commenced.



In June 1907 the Botha Government had given notice of withdrawal from the Customs Union. It was to expire on 30 June 1908 and an alternative solution had to be found before that date.

Economic factors thus made it still more imperative that the four colonies should come together, overcome their conflicts of separate colonial interests and plan for the common prosperity of the whole of South Africa.

Only the interests of the white population — Boer and Briton, spread over the four colonies — were in the minds of the governments of the four colonies and of High Commissioner Selborne. No one had any thought to spare for the interests of the non-whites.



CHAPTER XIV: UNIFICATION OF SOUTH AFRICA

1

Lord Milner had brought from England some bright young men with outstanding talents as shown by their subsequent careers, and put them in key positions in South Africa. They were retained by Lord Selborne.

Patrick Duncan (1870-1943), later Governor-General of South Africa from 1937 until his death, was appointed Colonial Secretary; Lionel Curtis (1872- 1955) was made Assistant Colonial Secretary. Curtis later became an influential writer on imperial and international affairs. Richard Feetham (b. 1874) who was later made Judge of the Appellate Division of the Supreme Court of South Africa and then became the Chancellor of the University of Witwatersrand, was appointed Town Clerk of Johannesburg. John Dove became the Assistant town clerk, Lionel Hitchens the Colonial Treasurer, Robert Brand the secretary of the Inter-colonial Council and Philip Kerr the assistant secretary. Geoffrey Robinson, Milner's former private secretary, also remained in the country as editor of the *Johannesburg Star*, and Dougal Malcolm, Lord Selborne's private secretary, came to be accepted by the group as one of themselves. They were all talented men and were very young when Milner left South Africa. Patrick Duncan, the oldest, was 34 and Philip Kerr, the youngest, was not quite 23. [Thompson, L. M.: *The Unification of South Africa*, p 61]

The name 'the Kindergarten', was used for them contemptuously to start with, but it came to be widely used and lost its bad odour. They were all single men and several of them lived together in 'Moot House' in Johannesburg and discussed various matters, such as the prospects of self-government in the Transvaal and the Orange River Colony which seemed imminent in 1906, the



growing isolationist sentiments in the Transvaal, and conflicts of interests and economic rivalries leading to friction between the colonies which caused them serious concern and anxiety. The interests of South Africa and the interests of the British Empire made it imperative that the fissiparous tendencies should be checked before it was too late, and the colonies should be united to form a United South Africa or a Federation. [*Ibid*, pp 61-62]

Richard Feetham thought over the problem and was the first to prepare a paper which he read on 4 October 1906 to his colleagues and some of their Johannesburg business friends. The main points that he made were that the time had come when a federation could no longer be left to adorn the perorations of after-dinner speeches and the preambles of political programmes. It was no longer to be treated merely as a vague and pious aspiration, the fulfilment of which “we may leave to some political genius of the next century.” It was something for which they had to think out a concrete plan now. It was a definite goal to reach which, he said, “It is our business to find the best and shortest way, and to start at once.” [Thompson, L. M.: *op cit* pp 61-62]

Richard Feetham listed four reasons which lent urgency to the matter of working towards a federation without delay:

1. The longer they waited, the greater would be the difficulties, because the estrangement between the different colonies would increase. The growth of incompatible vested interests would also be greater and the forces of colonial as opposed to National sentiments would become stronger.
2. Disunion in South Africa meant weakening of the Imperial tie, because on the one hand intervention of the Imperial Government would be demanded in inter-colonial disputes, and its action or inaction would be equally a source of complaint and resentment; on the other, the Imperial



Government might itself be tempted or driven to intervene in local questions in a manner which would be unthought of if there was a Federal Government which could speak and act for the whole of South Africa....

3. The prevailing state of affairs made for a South Africa which would be Dutch rather than British in sentiment and character, because the quarrels between the colonies greatly affected the interests of the British commercial communities, and did not disturb to the same extent the natural solidarity of the agricultural population.... Once Boers and Britons met as representatives in the same Parliament, the influence of British communities, on those points on which they were disposed to think alike because they were British, would be able to make itself felt with a new force throughout South Africa.
4. They could not expect economic stability under the prevailing conditions. Any patch-up of customs and conventions could only last for short periods. As long as negotiators had to act as the delegates of five or six different States instead of as representatives of one people, it was extremely improbable that any durable fiscal arrangement could be arrived at.... [*Ibid*, p 63]

This was an analysis which was based on developments that the members of the Kindergarten had all seen and had accepted. They however decided to act in such a manner that while they gave all possible help to bring about a union of South Africa, it should appear that the initiative had come from within and not from outside South Africa. They remembered how Lord Carnarvon's efforts at federation had failed in the 1870s largely because the move had come from outside.



Lionel Curtis resigned from his official appointment in October 1906 in order to devote himself to the task of bringing about a union of South Africa. In this he found an ally in Smuts who proved of great help. Curtis was a person, who once convinced of the correctness of a cause, became obsessed by it. From 1906 to 1910, closer union in South Africa became a passion with him. [Thompson, *op cit* p 63] Curtis travelled all over the four colonies and cautiously sounded public opinion and collected facts and figures in favour of a Union of South Africa. Then he prepared a memorandum giving his arguments for a closer union of the four colonies, which was read by the other members of the Kindergarten. They made some suggestions and in December 1906 it was printed and a copy was handed over to the High Commissioner, Lord Selborne. [*Ibid*, p 63-64]

The Kindergarten had kept Selborne informed of what they were doing. He agreed with the views which Feetham had outlined in October. He had experienced the problems of patching up the customs union and overcoming rivalries and conflicts relating to railways and shipping freights and rates. Some English-speaking people in South Africa were afraid of the country falling under Afrikaner domination as a result of premature union. Selborne's reply to them was that only a union of South Africa would have enough economic stability to attract a large number of British immigrants to create a British majority. He therefore welcomed the draft memorandum and made a few suggestions to amend it. [*Ibid*, p 64]

Selborne supported the view expressed in the memorandum that the coloured people should be differentiated from the Natives, because of infusion of white blood in their veins. He would have liked a better deal for the Coloureds and the educated Natives, who could help in "leading on the upward path of Christianity and of civilization the vast tribes who are beginning to emerge from



barbarism.” The memorandum was silent on the political rights of the Natives and other non-whites. It was concerned mainly with the white interests.

The memorandum made a powerful appeal when it said:

South Africans may well ask themselves from what calamities would not their country have been saved, if fifty or even thirty years ago, by a movement born of the soil and nurtured by their own statesmen, the federation of South Africa had been accomplished. Shall it fall to the lot of your children hereafter to have to ask themselves the same questions? [Cd. 3564, p 61]

K. M. Bell and W. P. Morell in their informative book *Select Documents on British Colonial Policy 1830-1860* (Oxford, 1928) have quoted Lord Stanley, who wrote to George Napier, Governor of Cape of Good Hope, on 15 April 1842 as below : [Thompson, L. M.: *op cit* pp 67]

When I bear in mind how powerful, indeed how nearly irresistible, is the authority of an elected legislature in the colony which it represents, I cannot regard as a matter of a secondary concern the adjustment and balance of that authority in such a manner as may prevent its being perverted into a means of gratifying the antipathies of a caste, or of promoting their own interests or prejudices at the expense of those of other and less powerful classes.

But nothing was done to ensure justice for the non-whites. No one was really keen to fight for principles and protect the democratic rights of Africans, Asians and the Coloureds. Their rights were expendable and could be sacrificed with impunity.



Selborne wanted to publish the memorandum and accepted the Kindergarten's suggestion that it should be done under the High Commissioner's signature. But in order to prevent any impression that the move for a closer union of the colonies was coming from outside sources, he wanted an appropriate opportunity to do so. In November, Curtis went to Cape Town to see Dr Jameson, the Prime Minister of the Cape Colony, and told him of what had been going on. Jameson was ready to help and on 28 November he addressed a Minute to the Governor of the Cape Colony to the effect that in view of the increasing inter-colonial friction, the High Commissioner might be requested "to review the situation in such a manner that the public may be informed as to the general position of affairs throughout the country." This would give the people of South Africa, he said, a timely opportunity of expressing their views upon the desirability as also the best way of uniting all the colonies and protectorates under British administration, to be governed "by a National Government", if the people of South Africa considered it desirable to do so. [Thompson, L. M.: *op cit* pp 67-8]

Selborne now got his opportunity. On receiving the Minute, he sent copies of the Cape Government's letter to the Governments of Natal, Orange River Colony and the Transvaal, and Southern Rhodesia, asking for their comments. All of them agreed that the High Commissioner should review the situation. Orange River Colony and the Transvaal Governments were however careful to add that they could not "commit their successors to any particular line of action." [Thompson, L.M. *op cit* p 68]

Selborne then wrote to the Governor of the Cape that the review suggested would have never been undertaken by him on his own, as he did not



wish to interfere with the internal affairs of South Africa. But when he was requested to do so by “those who have a right to demand my services,” the Ministers of the responsible Governments of the Cape Colony and Natal, he could not refuse to do so. He was convinced that “no healthy movement towards federation could emanate from any other authority than the people of South Africa themselves.” [*Ibid*, p 68]

He then went on to draw his attention to the main points of the memorandum which he said had been drafted by his colleagues, who had worked hard to collect information on which it was based. He had personally edited it and accepted full responsibility for it. The memorandum, he said, had highlighted that there were three choices before South Africa, (a) the make-shift regime of the High Commissioner, (b) the jarring separatist trends, or (c) the noble example of the union of the States in North America.

What South Africa required above all, he said, was stability — stability in political conditions, stability in economic conditions and stability in industrial conditions. “But true stability will remain impossible so long as there are five different governments in South Africa, each developing a different system in all branches of public life and each a potential antagonist of others, but no national government with authority to harmonise the whole.” [*Ibid*, pp 68-9]

Selborne called the memorandum “A Review of the Present Mutual Relations of the British South African Colonies” and enclosed it with his dispatch. He also sent copies of his dispatch with the enclosure to the governments of Natal, the Transvaal, Orange River Colony, and Southern Rhodesia. In January 1907 he sent them all a supplementary memorandum on ‘South African Railway Unification and its effect on Railway Rates’ which had been prepared by Philip Kerr, the assistant secretary of the Inter-colonial Council. [*Ibid*, *op cit* p 69]



Selborne thought that publication of the memorandum would help stem the drift towards isolationism in the Transvaal. The Natal Government advised him not to do so until the Transvaal had a new Government after the election, as immediate publication of the memorandum might result in its being made an issue in the election. The advice was accepted. Efforts were however made to win the support of leaders of both the main parties in the Transvaal for the memorandum.

On 30 November 1906 Patrick Duncan had spoken at length at a St Andrew's night banquet in Johannesburg about the troubles that beset South Africa and had asserted that 'the cure is union'. [*Ibid*, p 69] In January 1907 Lionel Curtis had a discussion with Smuts on the subject. Abe Bailey, a leading Witwatersrand mine-director and Progressive politician, arranged a dinner party for the delegates to the Inter-colonial Defence Conference and invited Botha and Smuts. Duncan explained that the guests would be asked to consider whether a movement can be made at the present time in which men of all political parties can join to help forward the cause of the union. [Thompson, *op cit* p 69] Curtis wrote to Smuts and presented a scheme for the formation of a national organisation, to be presided over by the Chief Justices of the four colonies, to spread the gospel of closer union, to collect and disseminate relevant facts, and to publish a South African *Federalist*. [*Ibid*, pp 69-70] *Het-Volk* leaders however declined to be drawn in at that stage. Bailey had to be content with his own oratory in favour of closer union.

F. S. Malan, the rising star of the Afrikaner Bond, was approached next. Curtis made contact with Malan and gave him a copy of the Selborne Memorandum. He met him three days later to know his reaction. Curtis described the meeting :



I found Malan sitting on Rhodes's bench with the Selborne Memorandum in his hand. He said nothing for five minutes. When I could bear it no longer I said, 'Well ?' 'Publish it', he said. That was all that passed, and I hastened back to Groot Schuur and told Dr Jim (Jameson) what Malan had said. [Thompson, *op cit* p 70]

It was arranged that when the Cape Parliament met in June 1907, Malan would move for the tabling of the memorandum and the dispatch, which would then be published. This move of Malan greatly upset Merriman, but Smuts was able to smoothe things between the two men.

3

M. T. Steyn, Merriman and Smuts were strong anti-imperialists in the Orange River Colony, the Cape Colony and the Transvaal, respectively. They believed in a united South Africa in their own ways. They had decided that the movement for the South African Union should become strong only after the three predominantly Boer colonies had self-government and the Afrikaners were in a position to give it the right direction.

Smuts was a staunch believer in a South African nation of white colonists and a South African Union of the four colonies. On 23 December 1906 he wrote to Merriman :

It seems to me that in Federation or Unification lies the solution of our and your troubles. If Hoggenheimer has to do, not only with the crippled population of the Transvaal, but with the people of South Africa, there will be some chance of keeping him in his right place politically. But the only way of bringing about that consummation is to introduce into the



Transvaal such a Constitution as will give the general population and not the mining population the balance of power. [Merriman Papers, quoted by Thompson, *op cit* p 72]

On 25 March 1907 Malan was instrumental in the Bond Congress unanimously resolving that “no practical steps ought to be taken towards the political union of South Africa until responsible government has been put into force in the Transvaal and Orange River Colony, and that the Bond should actively cultivate a favourable feeling towards this and should endeavour during the forthcoming session to obtain an Inter-colonial Commission of Enquiry into the matter.” [Thompson, *op cit* p 75] This upset Merriman. He feared that “Malan would run us all into a mess by adopting some of Selborne’s ideas on Federation” and cause South Africans to be “dragged at the wheels of the Imperial chariot or the mine owners’ mud cart.” [Steyn Papers, quoted by Thompson, *op cit* p 75]

On 2 June 1907 Merriman wrote to Steyn that in his opinion all their energies at this juncture should be concentrated on getting control of South African governments in the Cape, Orange River Colony and the Transvaal — “Natal is past praying for” — then they might proceed to a National Convention on elected lines to consider ‘this great and complicated question’ of the Union. To begin by holding a series of nominated conferences under the auspices of Lord Selborne seemed to him foolish and likely to defeat its own object. He was sure that any union to be strong and lasting must proceed from the people of South Africa and be based on a broad South African spirit and not on the ‘imperial ambition of those who care not one jot for this country’. He wanted Steyn to put in a word of warning to Malan. He said, “Malan ... is too good a fellow and too great a South African asset to be swallowed by the capitalist boa-constrictor who is now engaged in besliming him previous to deglutition.” [*Ibid*, p 75]



Referring to Malan's move Merriman wrote to Smuts on 7 July:

I do not think that it will do much to help the cause of union forward, but it is useful as a warning of the spirit that is abroad that seeks to unite communities not on the basis of national aspirations but on that of material and trade interests with a strong Imperial bias. It will be a misfortune for all of us if we allow ourselves to be 'rushed' on those lines.

[Smuts Papers, quoted by Thompson, *op cit* p 76]

Merriman visited the Transvaal and Orange River Colony in November for discussions with Botha, Smuts, Steyn and Fischer. There was much better understanding among them as a result of the visit. Merriman was immensely impressed by Botha and found Steyn "wise, calm and a lesson to all of us."

By January 1908, Merriman had won the legislative council election in the Cape, and on 27 January Smuts wrote to him:

I do hope that it will be possible for the South African Governments to do a great day's work. Such a chance does not occur in a life time. Let us try on sound lines to unite this land of ours and so safeguard its future autonomy and independent development along natural lines." [Smuts to Merriman, 27 January 1908; Merriman's Diary, quoted L. M. Thompson, *op cit* p 79]

Different people had different reasons to support or oppose the Union of South Africa. Bailey and Farrar said that union was the only way of enabling the white population of South Africa to deal with the Native question as a whole and without the interference of Downing Street.

The economic argument in favour of the union was given much more stress by Lionel Phillips. Fitzpatrick, on the other hand, sounded a note of warning. Unlike many other Progressives, he had not been convinced by the Selborne Memorandum. He regarded Curtis as a 'bore' and he feared that South Africa



might be united on terms which would reduce the British population to permanent 'helotry'. He therefore warned that the union might result in 'the perpetual domination of a party which ... regards itself as a privileged and exclusive caste'. [Thompson, L. M.: *op cit* p 79] These sentiments were echoed by Major Silburn in Natal. Selborne deprecated them. He wrote to Patrick Duncan, "those who urge delay with regard to federation on the ground of the present political preponderance of the Dutch are most short-sighted." He was sure that so long as there was general instability in South Africa no increase of British population was possible. British population would not migrate to South Africa till there was economic prosperity, and prosperity was not possible without stability, so that the Dutch would continue "to preponderate *ad eternam* there can be no expansion without stability; and there can be no stability without Federation." [Ibid, p 80]

On 18 February 1908 Smuts wrote to Merriman:

For the last few months a very dangerous movement has been growing in the Transvaal — a movement of separation similar to that which existed before the war. Farmers and individuals clamour for protection against the rest of South Africa, for putting a ring fence round our border and for forced development of our own industries and agricultural production and for protecting local markets. For some months now General Botha and myself have been stumping the country in order to combat this insane retrograde movement; but there is no denying that it is strong and becoming stronger, and that it may possibly yet sweep us off our feet. The fact is that the Transvaal is now at the parting of the ways; henceforth we must move either in the direction above indicated or we must hurry on Union. There is no middle course. Perhaps we who are now



at the head of affairs are still strong enough to carry the day for the Union; but much delay would be fatal, for very powerful and sinister influences are secretly at work among every section of the population. [Thompson, *op cit* quoting from Merriman Papers, p 81]

Merriman had by then taken charge as Prime Minister of the Cape. He replied :

I quite agree with you as to the necessity for pushing the question of Union. There is just a probability that if we three States — the Transvaal, Orange River Colony and Cape — insist, we can carry the thing by a *coup de main*; while if we wait, I can quite foresee that it may be a very long business; and in the interval we may be crushed by the financial situation. [*Ibid*, p 81]

Steyn replying to a similar appeal expressed grave concern “lest the Afrikaner people should be weakened by division in the hour of their political triumph.” They were now in a position, he told Smuts, to follow a policy of uniting all South Africa and consolidating the Afrikaner nationality. Would they seize the opportunity or would the Afrikaner devil of discord again drive them apart? [Thompson, *op cit* quoting from Smuts Papers, p 81]

In February 1908, when the political swing had been completed, the general opinion in South Africa was in favour of a Union. Some of the British South Africans were worried that a united South Africa might fall under Afrikaner domination. Some of the Transvaal Afrikaners would have liked the re-establishment of a ‘Krugerist State’ in the Transvaal, but the majority of the white population was looking forward to some form of political union before long. The governments of the four colonies were also keen to have a Union.



The advocates of closer union had different concepts and reasons for supporting the Union. According to Thompson there were those who believed that a closer union would consolidate and strengthen the British position in South Africa, ensure loyalty of South Africa in the event of a war with the Triple Alliance, and perhaps, form a stepping stone towards imperial federation.

To Afrikaners like Steyn closer union seemed to be attractive because it would bring the entire Afrikaner people together in one state which they could hope to control and which might move rather rapidly towards full national independence.

It was Botha and Smuts who formed the bridge between these two schools of thought. They had been deeply impressed by the magnanimity of the Campbell-Bannerman Government; they were convinced that without union inter-colonial friction was inevitable with the likelihood of strife, and they had become imbued with the ideal of a white South African nation formed by the merging of the Afrikaner and the British stocks. They were thus largely in accord with the British officials. They were also convinced that the Union was in the best interests of the Afrikaner people. They believed that the legitimate aspirations of the Afrikaner could be fully satisfied within the framework of the evolving British Empire. [Thompson, *op cit* quoting from Smuts Papers, p 82]

The reaction of the Asiatics and other non-white communities to this move for a closer union of the four colonies in South Africa was however marked with a good deal of trepidation. Gandhiji reflected this attitude when he addressed the first meeting of the Transvaal Closer Union Society held in Johannesburg on 19 August 1908. He said that it was not fair to treat South Africa as a white South Africa and the Europeans should consider it their duty to raise the non-white communities and not push them down. [C.W.M.G., VIII, pp 465-8] In an interview to



Natal Mercury in Durban on 30 September 1908, he again said that unless a unified South Africa meant unification not only of the white races but of all British subjects whether coloured or white who had chosen South Africa as their permanent home, it would end only in greater restriction of their liberty. [*Ibid*, IX, pp 76-80]

4

The notice of the Transvaal Government to withdraw from the Railway and Customs agreement as it existed, was to expire on 30 June, 1908. They had expressed willingness to explore the possibility of alternative arrangements. The decisive conference to work out such arrangements was to meet in May 1908 at Pretoria. Smuts felt that with three colonies being ruled by the trusted leaders of the Afrikaners, and Natal likely to fall in line with them, it was ‘now or never’ so far as setting up a union of South Africa was concerned.

Smuts had reported to Merriman and Steyn the development of isolationist trends in the Transvaal and told them how he and Botha were trying to overcome them by touring the countryside. This had upset them and they too therefore became insistent that there was urgent need for action to unite South Africa.

Accordingly the three Governments (Cape, Orange River Colony and the Transvaal) met on 3 May 1908 at Pretoria. They were already of one mind with regard to immediate action to promote the Union and felt confident that Natal too would go along with them. On 4 May Smuts moved a resolution to the effect that the best interests and permanent prosperity of South Africa could only be secured by an early union of the four colonies under the Crown of Great Britain, that provision should be made for the accession of Rhodesia at a later date, that the legislatures of the four colonies should be invited to appoint delegates to a



National South African Convention; that this convention should consist of not more than twelve delegates from Cape Colony, eight from the Transvaal and five each from the Orange River Colony and Natal, and that it should meet as soon as possible after the next parliamentary session; that it should publish the draft constitution at the earliest, and should determine, in consultation with the governments, further steps to be taken and that voting in the convention should be *per capita* and not by States. [Thompson, *op cit* pp 91-2]

In their earlier prolonged correspondence, Merriman and Smuts had agreed that the four colonies should be united under the Crown. Smuts realized that there was no other way of establishing a union. Merriman as a Whig believed that the monarch must act on the advice of his ministers and self- government under the Crown would therefore imply non-interference from Downing Street. He preferred the concept of Commonwealth to that of the Empire. Merriman had drafted a letter to the British Empire League in 1905 in which he had said “The name ‘Empire’ which is generally used to describe the various communities that acknowledge allegiance to the King of England may serve as a convenient expression for the somewhat undefined relation that hitherto existed between Great Britain and the self-governing colonies, but if this relation is to be made the subject of any Constitution, I venture to think that the word ‘Commonwealth’ expresses the sort of relation that must exist in the future if the connection is to be a permanent one.”

Merriman and Smuts both believed that the Australians and Canadians had followed a path to freedom and nationhood, which could also be followed by the Boers and Britons in South Africa. Their sense of practical realism as also their idealism made them strong supporters of a union within the empire. But they were not clear whether there should be a federation or a unitary form of



government. The unitary form of Government seemed to attract them, but they were not sure whether leaders like Jan Hofmeyr and W. P. Schreiner would agree to it. Similarly, they had their doubts whether English-speaking Natal would not be afraid of a unitary Government. Lionel Curtis, who had been Smuts' constant consultant and advisor, and other members of the Kindergarten were afraid that a unitary constitution might scare away the colonies and even a federation might not be realised. But Smuts and Merriman after many discussions became convinced that they should work for a unitary form of Government and if properly explained, the Colonial Parliaments and the people would accept it.

In the Transvaal Parliament Smuts explained his point of view on 23 June 1908:

The federal system is not only undesirable because it involves even more expense and means more machinery superimposed on the people of South Africa, which is already groaning under all this administration, but to my mind the great difficulty with federation is this, that it assumes that a number of independent parties come together and enter into a compact, into an agreement, which is binding for the future Is that the sort of Constitution we want for South Africa, for a country in its infancy? Do we want a Constitution which will lead to civil wars as the American Constitution led to? No, we prefer to follow a different type — that of the British Constitution We must not be prevented in far-off years, from going forward because we have an agreement which cannot be altered. That is the great drawback about a Federal Constitution. What we want is a supreme national authority to give expression to the national will of South Africa, and the rest is really subordinate. [Thompson, *op cit* p 105]



With regard to the matter of the Union Constitution, Smuts and Merriman had their differences on the franchise question. Merriman wanted the franchise to be exercised by those who were qualified to do so, whether they were white or non-white. Smuts had refused to give the right of vote in the Transvaal to non-whites, however well qualified and however small their number, or to deny it to whites, however ignorant and unqualified, when he had drafted the Transvaal Constitution. Merriman suggested that each of the four colonies might be allowed to carry their own franchise into the Union. He hoped that the Cape members would be able to influence the other members of the Union Parliament and the Cape philosophy might be accepted by them. But he was prepared for the opposite reaction and wrote to Smuts in February 1908 that the franchise question might be left to the provinces, with the proviso that the local voting pattern could not be altered except by a two-third majority of the registered voters of any colony. Thus the idea of "entrenchment" was introduced, which was ultimately included in the Union Constitution.

5

Liberal opinion in Britain was opposed to a colour bar, it had to be taken note of. Solomon, as Agent-General, wrote on 17 July 1908 to Smuts on the franchise question. He said:

Why not follow what was done in Canada? Let each colony elect its representatives to the Federal Parliament on its own franchise. Let the Federal Parliament have power to alter the franchise for each colony with the view of making a uniform franchise for the whole of South Africa but make a proviso that the amendment of the franchise by the Federal Parliament must be passed in the Assembly by a majority of 2/3, or else provide that the franchise of a colony cannot be altered by the Federal



Parliament unless 2/3 of that colony's representatives in that Parliament agree. [Hancock W. K.: *Smuts — The Sanguine Years, 1870-1919*, quoting from the Transvaal Legislative Assembly Reports, p 255]

The question of political rights for the Natives was troubling the conscience of many British Liberals. On 13 May 1908, Colonel Seely, the Colonial Under-secretary, while referring to the Closer Union Resolution of the Inter-Colonial Conference held at Pretoria shortly before that, assured the House of Commons thus:

What His Majesty's Government are committed to is that in any solution of the South African question some special representation must be found for the Natives in order to safeguard their rights, and with that, I am glad to think, all people in South Africa are now practically agreed. [Thompson, *op cit.* quoting from House of Commons Debates, p 121]

This was obviously wishful thinking on Colonel Seely's part. Hobson, the English economist and anti-imperialist, wrote to tell Smuts that a committee had been set up in London to consider the effect of the South African union on the Natives. What, asked Hobson, would be the South African reaction to an attempt by British Liberals to secure 'some real representation for Native interests' in the South African Parliament? In reply Smuts explained that the existing franchise qualifications would have to be left as they were until they were changed by the Union Parliament. He wrote:

My impression is that the only sound policy at this stage is to avoid any attempt at a comprehensive solution of the various questions surrounding the political status and rights of the Natives Public opinion in the majority of the South African States is against a Native franchise in any shape or form, and while it cannot be denied that on this delicate



subject responsible public men are probably in advance of the rather crude attitude of the people at large and would be prepared to consider the subject on its merits, still the fear of the people will be with them and they will probably shrink from any far-reaching innovation. The danger then is that a poor makeshift arrangement will be framed; and there is the further and graver danger that the people, who will have to ultimately ratify any constitution, may veto it on the ground that it confers the franchise on Natives The political status of the Natives is no doubt a very important matter, but vastly more important to me is the Union of South Africa, which if not carried now will probably remain in abeyance until another deluge has swept over South Africa [Hancock, *op cit* pp 255-6]

One wonders if Smuts really believed that Natives would have a better deal from the Union Parliament or he was indulging in wishful thinking, if not deliberate deceit, in order to get Whitehall's agreement to sacrificing Native interests in order to unite the Whites of South Africa.

After Hobson's letter, Smuts consulted Merriman. Merriman wrote back agreeing with Smuts:

I entirely agree with you that it would be quite impossible to dream of any general Native franchise at the present time. If it were adopted at the Convention it would unquestionably lead to the rejection of the Constitution in the majority of the States. I ought also to add that in the Cape we are pledged, as far as the most solemn assurances can go, to maintain the rights conferred by our franchise.

I have always looked to effecting a compromise on the basis of a separate franchise for the provinces with material safeguards in the Constitution as regards alteration. At the same time we should base the



distribution of representation purely on the European population. This as it seems to me would, while fulfilling our obligations, not offend the susceptibilities of any community. I have tried to find a better solution in vain. [Thompson, *op cit*, quoting from Merriman Papers, p 123]

Merriman, with all his goodness and liberal outlook, lacked the steadfastness to stick to principles and be prepared to make sacrifices, if necessary, in order to safeguard the rights and interests of the non-whites.

Hobson's report made it clear that even British liberal interest in Native political rights would not go to the extent of opposing such articles of the Union Constitution as were agreed upon by the South African political leaders.

Liberals in South Africa, though small in number, kept up the fight for principles more steadfastly than the British Liberals. W. P. Schreiner considered Smuts' priorities to be lop-sided. A Union of South Africa was important, but far more important to him was the question of 'human rights'. He said:

To embody in the South African Constitution a vertical line or barrier separating its people, upon the ground of colour, into a privileged class or caste and unprivileged inferior proletariat, is, as I see the problem, as imprudent as it would be to build a grand building upon unsound and sinking foundations. The *freedom* to which all are born in a free land is as true as their alleged equality is false.... In our South African nation there must be room for many free peoples, but no room for any that are not free and free to rise. [Hancock, *op cit* p 256]

Merriman agreed with Schreiner but was ready to compromise for "entrenchment" of the Cape franchise. He wrote to Smuts on 19 July 1908 endorsing the programme of 'Union first'. A week or so later Steyn also sent his endorsement. Smuts' view was:



On the question of the Native franchise my mind is full of Cimmerian darkness and I incline very strongly to leaving that matter over for the Union Parliament. I also feel pretty certain that a Native franchise imported into the Constitution would make Union impossible of acceptance by the people. Let us therefore adhere to the comfortable gospel of *laissez-faire*.... [Hancock, *op cit* quoting from Smuts' Papers, Vol. VI, No. 9, p 257]

The question of voting power for different sections of the European community was also a controversial question. Smuts and Merriman both wanted the franchise to weigh in favour of country population as was the case in the two coastal colonies. Smuts had tried his best to introduce it in the Transvaal but had failed. The West Ridgeway Commission had accepted the Progressive Party's slogan "one vote one value". Smuts knew that this would have to be accepted for the Union also. He wrote to Merriman:

I am interested in your protest against the new-fangled notions of equal voters' areas and automatic redistribution. Our Progressive friends, however, decline to consider Union except on such terms of "equal rights" and it may be that you will have to move with the times, however distasteful the process may seem to such an old-fashioned Tory. No doubt there is much in all this to justify your fears, but remember that we achieved victory in our last election notwithstanding these doctrinaire aids to the manhood of the Rand. [*Ibid*, p 257]

The date for the opening of the National Convention at Durban was fixed for 12 October 1908. Smuts had worked hard to make a success of the Convention and get an agreement of the four colonies' delegates on the principle



of Unification of South Africa. He wrote to Merriman, “We who have taken up this issue, have practically burnt our boats and may therefore not look back. If we fail, we shall be ruined politically.”

The Botha-and-Smuts team worked very well as usual. Fitzpatric and other English-speaking leaders in the Transvaal had been afraid of “Political helotry”, under the Afrikaner-dominated Union. Botha reassured them and set their fears at rest.

The Natal Government were aware that the Union was in their interest, but sentimentally they also feared the Afrikaner domination and wanted to retain their independence. Botha was able to persuade them to come into the Union without hesitation.

While Botha was busy with smoothing public relations and restoring confidence between Boer and Briton, Smuts was busy drafting a constitution for the Union. On 24 August, he wrote to his British friend, Margaret Clark:

Saturday 22 August our Parliament was prorogued after 10 weeks’ sitting and passing 40 bills, many of them long and complicated. Even today I feel more dead than alive with all the work and worry of the last few weeks.... Nor will there be any rest yet. The Union Convention will meet on 12 October and I shall have to set to work at once in order to prepare for that ordeal. [Hancock, *op cit* quoting from Smuts’ Papers, Vol. VI, 104, p 259]

In fact he had already made the preparation and towards the end of the same week he sent a paper which he called “Suggested Scheme for South African Union,” to Merriman, De Villiers and Steyn with a note that if the suggested scheme had their approval, he would be prepared to draft a constitution in order to save time. The paper was simple, clear and persuasive and received a positive



response. They all largely agreed with his scheme and a few points of differences could be discussed and agreement found.

Smuts had in reality already drafted a constitution with the help of R. H. Brand, who, according to Hancock, was “probably the coolest head amongst the Kindergarten.” [Hancock, *op cit* p 261]

Smuts did make some alterations in the draft on the suggestions of Merriman and De Villiers. On the language question, there was just one sentence in the document, “Equal rights will have to be accorded to English and Dutch languages in the Parliament and law courts of the Union.” [*Ibid*, p 262] Steyn wrote that it was not enough. Equal rights for English and Dutch must also be extended to schools and public services.

“The Closer Union Societies” of Curtis, a good propagandist, were mobilising public opinion all over South Africa in favour of the Union. Kerr who was soon to become editor of a new periodical *The State*, with his analytical mind; Brand, Feetham and Duncan with their political and constitutional expertise; and Malcolm, who as Selborne’s Secretary was in a position to give early warning of possible difficulties with Imperial officialdom, with his diplomatic skill were all most helpful to Smuts. Selborne helped by promoting communication between the national leaders and Downing Street on the one hand and on the other by allaying the fears of English-speaking doubters in Natal and elsewhere in South Africa.

Smuts realized that unless the Transvaal delegation went to the Convention with one mind, they would not be able to pull their weight. The delegation had five members from the Het-Volk and three from the Progressive Party. Botha had included De la Rey, who commanded the affection and trust of



Afrikaners in the countryside. Fitzpatrick who was mercurial and magnanimous played a more positive role than his leader Farrar.

The Progressive members had made no systematic study or preparation for the Convention as Smuts had. The discussions among the delegates therefore proceeded as Smuts had planned. In the first week of October he was able to please both Steyn and Fitzpatrick by bringing about agreement on “equal voting rights in exchange for equal language rights.” [Hancock, *op cit* p 262]

The experience of working together brought the two groups closer. There was greater trust and confidence between them and a genuine agreement as to the objective to work for. They all agreed that the Union would be the fulfilment of the reconciliation policy. The Transvaal delegation thus went to Durban for the Convention as a united team with an agreed programme. They took with them a team of 19 experts. No other delegation could command the same prestige as that of the Transvaal, which had economic strength and political stability and the delegation was well prepared with facts and figures.

7

The Convention opened at Durban on 12 October. Smuts had done his home work well and his team of expert advisers was always ready with alternative drafts whenever it became necessary from the time of the Inter- colonial Conference held earlier at Pretoria. There were 152 clauses of the Constitution that emerged from the labours of the Convention. Most of these had already been worked out by Smuts and his advisers.

Hancock, the biographer of Smuts, records that Smuts’ part in the drama was three-fold, that of actor, manager and a producer. Botha stood like a ‘rock’, and provided solid support to the closer union. [Hancock, *op cit* p 263] There were a number of crises at different times, on the issue of a unitary as against a federal



constitution, on the question of the political rights of non- whites and the franchise for the Natives. But on the whole, the Convention went more smoothly than anyone had dared to hope. The first act of the drama at Durban resulted in the general acceptance of the unitary Constitution, and the executive and legislative functions of the Union Parliament were defined. The Convention resolved that there would be two Houses of Parliament. The Upper House, it was agreed, would be named the Senate. The Lower House, the “House of Assembly”. The resolution said, “The legislative power of the Union shall be vested in a Parliament, to be styled the Parliament of South Africa, and to be composed of the King; a Senate and a House of Assembly”. It was further resolved that “Parliament shall have full power to make laws for the peace, order and good government of South Africa.” This became section 59 of the Convention’s draft Constitution.

The first session of the National Convention at Durban came to an end on 5 November 1908. [Thompson, *op cit* p 186]

Gandhiji had been watching the situation from London. He had no wish to put any obstacles in the way of closer union of South Africa, but he wanted Indian leaders to be aware of the implications of the forthcoming Union of South Africa which would end the long-standing hostility and conflict between the two White ethnic groups, the Boers and the Britons. It was to be a union of White South Africans only. The non-whites, Indians and other Asians, Coloureds and the Native Africans were to remain the hewers of wood and drawers of water for the White South African masters, the ruling white minority.

On 17 October 1908 *Indian Opinion* in a leading article said:

At a time when all South Africa is uniting to inaugurate the series of events that are expected to culminate in some form of closer union,



blending the various States of South Africa into a great nation, it is extremely distasteful for us to sound a dissentient note. For British Indians at least of the subordinate peoples of South Africa, closer union is a consummation devoutly to be deplored, for, whereas they now have a number of comparatively weak forces arrayed against them, closer union will create a potent organisation whose whole energies will concentrate upon the Indian community. There is no disguising the fact that British Indians dread the coming of closer union, very much for the same reasons as the frogs of the fable had reason to prefer King Log to King Stork. [I.O., 17-10-1908, p 623]

It added, that it had become the practice to legislate in South Africa in regard to British Indians entirely regardless of their susceptibilities. Being, except at the Cape, disfranchised, it was deemed unnecessary to consult them in the framing of any legislation affecting them. The existing state of affairs in the Transvaal demonstrated very forcefully the unwillingness of British Indians to continue to fulfil the role of a whipping-boy or a scapegoat. They were prepared to assume the responsibilities co-existent with the privileges that they claimed. They made no demand that would conflict with the White man's assumption of superiority of political training and capacity. But there could be no legislation in regard to British Indians without consultation with them. That was the lesson of the passive resistance struggle in the Transvaal, "and it is because we fear that while South Africa has not learnt the lesson, that we regard as a menace to the liberties of British Indian subjects of the Crown, the accomplishment of closer union in the near future." [I.O., 17-10-1908]



There was a discussion in the newspapers on some of the burning issues while the Convention was in session. The *Transvaal Leader* asked Olive Schreiner if she thought that the convention should deal with the question of the representation of Asiatics, Natives, and Coloured people, or it should leave this matter for settlement by the future Parliament of South Africa. If the matter should be dealt by the National Convention, on what lines it should be done.

She replied that like all other root questions, this question should be fully discussed by the Convention, and the result of that discussion be fully and frankly placed before the nation; that no distinction of race or colour should be made between South Africans with regard to the federal franchise. “All persons born in the country or permanently resident here, should be one in the eye of the State.”

Strongly opposed to the importation of Asiatic or other labourers to undersell the labour of the permanent inhabitants of the land, she agreed that the inhabitants of South Africa, like those of all other countries, were under certain conditions justified in refusing admission to foreigners at their ports, “though I think the conditions under which it is desirable, seldom occur”; but, once admitted to take up their permanent residence in “our country”, she thought no distinction of race or colour should be made. “South Africa must be a free man’s country.” She believed that an attempt to base national life on distinctions of race and colour as such will after the lapse of many years “prove fatal to us”.

She went on to say that as long as the population of South Africa was united, and the conditions of warfare remained what they were “we need fear no foe”.



“But what if we are not united?” What, if, when the day came, as it must, when hostile fleets — perhaps not European — gathered round their shores, and the vast bulk of inhabitants cast eyes of indifference, perhaps of hope, towards them ? “Having no share in the life of the State, being bound to us by no ties of sympathy, having nothing to lose, might not the stranger even appear in the guise of a deliverer?” The bulk of the men and women in the land might whisper, “It is no business of ours; let them fight it out.” So long as nine-tenths of the community had no permanent stake in the land, and no right or share in the government, “Can we ever feel safe? Can we ever know peace?” she asked. “When the time of conflict and storm comes, that is where the social structure will give way.” She said:

But a far more subtle and inevitable form of evil must ultimately overtake us. It is ordained by the laws of human life that a nemesis should follow the subjection and use, purely for purposes of their own, of any race by another, which lives among them. Spain fell before it in America; Rome felt it; it has dogged the feet of all conquering races. In the end the subjected people write their features on the face of the conquerors.

If we raise the dark man we shall rise with him: if we kick him under our feet, he will hold us fast by them. [I.O., 2-1-1909, pp.9-11]

Gandhiji commented:

Olive Schreiner’s pen has not lost its cunning. Better still, the divine spark in her is yet alive. However one may differ from the gifted writer in points of detail, one can only come to the conclusion, after reading her remarkable letter on Closer Union to the *Transvaal Leader*, that one is face to face with that awesome human phenomenon, a mastermind, and one instinctively feels that women such as she and Mrs Besant, different as



they are in literary and spiritual expression, are of greater permanent value to the world than a continent of Napoleons. The portions of the letter above referred to, which we reproduce in this issue, indicate a statesmanlike grasp of the present situation and a prophetic vision of the future that compel one's attention. We agree entirely with Mrs Cronwright-Schreiner, that a people kept in a state of political helotage are a source of danger to the State, sooner or later. The Indian community in South Africa has never demanded or fought for the political franchise, but we certainly believe that, to prevent any section of the community from exercising political rights for reasons of race or colour alone, is the height of political unwisdom. Whilst it is true that the unfranchised have a potent weapon of defence in passive resistance, the fact of the possession of a vote may make politicians sufficiently wary to avoid affording the opportunity for such an expression of feeling. Prevention is always better than cure. [*Ibid*, p 2]

9

The Convention met again at Cape Town on 22 November to Draft the Constitution for the provinces. They adjourned for Christmas and met again from 11 January 1909 to 3 February when the Convention was ready with its report.

In South Africa, wrote Gandhiji, the two white races were coming closer together, forgetful of racial cleavage and national differences. They saw that the only genuine alternative to chaos, ruin, and retardation of national progress was by way of closer union. "But let it also be quite clear that this joining of hands is to be by and on behalf of the white races only. The ideal of a great white South Africa transcends everything." The non-whites of South Africa, though they so largely preponderated in numbers, were to be regarded as an undesirable



element in the formation of the South African Union. “Whilst we have never regarded the possession of the franchise as a great desideratum in itself — for we know from experience that the abuse of the privilege is far more frequent than its use — it is yet considered in the light of a recognition of manhood, similar, as Rev Chas. Phillips put it last week at the Transvaal Native Affairs Society’s meeting, “to the assumption of the toga by the young Roman.” Something of the attitude of the white races towards the coloured races under a scheme of closer union, could be gathered from the deliberation which concluded that the coloured peoples, almost without exception, were to be kept in a condition of political and municipal tutelage. [I.O., 6-3-1909, p 103]

Gandhiji made use of the opportunity to educate the Indians to become united. He wrote, “But if the white races of South Africa find the need of union pressing, how much more must the British Indians, who are regarded, even though born in the sub-continent, as aliens, who can never be absorbed in the general population, who can never be induced to take a responsible share in the development of the State, whose value as a national asset is profoundly ignored, realise the urgency of the need for combination amongst their scattered units?”

The process of consolidation, he said, had been going on, ever since the Transvaal struggle commenced. Natal, the Cape, Rhodesia, and even British Central Africa and Delagoa Bay had united to aid, financially and by way of sympathetic encouragement, the sufferers in the Transvaal. That desire for co-operation must continue in the future so that a Government of South Africa would have to deal with a British Indian community, one and indivisible, throughout the sub-continent.

To that end, he added, there must be an enormous growth in the spirit of duty animating South African Indians. They must banish for ever religious and



territorial differences, and remember that the White South African does not and cannot distinguish between Indian and Indian. “To him, all are base-born alike” It was in the face of this united opposition from the bulk of South African opinion that British Indians must combine, if they valued their self-respect, their national honour, and their religious ideals. The great Sikh Guru, Govind Singh, demanded of his followers five blood-sacrifices to the all-devouring, all-demanding Goddess of Duty. Five devoted men came forward that they might be slain for the redemption of their people. The sacrifice was not required, but the fact that these men were willing to go to immediate death for a high ideal made them worthy of the title *Khalsa*, the liberated, and eventually by reason of their lofty example and the inspired word of the great Guru, they liberated all their people. “So, too, must South African Indians, young and old, rush forward at the call of duty,” whether death or life be their portion, for only so could they, as a community, achieve salvation. [I.O., 6-3-1909, p 103]

10

From 3 March to 16 April 1909 the draft South Africa Act was considered by the Colonial Parliaments. Their suggestions came before the Convention which met again at Bloemfontein from 8 May to 11 May 1909. The amended draft South Africa Act was passed by the Parliaments of Cape Colony, the Transvaal and Orange River Colony from 2 to 4 June and was approved by Natal on 10 June. It was then sent to London.

The South African official delegates were worried that Schreiner and the Coloured and Indian African deputations might be able to arouse British public opinion to such an extent that the Liberal Government might feel obliged to insist upon amendments for giving franchise and protect the rights of non- whites. Memory of Chamberlain’s insistence on an amendment in the draft Australian



Constitution when it was passed, made Merriman so anxious that in order to counteract Schreiner, he sent de Villiers to London in the same ship that took Schreiner, so that he could be watched. He tried to convince the Governor of the Cape Colony and through him the Liberal Government in Britain that if Schreiner succeeded in his purpose the unification movement would collapse, and the white inhabitants of the Cape Colony would also become as intolerant on the colour question as the northerners. For all this, he added, the Imperial Government would have to be held responsible. [Thompson L. M.: *op cit* quoting from Merriman Papers] Attempts to induce the British Parliament to override the almost unanimous wish of South Africa on the question of Native policy, must not receive any encouragement from His Majesty's Government, he said. [Merriman Papers No. 245/1909, quoted by L. M. Thompson, *op cit* p 402]

On 28 June Governor Hely-Hutchinson sent the following telegram to Lord Crewe :

Colonel Stanford called on me today and said that although he shared Schreiner's objection to the inclusion of the restriction (for parliament membership) as to 'European descent' and regarded it as a blot on the Constitution he is strongly of opinion that the considered decision of the Convention on the subject, endorsed by the South African Parliaments, ought to be accepted. If the restriction were eliminated, the danger of an attack on the existing franchise rights of the Cape Colony Natives would be great Settlement of this and cognate questions ought to be left to the people of South Africa He desires me to add that his experience of the discussions in the Convention assures him that there is a growing feeling and intention amongst the leading politicians in South Africa in favour of promoting the real interests of the Natives.... [*Ibid*, p 403]



In England the official delegation tried to discredit Schreiner, and the Coloured and Indian deputations. Jameson told *The Times* that the ‘agitation’ of the extreme negrophilists was ‘doing a great deal of harm to the Native people’. Merriman said, “Schreiner’s mission was one of the most unkind things ever done to the Natives.” [*The Times*, 28 June 1909]

Sauer feared that the growing feeling in favour of liberality of treatment of the non-whites in South Africa will be arrested because of the attempt, “first to obtain what is now impossible, namely equal rights, and secondly, because of the attempt to obtain interference from outside on a matter on which European people in South Africa are united.” [*Ibid*]

Botha insisted that the question of political rights for non-whites would ‘have to be solved in South Africa’, by South Africans, who had always ‘shown a spirit of justice and fair play towards the Native races’.

11

Meanwhile Dilke did what he could to prepare the way for Schreiner. In March he saw Colonel Seely to plead the cause of the non-whites with great earnestness and eloquence. He led a deputation of Liberal and Labour members of Parliament to Lord Crewe to protest against the colour bar. And at the annual meeting of the Aborigines Protection Society on 19 May, a resolution was passed at his and G. P. Gooch’s insistence, urging on the Government ‘the grave importance of safeguarding the existing Native franchise in South Africa and its extension to duly qualified Natives, and the abolition of the colour bar in the Union Parliament’. Unfortunately these protests had no effect. [*The Times*, 20-5-1909, p 404]



On 5 July Schreiner who had gone to England specially to plead for the franchise rights for the non-whites, issued a statement to the press saying that he had come to England to try and get the blots removed from the Union Act:

which makes it no Act of Union, but rather an Act of Separation between the minority and the majority of the people of South Africa.... The coloured inhabitants are barred from the opportunity to rise and evolve naturally, which is the right of every free man in a free country. We do not base our movement upon the doctrine of the equality of all men, but upon the doctrine of the right to freedom of opportunity — equality of opportunity The principles of justice which are associated in our minds with Great Britain and her expansive policy are violated in the proposed Act of Union. We do not dream that Union is to be wrecked if Great Britain resolves that injustice, which is apparent, is to be removed. We know that the incentives towards Union are so strong that none of the parties to the Convention would dream of rejecting it merely because the offensive exclusion of persons of non-European descent might be removed. [*The Times*, 5 July 1909]

The next day *The Times* published the full text of the appeal [*Ibid*, 6 July 1909] which Schreiner had brought from South Africa. The appeal concluded:

.... In all these matters it is not easy to forecast the future or to provide efficient safeguards against unforeseen contingencies and developments. But this, at any rate, should be clear — that the ruling principle should be the principle which has animated past policy — the principle of freedom, of freedom of opportunity to all civilized citizens of whatever race or colour. The Imperial Power is the guardian of those constitutional rights which, having itself granted, itself only can take away.



The appeal added at the end:

We consider therefore that we should be untrue to our duty as citizens of South Africa, did we not urge upon the Imperial Parliament and Government to maintain and protect our fundamental rights and liberties.

A leading article in *The Times* on 7 July predicted that there would be no serious opposition in Britain to any of the provisions of the draft Act. It went on to state, “Nothing could possibly be more unwise or more certain to prejudice it, than any criticism from this country which would suggest that South African statesmen were indifferent to their responsibility towards the coloured races.”

[*The Times*, 7 July 1909]

In subsequent weeks *The Times* published several letters criticising the colour bar. Sir Henry Johnston, who had played a major part in establishing British authority in East and Central Africa, wrote on 17 July, strongly objecting to disfranchisement powers given to the South African Parliament.

Sir Charles Bruce wrote to *The Times* on 26 July and Schreiner wrote letters to the *The Times* on 2 July and 8 August. They contended that the Imperial Parliament had a clear duty to the non-whites of South Africa, more especially as most of them had not been represented in the National Convention.

The *Manchester Guardian* was the only major paper to support Schreiner.

The coloured leaders, headed by Dr Abdurrahman, also made many representations. But all this was in vain.

The Liberal Government did not feel any need to press for amendments to the draft Union Bill. The Colonial Secretary, Lord Crewe, made no attempt to



persuade the official South African delegates to remove the colour bar provisions when he met them on 20 and 21 July. [Thompson L.M.: *op cit* p 406]

The representation made by Gandhiji on behalf of the Indians in South Africa was not given any serious consideration. It may be noted that Gandhiji had not done anything at all to mobilise public opinion in London with regard to the Indian question and demands of the Indians, because Lord Ampthill insisted that any such attempt would harm the private negotiations that he was carrying on. Moreover Gandhiji now believed in the power of Satyagraha in preference to petitions.

Crewe assured the South African leaders when they met him that a Bill incorporating the provisions of the Bill passed by the four South African colonies would be drafted by the Colonial Office and presented to the Parliament as ‘the Union of South Africa Bill’. It would not involve any change in principle.

Of the two British proposals for amendment one was for inclusion of Asiatics also in the following clause of the South Africa Bill:

The control and administration of Native affairs throughout the Union shall vest in the Governor-in-Council, who shall exercise all special powers in regard to Native administration hitherto vested in the Governors of the Colonies or exercised by them as supreme chief. [Thompson L.M.: *op cit* p 411]

This was accepted by the South African white delegation thus vesting the control and administration of ‘matters specially or differentially affecting Asiatics’, also in the Governor-in-Council. It was Secretary of State for India, Lord Morley’s wish, said Crewe. The white delegates of South Africa saw no harm in accepting it.



They however did not accept a second British proposal to preclude the Union Government from imposing any form of economic pressure on Protectorates at any time. Crewe had to be content with their verbal assurance that the Union would deal fairly with the Protectorates.

Moving the second reading of the Union of South Africa Bill in the House of Lords, Crewe tried to justify exclusion of non-whites from the Union Parliament, saying:

.... It is only in the Cape that the Native has a vote; and therefore it would seem anomalous to allow a man to sit in an Assembly for which the class to which he belongs have not a vote in the greater part of that Union.... The fact which has decided us in not attempting to press this matter against the wishes of the South African delegates, has been that this is undoubtedly one of those matters which represents a delicately balanced compromise between themselves. As a Government we cannot take — and personally I am not prepared to take the responsibility for the possible wrecking of this Union measure altogether by a provision of this kind;... it is not possible for us, whatever we may consider to be the special merits of the case to attempt to force it upon the great representative body, which, with absolute unanimity, demands that it should not appear.

[Parliamentary debates (UK) — Hansard — Cols. 759-60]

Lord Curzon was one of the six who participated in the debate. He hoped that public opinion in South Africa would 'steadily move in the opposite and more liberal direction in the future' on representation to non-whites in the legislature.

The Marquis of Landsdowne, another ex-Viceroy of India, regretted the exclusion of non-whites from the Union Parliament.



Lord Courtney (Liberal), who was an ardent pro-Boer during the Boer War, protested that representatives of the European communities in South Africa should lay down principles to govern the overwhelming black population. He predicted that the governance of a large non-white majority by a relatively small white minority, would lead to unrest, instability and danger. [*Ibid*, Col. 779]

The Archbishop of Canterbury, R. T. Davidson, also regretted the colour-bar, but he would not oppose the Bill, he said, because that would wreck it. [*Ibid*, Cols. 790-1]

Colonel J. E. B. Seely, the Colonial Under-Secretary, moving the second reading of the Bill in the House of Commons, warned the House against introducing any amendments of the principles in the Bill: “Such amendments they (the South African delegation) cannot, they may not, they have not the power to accept. If we make any amendments of principle, then they must go back to their Parliaments and ask that they be endorsed, and that whole long business will have to be gone over again. Whether we will be likely to get what we want, after having exacerbated feeling by interfering, is a very doubtful matter.” [*Ibid*, Col. 963]

13

Three members did speak against the colour-bar — Sir Charles Dilke, J. Keir Hardie and E. J. Griffith. Dilke warned: “I do not wish to be alarmist, but I do not think it can be said that we are strengthening the Imperial fabric in an Empire where there are 360 millions of coloured people under our rule, by this non-Federal Union in South Africa under such conditions.” [Parl. Deb. (UK) Hansard — Col. 977]

Keir Hardie (Labour) in a strong speech quoted Botha, Smuts and other South African leaders, to prove his point that they wanted to destroy the Cape franchise. He said that no member of the House could justify the colour-bar, and



called it nonsense to maintain that amendments would wreck the Union. He added: “For the first time we are asked to write over the portals of the British Empire: ‘Abandon hope, all ye who enter here’.” [*Ibid*, Col. 994]

Griffith (Liberal) pointed out that the Bill had been prepared by an all-white convention and had been opposed by many representative gatherings of non-Whites. He predicted that the Imperial veto and the reservation of constitutional Bills would amount to nothing in actual practice. He added: “The security of South Africa, the security of white rule in South Africa, the security of Imperial supremacy in South Africa, depends to a large extent upon the willing and active loyalty of the subject races, and we must be careful not to strain that loyalty too far.” [*Ibid*, Cols. 999-1000]

Despite the strong criticism by Liberal and Labour Members, the Prime Minister, H. H. Asquith, moving the third reading on 19 August said:

I wish, before this Bill leaves the Imperial Parliament, to make it perfectly clear that we here have exercised, and I think wisely and legitimately exercised, not only restraint of expression, but reserve of judgment in regard to matters of this kind, simply because we desire this great experiment of ... complete self-government in South Africa to start on the lines and in accordance with the ideas which our fellow-citizens there have deliberately and after long deliberation come to....

He continued,

Speaking for myself and for the Government, I venture to express not only the hope but the expectation ... that the views which have been so strongly ... given utterance to here will be sympathetically considered by our fellow citizens there. For my part I think, as I have said throughout, that it would be far better that any relaxation of what many of us, almost



all of us, regard as unnecessary restrictions from the electoral rights or rights of eligibility of our fellow-subjects, should be carried out spontaneously, and on the initiative of that South African Parliament, rather than they should appear to be forced upon them by the Imperial Parliament here. While we part from the measure without any ... amendment ... I am sure our fellow subjects will not take it in bad part if we respectfully and very earnestly beg them at the same time that they, in the exercise of their undoubted and unfettered freedom, should find it possible sooner or later, and sooner rather than later to modify the provisions. [Parl. Deb. (UK) — Hansard — Cols. 1656-7]

Among the Opposition speakers, Keir Hardie said that his (Labour) Party would not divide the House against the third reading ... because to do so would diminish the effect of the Prime Minister's appeal; but it fervently hoped that the amendments which had been suggested would be enacted in South Africa at the first opportunity.

Mr S. Lupton (Liberal) insisted that no case had been made for the Bill, that the only 'conspicuous thing' it did was to establish a colour bar, and that he would always feel ashamed of it. But he was shouted down, and all the rest shouted "Agreed", so that the third reading was agreed to without a division. [*Ibid*, Col. 1660]

During the committee stage in the Lords, earlier, Lord Courtney had moved an amendment and there were three more by others to enable men not of European descent to become eligible for membership of the Union Senate as representatives of the Cape Province or Natal. Being certain of being defeated, he said he moved it "for the purpose of eliciting, if possible, another chorus of agreement as to the painful character of this disqualification." Crewe admitted



to a “general concurrence of opinion that in itself this provision is an undesirable one” but that it was also agreed that it “would not be wise for your Lordships to attempt to amend that provision” as such force would defer rather than accelerate “progress in the direction of equality between the white and the Native races.” [Parliamentary Debates (UK) — Hansard — Cols. 855, 860]

The South Africa Bill was considered and passed by the House of Lords from 22 July to 3 August and by the House of Commons from 16 to 19 August. It received Royal Assent on 20 September 1909 and the Union of South Africa was inaugurated on 31 May 1910, followed by an election for the Union Parliament. The newly elected Parliament had its opening session on 31 October 1910.

There was jubilation among the whites and dark despair among Indians and other non-whites. The Union of South Africa was to be a democracy only for the whites. The non-whites had lost still more of their meagre rights. They did not have the franchise. They could not be elected to the Union Parliament, although they could still be elected to the Cape Legislature.

14

The whites wanted the non-whites to join in their joy, but how could the non-whites do so? No non-white could enter the Union Parliament. The Coloureds of the Cape who had enjoyed franchise rights, could keep those rights only for entering the Cape Legislature. The Union Parliament was beyond their reach as in the case of all Africans and Asiatics.

Gandhiji wrote a note to the press on 2 June 1910 which expressed the reaction of the Indian community. The note said that the Union had been ushered in general rejoicing among the European races of South Africa. Asiatics had also been expected to share in these rejoicings. If they had not been able to respond to these expectations, the cause, so far at least as the Transvaal was concerned,



was not far to seek. On the day of the advent of the Union, nearly 60 Indian families were deprived of their supporters. They had to be maintained out of public funds. On the first working day of the Union, a cultured Indian and a representative Parsee, Mr Sorabji, who had already suffered six terms of imprisonment, was re-arrested after having been left free for over a month after his last discharge from Diepkloof. He was now under order of deportation. Other passive resisters also continued to be arrested. Joseph Royeppen, a barrister and a Cambridge graduate, and his companions were again in prison. And all this suffering was being imposed because an Act that was supposed to have become a dead letter, had not been repealed, and the theoretical legal position of British Indians of high attainments to enter the Transvaal on the same terms as Europeans, British or otherwise, was not recognized. [I.O., 11-6-1910, p 191]

Coloured people in South Africa felt humiliated and observed the day in sorrow and prayers. The only refuge they could find was in the King of kings. The APO (African Political Organization) reported that they were pleased to hear that the coloured people of South Africa had generally observed the Union Day as a day of humiliation and prayer. Great numbers attended church services, while those who did not do so, abstained from any display of rejoicing.

At Heidelberg much pressure was brought to bear in persuading the Coloured people to take part in the Union celebrations, and to commemorate the day by planting trees. The people refused to regard it in any other light than as a day of humiliation. [I.O., 11-6-1910, p 191]

Dr Abdurrahman, the leader of the Coloureds in the Cape Colony, in the course of his letter to the Coloured people of South Africa, said that the white races of South Africa intended commemorating the event by making the day one



of thanksgiving. What attitude, it had been asked, should the Coloured citizens of South Africa adopt towards the celebrations? The recent annual conference of the African Political Organisation had decided that it could not recommend to the Coloured people to rejoice or to take part in the celebrations.

A brief survey of South African history, he said, would convince any reasonable man that the day was one of humiliation rather than exultation for the Coloured people. He mentioned the following prominent landmarks in the constitutional history of South Africa:

- (a) In the year 1852, the Constitutional Ordinance was enacted in the Cape Colony, and confirmed and enacted by an Order-in-Council of Her Most Gracious Majesty the late Queen Victoria. In a despatch of the then Colonial Secretary, the Duke of Newcastle, to the Governor of the Cape, occurred the memorable words: "It is the earnest desire of Her Majesty's Government that all her subjects at the Cape, without distinction of class or colour, should be united by one bond of loyalty and a common interest, and we believe that the exercise of political rights enjoyed by all alike will prove one of the best methods of attaining this object."
- (b) In 1872, Responsible Government was introduced in the Cape Colony, and no distinction was made as regards colour.
- (c) In 1892, the Franchise and Ballot Act was passed in Cape Colony, which again drew no distinction whatsoever with regard to colour, between electors or members of Parliament.
- (d) In the year 1906, the Transvaal secured the boon of Responsible Government, but, it was sad to say, a franchise based on colour was established by that Act.



- (e) In the year 1907, the Orange River Colony secured its charter of freedom for the whites, but the same condition of political helotry was incorporated in that Act for the non-whites as had found its way into the Transvaal Act. The invidious colour distinction, which appeared for the first time in the Constitutional history of South Africa, was introduced into these Acts referred to “at the behest of those men who are the dominating influence in the first Union Ministry.”
- (f) The Act of Union of South Africa, while not depriving the Cape Coloured races of their franchise rights, had deliberately curtailed their political privileges by inserting the phrase “of European descent” among the qualifications of membership of the Union Parliament. It had absolutely slammed the door to political freedom in the face of the Coloured races of South Africa.

Dr Abdurrahman added :

We had thought that the honourable and prudent manner in which the Coloured people of the Cape Colony had always exercised their political rights, and the peace and contentment that were the natural concomitants of that political freedom, would have justified the adoption of the same policy in the other colonies. But our hopes in that direction have been rudely shattered, and a further scrutiny of recent political tendencies in the North, induces the belief that the clauses in the Act of the Union which are ostensibly framed to guard us against total deprivation of political rights, may prove nothing more than open invitations to assail those rights.

Dr Abdurrahman ended his letter by saying that in view of these considerations, no Coloured person could do otherwise than regard the day as one of humiliation and prayer. [I.O., 11-6-1910, p 192]



The Rev Dr McClure of the Gardens Presbyterian Church, Cape Town, on 29 May in a sermon observed: “Is it not of deep significance that among the Native and Coloured peoples there is only to be found a note of sullen acquiescence in the consummation of the National Union? Can we wonder that it is so?” He added that, a stigma was put on a man because of the colour of his skin. He might be educated and refined, he might be a Christian, he might have paid his taxes and fulfilled all his duties as a citizen, and yet he was debarred from any part in determining the policy of the State of which he was a citizen in three States of the Union, while in the fourth it was impossible for him to select a representative of his own race or colour. “Such a policy may be politically expedient, and this, I question, it is from the Christian standpoint, a crime.” [I.O., 11-6-1910, p 192]

Then there were the Griquas. The following resolutions were passed in a meeting of Griquas, held at Kokstad:

That this meeting regrets that they cannot join in the programme as arranged for the celebration of Union Day and “That we prefer to look upon the occasion as a day of prayer and supplication to the Almighty God, our Heavenly Father.” [*Ibid*]

15

The elections for the Union Parliament were to be held early in September and by 15 September the new Government was to be installed.

Botha and Merriman were both contenders for the highest post of Prime Minister. There was not much to choose between them so far as the non-whites were concerned.



As the elections came closer, Gandhiji decided to do what he could to educate the candidates. In a note addressed to the prospective candidates, in *Indian Opinion* of 2 July 1910 he quoted the following passage from Victor Hugo:

“The people are silent. I will be the advocate of this silence. I will speak for the dumb. I will speak for the small to the great, and of the feeble to the strong. I will speak for all the despairing silent ones. I will interpret the grumbings, the murmurs, the tumults of crowds, the complaints ill-pronounced, and all these cries of beasts that through ignorance and suffering man is forced to utter I will be the word of the people. I will be the bleeding mouth whence the gag is snatched out.” [I.O., 2-7-1910]

He then offered to the candidates Mr L. H. Greene’s programme wherein he said there was ‘nothing of high politics’, “there is no opposing the introduction of Asiatics into South Africa”, there was no racial feeling or colour prejudice and nothing of preferential tariffs within the Empire. Gandhiji asked how many of the candidates dared accept such a programme and “be fired by a consuming desire to speak for the suffering, the despairing and the dumb.” [*Ibid*]

16

With the great prospect of a united South Africa impinging on his thoughts, Smuts had made tremendous efforts at reconciliation, by effecting compromises and with every other means at his disposal, to smooth out those differences between the white races which had been responsible for so much strife and misery. But this did not continue for long. When Botha-Smuts team came to power after the election, he resumed his autocratic ways and antagonised several of his colleagues in the Cabinet. His differences with Hertzog were particularly important and many government officers were also unhappy with him. Crafford gives a glimpse of Smuts unpopularity in narrating that when Botha asked some



Free State leaders what they thought of his government, the reply was that it was all right “except for the inclusion of Smuts in the Cabinet.” [Crafford F.S: *Jan Smuts, a Biography*, p 66]



CHAPTER XV: FILLING THE GAOLS

1

Breach of compromise by General Smuts led to a solemn resolve on the part of the Indian community to resume Satyagraha. The struggle was considered of great importance, not only for Indians in the Transvaal but also for all Indians in South Africa. Indeed it was an imperial question for the Indians. Were they or were they not citizens of the British Empire?

On 14 August 1908, two days before the burning of the voluntary registration certificates by the Indians, Gandhiji had written to General Smuts to point out the Indians' "strong, genuine and invincible" opposition to the Asiatic Act and the need to repeal it. The Government were prepared to treat it as a "dead letter". Since the difference between the Indians and the Government was not very great, Gandhiji asked Smuts to study the petition submitted by the Indians against the validation bill which was before the Parliament, and do the needful to spare the Indian community the intense suffering which the resumption of Satyagraha must bring on them. [C.W.M.G., VIII, pp 451-2]

He added that nearly sixty Indians were already undergoing imprisonment with hard labour in Johannesburg gaol. More than thirty had been imprisoned and discharged since the resumption of the struggle. Thirteen Indian merchants were undergoing imprisonment at Standerton. The chairman of the Natal Indian Congress, Durban, the chairman of the British Indian League, Cape Town and the vice-president and the joint secretary of the Natal Indian Congress, each representing a different faith or clan in India, accompanied by a few indentured Indians and a few others who claimed pre-war residence in the Transvaal, were



at the border, either to be arrested and imprisoned or to be allowed to pass through unchallenged.

If General Smuts could not accept the proposal Gandhiji put forth, he might hold consultations with other Indian leaders and find a suitable solution, Gandhiji suggested. If even this could not be done, he wrote, the burning of the voluntary registration certificates and resumption of Satyagraha, which would not be confined to the Transvaal this time, would become inevitable. Gandhiji took full responsibility for giving this advice to the Indian community.

The letter was treated as an ultimatum. Smuts was angry and adamant and said that he would not yield to threats. The voluntary registration certificates were therefore burnt on 16 August in a mass meeting. The leaders from Natal and Cape Town were present in the meeting, reported *Indian Opinion*. [C.W.M.G., VIII, pp 462-5] They had not been arrested on entering the Transvaal.

The mass meeting of Indians on 16 August and the burning of over 2000 registration certificates as a protest against the introduction of the Asiatic Voluntary Registration Validation Bill, without repeal of the Black Act, had some effect on the Government. Gandhiji was informed the next day at 11 p.m. that Smuts wanted to meet him. He saw Smuts on 18 August. Cartwright and Quinn had also been called. There was a discussion for over three hours with Botha and Smuts, in which Sir Percy Fitzpatrick, Sir George Farrar, Lindsay, Hosken and Chaplin participated. In the end, the Government agreed to the following terms:

- (a) The Act would not be applicable to Turkish Mahomedans;
- (b) Those who could prove that they had resided in the Transvaal for three years before the Boer War would be permitted to enter the colony;



- (c) For children under 16 years, registration would not be necessary;
- (d) When taking out a licence, either a well-formed signature or thumb-impression could be given;
- (e) An appeal could be made to a Magistrate against the decision of the Registrar of Asiatics, and to the Supreme Court against the Magistrate's decision;
- (f) The obnoxious law (Act 2 of 1907) would be retained but only as a dead letter, and it would not apply to voluntary registrants or to those who might register of their own accord in future;
- (g) Those who had taken out registers under the obnoxious law would be allowed to apply for new ones under the voluntary registration scheme.

A meeting of Indians was held the same evening, 18 August, to consider these terms. It was decided to convene another meeting on the 20th and invite persons from all parts of the colony to attend it.

At this second meeting on the 20th, which was attended by a large number of Indians, Gandhiji explained to the audience the terms offered by the Government and added that in his opinion they would form an acceptable compromise, if some provision for highly educated Indians and for Sorabji's reinstatement was included. The meeting was not, however, prepared to listen to anything short of the repeal of the Asiatic Act (Law 2 of 1907) and the recognition of the right of highly educated Indians under the general clause of the Immigration Restriction Act to enter and live in the Transvaal. After much difficulty, Gandhiji was able to persuade the gathering to unanimously agree to the following terms:



- (a) Sorabji to be reinstated with full residential rights;
- (b) All prisoners to be discharged;
- (c) The Asiatic Act to be repealed;
- (d) A general education test with discretionary power as to its severity to be held in the case of educated Indians;
- (e) A free re-issue of burnt certificates;
- (f) The essential clauses of the Asiatic Act, in so far as they might be necessary for a proper check over the Asiatic population and for prevention of fraud, might be re-enacted in a new Bill;
- (g) The draft Bill should be shown to the Committee of the British Indian Association for suggestions as to details. [C.W.M.G., VIII, pp 463-4]

Conveying the above decisions of the meeting in a letter to E. F. C. Lane, Private Secretary to Smuts, on 20 August, Gandhiji hoped that the Government would be “pleased to accept the above terms and close the controversy,” He thought that the Government should have no difficulty “in showing the Parliament and the country that repeal of the Act (Law 2 of 1907) is simply a graceful act to soothe an unrepresented community in the Colony.”

2

On 20 August The Asiatic Voluntary Registration Validation Bill, which had been introduced in the Transvaal Legislative Assembly on 13 August, was withdrawn, and a new Bill, called the Asiatic Registration Amendment Bill, was introduced.

In an interview to *The Star* on 21 August 1908 Gandhiji said that the new Bill, save for two things namely, absence of (a) repeal of the Asiatic Act of 1907



and (b) provision for highly educated Asiatics to enter and reside in the Transvaal, would have been considered fairly satisfactory by his countrymen. These two requirements were vital for its acceptance by the Asiatics. The question of the repeal was very important from the Indians' standpoint. The Indians claimed that repeal was promised and that as a point of honour it should have been granted. He said, "As a question of practical politics, having studied the new Bill, I can see no reason for keeping on the Statute book the Asiatic Act as a perfect dead letter."

The question of entry of highly educated Indians was also of supreme importance to his countrymen, but as far as he could see, of none to the Europeans. It must not be forgotten that British Indians were absolutely free to enter the colony before the War." After the War, the entry of educated Asiatics was not prohibited, but they were subject to the Peace Preservation Ordinance just as any European was. The Immigration Restriction Act did not even now prohibit the entry of Asiatics who passed the education test. Prohibition had, therefore, been brought about by the presence of the Asiatic Act to which British Indians would not submit. He added:

My countrymen will not accept the benefit of the provisions of the new Bill until the wrong I have referred to has been redressed and passive resistance will, therefore, unfortunately have to go on. I have been advised not to lead the passive resistance trouble, but I cannot possibly, as one who prefers, or tries to prefer his conscience to everything else, accept the advice, no matter what the consequences may be. [C.W.M.G., VIII, pp 469-70]

He gave an interview to the *Transvaal Leader* the same day and observed that Smuts did not care to consult Indians when he wished to pass any offensive legislation concerning them. He had not consulted them with reference to the



“present Bill, which, to my mind, is a breach of the compromise on the part of the Government.”

“All that we want is that the colour of the skin should not act as a ‘bar sinister’,” and that professional Indians, who were necessarily required for the organic growth of the community, should be allowed to enter. This might not be even at the rate of one per year, because there would be no scope in South Africa for many such men. They certainly could not compete in trade, and, “After all is said and done, the Asiatic question is very largely a trade question.” [C.W.M.G., VIII, p 468]

He further clarified that there was no demand by his people for an unrestricted influx of educated Indians into the colony. They only asked that “between Europeans and Asiatics of high attainments” there should be no distinction. [*Ibid*, p 471]

To protest against the new Bill, which was being debated in the Transvaal Legislature, a mass meeting of over 3000 Indians was held on 23 August at Johannesburg under the auspices of the British Indian Association. Mr Essop Mia, Chairman of the Association presided. In his opening remarks, he criticised the Bill on the same grounds as were put forward by Gandhiji in his interviews given to *The Star* and the *Transvaal Leader*, and said that passive resistance was undertaken by Indians not merely for redressing personal grievances but for establishing certain principles. Their struggle “must continue until the principle with reference to the education question is also recognised and established.” [I.O., 29-8-1908]

Speaking next, Gandhiji reiterated the two main objections to the new Bill and observed.



So long as I remain in this country, it is my desire to oppose the measures of the Government until we get the redress to which we are entitled, until the promise, that I still declare General Smuts made in connection with the repeal of the Act, is fulfilled, and until the status of highly educated Asiatics is placed on a firm footing.

The British Constitution teaches us, it taught me when yet a child, that every British subject was to be treated on a footing of equality in the eye of the law and I do demand that equality in the eye of the law in the Transvaal also. So long as the Transvaal remains under the British flag, and so long as I may be allowed to remain in this colony, so long must I continue that agitation until British Indians have equality in the eye of the law; it is purely and simply a question of time, but that equality must be given. [C.W.M.G., pp 474-5]

Continuing, he declared:

British Indians will not remain in this country or in any country under the British flag as slaves. They will demand to remain in this country, as also in any part of the British Dominions, as men, and so long as we do not claim this, I think that we do not deserve British citizenship, and seeing that it is my intense prayer to the Almighty that my countrymen live as full British citizens, so long must we continue to work that we may have given to us these rights. [*Ibid*, p 476]

This was greeted by applause by the audience. At the end, two resolutions were passed, one of which expressed the hope “that the disputes outstanding between the Government and the British Indians would be amicably settled” and that the Government would be pleased to “recognise the status of British Indians as part of the Empire, and give the community the rest and peace to which, in



the humble opinion of this meeting, it is entitled.” The other resolution prayed “that the Imperial Government will not sanction the Asiatic Voluntary Registration Validation Bill, until the status of highly educated Asiatics and the repeal of the Asiatic Law Amendment Act of 1907 are secured.” [I.O., 29-8-1908, p 400]

A dramatic note was struck at the meeting when the Pathan leaders admitted their previous errors and declared their intention of joining the struggle again and standing by it till the very end. [*Ibid*, (Gandhiji however records that it was in the meeting of 16 August 1908 that the Pathan, Mir Alam, confessed to having done wrong in assaulting Gandhiji and gave up his certificate for being burnt. (*Vide* S.S.A., p 204.)) The meeting concluded after some 525 more certificates had been consigned to the flames amidst loud cheers, S. Haloo and U. M. Shelat assuming the role of stokers. [*Ibid*, p 204]

The next day 24 August, Essop Mia wrote to the Colonial Secretary enclosing a report of the proceedings of the meeting and the resolutions passed thereat. He affirmed that the request made at the meeting was ‘reasonable’ and hoped that the Government would “find a way out of the difficulty and close the struggle that has now gone on for nearly two years, and has cost the community represented by my Association very heavily in every respect.” He further assured the Colonial Secretary that there was no desire on the part of the Indian community to wilfully embarrass the Government or to place itself outside the laws of the country. [*Ibid*, C.W.M.G., VIII, pp 476-7]

Throughout the campaign, all activities and plans were fully reported in *Indian Opinion*, published weekly at Phoenix and largely funded by Gandhiji’s law practice. It was a most necessary and valuable tool for the Satyagraha movement.



Through it, Gandhiji could keep the Indians informed of the developments, and also to whites with regard to the reactions of Indians to various developments, as well as their plans and programme of action. The Indian movement was based on truth and non-violence and therefore there was no room for secrecy in it.

The officials in South Africa eagerly read the English section of *Indian Opinion* as it gave them authentic news. [M. K. Gandhi, S.S.A., p 145] Here I am tempted to mention an experience of my own. I remember my being taken to Sabarmati Ashram as a twelve-year-old by my brother Pyarelal. The train arrived at Ahmedabad railway station at about 10 p.m. There was a gentleman to receive us who helped us in getting our luggage out and in arranging transport to take us to the ashram. My brother asked me, after he had left, “Do you know who he is ?” I did not. How could I ? He then told me that the person who met us was a secret service agent assigned to keep an eye on the ashram and on my brother. “As we have no secrets, he does not have to work hard to fish out information. He can ask us anything that he wants to know and his information, which he gets from us, is always correct. This is appreciated by his superiors. The result is that he has become an unpaid assistant, so to say, and is always very helpful.” I was too young at that time to grasp the significance of that incident then, as I do now. It brings out the beauty and grandeur of Satyagraha.

Gandhiji used to send a report to *Indian Opinion* every week and sometimes at shorter intervals, in the form of an unsigned despatch or newsletter named “Johannesburg Letter”, the first of which appeared on 3 March 1906. [C.W.M.G., IX, p 1 fn] “*Indian Opinion* was an open book to whosoever wanted to gauge the strength and the weakness of the community, be he a friend, an enemy or a neutral”, wrote Gandhiji in his memoirs of *Satyagraha in South Africa*. [M. K. Gandhi, S.S.A., p 145]



Writing in Johannesburg Letter on 31 August 1908, Gandhiji stated that as only 2300 registration certificates had been burnt by that time, they could expect about 2000 Indians to remain steadfast in courting imprisonment. One quarter of them were from Madras and the Madrassis had shown rare courage. They were mostly poor, many of them were ex-indentured labourers, but they had proved to be true satyagrahis.

Burning the certificates, Gandhiji said, should imply willingness to forgo the benefits which a certificate conferred. Such a man would not take out a licence, or, if he already had one, he would not produce it when asked to do so, and would not renew it when it expired. He would not respect the Government's law in any way and would do his best to get himself arrested and be sent to gaol. [C.W.M.G., IX, p 2] Not all would stand up to that test, he said. "I consider it necessary therefore to reduce the 2000 by 1000." He was sure that the remaining 1000 civil resisters could frighten the Government into doing justice. This meant that their campaign would ensure repeal of the obnoxious law. The doors of the colony would remain open for the well-educated. The rights of those who were already in the Transvaal, but had not received their certificates, would be preserved, provided their claims were genuine. [*Ibid*, p 2] But in order to achieve all that, the one thousand persons would have to be prepared for a great deal of suffering.

Referring to the practice of auctioning the traders' goods to recover fines, as had been done in the case of E. M. Patel, a case in which in order to recover a fine of £ 1-7-6, goods worth £ 20 were auctioned and £ 6-5-6 were awarded to the messenger as the expenses, Gandhiji wrote that the best way out might be to "sell their shops nominally, through a proper legal transaction, to whites," and carry on trade in the name of those whites who were ready for such arrangement. Mr Gabriel Isaac was prepared for this, he said. "Storekeepers who trade in this



way” he added “should go out hawking and court imprisonment.” [*Ibid*, p 2] They should undergo their share of suffering in this way. Well-to-do traders like storekeepers could also help the movement by making donations and collecting monetary contributions. “One who cannot go to jail is an unfortunate person,” he wrote. “Our objective is to tire the Government” by filling the gaols. [I.O., 29-8-1908, p 395] This could be done in two ways, firstly by going round hawking without licences, and secondly by getting arrested by crossing the border and refusing to give thumb-impression or finger-prints or signature at the border. Only those having genuine permits should try to enter the Transvaal. Those having Dutch passes and educated persons might not do so for the present, he advised. He hoped that the climax would come by October when most of the licences already issued would have expired.

4

Natal had been extending financial help to Transvaal Satyagraha. But they were not content with that. They wanted to join the Satyagraha and decided to do so by crossing the border.

The Natal leaders joining the Satyagraha struggle signified a new strategy and brought out the importance of the Transvaal struggle for Indians all over South Africa. These merchants were well established in Natal and they had no need to come to the Transvaal. They did it in order to not only lend support to the Indian satyagrahis in the Transvaal, but also to tell the Governments in Pretoria and in London that the Indians were determined to exercise their right to legal equality as citizens of the British Empire, to which they were entitled under the British constitution.

The three Indian leaders from Natal — Dawad Mahomed, Parsee Rustomjee and Anglia — were not arrested on the border or in Johannesburg. So



they proceeded to Pretoria by train accompanied by Randeria to force the Government to arrest them. They were in the Anjuman-e-Islam Hall discussing arrangements for collecting more certificates for burning, when on 27 August Superintendent Betts served a warrant on them and arrested all the four. They were refused bail and later a warrant was issued for their deportation. Gandhiji went to Pretoria and through advocate Black got a notice served on the police to the effect that the Government had no authority to issue a warrant for the deportation of these Natal leaders. The notice had however no effect and the leaders were taken to Natal by train. Many were present at the railway station to see them off.

Another batch of eleven persons from Natal set out on 31 August to enter the Transvaal and they were arrested at Volksrust. Traders and educated persons had now joined hands and were resolved to go to gaol and eat with ordinary prisoners what was given to them in prison. [C.W.M.G., IX, p 7]

On 1 September Dawad Mahomed, Parsee Rustomjee and Anglia re-entered the Transvaal from Natal and reached Johannesburg. [*Ibid*, p 8] Dawad Mahomed President of Natal Indian Congress was one of the oldest Indian traders in South Africa. He was a Sunni Bohra of Surat. Gandhiji said of him, “I have seen but a few Indians in South Africa who equalled him in tact.” [M. K. Gandhi, S.S.A., p 216] He did not have much literary education, but spoke English and Dutch well. He was skilful in his business dealings with European traders. He was a generous host and about fifty guests dined with him every day. He was liberal with his contributions and was one of the chief contributors and fund collectors for the Indian community. Parsee Rustomjee was another big trader. It was a great thing for the Indian community to have these people going to jail ready to face any hardships.



The three leaders started collecting contributions and went round to all the places accompanied by Imam Abdool Kadir Bawazeer, Cachhalia, Vyas, Cama and others. They collected £ 200 at Johannesburg. After that they visited Krugersdorp, Heidelberg and Standerton for collecting more funds and finally reached Pretoria where they continued their work. [C.W.M.G., IX, p 13] On 6 September they proceeded to Volksrust where they were arrested.

The three Natal leaders together with Randeria were put on trial on 7 September and sentenced to three months' hard labour or alternatively to pay a fine of £ 50 each. The remaining eleven were awarded six weeks' imprisonment with hard labour, or in lieu thereof a fine of £ 25 each. All of them claimed their right to enter the Transvaal either as pre-war residents or as educated persons. They all opted to go to prison and did not pay the fine. [*Ibid*, p 29]

In prison, these men were made to do hard work. They were brought out on the roads and made to break stones. They accepted all these hardships with 'zest', which showed their determination to "remain in gaol and put up with any suffering" until a satisfactory settlement was reached. [C.W.M.G., IX, p 44]

5

The British Indian Association sent a petition on 9 September to the Secretary of State for the Colonies tracing the developments in the Transvaal since the passing of the Asiatic Law Amendment Act in March 1907 up to date and prayed that if His Majesty's Government could not secure justice for British Indians residing in the colony by securing repeal of Act 2 of 1907 and having the status of educated Indians established, in consonance with the principles of the British Constitution, "the gracious Proclamation of 1858 of Her Majesty may be withdrawn," and they might be told that "for them the expression 'British



Subject’ is to bear a meaning different to what it possessed for Europeans.” [*Ibid*, p 29]

On the same day, a cable was sent by Gandhiji to the South Africa British Indian Committee reporting the heavy sentences passed on the 15 deported British Indians from Natal who had re-entered the Transvaal, and that in all 175 persons had been imprisoned since the renewal of the struggle. He added that all this “extreme suffering” had been brought about by the retention on the statute book of a law which had been declared by the Government as a ‘dead letter’ and by prohibition imposed on the entry of a few highly educated Indians into the Transvaal. He called the action of the Government as ‘totally needless and un-British’ and hoped that Lord Ampthill and others would do their utmost to secure relief for Indians. [*Ibid*, pp 29-30]

In an interview to *The Star* on 9 September Gandhiji said that the sentences passed on the 15 Indians were “a wicked abuse of power, placed in the hands of the Government, over an unrepresented class.” He added:

I think that these sentences mean the end of the deportation farce, but if the farce is to be continued, and if I know the temper of my countrymen correctly, they will certainly continue to re-enter and demand their rights as British subjects.... To my mind, it is the only thing that binds the Empire together. Immediately the idea of legal inequality is introduced, you sap the foundation of the Empire. By this idea, I do not mean that the Colonies should not have the right to restrict immigration,... but once you admit people into the Colony, they must enjoy equality of treatment before the law. Otherwise, ... you create a state of slavery, the result being that the slave-owners, that is the governing class, must in the end be much worse off than the slaves. History does not show an instance of people



having become a free nation and yet remaining slave-owners. If we are not to be treated as slaves, then we want men whose presence would conduce to our free growth. These men are undoubtedly those who have culture and education, and it is for an infinitesimal number of this class that we are pleading for free ingress. [C.W.M.G., IX, pp 30-31]

6

It might be recalled that when Satyagraha against the Black Act (Law 2 of 1907) was started, the Immigration Restriction Act (Law 15 of 1908) had not been passed. The Indians felt it was necessary to include Law 15 of 1908 in their resistance movement. Smuts made use of this opportunity to malign the Indians, especially Gandhiji, by saying that they were raising new demands.

Smuts knew that besides the whites who were openly helping the Indians, there were many more who were silently sympathetic to the Indians and he wanted to win them over to his side. He therefore said that he knew Gandhi better and that Gandhi was very cunning and “the more one yields to him, the more his demands”. This was not true. Gandhiji had never resorted to cunning. He was always open, honest and straightforward and that was what the sympathetic whites had admired in him. He said, “I believe cunning is not only morally wrong but also politically inexpedient, and have therefore always discountenanced its use even from the practical standpoint.” [S.S.A., p 208]

Denying that he was raising any fresh point in connection with the question of entry of educated Indians, Gandhiji said in his interview to Reuter on 16 September, that the Indians were prepared to accept an immigration law which would provide for an education test in a European language and would leave the severity of the test to the discretion of Smuts. But he insisted that once an Indian entered the Colony, he must enjoy legal equality. [C.W.M.G., IX, p 69] Some



educated Indians must be allowed to come in, in the interest of the moral growth and cultural and spiritual well-being of the Indians already in the Transvaal, he added.

7

On 16 September, Hosken held a meeting at his office with Indian and Chinese leaders as well as Cartwright and Polak. He told them that Smuts genuinely regretted the persecution which the Asiatic communities, the majority of whom were British subjects, were undergoing and that the Colonial Secretary thought that “there would be no insuperable difficulty in meeting” their request. Thereupon these leaders addressed a joint letter to Hosken on the same day, listing their terms for a settlement, namely that a promise should be given by General Smuts and the leader of the Progressive opposition that the Asiatic Act would be repealed during the next session of Parliament and that the status of highly educated Indians would be safeguarded in terms of the request made by the British Indian Association. To prove their *bona fides*, the Indian leaders were prepared to agree to the entry per year of only about six educated Indians but they should be able to enter under the general education test and there should be no legal distinction. The leaders affirmed that they had no desire to have unrestricted Asiatic immigration into the colony and if the resident Asiatics were to be treated justly and if the Asiatic nations were not to be insulted, educated Asiatics should come under the general immigration law and should not be called upon to submit to any Registration Act. [C.W.M.G., IX, pp 59-60]

Hosken forwarded the letter to Smuts who, in his reply, refused to concede the demand of the Indians. [*Ibid*, p 69] Gandhiji therefore felt that there was no other way but to continue the fight and “fill the gaols.” [*Ibid*, p 69]



Writing for the Gujarati column in *Indian Opinion* for 28 September, Gandhiji exhorted the Natal Indians, who were formerly residents of the Transvaal and well-educated, such as barristers and physicians, to follow the example of Dawad Mahomed and enter the Transvaal. Merchants like Dawad Mahomed, Parsee Rustomji and Anglia had gone to gaol as an act of sacrifice to help the cause, he wrote. Others must follow them. He advised that only those who were holding genuine registers or permits should be sent to the Transvaal and none of them should give their thumb-impressions at the border. They should all fill the Transvaal gaols in order to secure the legitimate rights of Indians and if that was done, the agitation was bound to soon come to a successful conclusion. [*Ibid*, p 72]

Gandhiji himself went to Durban soon after that with a view to urging as many Natal Indians as possible, who had a right to return to the Transvaal owing to their having been pre-war residents, to re-enter that colony. It was a bold move on his part, because he knew that he would probably be arrested on his re-entry into the Transvaal. But still he went and it had a good effect upon the Indians in Natal.

He gave an interview to a representative of the *Natal Mercury* on 29 September and explained the position of Indians in the Transvaal. He said that “Smuts was honour bound to repeal the Asiatic Act,” but instead of repealing it, he was only prepared to treat it as a “dead letter”. The Indians held that that was not enough. Gandhiji had moreover noticed that so far “the old Act was by no means a dead letter”. Under the circumstances, British Indians wanted Smuts to fulfil his promise by repealing the Act, and until this was done, they had been advised not to accept the benefits accruing from the new Act.



With regard to educated Indians, Gandhiji said that the Transvaal should not be allowed by the Imperial Government to lay down a new policy of exclusion of immigrants based purely on race and colour. The existing immigration law of the Transvaal, with the assistance of the Asiatic Act, had been used to exercise discrimination against Indians, and therefore the Indians, wanted the Asiatic Act to be repealed. [C.W.M.G., IX, pp 76-7]

8

On 6 October Gandhiji left Durban to go back to the Transvaal. He was arrested the next day at Volksrust for not having his registration certificate and for refusing to give his thumb-impression. [Keer Dhananjay : *Mahatma Gandhi — Political Saint and Unarmed Prophet*, p 138] There were 14 other Indians with him and they were also arrested. They all declined to offer bail.

The hearing of the case was postponed for a week. On 14 October, all of them were charged as prohibited immigrants entering the Transvaal, without having previously made application under the new Registration Act Law 36 of 1908 from outside the colony.

Gandhiji defended them. They pleaded not guilty. Three of them claimed right of entry into the colony under the education test and two claimed pre-war residence. One claimed the right as an ex-member of His Majesty's Volunteer Forces, holding a medal issued to him for services rendered by him during the Boer War.

Gandhiji said to the magistrate that he took the sole responsibility for having advised them to enter the colony and they had been largely influenced by his advice. He admitted aiding and abetting them to enter the Transvaal and said that he had always been and was quite prepared to suffer the consequences of his actions.



The accused were found guilty and sentenced to pay fines ranging from £ 15 to £ 20 or to go to gaol with hard labour for a month to six weeks. [C.W.M.G., IX, pp 101-2]

On the same day, Gandhiji himself was charged with failing to give his thumb and finger-impressions on demand, under the new Act. He pleaded guilty. He produced no documents, and when asked to furnish means of identification as required by regulations under the Act, he refused to do so. In the course of his evidence, he said :

I admit that I have advised the accused who have preceded me to refuse submission to the Act - Law No. 2 of 1907 as also Act 36 of 1908, seeing that, in the opinion of British Indians, full relief that was promised by the Government has not been granted. I am now before the court to suffer the penalties that may be awarded to me.

The magistrate, De Villiers, found Gandhiji guilty. He said that he had only to administer the law which had been defied by the accused. He felt “very sorry to see Mr Gandhi in that position today.” He must make a difference between him and the others, he said. He therefore sentenced Gandhiji to pay a fine of £ 25 or go to gaol with hard labour for two months. [*Ibid*, p 103]

All the accused including Gandhiji, having refused to pay the fine, smilingly submitted to being taken to gaol.

Just before his trial, Gandhiji sent a message to the youth in India, wherein he said:

The struggle in the Transvaal is not without its interest for India. We are engaged in raising men who will give a good account of themselves in any part of the world It (passive resistance) may be a slow remedy, but



I regard it as an absolutely sure remedy, not only for our ills in the Transvaal but for all the political and other troubles from which our people suffer in India. [C.W.M.G., IX, pp 100-1]

Before entering the prison palace at Volksrust, Gandhiji said in a message to his fellow-Indians in South Africa, “Keep absolutely firm to the end. Suffering is our only remedy. Victory is certain.” [*Ibid*, p 104]

9

Dawad Mahomed, Rustomjee, Anglia and Sorabji Adajania, who had initiated the second phase of the Satyagraha movement, and about 25 other Indians were already in the Volksrust gaol when Gandhiji was taken there. [*Ibid*, p 121] By 10 October 1908 Volksrust prison had begun overflowing with Indian prisoners just like the Johannesburg jail in January 1908. While some of them were serving sentences of imprisonment, others were awaiting trial. They were in good spirits. Gandhiji was glad to be with them. Dawad Seth kept everyone amused and in good humour.

Gandhiji found that for food, the Indian prisoners were served mealie pap in the morning, and rice with some vegetable for midday and the evening meals. The vegetable served was mostly potato. No ghee was allowed. Under-trial prisoners were allowed, in addition, an ounce of sugar with mealie pap in the morning and half a pound of bread for the midday meal. Some of them shared a portion of their bread and sugar with the prisoners undergoing sentences after conviction. Prisoners were entitled to meat twice a week. Since it was generally beef or/and ham, it was not taken by either the Hindu or Muslim satyagrahi prisoners, even though some of them were not vegetarians. They were entitled to a substitute but they were not getting it. [C.W.M.G., IX, p 122] The prisoners therefore, including Gandhiji, sent a joint petition to the Joint Resident



Magistrate, complaining that the diet supplied to them was medically deficient because of the absence of fat and that for religious reasons they were unable to take animal food or animal fat offered in prison. They desired that ghee might therefore be added to the ordinary Indian diet-scale and vegetarian substitutes such as lentils or green beans or similar vegetables be supplied in place of meat on meat days. [*Ibid*, pp 95-6] Thereupon they began to get an ounce of ghee, and on meat days half a pound of beans in place of meat. In addition, there was some ‘tandalia’ (leafy vegetable) growing by itself in the gaol garden, and they were allowed to pluck its leaves. They were also permitted from time to time to gather onions from the gaol garden. Gandhiji found that “though this scale cannot be considered adequate, as judged by our habits, it is not bad in itself.” [*Ibid*, p 123]

As regards work, the Government could extract nine hours of labour daily from those sentenced to rigorous imprisonment. The work started at seven in the morning and was of various kinds. On the first day, the prisoners including Gandhiji had to dig up the soil in a field near the main road for purposes of cultivation. The place of work was at a distance of about one and a half miles from the gaol and they were taken there walking along with the Kaffirs. As the soil was very hard and it had to be dug up with spades, the labour involved was strenuous. Most of the Indians, not having been used to hard work, were exhausted with the exertion in a short time. The warder who was of a rather sharp temper, would shout at the prisoners to keep on working. Gandhiji, while himself working, told everyone to ignore the warder and carry on the work as best as they could.

Gandhiji too was soon exhausted and there were large blisters on his palms. The lymph was coming out of them. It was difficult for him to bend down,



and the “spade seemed to weigh a maund”. In a narrative of his “second experience in gaol”, he has written,

For myself, I was praying to God all the time to save my honour, so that I might not break down, and to give me strength to keep doing the work as well as I should. Placing my trust in Him, I went on with the work. The warder started rebuking me. He did so because I was resting. I told him that there was no need to shout at me, that I would do my best and work to the utmost limit of my endurance. [C.W.M.G., IX, pp 140-1]

Just then, one of the prisoners, Jhinabhai Desai fainted out of sheer exhaustion and had to be revived by sprinkling cold water over his head and face. The warder got a cab when Gandhiji told him that Jhinabhai would not be able to walk. Gandhiji was asked to take Jhinabhai in the cab to the gaol.

In the cab Gandhiji began to ponder, “A great many Indians have been going to gaol at my word. What a sinner I would be, if I have been giving wrong advice! Am I the cause of all this suffering on the part of Indians?” Reflecting thus for some time ‘with God as witness’, he soon calmed down and collected himself with a smile. He felt sure that he had given the right advice.

In his Gujarati column for *Indian Opinion* of 9 January 1909 he wrote:

If to bear suffering is in itself a kind of happiness, there is no need to be worried by it. This was only a case of fainting, but even if it were to be death, I could have given no other advice. Seeing that our sole duty was to break free from our fetters by enduring every hardship rather than remaining bound for life, I felt light in heart and tried to instil courage in Jhinabhai. [C.W.M.G., IX, p 141]



Thereafter the warder was reprimanded and Indians were given softer soil to dig. The work assigned to them was lighter. They had to dig pits on municipal land and fill the adjoining main road. Later, they were assigned the task of maintaining cleanliness in the gaol garden and looking after its cultivation. It was mainly to sow maize seeds, clear the potato beds and dust the potato plants. For two days they had to dig a municipal tank. It meant digging, piling up the earth and carrying it away in wheel barrows. It was real hard work. Gandhiji got a swollen wrist while engaged in this task, and was cured with nature cure treatment, namely, application of wet earth poultices to the wrist.

After working on the tank for two days, the Indians were given some other work, such as digging out the weeds near the soldiers' tombs or to clean up the graveyard. During the remaining period, they were assigned work in the gaol garden which included digging, reaping and sweeping.

Apart from these activities, it was the duty of the men in every cell to carry the bucket for urine etc. placed in the cell, for disposal. Indians were unwilling to do such work. Gandhiji felt that it was wrong to think of any work as humiliating or degrading. "If we have understood the full meaning of Satyagraha", he said "we would compete with one another in offering to do such work, instead of making difficulties about it, and one would feel honoured if such work fell to one's lot." [C.W.M.G., IX, pp 145-6] He soon had an opportunity to put into practice his belief.

One day he was asked by a Kaffir warder to name two Indians to clean the latrines specially set apart for Indians. Gandhiji offered his own services saying that he was the best person for such work and went out to do it himself. The warder immediately began to scold others and urged them to come forward. This spread the news and two gentlemen, Omar Osman and Rustomjee came



forthwith to Gandhiji's help. "The work was very light, though," Gandhiji observes in his memoirs. [*Ibid*, p 147]

The number of Indian prisoners in Volksrust gaol reached 75 by the end of October 1908.

On 7 November, they sent a cable to the Secretary of State for the Colonies through the Secretary of State for India, offering their "loyal congratulations" to His Majesty King Emperor Edward VII on his 57th birthday which fell on 9 November and invited his attention to the circumstances under which they were suffering imprisonment. [*Ibid*, p 104]

10

Gandhiji did not spend two full months in the Volksrust jail. He was suddenly sent away to Johannesburg on October 25 for a few days as he was required to give evidence in a case. A warder was specially sent from Johannesburg to fetch him. A railway compartment was placed at his disposal and he was given a second class ticket, though prisoners were usually carried in third-class compartments. The reason was that there were no third-class carriages on the train. Gandhiji was in gaol uniform throughout the journey and he had some luggage which he was made to carry himself. The distance from the gaol to the railway station had to be covered on foot. After arriving at Johannesburg also, he had again to walk to the gaol, carrying his luggage himself. [C.W.M.G., IX, pp 147-8]

The incident led to critical comments in newspapers. Many felt hurt and thought that being a " 'political' prisoner, Mr Gandhi should not have been made to walk the distance dressed in gaol uniform and carrying a load." [*Ibid*, p 148]



The gaol authorities had not given any food packet to Gandhiji for the journey. The warder accompanying him allowed him to buy whatever food he wanted. The station master who became very much upset to see Gandhiji in this condition, offered him some money. Gandhiji thanked him but declined to accept it. He borrowed 10 sh from Mr Kazi who happened to be at the railway station and spent some money out of it to buy food for himself and the warder, on the train. [*Ibid*, p 148]

On reaching Johannesburg towards the evening, Gandhiji was not taken to the section of the prison where other Indians were kept. He was given a bed in a cell in a section of the prison where there were mostly Kaffir prisoners who were lying ill. Gandhiji spent the night in this cell in great misery and fear. The reason for him to feel so uneasy was that the Kaffir and Chinese prisoners there appeared to be wild, murderous and given to immoral ways. He did not know their language. A Kaffir started putting questions to him. He did not understand what the Kaffir was saying and felt a hint of mockery in his words. He therefore gave no reply. The Kaffir then asked him in broken English why he had been brought there in that fashion. He gave a brief reply and then kept quiet. A Chinese came next, who appeared to be worse. He came near the bed and after looking closely at Gandhiji went to a Kaffir and the two exchanged jokes. Both these prisoners had charges of murder and larceny against them. Knowing this, Gandhiji could not get sleep. He decided to bring this to the notice of the Governor the next day and fell asleep for a while late in the night. The next morning he was taken to the section where the other Indian prisoners were lodged. [C.W.M.G., IX, pp 148-9]

In Johannesburg gaol, Gandhiji found that the Indian prisoners were put to a lot of difficulty and inconvenience in the sharing of lavatories with the Kaffirs.



He himself encountered this difficulty when he was using one of the lavatories. A strong, heavily-built, fearful-looking Kaffir came along immediately after Gandhiji had gone in and asked him to get out, abusing him at the same time. The next moment he lifted him up in his arms and threw him out. Fortunately, Gandhiji caught hold of the door-frame and saved himself from a fall. He was “not afraid in the least”, he recalled later. He had just smiled and walked away. He however acquainted the Governor with what had happened and asked him to have separate lavatories for Indians. This was arranged from the next day. [*Ibid*, p 161]

While in Johannesburg gaol, Gandhiji was taken to the court three or four times. He was allowed to meet Polak and Harilal there. When in the court, he was free to have food brought to him from home and accordingly Kallenbach used to bring bread, cheese etc. for him. [*Ibid*, p 161]

In Johannesburg gaol also the number of satyagrahi prisoners went on mounting. At one time, there were more than 50 satyagrahis in that prison. Many of them were asked to break stones with a small hammer, sitting on another stone. Some were employed in mending torn clothes. Gandhiji was given the work of stitching caps with a sewing machine. He learnt sewing for the first time there and “learnt it in no time”. [*Ibid*, pp 161-2]

11

Gandhiji was taken back to Volksrust on 4 November. This time too, he was accompanied by a warder. He was dressed in the prisoner’s uniform, but instead of being made to walk, he was taken to the railway station in a cab. However, instead of second class, third class tickets were provided. By way of provisions for the journey, he was given half a pound of bread and bully-beaf which he refused. On the way, he was permitted by the warder to buy some other food. They were assigned a compartment for themselves. [C.W.M.G., IX, pp 163-4] On reaching



Volkstrust station, he was again made to walk the distance from the station to the gaol and carry his luggage. The matter was a subject for comment and criticism by the newspapers. [*Ibid*, p 164]

Gandhiji got a telegram from Albert West soon after his return to Volkstrust gaol, informing him of Kasturba's serious illness and asking him to immediately come to Phoenix. [M. K. Gandhi, Autobiography, pp 322-4] The gaoler asked him whether he would agree to pay the fine to obtain his release. He replied without the slightest hesitation that he would never do so, and that it was implied in the Indian movement that they might have to face separation, temporary or even permanent, from their kith and kin. The gaoler smiled, "but he felt sorry too." [C.W.M.G., IX, p 179]

Gandhiji sent a reply to West on 9 November saying that it was impossible for him to leave the jail unless he paid the fine, which he could not and would not do. He added, "If Mrs Gandhi must leave me without even the consolation a devoted husband could afford, so be it." He asked what the disease was exactly and hoped that "she will be alive and conscious to receive and understand the letter", which he enclosed for her. [*Ibid*, p 105]

In his letter to Kasturba, he said:

West's telegram today about your illness. It cuts my heart. I am very much grieved but I am not in a position to go there to nurse you. I have offered my all to the Satyagraha struggle. My coming there is out of the question. I can come only if I pay the fine, which I must not. If you keep courage and take the necessary nutrition, you will recover. If, however, my ill luck so has it that you pass away, I should only say that there would be nothing wrong in your doing so in your separation from me, while I am still alive. I love you so dearly that even if you are dead, you will be alive to me.



Your soul is deathless.... You may quietly breathe your last with faith in God. If you die, even that death of yours will be a sacrifice to the cause of Satyagraha. [C.W.M.G., IX, p 106]

In gaol, Gandhiji found time to read two books by Ruskin, the essays of Thoreau, some portions of the Bible, a Life of Garibaldi, the essays of Lord Bacon and two books on India. Besides these, he read the *Bhagwad Gita* almost every day. This reading had the effect of confirming his belief in Satyagraha and he felt that life in gaol was “not in the least boring.” [*Ibid*, pp 181-2]

Gandhiji was released on 12 December 1908 on the completion of his sentence. He went to Phoenix to be by Kasturba’s bedside. She had an operation on 10 January 1909 and was very ill. She got better with nature cure treatment at Phoenix.*

* She was brought to Phoenix by Gandhiji and got better with Gandhiji’s nature cure treatment. The story is given in Chapter XIX in this book.

Gandhiji’s eldest son Harilal had brought his young wife Gulab to Phoenix in June or July 1907. She was pregnant with her first child. Her father Haridas Vora, an old friend of Gandhiji, came on 4 September 1907 to see his daughter and also to rest and recuperate as he had been in poor health. Gandhiji had no time now for his friends or his own family. He was in the thick of the Satyagraha struggle. The news of his first arrest on 27 December 1907 was received while a ceremony in connection with Gulab’s first pregnancy was being observed at Phoenix. On 10 April, 1908, *Ram Navami* day, Gulab gave birth to a baby girl. She



was named Rami. Gandhiji wrote and enquired about Gulab in every letter that he wrote from gaol.

Harilal was a handsome young man of 20 and though he was keen on getting higher education, he was proud of his father and wanted to join the Satyagraha struggle. When Satyagraha was re-started in the Transvaal in 1908, by Sorabji Shapurji Adajania entering the Transvaal as an educated person and defying the law, for which he was sent to gaol, Harilal was at Phoenix. He too joined the Satyagraha. Defying the Black Act, he tried to enter the Transvaal on 24 July 1908 and was arrested on 27 July. He refused to accept release on bail. He was tried on the 28th in 'D' Court by Mr P. C. Dalmahoy. Gandhiji appeared for his defence. Harilal pleaded guilty and was fined £1 or seven days' imprisonment with hard labour. He elected to go to prison. [C.W.M.G., VIII, p 406]

After his release, Harilal went to Johannesburg. He was again arrested on 10 August for being in the Transvaal without a register, He was brought for trial in 'B' Court before Mr H. H. Jordan on the charge of contravening the Asiatic Amendment Act. He pleaded guilty. He was defended by his father. Gandhiji, on behalf of Harilal, requested the Court to order the accused to leave the Transvaal within 24 hours, as he had no preparations to make and had made up his mind to go to gaol. The Magistrate however ordered Harilal, as in other similar cases, to leave the Colony within seven days. Since he did not comply with the order he was arrested, tried and sentenced to imprisonment. He was kept in the Johannesburg gaol. [*Ibid*, p 436]

Gandhiji wanted to meet him. On 17 September Harilal was deported from Johannesburg before Gandhiji could come to meet him. He had been anxious to meet Harilal and had requested the authorities for a meeting with him. He had been told that he could do so. And yet when he came on the 17th at 10 a.m. for



the meeting, he found that Harilal had been taken away under escort at 7 a.m. So he could not meet him. The carriage windows of the train in which he was taken were shut so that he could not be seen at Jeppe station or at Germiston. Gandhiji telegraphed to him to re-enter the Transvaal immediately [C.W.M.G., IX, p 52] and he did so on 19 September and was remanded and kept in Volksrust jail till 21 September when the case against him was withdrawn. He came to Johannesburg after spending three nights with the Natal Indian leaders in Volksrust gaol who were imprisoned there. [*Ibid*, p 87]

On 30 December, 1908 Harilal was arrested again at Johannesburg as a prohibited immigrant and was remanded till 5 January 1909. He was ordered to be deported on 5 February and on his re-entering the Transvaal, was tried and sentenced to six months' imprisonment on 10 February. This time father and son were together in the same gaol.

Gandhiji in a comforting letter to Harilal's wife Gulab on 26 February wrote: "Harilal and I are quite well. Be sure that we are happier here than you." [C.W.M.G., IX, p 617]

Gandhiji was released on the expiry of his term of three months on 24 May 1909. Harilal was released on 9 August. He went to Durban to see his ailing brother, Manilal, but immediately returned to the Transvaal to continue the Satyagraha. He was arrested at Volksrust on 1 November 1909 and sentenced to a fine of £ 100 or six months' imprisonment. He refused to pay the fine and was kept in prison at the Diepkloof gaol, which was a penal settlement. Before he was released, Gandhiji had left for London on 9 August in connection with the second deputation. In his letter to Leo Tolstoy dated 10 November 1909 from London, Gandhiji wrote, "My son has happily joined me in the struggle and is now



undergoing imprisonment with hard labour for six months. This is his fourth imprisonment in the course of the struggle.”

13

On his release from Volksrust gaol on 12 December 1908 Gandhiji proceeded to Johannesburg where he was given a big reception. The station master at Volksrust congratulated him on his release. Gandhiji told him that he was now facing much heavier tasks than those assigned to him in gaol.

He said, “In a country where people suffer injustice and oppression and are denied their legitimate rights, their real duty lies in suffering imprisonment.”

To the enthusiastic crowd at the railway station he said, “Where there is God, there is truth and where there is truth, there is God. I live in fear of God. I love truth only, and so God is with me.” Even if the path of truth did not please the community it pleased God. Therefore he would do what pleased God, even if the community should turn against him. [C.W.M.G., IX, pp 107-8]

In an interview at the Germiston station, he said that he had enjoyed every moment in gaol. Addressing the people gathered at a reception in Johannesburg he advised the Indians to be prepared to endure whatever might come to their lot and “make the voice of truth heard in the Divine Court”. He said:

It is not the Imperial Government that will secure you your rights, you will get them only from God. If you fight truthfully with Him as witness, your bonds will be loosened in eight days according to your chairman but in less than twentyfour hours according to me. I am sure that we shall be free when God stirs their (our opponents’) conscience. [*Ibid*, p 108]

At the receptions held in his honour by the Tamils and the Hamidia Islamic Society, he said that many merchants had weakened during the struggle but the



Tamils had stood firm. He complimented them and exhorted those who had weakened to support the movement in whatever way they could. He praised Dawad Mahomed, Parsee Rustomji and others from Natal who were still in gaol and added, “The fight is now only to uphold the honour of the millions who live in India.” [*Ibid*, p 110]

On 18 December 1908 Gandhiji attended the trial of the Naidoo brothers and others and defended them. They were all remanded *sine die*. Gandhiji then proceeded to Phoenix to look after Kasturba who had been ill. He put her in a nursing home at Durban under the care of a doctor who was a personal friend. On 16 January 1909 on his way to Johannesburg he was arrested at Volksrust and was deported and escorted to the Natal border. He returned immediately and was re-arrested and released on his own cognisance. He returned to Johannesburg the same day.

On Saturday 16 January Gandhiji wrote to Harilal’s wife Gulab who was named Chanchal by Kasturba :

Volksrust,

Saturday (January 16 1909)

Chi. Chanchal,

I was arrested, deported, again arrested and am now released on bail. I shall now proceed to Johannesburg. You will know more from Manilal.

I feel unhappy that I was not able to have much talk, rather any talk with you. But such is my plight.

I purposely dictated to you that day. I want to make you adept in such work. I would even keep you with me when Rami is grown up. Be sure that if you give up the idea of staying with Harilal for the present, it will do good to both of



you. Harilal will grow by staying apart and will perform his other duties. Love for you does not consist only in staying with you. At times one has to live apart just for the sake of love. This is true in your case. From every side, I see that your separation is for your benefit. But it can be a source of happiness only if you do not become restless owing to separation. I think Harilal will have to stay at Johannesburg till the struggle is over.

Considering your stage of life, I do not intend to treat you as a child. I wish you and Manilal would take charge of the household. You two have to look after everything in the house, keep Rama and Deva in proper form, take care of their belongings, and teach them to do so themselves, see that they are clean and their nails are well trimmed. None can say when Ba will completely recover. Even when she is fully restored, your role will not be affected. You have to behave as mistress of the house. Do not forget that we are very poor.

Blessings from

Mohandas [C.W.M.G., IX, p 150]

He wrote to Harilal also in similar strain. It was hard for the young couple to understand and accept his advice. [*Ibid*, p 173]

Resuming his political activities, Gandhiji wrote his gaol experiences for *Indian Opinion* and gave interviews to newspapers to explain the Indian position. He exhorted the Indians in the Transvaal, Natal, Cape and elsewhere to do their duty by their leaders who were still in jail and explained what every one of them could do to help the movement. They could go to gaol, he said, or collect funds and help the families of those who were in gaol. They could hold meetings and issue statements to encourage those who had not weakened. This would also



serve to let the Government know that the movement was not crushed. The struggle was still going on and would go on till they won victory.

On 19 January Gandhiji wrote to the Editor of *Indian Opinion* that by the time that week's issue of the journal was out, he would probably be back in gaol. He added, "There is no doubt that some Indians have weakened. Many of them have given up the fight. Others, it appears, are about to do so." Then he referred to a letter that had appeared in *The Star* on 18 January under the signature of some Pathans. The heading was "Revolt against picketing". The letter had called the pickets and Polak, "bullies", and had accused Gandhiji of making derogatory remarks about the religion of the Pathans and also making insulting remarks about their prophets. It said that if the Government could not put such people outside the colony, the Pathans would do so.

Gandhiji commented that the letter was probably drafted by a person or persons who wanted to create a rift between Hindus and Muslims, and were using the Pathans for their ends. The Pathans who had earlier said that they would rather be blown up by the cannon than accept the Black Act, were not likely to accept it now, he said.

He regretted the attack on Polak. He did not know how to describe Polak's goodness. There was not an Indian who understood the "meaning of our struggle" as Polak did. He denied the charges made against himself and prayed to God that He may show the right path to whoever had drafted the letter, to the Pathans and to all Indians, and also that the community might remain firm in the great task it had undertaken. [C.W.M.G., IX, pp 151-3]



In September 1908 Essop Mia resigned as Chairman of the British Indian Association as he was going for the Haj Pilgrimage to Mecca and Medina, and Seth Adam Mahomed Cachhalia was entrusted with the chairmanship in his place.

Seth Cachhalia had been one of Gandhiji's clients. A man of few words, he had a working knowledge of English which he had improved by practice to the extent that when he took his friends to English lawyers, he acted as their interpreter. He had started his business career by hawking piece goods. Then he had set up trade on a small scale in partnership with his brother. His business grew. He was a Surti Memon of very high reputation. His knowledge of Gujarati too was limited but he had improved it with experience. He had a sharp intelligence and could easily grasp any matter placed before him. "He could solve legal difficulties with such facility as often astonished me," wrote Gandhiji in *Satyagraha in South Africa*. "He would not hesitate to argue law even with lawyers, and very often his arguments were worthy of consideration for them."

[M. K. Gandhi, S.S.A., p 132]

Cachhalia had been taking an active part in the Satyagraha movement and had gone to gaol several times. He was not cowed down by the Whites who threatened to ruin his business if he continued to participate in the Satyagraha movement. In his memoirs of *Satyagraha in South Africa*, Gandhiji wrote about Seth Cachhalia in the following words:

I have never, whether in South Africa or in India, come across a man who could surpass Mr Cachhalia in courage and steadfastness. He sacrificed his all for the community's sake. He was always a man of his word. He was a strict orthodox Musalman, being one of the trustees of the



Surti Meman mosque. But at the same time he looked upon Hindus and Musalmans with an equal eye. I do not remember that he ever fanatically or improperly sided with Musalmans as against Hindus. Perfectly fearless and impartial as he was, he never hesitated to point out their faults to Hindus as well as Musalmans whenever he found it necessary. His simplicity and humility were worthy of imitation. [M. K. Gandhi, S.S.A., p 132]

Cachhalia took up his duties as chairman of British Indian Association most seriously and tried to enlist as much support for the Indians' cause as possible.

Sir Charles Bruce (1836-1920), G.C.M.G., was a friend of Indians. He was Governor of Mauritius from 1897-1904. He was author of several books on the Empire and Imperial policy. He published in 1908 a pamphlet on the British Indian problem in the Transvaal based on articles in *Empire Review* and he wrote frequently on the subject in the press. In a letter to *The Morning Post* on 4 November 1908, Sir Charles Bruce had refuted the paper's argument that the terms of Queen Victoria's Proclamation of 1858 did not cover the rights of British Indians outside the territorial limits of India. Quoting Lord Selborne's speech of 1897 in support of his interpretation of the Proclamation, he declared that to exclude Indians outside India from the "obligations of duty" in the Proclamation would be "the direct negation of Empire." [C.W.M.G., IX, p 169 fn]

On 7 January 1909 Cachhalia wrote a letter to Sir Charles Bruce to the following effect:

"On behalf of the British Indian Association, I beg to thank you for your persistent advocacy of the British Indian cause in the Transvaal. The sympathy of distinguished members of the Empire gives my struggling countrymen a great deal of encouragement and nerves them for what



sometimes appears to be an interminable fight. We all feel that we are fighting not only for our own cause, but we are fighting for the good name of the Empire.” [*Ibid*, p 169]

15

In South Africa, the whites advanced goods worth lakhs to Indian traders on personal security. It gives one an idea of the honesty and reliability of the Indian traders. Seth Cachhalia too had taken goods on credit and owed large sums to several European firms. A move was set afoot to bring economic pressure on the merchants to force them to give up Satyagraha.

Cachhalia wrote a letter to the press on 20 January 1909, which appeared in *Indian Opinion* on 23 January. It said that the community was now entering upon the third and, perhaps, the final stage of the struggle, which had been raging for two and a half years. It had not been necessary hitherto for the Indian merchants to sacrifice their goods entirely, and to reduce themselves to poverty, though they had largely contracted their businesses to free themselves for the struggle. “In order further to circumvent us, and seeing that gaols have ceased to have any terror for us,” rules had been framed by the Law Department under the criminal procedure code, laying down the mode of selling the goods of those who might be fined by Magistrates without the alternative of imprisonment. This move was clearly aimed at the merchants who now had to face “voluntary poverty, or enforced poverty or disgrace.” They had no desire to enrich, what was to them, an unjust Government, at the expense of their creditors or themselves, he said. They had no desire to face disgrace. “My advice, therefore, to my countrymen, both as a merchant and as Chairman of the British Indian Association, is that they must all for the present cease to be merchants, and return the goods they have to their creditors, if any, or otherwise close down



their stores.”... To set an example, he himself had decided to take the first step, and was doing so “with the greatest deliberation, though not without some hesitation.”

He added:

If we prize our principle better than our pockets, the only advice that I can tender to my countrymen is that they should rise to the occasion and take this final step. Then will the colonists realise, if they choose to, that this is not, so far as the Indians are concerned, a struggle for retaining our hold of the trade we have, or for unfair competition, or for bringing into the country men who have no right to be in it. The only question, so far as we are concerned, is that of national honour and our conscience.

In other words, he said, they were endeavouring to show that they were worthy to be citizens of South Africa. It was likely that many Indians, during the last stage of the struggle, might fall. “Whether after many have fallen, we are a small or a large body, our sufferings will continue until justice is satisfied.” [C.W.M.G., IX, pp 154-5]

To his creditors he wrote:

I regret to inform you that a meeting of my creditors will be called, at the offices of the British Indian Association, 21-24 Court Chambers, Corner of Rissik and Anderson Streets, at 3 p.m. on Friday the 22nd instant. My financial position is not the cause of calling this meeting, but I, as Chairman of the British Indian Association in view of the determination of the Government to ruin the British Indian merchants who declined to accept the Asiatic Registration Act until the promise of General Smuts is redeemed, and until the status of the educated Indians is placed upon a firm footing, can no longer continue to carry on my trade with safety to my



creditors or myself. I may state that, evidently on instructions from the Law Department, the magistrates are now imposing heavy fines upon merchants who trade without licences, without the alternative of imprisonment. Rules have been gazetted, laying down the manner in which goods are to be sold for recovering these fines....

Under these circumstances, so long as the struggle lasts, there is no course left open to me but to hand over what I possess to my creditors, rather than allow those possessions — which, after all, I hold in trust for them — to be sold. I am aware that I should also consider myself responsible to convert these goods into money, and pay my creditors in cash, but my private interests have to give way to the public interest, and, seeing that I cannot sell my possessions by auction to the advantage of my creditors, I have decided to call them together and place my position before them, and ask them to take over the goods and my other assets. Should the struggle happily come to an end in the near future, or whenever it ends, I should be pleased to take over the goods as they are, and sell them for the benefit of my creditors. But as to the disposal of my possessions at the forthcoming meeting, I shall place myself entirely in my creditors' hands.
[C.W.M.G., IX, pp 155-6]

In an interview to the *Natal Mercury* Gandhiji said that the step suggested by Seth Cachhalia involved such a large measure of self-sacrifice by the Indian community, that, at the present early stage, it was difficult to say whether the Indian merchants, as a whole, would be prepared to adopt the idea. He thought it would be best for all Indian merchants to come to a similar decision and take unanimous action as suggested by him. But as he had feared, that did not come about. So Cachhalia had to suffer.



Some of Cachhalia's creditors thought they would be able to make him give up working for the Indian movement by putting financial pressure on him. They were probably instigated by the Government to do so. They told Cachhalia that he would have to pay all their dues at once, unless he left working for the Satyagraha movement. If he did not, he might be arrested at any time, they said, and their money would be at risk. They therefore had to ask him for immediate payment in cash.

Cachhalia was a brave man. He replied that his participation in the Satyagraha struggle was his personal affair and had nothing to do with his business. He considered that his religion, his self-respect and the honour of his community were bound up with the Indian struggle. Their money was perfectly safe with him, and as long as he was alive, he would pay them back in full. If anything happened to him, his stock as well as the book debts due to him, would be at their disposal. He wanted them to continue to trust him, as they had done in the past. But they were not prepared to listen to reason. They were adamant in their demand for cash payment.

A meeting of the creditors was held in Gandhiji's office on 22 January 1909, at which Gandhiji told them that the pressure they were putting on Seth Cachhalia was political and unworthy of the merchants. It made them very angry. He showed them Cachhalia Seth's balance-sheet and proved that they could recover 20 shillings in the pound. If they wanted to sell the business to some one else, Cachhalia Seth would agree to hand over the goods and the book debts to the purchaser. If this too did not suit them, they could take over the stock in Cachhalia's shop at cost price, and if any part of their dues still remained, they could take the book debts due to him which would cover the deficit. The European merchants had nothing to lose in this arrangement, but they were out



to bend Cachhalia and Cachhalia refused to bend. Bankruptcy proceedings were instituted against him and he was declared insolvent, even though his estate showed a large surplus over his liabilities.

Far from being a blot on him, the insolvency was perfectly honourable for Cachhalia and enhanced his prestige. Many Indian merchants had offered him loans to pay back the Europeans. Some of them were black-legs. But he preferred insolvency. Cachhalia's insolvency acted as a shield for others, as in most of the insolvency cases the creditors stand to lose. After Cachhalia's insolvency, therefore, the Europeans ceased to put similar pressure on other Indian traders.

Cachhalia's creditors were able to recover 20 shillings out of the pound within a year, which had never happened before. Cachhalia was again offered goods on credit to any amount, in spite of his involvement in Satyagraha. But no one knew how long the struggle would last and therefore he did not wish to increase his liabilities. It was best for him, he felt, to confine himself within modest limits which would give him his daily bread. He followed that course and stood steadfast to his post till the very end. [M. K. Gandhi, S.S.A., pp 192-96]

On 30 January 1909 *Indian Opinion* carried a note by Gandhiji about Cachhalia's self-sacrifice. It said that the fact that each successive Chairman of the Transvaal British Indian Association had proved himself worthier than his predecessor was an indication that the Indian community's star was in ascendance. Mr Cachhalia had been to gaol. He had now declared his intention to embrace poverty. His financial position was sound. He did not mind being declared bankrupt at the instance of his creditors. Rather he took pride in that. "All this Mr Cachhalia suffers for the motherland. He wants to honour his pledge. This is real self-sacrifice. We offer our congratulations to him. Cachhalia's



excellent step is already proving infectious. Mr Aswat has emulated Cachhalia's courage."

Everyone realized that Seth Cachhalia had not lost his honour by having been declared insolvent. The creditors also knew that they had been unfair to Cachhalia. He had brought distinction to the post of Chairman, said Gandhiji. "Why, then, should the other businessmen feel timid? If at all, what they should fear is a retreat. When engaged in a battle, one can have nothing to fear in rushing forward." [C.W.M.G., IX, p 176]

On 6 February 1909 *Indian Opinion* carried another note about Cachhalia:

We saw that Mr Cachhalia accepted honourable insolvency for the sake of the community. He is now serving a term of three months' imprisonment with hard labour in Johannesburg gaol. From among businessmen, Mr Amod Moosaji and Mr Maimy have joined him. The entire Indian community, the Muslims especially, should be proud of what Cachhalia has done. There is nothing more he can do. He has gone to gaol a second time, and that too with a smiling face. The community in which there exist such persons will never give way. Even a few such men can save the community from ruin. [*Ibid*, p 185]

Lord Curzon (1859-1925) who had been Viceroy and Governor-General of India during 1899-1905 and later became British Foreign Secretary from 1919 to 1924, went to South Africa in January 1909. The British Indian Association wanted to lead a deputation to meet him. He wrote back : "I have only just arrived in Johannesburg and have so short a time here being engaged all tomorrow, away all Thursday and leaving Friday morning, that I am afraid I cannot receive a deputation." If however the Association would give him as full a statement of



their case as they could prepare, before Thursday evening, he added, he would study it on his way. [C.W.M.G., IX, p 170 fn]

A note was accordingly sent to him on 27 January. It explained the British Indian case clearly. It also gave a brief account of passive resistance and said:

Many Indians have, therefore, in virtue of the oath, suffered imprisonment. The struggle has lasted now for over two years and over 2,000 Indians have undergone imprisonment, mostly with hard labour. Hundreds have been deported, only to return immediately. Many families have been ruined pecuniarily. Many Indian merchants have suffered enormous loss. Some have even closed (down) their businesses. The Chairman of the Association, in order to avoid confiscation of his property by the Government under fines imposed for trading without licences, has accepted sequestration of his estate. Several Indian merchants are ready to follow his example. Some Indians, no doubt, owing to their weakness accepted the Asiatic Acts, and more are likely to succumb; but after a very careful examination, the Executive of the British Indian Association as a whole will remain solid in offering passive resistance until justice is done. [*Ibid*, pp 172-3]

Lord Curzon, in his reply of 2 February 1909, wrote that in his discussions with Generals Botha and Smuts, he had been assured of their anxiety to treat the British Indians with liberality and justice. Lord Curzon felt that the matter would be taken up as a broader issue later between the Union and the Home Governments. [*Ibid*, p. 173 fn; Appendix XII, pp 569-70]

On 25 February 1909 Gandhiji surrendered himself before the court at Volksrust and was awarded three months' rigorous imprisonment. He was



disappointed because he had hoped, as several officers had thought, that he would get six months. [C.W.M.G., IX, p 228]

He was taken to Volksrust gaol. It was a pleasure for him to meet Dawad Mahomed, Rustomji, Sorabji, Pillay. Hajura Singh, Harilal and other satyagrahis, several of whom he had left in that prison when he was released on 12 December 1908.

The prisoners were making a road in front of the magistrate's court. Gandhiji went with them for three days to work. Then a telegram was received to the effect that he should not be taken to work outside the jail.

Due to overcrowding in the Volksrust gaol, tents had been put up to accommodate the satyagrahis. The satyagrahis slept in the tents. All but ten had been given sleeping boards. The cooking of food was in their own hands and they were given one ounce of ghee a day and beans twice a week. They had rice for one meal and were quite happy. They felt as if they were in a camp rather than in a gaol.

On 2 March Gandhiji learnt that orders had come for his removal to Pretoria prison. He was asked to get ready to leave the same day. [*Ibid*, p 229] He did not like to leave Volksrust where he was happy with other Indians. In the evenings there were pleasant conversation. Hajura Singh and Joshi asked questions which were not flippant. Some of them were quite instructive. But he had to leave.

On the way to the station Mr Kazi saluted him. Kazi was always there to meet and help satyagrahi prisoners at Volksrust. Gandhiji and the warder were huddled into a third class compartment. It was very cold and it rained the whole night. Gandhiji had his overcoat which warmed him to some extent. He was given



bread and cheese for food on the journey, but he did not touch it. He gave the food to the warder who enjoyed it.

At Pretoria Gandhiji found everything strange. Even the jail had been recently constructed. The men were strangers. There was no other Indian there. He was offered some food. He took a spoonful of mealie meal porridge and left it. The warder asked him what was the matter. He said he had no appetite. The warder smiled. He then handed the prisoner over to another warder.

The new warder asked Gandhiji to take off his cap. He did it. Then he asked, “Are you Mr Gandhi’s son?” He replied “no,” and added that his son was serving his sentence in Volksrust gaol.

He was locked up in a cell. He started walking up and down. The warder came soon after, peeped through a watch-hole and shouted “Gandhi, stop walking up and down. My floor is being spoiled.” Gandhiji stood in a corner. He had nothing to sit on. He had nothing to read. He was locked up at 8 a.m. At 10 he was taken to a physician who asked him if he suffered from any contagious disease. He did not. At 11 he was shifted to another cell where he spent the rest of his term in solitary confinement.

The cell was 7 feet by 10 feet with one small glass window with iron bars for ventilation. In the cell ventilation and light were both poor. There was a weak electric light in the cell which was not bright enough for reading purposes. He could read only big print by holding it close to the light. The light was put off at 8 p.m., though five or six times during the night it was switched on to enable the warder to watch the prisoner. [C.W.M.G., IX, p 230]

On March 10 Gandhiji was taken to the court in handcuffs to give evidence. This was repeated once more. [*Ibid*, p 240]



The food was very unsatisfactory. Mealie pap porridge in the morning and at noon, with rice at night and ghee only twice a week on meat days. He could not eat mealie pap and lived on one meal a day. It was difficult to eat rice without ghee, dal or vegetables. He represented to the physician to change the diet-scale of Indians, but the latter rejected the request. He then wrote to the Governor that Kaffirs got one ounce of fat every day and meat twice a week. The Indians should be given an ounce of ghee every day and vegetables or lentils or beans twice a week in place of meat. He was offered these as a special concession but he refused to accept it. The request was at last acceded to for all the Indian prisoners about two weeks before his release on 24 May at the end of his three months' term. He started eating rice, ghee and vegetables for the last two weeks in Pretoria prison. It helped him to regain some strength. He had lost much weight and strength while living on one meal a day.

He asked for a bench to sit on. This request too was at first rejected. Later on he was given a bench. This too was done about two weeks before his release.

He was allowed out of the cell only to go for a bath. For work he was given blankets to repair and stitch. He had to work inside his cell bending over the blankets. It gave him back-ache.

All this affected his health adversely. He lost weight and developed chest complications. He asked for permission to be taken out of the cell for physical work or at least to be allowed to stitch the blankets outside. This last request was later agreed to. He was also taken out of the cell for half an hour for exercise twice a day after some days. Smuts sent him two religious books to read.

He read about thirty books in gaol including a masterpiece on French Revolution by Carlyle. He also tried to learn Tamil. He was not given a sleeping



board till a few days before his release. On his release on 24 May 1909, he described his treatment in prison as “brutal”. [C.W.M.G., IX, pp 222, 239]

On 7 June 1909 Gandhiji addressed the Germiston Literary and Debating Society on the “Ethics of Passive Resistance”.

He said that “Resist not evil” meant that evil was not to be repelled by evil but by good; in other words, physical force was to be opposed not by its like, but by soul force. The same idea was expressed in Indian philosophy by the expression “Freedom from injury to every living being”. The exercise of this doctrine involved physical suffering on the part of those who would practise it. All that was necessary for those who recognised the immeasurable power of soul force was to consciously and deliberately accept physical suffering as their lot. When this was done, the very suffering became a source of joy to the sufferer. There was no reason for the colonists to fear that Natives would misuse passive resistance, he said. If the Natives could rise to understand and exercise soul force, there would probably be no Native problem. [C.W.M.G., IX, pp 243-44]

17

There were three kinds of punishments which the Government could inflict on the satyagrahis. They could send them to jail, they could confiscate their property and goods and auction them and they could deport them. The last was at first not too frightening. The Government would take satyagrahis outside the Transvaal and leave them across the border in Natal or in Portuguese territory. It caused inconvenience but the satyagrahis could come back and again break the law. Instead of discouraging them, it only increased their enthusiasm. The Government therefore decided to find some more effective way of harassing them. If satyagrahis could be sent to India, it might have the desired effect, the Government officers thought. Many of the Indians had their families and some



had their landed and other property or business in South Africa. Not many would be prepared to sacrifice their all, the officers calculated.

The prospect of such a punishment did put fear into quite a number of Indians and they therefore ceased to court arrest although they did not apply for duplicate copies of their certificates that they had burnt. There were however many more who had not weakened and were prepared to give even their lives, leave aside property, for the cause. They were however poor men with no roots in India. Giving them money was out of the question. It was a strict rule that no one would be allowed to join the movement for money. Sympathy they needed and were given, along with the assurance that proper arrangements would be made for them in India.

It was illegal for the Government to deport the satyagrahis in this way, but Governments do often break their own laws if the citizens, being ignorant, keep quiet. In this case a strong agitation was launched by the Indians in South Africa against the illegal action of the Transvaal Government. They appealed to the courts against it and were successful, with the result that the Transvaal Government had to stop the deportations very long. [M. K. Gandhi, S.S.A., p 224]

The Government had begun to realise by this time that they would not be able to suppress the Satyagraha movement. The gaols were already full. The deportations had given a bad name to the Government of South Africa in India as well as in London and the Transvaal courts had given judgments against it in cases which had gone in appeal.

The Indians too were getting somewhat tired out. The numbers of those who were willing to court imprisonment had fallen and those who were steadfast were considered foolish by others who had weakened. A new approach was



therefore necessary. A conciliation group had been set up by some of the merchants by the time Gandhiji came out of jail on 24 May 1909.

He had to find a solution in the context of the situation that faced him on his release.



CHAPTER XVI: SECOND DEPUTATION TO LONDON

1

General Botha and Smuts and many other leading South African politicians were in London in the summer of 1909 to lobby for the Unification of South Africa Bill which had been introduced in Parliament after the proposed constitution had been approved by the Legislative Assemblies in the four colonies. It denied the franchise to most non-whites by 'entrenching' the existing voting laws in each of the colonies and deprived all non-whites of the right to be elected to the new Parliament in clear contradiction to all principles of racial equity and democracy, for which the British Empire was supposed to stand. The South African leaders were afraid that the Liberals might not accept the racially discriminatory clauses when the Bill went before the Parliament in London, and they wished to do all that they could to prevent any changes being made in the Bill approved by the legislatures of the four colonies in South Africa.

A deputation from Cape Town led by W. P. Schreiner and Dr Abdurrahman had gone to London to seek amendments to the Unification Bill. But it was a hopeless task. The Government was determined to pass the Bill without a single amendment.

The Indians also decided to send a deputation to London as well as to India, not to seek amendments to the unification Bill, but to explain the true state of affairs in the Transvaal and also to apprise the leaders and the British people of the nature of the Indian struggle which had been going on for two and a half years and in which many Indians had undergone untold voluntary suffering. Gandhiji strongly believed that Satyagraha would do far more good to the Indian cause



than any deputation could. But he yielded to those who were for sending a deputation to London, so as to keep the community together.

Early in June 1909 a British Indian Conciliation Committee had been set up by Hajee Habib, H. O. Ally, George Godfrey and some others. It was mainly a group of merchants who sought to make a compromise with Smuts to end the struggle. Ally and Godfrey were old colleagues who had worked with Gandhiji when the 1906 deputation was in London. Haji Habib was a Memon Muslim merchant from Gujarat born in Porbander, Gandhiji's birthplace, and had seconded the famous fourth resolution of the 11 September 1906 meeting, which symbolised the birth of Satyagraha. His name had been proposed for inclusion in the deputation in 1906, but Ally was sent to London with Gandhiji at that time. Habib was founder member of the Natal Indian Congress set up in 1894 and was now secretary of the mosque at Pretoria and chairman of the Conciliation Committee. He had been a satyagrahi but later he left the ranks. In a meeting on 6 June 1909 he severely criticised Gandhiji for errors in the Gandhi-Smuts agreement and the sad events of 1908. The Conciliation Committee proposed approaching General Smuts and asking for certain concessions and reliefs, and hoped that it would be possible to end the struggle honourably if Smuts' response was favourable. The Conciliation Committee also proposed that a deputation should be sent to London. They criticised Gandhiji for relying too much on Satyagraha and not giving enough importance to constitutional methods.

The deputation that met Smuts drew a blank. Smuts was not prepared to make any concessions or to give any relief. He must have thought that the Indians were weakening and he wanted to break their movement once for all.



The Indians decided the composition of the deputation to be sent to London. They decided to send a deputation also to India. Another stormy meeting was held on 13 June to select the members of the two deputations. A committee of 11, sitting in the midst of 300 Indians, was to select the delegates for the deputation. Gandhiji proposed his own name, and that of A. M. Cachhalia, the chairman of British Indian Association, V. S. Chettiar, chairman of the Tamil Benefit Society and Haji Habib, chairman of the British Indian Conciliation Committee. Ally and Godfrey raised objections to the names of Chettiar, because his English was poor, and of Hajee Habib because he was 'insincere'. They said the deputation did not give enough weight to moderates though they were far more in number than the passive resisters. But Gandhiji had his way. A motion to the effect that only non-passive resisters should be sent, was defeated and the names proposed by Gandhiji were approved by the meeting.

For the deputation to India which was to explain their case to Indians at home and mobilise the motherland's support, Henry Polak, a European, N. Gopal Naidoo, a Tamil Hindu, N. A. Cama, a Bombay Parsee and a little later E. S. Coovadia, a Bombay Muslim, were proposed and selected. Objections were raised to some of these names too, but these four names were also approved by the meeting for deputation to India.

The Indian community in the Transvaal had a mass meeting of 1500 to 2000 persons on 16 June 1909 and resolved to approve the two deputations, one to England and the other to India, in the interests of the Indians in the Transvaal and also to safeguard the interests of the Indians in South Africa.

Their European friends in the colony, who sympathised with the Indian cause, had also advised them that a deputation should proceed to England and press for safeguards to protect the rights of Indians in South Africa when the



Union of South Africa Bill was discussed by the Parliament in London in the month of August.

Gandhiji firmly believed that satyagrahis would speak for the Indian cause from behind the prison bars much better than a deputation in London could. But the community was getting tired. The number of those offering to go to prison again and again was falling and there were differences of opinion among the front-line workers. A change in strategy was therefore called for. Gandhiji grasped the situation and agreed to the proposal of sending a deputation to England much against his own inclinations. He had been full of enthusiasm and hope when he had led the Indian deputation to London in October 1906. In June 1909, however, he was reluctant to go and he did not expect much to come out of it.

There had been differences of opinion on the choice of the delegates, but the Government solved the problem for the Indians. Cachhalia was locked up in Johannesburg jail after being sentenced to three months' imprisonment with hard labour unless he paid a fine of £ 50 for crossing the border without a permit. This was Cachhalia's fourth term of imprisonment. Mr Chettiar had also been similarly arrested and made to undergo three months' imprisonment. Gandhiji and Habib only were left to go to London. Coovadia, Naidoo and Cama too were taken into custody on 15 June. [C.W.M.G., IX, pp 252-3] Polak alone could proceed to India.

The mass meeting of 16 June however confirmed the nomination of all the eight delegates selected earlier to go to India and to London, and protested against the "sudden and unwarranted arrest of Messrs Cachhalia, Coovadia, Cama and Chettiar." It called upon the Government "to release them in order to enable them to fulfil their mission." The community, they said, would guarantee



that they would return after completion of their mission and undergo the sentences awarded to them by the court. [I.O., 19-6-1909; C.W.M.G., IX, p 254]

A telegram was sent to the Government in the name of the chairman of the British Indian Association asking it to release the members of the deputation so that they could join the deputation. The community was prepared to stand security for their return to undergo the sentences later. Smuts however was not willing and replied that when instructions were issued for their arrest, nothing was known of the likelihood of their being selected as delegates and he could not interfere with the course of law, in order to comply with the Indians' request. The Government's reply was an "absolute falsehood". The Government were always posted with full information about the movements of satyagrahis and the meetings of Indians. It was obviously the intention of the Government to make it impossible for the deputation to leave. [C.W.M.G., IX, p 263]

2

Preparations for the deputation had been under way for several days. The community was, however, faced with many difficulties, so much so that till the very last day it was not certain whether the deputation would be able to leave or not. For one thing, sufficient funds had not been collected. The tickets for the voyage were bought only at 11 in the morning of Monday 21 June 1909, the day of departure. Even after that it was not certain that the deputation would be able to leave. It was feared that the Government might arrest the remaining members of the deputation also at any moment. Some thought that the arrests might take place even as the members were about to board the train. The deputation, now reduced to Gandhiji and Haji Habib, started for London. Haji Habib was again professing faith in Satyagraha. Gandhiji believed him. But some of the others did not. A crowd of about 500 Indians assembled at the Park Station to give a send-



off to the deputation. Many had brought garlands and bouquets. Every face in the crowd was lit up with the hope that the deputation would meet with success. The train left Johannesburg exactly at 6.15 p.m. [C.W.M.G., IX, p 269]

As the train came to Vereeniging, almost the entire local Indian community turned up at the railway station. They had brought a basketful of fruits and greeted the deputation with great warmth. At Worcester Station too there were many Indians. Here Indians had also come all the way from Robertson where the Indian population consisted mainly of Tamils. They also had brought flowers and fruits. [*Ibid*, pp 269-70]

The train reached Cape Town on 23 June 1909, half an hour late, just a couple of hours before the steamer left. A few Indians were at the station and many more came on board the ship to meet the deputation. They held a reception for the two delegates, Gandhiji and Haji Habib, on board r.m.s. *Kenilworth Castle* and greeted them with fruits and flowers. Among those who came on board the ship were two prominent South African ladies, Mrs Olive Schreiner, the well-known author of *Dreams*, and Mrs Lewis. They had come specially to shake hands with the delegates. [*Ibid*, pp 267, 270]

Gandhiji gave interviews to the representatives of the *Cape Times* and the *Cape Argus* before the steamer left the shores of South Africa. Clarifying the purpose of his visit to London, he said that the contemplated Union of South Africa should not be merely a union of the white British subjects of the King Emperor, but of all British subjects who were domiciled in South Africa. The great fear in the minds of the British Indians was that under the new Constitution it would be a Union of the white races against the British Indians and the other coloured races. If that happened, it would be a most unfortunate thing in every



way. The duty of the Indian deputation was to leave no stone unturned to “guard against any such Imperial calamity.” [C.W.M.G., IX, pp 267-8]

Gandhiji also hinted that he had half expected to be arrested by the Transvaal authorities before the deputation left, but no obstacles had been placed in his way. He added that all that the Indians wanted was to secure guarantees that their rights would be safeguarded under the Union. He was confident of a successful outcome of his mission. [*Ibid*, p 267]

He however warned the Indian community not to build too high hopes. Lord Crewe might refuse to see those who had been breaking the law. In sending a deputation at a time when top representatives of the Government of South Africa would be in London, he said, they were only making an experiment so as not to have any regrets later. “It will be wrong to build high hopes on it.” [*Ibid*, p 259]

Mr Cachhalia and Ebrahim Coovadia sent them cables which were received on board the ship. Cachhalia’s cable read:

Happy to know both going. Suffering in gaol for country’s sake preferable to going with you. Wish you success. [*Ibid*, p 270]

Coovadia’s cable said:

On way to gaol, wish the deputation success. Can serve the community best through gaol. [*Ibid*, p 271]

Gandhiji had written in *Indian Opinion* on 19 June, “I am sure that Cachhalia and Chettiar will speak for us more eloquently from gaol than they could have done in England.” [C.W.M.G., IX, p 269]

And again, “This deputation cannot be defended as being consistent with the principles of Satyagraha. Satyagrahis must only suffer. Satyagraha depends



only on God.” [Ibid, p 257] But he justified the deputation on the ground that all Indians were not satyagrahis and all satyagrahis did not have complete faith. Moreover the satyagrahis who had been released must also have something to do. In his message from the ship, he said: “The prisoners are the strong limb of the community, while the deputation is the debilitated one.” [Ibid, p 271] The deputation he compared to the steam engine, powerless without coal energy supplied by the community. Satyagraha alone was the real source of strength.

The theme of strength and weakness appeared in his writings again and again. He was very glad that Hajee Habib had joined the Satyagraha again, for Habib “had (earlier) shown himself weak.” [Ibid, p 257] He said, “The deputation only shows Indians’ weakness. The prisoners prove to the world that Indians have grown to be men. The deputation only proves that they are not quite men still, that as yet they are children who need the deputation to lean on as a child needs a *chalangadi* (a wheeled stand) for learning to walk.” [Ibid, p 271]

He chided the community for weakness and lack of faith in Satyagraha and took every opportunity to encourage the satyagrahis to continue seeking voluntary suffering by going to gaol. He wrote:

It should be remembered that this deputation is not going on behalf of the satyagrahis. They put their faith in nothing but the truth. For them following truth is itself a victory. The deputation is going rather out of regard for the sentiments of those who have not been able to hold out till the last, and, if possible, with a view to lightening the burden on the satyagrahis. The latter, therefore, need not pay any attention to the deputation. When the force of their truth grows stronger than the falsehood of the Transvaal Government, their trials will come to an end as



a matter of course. Remembering this, the satyagrahi must continue to seek opportunities for imprisonment. [*Ibid*, p 260]

Professor James D. Hunt, in his book *Gandhi in London*, says that Gandhiji's reflections and statements as he left for London show that he felt "strengthened by a very different form of power than that which was his in 1906" and suggests that he "expected fundamentally different results from the voyage." In 1906 he had relied on the legality of his case and the "reforming vitality of a Liberal Parliament and Government." [James D. Hunt : *Gandhi in London*, pp 110-1] This was not the case in 1909. The legality of his case was still there and so were the Liberals. But Gandhiji had lost faith in them and in the effectiveness of presenting petitions. In the nearly three years that had elapsed between the two deputations, Gandhiji had greatly matured and had undergone a profound inner and outer change. He had grown spiritually and had changed his style of life. Many of his values had undergone a revolutionary change. These he would soon give expression to in one of his most thought-provoking and revolutionary writings, *Hind Swaraj* (Indian Home Rule), which he would write in December 1909 on his way back from London to South Africa, after the second deputation.

Satyagraha had been born and had matured in the intervening period. Gandhiji himself had been in prison three times, spending six months in all behind the bars and two of these three gaol terms had been with hard labour. The world was becoming more and more aware of the problems and the plight of Indians in the Transvaal and in South Africa in general, thanks to the publicity and public relations work done by Ritch and others, but mainly due to the dramatic and highly idealistic nature of the Satyagraha movement itself. India too had been stirred up. Gandhiji felt that the centre of action was Johannesburg and not London and his mind was full of doubts as his ship left the shores of South Africa.



His doubts were not born out of any feeling of helplessness, but from the stirring of a different kind of power within him that he was becoming more and more aware of, the power of Satyagraha, the power generated by voluntary self-suffering or the soul force, as opposed to the brute force represented by physical strength and the power of arms and armaments.

3

On board the same steamer, John Merriman, the Prime Minister of Cape Colony, and J. W. Sauer, a member of the Cape Cabinet, were travelling as fellow passengers to London. A deputation of the “coloured people” consisting of Dr Abdurrahman, Mr Frederick, Mr Londors and Mr Mavela was also on board. Gandhiji learnt from Dr Abdurrahman that W. P. Schreiner had gone ahead to England at his own expense to plead strongly on behalf of the Coloureds. [C.W.M.G., IX, p 273]

Gandhiji’s ideas had undergone considerable change since his last voyage to London in 1906. Then he believed in travelling first class and staying in the best hotels in the interests of the work of the deputation. Now he thought differently, though he was still travelling first class. Writing of his experiences as a first class passenger on board r.m.s. *Kenilworth Castle*, he said that “the freedom and comfort available in the third class are not to be found in the first class” and “even that cannot match what is available in gaol.” “Here I have neither the peace nor the freedom I enjoyed in gaol. On the contrary, I have to live hedged in on all sides. My prayers here lack the depth, the serenity and concentration they had when I was in gaol.” [*Ibid*, p 276]

First class passengers, Gandhiji wrote, were looked after by servants as though they were so many babies. There was something to eat every two hours. The passengers would not lift even a glass of water with their own hands. At the



table, it was considered beneath one's dignity to reach out one's hand for a spoon lying at some distance. As for work, they had hardly any, with the result that they were "growing altogether delicate and soft. It vexes me to observe the present state of my hands and compare it with what they were like in gaol." [C.W.M.G., IX, p 276]

About his food during the voyage, Gandhiji said that he had two meals a day as usual. He avoided pudding, as it contained eggs, and tea and coffee also as far as possible, since they were the products of slave labour. His diet included porridge in the morning, boiled potatoes, lettuce and fruit at noon and some leafy vegetables and fruit in the evening. [*Ibid*, p 276]

He spent most of the day in reading. He also prepared the statement to be submitted in England with regard to the case of the Transvaal Indians incorporating some of the suggestions made by Haji Habib. [*Ibid*, p 276]

During the voyage, Haji Habib suffered from some infection in the left eye. It had started even before he left Johannesburg. The eye was a violent red and watered profusely. A wash with hot saline water gave him some relief but not much. The physician on board the ship was consulted and some medicines were given after which there was considerable relief. Gandhiji put eye-drops in his eye every day twice or thrice, in addition ice-cold compresses were also applied. [*Ibid*, p 270]

Gandhiji had meetings with some of the whites on board the ship, of whom Prime Minister Merriman was an important one. In the course of a long discussion with him Merriman was found to be full of sympathy for the satyagrahi prisoners and he "promised to do his best" in regard to the Transvaal problem when it was pointed out to him that it did not have much connection with the question of unification of South Africa. [C.W.M.G., IX, p 278]



Gandhiji also met John W. Jagger, a member of the Cape Parliament who held views similar to those of Merriman. He was also prepared to help, provided the Transvaal Indian problem could be solved without prejudice to the question of unification of South Africa. Mr Jagger was filled with indignation when he was told of the sacrifices made by Mr Aswat and Mr Cachhalia. He felt that the Indian dispute would have been settled by now if other Indian businessmen had followed in their footsteps. He was both sorry and surprised to learn that his own firm had acted against Mr Cachhalia. Both Jagger and Merriman wanted that some solution should be found for the Transvaal problem and when they were apprised of the Indians' demands, both admitted that they were quite reasonable. [*Ibid*, p 278]

Gandhiji had a meeting with Sauer too. He too was full of sympathy for the Indian cause and promised all possible help. He admitted that the demands of a community that underwent voluntary suffering as the Transvaal Indians were doing, could hardly be unreasonable and that it was the duty of every liberal minded person to help that community. [*Ibid*, p 278]

Gandhiji believed the sympathy of white men like Sauer had come as a result of Satyagraha or rather it was a "testimony to the success of Satyagraha." "The sympathies of all these men spring from their conviction that our cause is just and that we are sincere," he observed. [C.W.M.G., IX, p 279]

And what were these reasonable demands of the Indians? There were many problems facing the Indian in South Africa. But Satyagraha was being offered just for two demands (a) Repeal of Law 2 of 1907 and (b) The right of educated Indians, in however small a number, to enter and live in the Transvaal like Europeans. In other words, removal of the bar sinister and removal of racial



discrimination from the laws of South Africa. No other British Colony had enacted laws incorporating racial discrimination.

Neither of these two demands, if conceded, could bring any material relief to the Indian community which was hemmed in by various forms of racial segregation and discrimination, such as being restricted to certain locations for residence and trade, being prohibited to own landed property except in locations, or to ride in the tram cars, and so on. Discriminatory and arbitrary licensing procedures without right of appeal to the Supreme Court, were ruining the traders in Natal. None of these grievances were included in Satyagraha. Indians were fighting for their honour and not for any material benefits.

Theoretical legal equality with regard to the entry of educated Indians, even if it was conceded, would not have led to any number of Indians being able to migrate to South Africa and earn an honourable living in the Transvaal or anywhere else in that country. And yet Gandhiji laid great emphasis on it. In his public statements he said, “This question of educated Indians is the crux.” [C.W.M.G., IX, p 296] He described the Transvaal struggle, in a message to the Indian National Congress, as “fighting for the right of cultured Indians to enter the Transvaal in common with Europeans.” [*Ibid*, p 506]

Indians in South Africa were not asking for any political rights. They were not fighting for any material gain. Their objective was pure, because it was utterly unselfish. Their method was pure, because it was based on self-suffering.

The deputation arrived in England on July 10 and soon thereafter, Gandhiji gave an interview to Reuter, at Southampton, in which he said that the Indian deputation was there to see if something could be done “to relieve the very acute suffering which British Indians in the Transvaal have been undergoing for the past



two and a half years. Our mission does not seriously affect the question of unification of South Africa except that every Indian feels that the Imperial Government should take full guarantee regarding the status of British Indians in South Africa under the Union.” [*Ibid*, p 280]

In his interview to the South Africa Associated Press Agency in London on the same day, Gandhiji stated that the object of his visit was to ensure that the grievances of the Asiatics in the Transvaal should be remedied under the Union of South Africa and the status of the King’s Indian subjects in South Africa should be defined and embodied in the Union Constitution. [C.W.M.G., IX, p 281]

Gandhiji and Haji Habib reached London at about 10.30 a.m. on July 10 and after leaving their luggage at Hotel Cecil, they went to Pump Court in Middle Temple Lane to see Mr Ritch. They found him with Abdul Kadir, a member of the Natal Indian deputation which had also gone to England at this time to plead for the Natal Indians’ interests under the Union. Ritch was surprised to see Gandhiji and Haji Habib as he had received no cable about the coming of the deputation, nor was there any report about it in the newspapers. He had seen reports of the arrests in South Africa and had concluded that the idea of sending a deputation had been given up for the present. [*Ibid*, p 281]

There had been many changes in the English scene since Gandhiji’s last visit to London in 1906. Many of those who had helped him at that time were either dead or not in a position to help. Sir Lepel Griffin who headed the deputation to Lord Elgin in 1906 was dead. J. D. Rees, M. P. had resigned from the British Indian Committee because he believed it morally wrong to try to coerce a self-governing Colony. Lord Elgin and Winston Churchill had been replaced by Lord Crewe and Col John Seely at the Colonial Office. William Wedderburn, Sir Henry Cotton, M. P. and A. H. Scott, M. P. were hardly to be seen



this time. Shyamji Krishnavarma had taken refuge in Paris and Gandhiji did not go to India House for very good reasons.

What had happened was that while Gandhiji and Haji Habib were en route to London, Sir William H. Curzon-Wyllie, an India Office aide, was shot dead by Madanlal Dhingra, a student, who had once lived at India House. It shocked London. Fears of political violence gave strength to those who favoured suppression of all critics of the Empire. *The Times*, voicing the views of the establishment said that Madanlal Dhingra had imbibed “with disastrous effect the teachings of Mr Krishnavarma and others who more or less directly favour and commend political assassination.”

Krishnavarma had written in the July issue of *Indian Sociologist* “Political assassination is not murder.” Krishnavarma being safe in Paris, his English printer was arrested for seditious libel. *The Times* also attacked the critics of the India Office. It said:

There was a feeling in the House of Commons yesterday that the attempt which had been made by a section of Liberals to throw discredit and distrust on Lord Morley’s administration of the law in India may have been responsible for unhinging the mind of the young Indian student.

[James D. Hunt : *op cit* p 113]

King Edward VII shared the outlook of *The Times* and wrote to Lord Minto, Viceroy of India, “What can one however expect if such a scoundrel as Keir Hardie, who is also a member of the House of Commons, foments sedition in India and at home against our mode of government? The harm he has done is incalculable — and makes one’s blood boil.” [*Ibid*, pp 113-4]

Soon after meeting Ritch, Gandhiji and Haji Habib had lunch and set to work. Accompanied by Abdul Kadir, Ritch and Hussain Dawad, who was studying



in London at that time, they called on Sir M. M. Bhownaggee. After consultation amongst themselves, they wrote to Lord Ampthill, President of the South Africa British Indian Committee, and started the round of interviews. The whole day was spent in meeting people and writing letters. They were working till late at night. Miss Maud Polak, H. S. L. Polak's sister, who was in London, was entrusted with typing work as she was free. She worked very hard, regardless of the hour of the day or night. [C.W.M.G., IX, p 282]

On 11 July, Gandhiji and Haji Habib moved to Westminster Palace Hotel, which was barely a thousand feet away from the two houses of Parliament. It was across the street from Westminster Abbey and was much cheaper. The Cecil cost £ 1 /10/0 per night. Westminster Palace Hotel cost £3/17/6 per week, about 1 /3 the cost of the Cecil. Gandhiji thus economised and at the same time in the interest of his work he lived at a correct address and wore the correct dress. Mrs Henry Polak remembered that he looked distinguished in the conventional dress of a pre-war English gentleman, a silk hat, well-cut morning suit, smart shoes and socks.

The deputation met Lord Ampthill. In a letter to Polak on 14 July Gandhiji wrote "Then followed a long interview with Lord Ampthill. Transparent honesty, courtesy and genuine humility were written on his face. He — an ex-Viceroy — did not want to take a single step without our agreeing to its being taken." [*Ibid*, p 287]

They also met Sir Richard Solomon, who was Lieutenant-Governor of the Transvaal during 1905-6, and Miss Florence Winterbottom, corresponding Secretary of the Union of Ethical Societies and a great sympathiser of the Indian struggle, Surendranath Banerjee, H. E. A. Cotton, *editor of India*, Mr Justice Ameer Ali, Sir William Lee-Warner, a member of the India Office and Theodore Morrison,



one-time Principal of the Mohammedan College at Aligarh. Every one of them approved of the Indians in the Transvaal courting imprisonment and felt that if anything counted, it was the fact that so many Indians had gone and were still going to gaol. In private consultations they gave the deputation cause for hope.

Lord Ampthill doubted whether the deputation should meet any minister at all and whether it would be of any benefit to do so. His advice was that no information should be given to the newspapers for the present. Gandhiji therefore refrained from doing so. [C.W.M.G., IX, p 282] In 1906 Gandhiji had worked according to his own light and had built up strong public opinion through the Press and through Members of Parliament and other public leaders in favour of the Indian cause, and had led a well-selected strong deputation to present the Indian case to the Colonial Secretary Lord Elgin. It had yielded results. This time he had to be guided by Lord Ampthill who believed in quiet diplomacy behind the scenes in which Gandhiji and Haji Habib could play little part. Moreover, Gandhiji found that the visit of the South African statesmen was making heavy demands on the time of the British leaders and hence it was not easy for the Indian deputation to obtain interviews with public figures in London. He therefore felt that if the private moves Lord Ampthill was making failed, nothing was likely to be achieved by their visit to London. [*Ibid*, pp 282-3]

In a letter written on 14 July to H. S. L. Polak, who had sailed on 7 July as a one man deputation to India, Gandhiji advised him to meet the leading Anglo-Indians and Indians, particularly the editor of the *Times of India*, Professor G. K. Gokhale and B. H. Malbari, journalist and social reformer. He also gave an account of the people he had met in London and the prospects, as he envisaged, of the deputation's efforts in England. [C.W.M.G., IX, pp 284-8]



Gandhiji had prepared a draft statement of the Transvaal Indians' case, on board the ship which brought him to London. He did not send it for publication on his arrival in London. He was anxious not to publish it, as advised by Lord Ampthill, unless and until the private negotiations of Lord Ampthill had failed.

Everyone had thought that Gandhiji would be doing his level best to get the South African Union bill changed. The Press reported that the Indians' and the Coloureds' deputations had organised a strong attack on the Bill, but they were keeping their plans secret. The truth was that Gandhiji was not giving much attention to the Bill.

General Botha and other leading South African leaders met Lord Crewe on 20 and 21 July to finalise the details of the Bill. On the 22nd General Botha dined with the King in Buckingham Palace. South Africa was the topic of the day in London till the Union Bill was passed on 19 August. The Indian deputation had met no one in Government to influence them to change the Union Bill, nor had they taken any steps to build up public opinion in favour of such a change in view of Lord Ampthill's advice. The South African leaders were successful in preventing all amendments for removing the colour bar from the Bill being accepted. The status of the Indians was not defined. Though some amendments allowing the franchise for the Indians and the other non-whites were tabled, they were not pressed.

The fact was that the Liberal Government was more preoccupied with their budget than with the fate of the Indians or the franchise for the coloured people. David Lloyd George's proposals to tax the rich more heavily in order to finance a modest social welfare programme, and a more expensive programme of construction of battleships, and the style of his speech, had led to escalation of class conflict. Many all-night sessions of Parliament were required and the August



recess was not taken by the Parliament till the budget was passed on 4 November.

The Indian leaders were in the hands of Lord Ampthill who with his quiet diplomacy was confident that he would be able to get the Indians' two modest demands accepted. But his efforts, in the absence of a strong public opinion and pressure from members of Parliament, could not and did not succeed.

6

Gandhiji addressed a letter to the Private Secretary to Lord Crewe, Secretary of State for the Colonies, on 20 July 1909 saying, that the Indian deputation wished to draw the attention of Lord Crewe to the “untold suffering” of British Indians in the Transvaal and seek a remedy therefor. The conference regarding the South African Draft Act was about to commence. He mentioned in the letter that the deputation was “desirous of avoiding a public discussion of the question, so as to facilitate a private settlement.” He therefore wanted the Secretary of State to grant the deputation a private interview. [C.W.M.G., IX, p 304]

He sent a similar letter to the Private Secretary to Lord Morley, Secretary of State for India. [*Ibid*, p 316]

On 23 July Gandhiji wrote to Gokhale informing him of Polak's mission in India. He said that Polak had been asked to place himself unreservedly under Gokhale's instructions. He hoped that the leaders in India would realise the national importance of the struggle in the Transvaal and pointed out that so long as the sufferings of the Transvaal Indians continued, they had “a right to expect much more than we have yet received from the Motherland”. He added that in London the deputation was trying to arrive at a settlement by private negotiation, but in a week's time they might be obliged to take “public action”, in which case India's support would be “absolutely necessary”. [C.W.M.G., IX, pp 308-9]



Gandhiji and Haji Habib had a private and informal meeting with Lord Morley on 26 July for half an hour. Morley asked Gandhiji whether the “feeling in India was keen” on the question of the Transvaal Indians, and the latter replied in the affirmative saying that the feelings were so high that a protest meeting was not called in Bombay because of the fear that it might turn violent. Morley, according to Gandhiji, gave a “very sympathetic consideration” to the question and promised to write to Lord Crewe and on Gandhiji’s suggestion also agreed to discuss the problem with Smuts. [*Ibid*, p 314] The same day, Gandhiji wrote to Lord Ampthill suggesting that he, or several public men jointly, might write to Lord Crewe urging him “to use his good office with the Transvaal leaders urging them to signalise the advent of the Union by granting the small concessions to British Indians in the Transvaal who have suffered so much and so terribly.” [*Ibid*, p 315]

Gandhiji was of the view that even if the outcome of the deputation’s visit to London was satisfactory, it should not be attributed to “any very strong pressure applied in England” but only to gaol-going. “Every white who hears of our gaol-going is struck with admiration. Voluntary submission to suffering cannot but have a powerful effect. This had been my experience again and again,” he wrote in his Deputation Notes written soon after 26 July, 1909. He further added,

The very mention of gaol-going impressed people. I see the time drawing nearer every day when no one, whether black or white, will succeed in obtaining a hearing by merely making petitions. If I am right, then, no force in the world can compare with soul force, that is to say, with Satyagraha. I therefore wish that Indians should fill the gaols, if, by the time this letter is published, there has been no decision or solution. [C.W.M.G., IX, pp 317-8]



In one of his despatches published in the *Indian Opinion* on 14 August 1909, he described the brave struggle of the British women for securing the right of vote for women and said that they were not deterred by any kind of suffering. Every day a number of them kept standing the whole night near Parliament gate with the intention of handing in a petition to Mr Asquith. This was no ordinary courage. “What great faith they must have!” A great many women had been ruined in this struggle, “but they do not yield. Their campaign has gone on for a longer time than ours. We can learn quite a few things and draw much inspiration from it.” [*Ibid*, p 303]

M. C. Anglia, Joint Honorary Secretary of Natal Indian Congress, Amod Bhayat and H. M. Badat arrived on 31 July 1909 to join Abdul Cadir who was already in London. They also stayed in the Westminster Palace Hotel where the Transvaal deputation were staying. They met Sir Muncherjee and Nawab Saheb Major Syed Hussain Bilgrami and sought interviews with Lord Crewe and Lord Morley. [*Ibid*, p 338] Gandhiji wrote in his weekly letter from London on 6 August 1909, “I am afraid the deputation’s visit will prove unavailing.” [*Ibid*, p 338]

To H. S. L. Polak who was in India, he wrote on 20 August “The Natal Indian delegation met Mr Bottomley M. P. through the Acting Manager of African Banking Corporation and through him they met Colonel J. E. B. Seely yesterday and might meet him again... but I very much fear that nothing is going to come out of these interviews. If, however, our friends return convinced that they will get justice not by praying for it, but by demanding it at the point of the passive resistance bayonet, their visit will have been of some use.” [*Ibid*, pp 362-3] On the same day 20 August he wrote for *Indian Opinion* that they had met Lord Crewe



through Mr Bottomley. “But let everyone understand that it is through Satyagraha alone that the Natal Indians will be free.” [C.W.M.G., IX, p 338]

A statement Gandhiji prepared on behalf of Natal Indians requested the Imperial Government to put an end to the system of indentured labour and in case the supply of Indian indentured labour could not be suddenly withdrawn without jeopardising the chief industries of Natal, the special annual tax of £3 per head imposed on the ex-indentured labourer and his wife and children should be abolished. It further asked that the Dealers’ Licences Act 1897 should be amended so as to give to the aggrieved Indian traders the right to appeal to the Supreme Court in the matter of issue of licence, and lastly that facilities should be provided by the Colonial Government for the higher education of Indian children. [*Ibid*, pp 344-50]

Lord Crewe met the Natal Indian deputation on 12 August. He told them that the existing laws would not be repealed and that conditions might improve under the Union Parliament after unification. [C.W.M.G., IX, p 355]

The Natal Indian deputation sent a special communication to the Viceroy of India on 27 August, calling for an embargo on the recruitment of Indians as indentured labourers if their trading rights were not respected. [*Ibid*, p 373]

7

On 28 July Gandhiji wrote to Lord Ampthill saying that in reply to a request by Sir Muncherjee to General Smuts for an interview, the latter had offered to give him an appointment after the pressure on his time was over. He was aware of the delaying tactics of Smuts. He felt that “the time has come to circulate our statement and let the authorities as also the British public know what our mission is.” He wanted to know the opinion of Lord Ampthill “as to the desirability of publishing the statement.” [*Ibid*, p 318]



In his reply to Gandhiji on the same day Amphill wrote that he had had long talks with Selborne, Crewe and George Farrar and had also approached Morley, Smuts and others and that Lord Curzon was working with him. He observed that there was “no fixed disinclination for a settlement on the part of any of the above-mentioned” and that there was “nothing to be gained by unduly pressing them or by any loud public action.” Private negotiation was the only possible means. He asked Gandhiji not to publish or circulate anything without first consulting him, as he felt “it would be fatal if any of the responsible statesmen were offended or put out at the present juncture” He added, “I may be too sanguine, but I really hope that they will agree upon a settlement if they are allowed to do so of their own accord.” [*Ibid*, p 577]

This was a great mistake in retrospect. Lord Amphill could and should have accepted Gandhiji’s suggestion to publicise their statement in order to mobilise public opinion and strike while the iron was hot. Public opinion might have induced the South African leaders to do the right thing by the Indians “of their own accord.” They were not likely to and they did not do it, on their own.

Amphill asked Gandhiji whether the sense of injustice and indignity under which the Indians in the Transvaal were suffering would be “finally removed if the Act 2 of 1907 was repealed and a promise was given that six Indians would be admitted to the Transvaal annually in the way suggested by Gandhiji. Amphill indicated in this connection that the objection he had to meet from the other side was their assertion that the Indians would never be “contented” and that any concession would only “lead to fresh demands”. He added that there was “also much prejudice in high quarters” on account of a belief that passive resistance in the Transvaal was “being fomented and financed by the party of



sedition in India who do not desire that the question should be settled.” He wanted Gandhiji to tell him how to meet this charge. [C.W.M.G., IX, p 577]

Replying to Ampthill the next day, Gandhiji said that if the Act 2 of 1907 was repealed and a promise was given that six Indians would be admitted to the Transvaal annually in the way he had proposed, “I would certainly be content.” He hoped that the matter would be reconsidered by the Transvaal Parliament or the Provincial Council as the case might be and that the Immigration Law would be “amended so as to leave it open for Indians of great culture to enter the Transvaal under the general education test.” The number would be limited to six, not in the Act itself, but limited or regulated by administrative action, that is to say, by imposing a severe enough test so that the Immigration Officer would pass only six Indians in any one year. So far as immigration was concerned, such Indian immigrants would be free from any measure of registration or identification, apart from the examination they would have to pass at the border, which should serve as identification. [*Ibid*, pp 319-20]

Gandhiji added that there were “undoubtedly” other grievances as well, for instance, the prohibition to hold landed property, to ride in the tram-cars etc. and the local authorities and Lord Ampthill would have to be “troubled” for assistance for remedying them. There was however a distinction between the two grievances which had brought the deputation to London and the others. The former had entailed passive resistance involving untold suffering on Indians which would continue until the grievances were redressed, even if every Indian perished in the attempt to have them redressed. The latter grievances were, on the other hand, of a long-standing nature, and there was no solemn covenant to impose upon Indians the need to offer passive resistance and undergo personal suffering in order to get them removed. They would wait for public opinion to



mature and prejudice to die out, with regard to these grievances, without reducing themselves to penury and filling the gaols of the Transvaal.

As for the charge that the Transvaal Indian struggle was receiving support from the “party of sedition in India”, Gandhiji affirmed.

I know of no Indian, whether here in South Africa or in India, who had so steadily, even defiantly, set his face against sedition — as I understand it — as I have. It is part of my faith not to have anything to do with it, even at the risk of my life.... The movement in the Transvaal with which I have identified myself is an eloquent and standing protest in action against such (bomb-throwing and violent) methods. The test of passive resistance is self-suffering and not infliction of suffering on others. We have, therefore, not only never received a single farthing from ‘the party of sedition’ in India or elsewhere, but even if there was any offer, we should, if we were true to our principles, decline to receive it. We have hitherto made it a point not to approach the public in India for financial assistance.... May I add, too, that the idea of passive resistance originated in South Africa, was independent of any movement in India and that we have sometimes been bitterly assailed by some of our Indian friends for pinning our faith to passive resistance pure and simple. [C.W.M.G., IX, pp 320-1]

Up to early August, Amptill was busy meeting the South African and British Government leaders. He also met Gandhiji on the 9th and both agreed that the entry of educated Asiatics limited to six in number should be administered by the Governor of the Transvaal and not be mentioned in the Statute-book. Amptill then met Smuts and made the amended proposal.



The next day, on 10 August Gandhiji and Haji Habib had an interview with Lord Crewe. Writing to Ampthill immediately after the interview on the same day, Gandhiji said. “His Lordship was very sympathetic; he gave a patient hearing.... I think he admits that the amendment that I have suggested is very reasonable and that he would press it upon General Smuts.” [C.W.M.G., IX, p 350]

He also sent cables to Polak in India and to the British Indian Association in the Transvaal that negotiations were proceeding and that while the Government agreed to repeal the Asiatic Act of 1907, they desired to insert a clause in the Immigration Law limiting the annual number of Asiatic immigrants. The Indian deputation had declined to agree to legal differentiation along racial lines and had proposed that a clause might be inserted in the Immigration Law empowering the Government of the Transvaal to frame regulations fixing the number of immigrants of any nationality, thereby maintaining the principle of legal equality. [*Ibid*, p 351]

8

Lord Crewe discussed the proposal with Smuts on 24 August. In his letter of 26 August to Crewe, Smuts informed the Secretary of State that he was willing to repeal Act 2 of 1907, and to admit up to six “approved Asiatics” per year on *temporary permits* only. He refused to remove the racial discrimination from the Statute-book. He said, “We cannot recognise in our legislation equal rights of all alike to emigrate to South Africa. Under our special circumstances, we leave the door as wide as possible to white immigrants, but we could never do the same to Asiatic immigrants.” [Cd. 5369, pp 32-4]

General Smuts left London for South Africa on 28 August 1909, after giving the following message to Reuter: [C.W.M.G., IX, p 376]



I hope it (the Indian question) is in a fair way to disappear from the horizon of the Transvaal politics. The vast majority of Transvaal Indians are sick to death of agitation carried on by some of their extreme representatives, and have quietly submitted to the law. I have had repeated conversations with Lord Crewe and other important leaders interested in this matter, and I think it will be possible now to find a solution of this vexed question which all reasonable men will consider right and fair.

Gandhiji wrote to Lord Ampthill on 30 August enquiring as to what should be the next step of the Indian deputation, in view of Smuts' statement to Reuter. [C.W.M.G., IX, p 375] Ampthill replied the next day that he had not yet seen the statement, expressing regret that he had not been able to see Smuts again. He informed Gandhiji that Smuts had made certain proposals to Lord Crewe, which he gathered were that Act 2 of 1907 might be repealed and that permanent certificates of residence might be granted annually to a limited number of educated Indian immigrants. From these proposals it appeared that Smuts was not going to amend the law to remove racial discrimination and meet the Indian demand on the basis of their "right".

Ampthill then went to London and met Lord Crewe in the House of Lords. He suggested to him that he should make a statement on the subject in the House. Lord Crewe said that he had not yet read the communication addressed to him by Smuts and that it would not be appropriate for him to make any statement in Parliament "anticipating any announcement which General Smuts might have to make on his arrival in South Africa." Ampthill thereupon pointed out to Lord Crewe that Gandhiji had been waiting for an answer and it would not be fair to keep him waiting for long in England. Crewe then suggested that



Gandhiji might meet him or some member of his department, and Ampthill agreed.

The two then discussed the question of the Indians' rights and Lord Crewe "seemed to be impressed" by Ampthill's assertion that Indians had always enjoyed the right of entry, at any rate in theory, in every part of the British Empire, until they were deprived of it in the Transvaal. Ampthill felt that Lord Crewe was anxious to satisfy Gandhiji and his general attitude was more sympathetic than it had been before. He therefore asked Gandhiji to see Lord Crewe personally and make the position clear and then decide whether he should continue passive resistance "for the sake of the theoretical right". For his part, Ampthill was anxious that the struggle of the Indians should cease and hoped that Gandhiji would not feel bound to continue it, as enough had already been done "for the sake of honour" of Indians in the Transvaal. He told Gandhiji that the Indians would be gaining something very substantial in the repeal of Act 2 of 1907 and advised the latter to "make it quite clear" to Lord Crewe during his meeting with him that his opinion on the question of right of Indians to enter the Transvaal remained unaltered even though he felt justified in withdrawing the passive resistance movement. [C.W.M.G., IX, pp 587-8]

Replying to Ampthill, Gandhiji observed in his letter of 1 September, that General Smuts' decision, if it was final, would be unfortunate, and nothing would be gained by his making the residence of a limited number of educated Indian immigrants permanent, if their "right" was not recognised. Gandhiji wanted that the theoretical "right" should remain inviolate, in which case no Indian need even enter the Transvaal. He therefore affirmed that it would not be possible for him to recede from the position with regard to the question of the "right" of entry of educated Indians. The proposal of General Smuts, according to him, did not in



any degree satisfy the Indian requirement. “On the contrary, it accentuates the racial insult, and our acceptance of it would simply mean that after all, we were not fighting so much for a principle, as for the mere satisfaction of being able to import some educated Indians into the Transvaal for our own interests.” [*Ibid*, pp 378-9]

In the Deputation Notes, which appeared in the Gujarati edition of *Indian Opinion* of 2 October 1909. Gandhiji wrote:

As regards the issue of educated Indians, he (Smuts) will grant permits for permanent residence to a limited number as a matter of favour. They will have the same rights as those who have been registered. But I see no advantage in this....There must be legal equality with whites: it will not matter then if, in practice, not even a single Indian is able to get in. We can bear that. But it would not serve our purpose even if permits are issued to 50 men, so long as the law itself is tainted. We are not fighting for ourselves, but for others. It is not a fight on behalf of the educated or the highly educated, but for India's honour, for our self-respect, for the fulfilment of our pledge. The more we suffer in this cause, the happier we shall be. Those who fight in this spirit are true satyagrahis — men with soul-force. I want to see every Indian join this beautiful, sublime struggle. [C.W.M.G., IX, p 385]

On 16 September 1909 at 3.15 in the afternoon, Gandhiji and Haji Habib had another interview with Lord Crewe. According to the “Substance of the Interview”, recorded by Gandhiji soon thereafter on the same day, Crewe told the deputation that he had ‘several interviews’ with General Smuts “who was found to be reasonable” and ‘anxious’ for a settlement. Smuts proposed to repeal



the Asiatic Act and had agreed that a limited number of British Indians should have permanent residential certificates, and to that end, was willing to amend the existing legislation. But “he did not like the fictitious equality” of Indians with the whites. Lord Crewe therefore asked the deputation if they would accept the “substantial thing” that General Smuts was willing to give.

Gandhiji replied, “I am afraid that it is impossible for the British Indian community to be satisfied with what General Smuts is willing to give.” It still left the racial taint on the Statute-book. [*Ibid*, p 408]

Lord Crewe thereupon asked him whether the Australian practice of excluding Asiatics by “imposing ridiculous tests” was a satisfactory mode of dealing with the question. Gandhiji admitted that it was unsatisfactory, but “the fictitious equality is the lesser of the two evils.” Then he asked Lord Crewe, “After all, is not the British Constitution founded on many fictions?” and added, “I have myself been nurtured in those traditions. As a student I learnt the value of this kind of fiction. Indeed, after mature consideration, I have come to the conclusion that there is a very reasonable basis for these so-called fictions.” If General Smuts was really anxious to see a settlement, and wished to live under the British flag, why would he deliberately interfere with the British Constitution, especially when “what he wants can be had, without departing from it?” He drew his Lordship’s attention to the fact that the Immigration Act of the Colony was not a Crown Colony measure, but that it was General Smuts’ own production and he had undoubtedly relied on fiction there. “The Act bristles with adventitious clauses.” [C.W.M.G., IX, p 408]

Lord Crewe answered that he shared Gandhiji’s views very largely. He said, “I think that what you say is quite just and proper, but General Smuts is not an



Englishman, and therefore does not like the idea even of theoretical equality.”
[*Ibid*, pp 408-9]

Gandhiji replied that if that was the case, it was all the greater reason “for us to press for the removal of the racial taint from the Statute-book, and in offering this opposition we think that we are rendering an Imperial service.” His Lordship, he said, must have noticed that the struggle had been, in its later stages, entirely idealistic. They had no personal interests to serve.... “From the commencement of the struggle, we have never placed any importance on the admission of Indians, but we have all along fought for legal equality.” [*Ibid*, p 409]

Gandhiji further clarified that the white people in the colonies only wanted the exclusion of Asiatics in a general way so as to avoid competition from the latter and they were not “offering objection to theoretical equality.” On the other hand the “racial insult” implied in the Transvaal Government’s legislation was “being very keenly resented in India” and so “it could not be said that only the Transvaal Indians were offering opposition.” [*Ibid*, pp 409-10]

Lord Crewe replied that he saw the force of Gandhiji’s arguments. He mentioned that because he saw the justification of the demands of local Indians in the Transvaal, he had placed the matter before General Smuts as an Imperial question. He himself was anxious to see a settlement, but it appeared to him that “General Smuts might feel that if theoretical equality was conceded, it might be used by Indians for fresh agitation in order to get more demands conceded.”

Gandhiji replied that in that case, it would be open for the Transvaal Ministers to pass more restrictive legislation whenever they thought that the Indians were departing from the understanding arrived at. But he was at the same time not prepared to say that if the Indians’ demands were granted that would be the “end of all agitation in the Transvaal.” “There are peculiar difficulties



under which we are labouring and they may call for fresh efforts.” [C.W.M.G., IX, p 410]

Crewe agreed that there could be no finality in such matters, but desired that at least for a certain number of years, there should be “some rest” if the question was settled to the satisfaction of the deputation. [*Ibid*]

Gandhiji thereupon assured Crewe that so far as the question of immigration was concerned, the Indian community was prepared to give a written undertaking that its demands having been satisfied, it would not raise any further agitation. When he talked of fresh agitation, it was with reference to other difficulties than those relating to the question of the status of educated Indians. Gandhiji further said, “If there were any such unreasonable agitation, I should be prepared to become a passive resister against my own countrymen even as I was just after the compromise.” [*Ibid*, p 410]

Lord Crewe was satisfied with Gandhiji’s assurance and agreed to communicate to General Smuts the substance of their talk hoping that there would be a settlement. He, however, added, “but I do not hold out much hope. General Smuts may find it difficult to accept your proposition. If he does, will it perhaps not be as well to wait for the Union Parliament.” [*Ibid*]

Gandhiji replied that passive resistance would have to continue in the meanwhile, prolonging the agony of Indians for another six months and that the Union Parliament would have no jurisdiction to amend the Immigration Act of the Transvaal. Lord Crewe felt that the Union Parliament would not like to see the suffering of Indians prolonged, and for that reason it might intervene and bring about a proper solution. He added, “but it is difficult to know what view the Union Parliament will take.” [C.W.M.G., IX, p 411]



Gandhiji said that if the negotiations were not successful he would go back with the feeling that the sufferings of Indians would have to continue. Lord Crewe remarked, “Very well, I will then discuss the question with General Smuts.” Gandhiji asked him “to cable to General Smuts so that we may know the result in good time”, as the deputation had been waiting in London for “quite two months”. Thereupon, Lord Crewe concluded the interview saying, “I thought a despatch would be better but perhaps it will be as well to cable. I know you have had to remain here for a long time.” [*Ibid*, p 411]

10

Immediately after the interview, the same day, Gandhiji wrote to Lord Ampthill saying:

His Lordship was very sympathetic.... I believe he feels too that there is a great deal to be said on behalf of our standpoint as to theoretical equality. He has promised to cable to General Smuts the result of our interview, and press upon him acceptance of the amendment submitted by me through you. We brought to his notice the intensity of feeling that has been roused in India and he in reply admitted that it was an Imperial question and that it should be treated as such. [*Ibid*, p 411]

Replying to this letter on 17 September, Lord Ampthill said.

It is indeed satisfactory that Lord Crewe should have actually promised to telegraph to General Smuts pressing him to accept our amendment.... If you can now get an interview with Lord Morley and enlist his sympathy in the same manner as you did that of Lord Crewe, I think you will have done all that is possible and that you will be able to leave this country feeling that no stone, which could be of any avail, has been left unturned. [C.W.M.G., IX, p 591]



In his report to *Indian Opinion* [I.O., 16-10-1909] Gandhiji said that he had made it clear to Lord Crewe that so long as the entry of educated Indians into the Transvaal as a matter of 'right' was not conceded, the struggle would continue. "India's honour cannot be upheld if that right is not secured.... Denying the right under the law itself amounted to an attack on India's honour," he said, and added, "should General Smuts refuse to accede to our demand ultimately, we would conclude that we have not as yet had our full measure of suffering." He had told Lord Crewe that they were always prepared for suffering. [C.W.M.G., IX, p 416]

At the interview with Lord Crewe, Gandhiji had also referred to the agitation in India on behalf of their brethren in South Africa and particularly to the mass meeting held in Bombay on September 14 at the instance of Polak, who had gone to India to apprise the people in the mother country of the condition of Indians in the Transvaal, and to consolidate their support for the struggle in South Africa. The Bombay meeting had strongly appealed to the Imperial Government to stop continued injustice being done to Indians in South Africa and had demanded stoppage of indentured labour to Natal.

In his minute of the same day on the interview, Lord Crewe wrote : [*Ibid*, p 590]

I informed them (Gandhi and Habib) of the result of our conversations with Mr Smuts, and of the two concessions which he was prepared to make, (a) the repeal of Act 2 of 1907, and (b) the admission of 6 educated Asiatics each year as permanent residents. Mr Gandhi admitted that these changes would mark a real step in advance and so far as their practical effect was concerned, he would be ready to accept them. But it



was not possible to abandon the position which he and his friends had taken up, and for which great sufferings had been undergone, that of the necessity of being equal before the law, even though the equality were only theoretical. So that even the granting of these concessions would not make him to cease from agitating for such equality....

The conversation ended by Mr Gandhi asking me to telegraph to the TV (Transvaal) Government that though he admitted the practical advance involved in Mr Smuts' suggestions, yet he must still hold out for theoretical equality.

The impression left on my mind is that, in spite of this the TV (Transvaal) Government would do well to make the two concessions, thus removing all practical hardship, and putting themselves right with a considerable section of public opinion.

A telegram can accordingly be drafted giving the substance of Mr Gandhi's statement, and adding the substance of the last preceding paragraph.

Sd/ Crewe)

16.IX

One may be justified in calling it another instance of double crossing by the British Government. Lord Crewe led Gandhiji to believe that he understood his position and sympathised with it and he would plead the Indians' case with Smuts. But the above-quoted note makes it clear that the intention of Lord Crewe from the start was to support Smuts' proposals, although Gandhiji had understood that he would cable to Smuts to persuade him to accept Gandhiji's plea for theoretical equality before law, in the interest of all concerned.



To the petition and representations made by the Natal Indian deputation, Lord Crewe had replied in writing as follows:

The Imperial Government can only make a recommendation to the Natal Government but cannot effectively intervene in regard to the disabilities which flow from the existing legislation and which can be removed only by an amendment of such legislation. In case further disabilities are sought to be imposed through fresh legislation, the Imperial Government can disallow such legislation. Its sympathies are with the Indian community in the hardships which it experiences in Natal, and, in the past, it has also made representations to the Natal Government about major grievances such as the denial of the right of appeal under the Dealers' Licensing Act. Moreover, Royal Assent was withheld from the Bills which had been passed for curtailing (Indian) trade. As to the future, the Imperial Government hopes that the Union Parliament which has been vested with powers of legislation regarding Indians and coloured people will follow a more liberal policy and give relief to the Indian community.

[C.W.M.G., IX, p 420]

As this was a most disappointing reply, with not even a promise to write again to the Natal Government, the Natal Indian deputation decided to pursue the matter further with Lord Crewe.

Here again one gets the impression that Lord Crewe was merely expressing lip-sympathy with the Indians. The British Government had not moved its little finger to provide any safeguard for the rights of British Indians in the Constitution of the Union of South Africa, before giving their approval to it, which they could have and should have done. They had not used their reserved powers earlier for disallowing the blatantly discriminatory laws passed by the colonies in South



Africa and now Crewe was indulging in expressing pious hopes that the Union Parliament would act in a liberal manner. He thus freed himself from all responsibility for the hardships suffered by the Indians in South Africa.

Analysing the root cause for this indifferent attitude of the British Government and Smuts' refusal to recognise the theoretical equality of Indians with the whites, Gandhiji wrote in a letter to Kallenbach on 1 October 1909:

The cause for the prolongation of the struggle lies within ourselves.... Smuts can feel it (our weakness) and so can Lord Crewe. What wonder then if both of them are in no hurry to end the struggle.... Please make the position clear to the people and tell them that owing to weakness within, we must look forward to a prolonged struggle.... Let no one consider that it was a mistake to have elected our friend (Haji Habib) as a delegate. He is alright here. He would have been a source of weakness there. Here his weakness can only make me stronger and here he must keep himself in check....

Our worst enemy is our weakness. Weakness is due to fear; fear is due to lack of faith in the possibilities within the soul for good. Lack of faith is due to over-attachment to the ever-perishing and perishable body.... The greater the faith, the greater the strength. Having by strength surmounted fear, we surmount weakness. And then we are practically free. [Pyarelal Papers : Gandhiji's Letters to Kallenbach]

On 23 September Gandhiji addressed a letter to the Private Secretary of Lord Crewe, enquiring whether any reply had been received from General Smuts to the cablegram that the Colonial Secretary was to have sent in connection with the negotiations for a settlement of the Transvaal Indian problem. [C.W.M.G., IX,



pp 428-29] He received a reply on 4 October from Francis J. S. Hopwood, Under-Secretary, Colonial Office, stating that there was no prospect of the Colonial Secretary being able to give any further information on the subject, as “the Colonial Government must first decide, with the information before them as to your attitude after your interview with his Lordship on the 16th ultimo, whether they are prepared to introduce legislation on the lines proposed by Mr Smuts.” [Cd. 5363, p 38]

Acknowledging the reply, Gandhiji wrote to Hopwood on 8 October saying that it was not clear to him whether the legislation proposed by General Smuts was on the basis suggested by the deputation at the interview of the 16th ultimo or on the basis proposed by General Smuts before he embarked for South Africa.

Gandhiji was unaware of the contents of Crewe’s cable, he wanted to know the exact position taken up by Smuts after the cable had been sent by Lord Crewe which he thought was in support of the Indian stand. He added, however, that since it would take some time before the final result was known, he felt that the time had come for the deputation to inform public opinion in Britain and elsewhere of the state of affairs with regard to the Indian problem as it stood. He added that while trying not to embarrass in any way Lord Crewe, for whose efforts at a settlement he had great appreciation, he proposed to circulate a statement to the Press, address meetings and interview leaders of public opinion, besides paying a visit to India, if possible, in order to apprise the Indian people of their mission to London and its outcome. He wanted to ascertain that Lord Crewe would have no objection to his “making public the net result of the negotiations” so far as they had progressed. [C.W.M.G., IX, p 468]



Gandhiji sent copies of this letter to Mr Morley and Lord Ampthill and further informed the latter that he had ordered the printers to “strike off” 2000 copies of the statement for distribution. [*Ibid*, p 469]

The Under-Secretary for the Colonies wrote to Gandhiji on 15 October clarifying that the proposals referred to in the Colonial Office’s letter of 4th instant as a possible basis of legislation were those made by General Smuts before his departure to South Africa and not those made by Mr Gandhi at his interview with Lord Crewe on 16 September. He indicated to Gandhiji that it was for him to decide what further action should be taken in the matter. He also cautioned Gandhiji to bear in mind the effect his proposed action might have on the attitude of the Transvaal Government and Parliament and advised him to wait for a declaration of their policy before taking any action. [*Ibid*, p 486 fn]

In his reply dated 19 October Gandhiji stated that during the interview on 16 September Lord Crewe had agreed to place the deputation’s proposals before Mr Smuts and it was not clear from the Under-Secretary’s letter whether it was done, and if so, what Mr Smuts’ decision was in that regard. He said that if Mr Smuts intended to place only his own original proposal, made at the time of his departure for South Africa, before the Transvaal Ministers and the Transvaal parliament, nothing was to be gained by the policy of inactivity so far pursued by the deputation in the interest of a fruitful outcome of the negotiations carried on in private. He therefore wanted to know the exact position of the negotiations, so that he might be guided for further action in the matter. [*Ibid*, p 486]

Hopwood replied on 3 November, reaffirming that the proposals referred to were only those put forward by Smuts before his departure and not those proposed by Gandhiji at the interview. He added:



Indeed, at the interview on 16 September, His Lordship (Crewe) explained to you that Mr Smuts was unable to accept the claim that Asiatics should be placed in a position of equality with Europeans in respect of right of entry or otherwise. His Lordship cannot, therefore, admit that at the interview he undertook, as stated by you, to place your proposal before Mr Smuts for his acceptance. His Lordship understood you to desire that he should telegraph to the Transvaal Government that though you admitted the advance involved in Mr Smuts's suggestions, yet you could not consent to abandon your claim for theoretical equality, and this has been done. [C.W.M.G., IX, p 597]

On receiving this letter, Gandhiji sent a copy of it to Lord Ampthill enclosing the draft of a reply which he proposed to send to the Colonial Office. The draft reply dated 6 November read as follows:

It is a matter for very deep regret that the Earl of Crewe is unable to hold out any hope of obtaining recognition of theoretical equality as to immigration such as is claimed by British Indians in the Transvaal and as has hitherto been accepted throughout the colonies and which alone, it is respectfully submitted, can justify the holding together of different peoples of the world under the same sovereignty. There remains nothing for my colleague and me to do but to place the position before the public and to return to the Transvaal. In view however of the Imperial importance of the question, my colleague and I respectfully trust that His Lordship will still use his influence in order to secure the removal of the offensive colour bar in the immigration laws of the Transvaal. [*Ibid*, p 519]

Expressing his “rude shock” on seeing Gandhiji's letter. Lord Ampthill stated that the letter from the Colonial Office showed that either Gandhiji was



entirely mistaken in the impression which he derived from his interview with Lord Crewe, or “Lord Crewe’s recollection of what he said” to Gandhiji was at fault. In the former case, he said, much time had been needlessly wasted and in the latter case, there was no remedy, for it was a question of Lord Crewe’s word against Mr Gandhi’s. Lord Ampthill therefore approved of Gandhiji’s draft reply to the letter which he said was “at any rate dignified and restrained.” He added, “I should say more myself if I were in your position and quite sure of my ground.” [Ibid, pp 597-8]

On pages 119 and 121 of his book *Gandhi in London* Prof James D. Hunt draws the conclusion that “misunderstanding resulted” on both the occasions Gandhiji met Lord Crewe on 10 August and 16 September 1909. But a close and careful perusal of Gandhiji’s record of the second interview on 16 September [C.W.M.G., IX, pp 408-11] his letter to Lord Ampthill of the same day [Ibid, p 411] as well as Gandhiji’s letter to the Under-Secretary for Colonies of 6 November [Ibid, p 519] and Ampthill’s reply to Gandhiji of 5 November [Ibid, p 597] mentioned briefly in the foregoing pages, shows that Lord Crewe at least reacted in such a manner during the interview of 16 September as to lead Gandhiji to believe that the Secretary of State for the Colonies was in sympathy and agreed with his cause and was ready to help. That Lord Crewe afterwards cabled to Smuts something completely different from what Gandhiji had asked him to convey and understood that he would, reveals that he only feigned sympathy for the Indians’ cause and played a trick on Gandhiji similar to that of his predecessor Elgin on an earlier and similar occasion.

Prof Hunt does not appear to have fully appreciated the Britisher’s game of double-dealing showing lip-sympathy to Indians and supporting the South African Government in action. One gets the impression that the British



Government were in sympathy with the South African aspirations and sentiments of racial superiority entertained by the whites in that country did not shock the Liberals, although they could not openly say so because of their sanctimonious professions of equality of all races in the Empire. Thus Britain may be said to have encouraged the South African policy of apartheid or racial segregation which is being still continued and, almost a century later, is threatening the peace and tranquillity of the world.

12

The text of the statement drafted by Gandhiji during the voyage to London underwent several alterations and additions mainly at the instance of Lord Ampthill. Gandhiji sent him proofs of the statement on 29 July and modified and enlarged it in the light of his suggestions. Later he prepared a summary and both the statement and the summary were subsequently printed in the form of a pamphlet called “A Concise Statement of the British Indian Case in the Transvaal”. It was finally released with a letter to the Press on 5 November, about a week before the deputation sailed back for South Africa. [C.W.M.G., IX, p 288]

After briefly narrating the history of the Indians’ struggle in the Transvaal, the statement mentioned that the outstanding questions between the Transvaal Government and the Indian community were:

- (a) Repeal of Act 2 of 1907, and
- (b) The right of highly educated Indians to enter and reside in the Transvaal.

The Transvaal Government’s contention with regard to these points was that instead of repealing it. Law 2 of 1907 would be treated as a dead letter. As



for the highly educated Indians, they could receive temporary permits which would be indefinitely extended under a clause of the new Asiatic Bill. [*ibid*, p 295]

The Indians, however, with a background of broken promises on the part of the Government, had grown suspicious and were not prepared to accept the position of the law being treated as a dead letter while it remained on the statute book of the country. They had further found to their dismay that notwithstanding the fact that the Government had pronounced the Act to be a dead letter, there were cases wherein it had been put into active operation against the Indians when it suited the Government, and there was nothing to prevent its being put into effect at any time in the future. [*Ibid*, p 296]

As for the educated Indians, the Indian point of view was that if the Transvaal Government were willing to admit highly educated Indians, they should admit them under the immigration law. They would rather prefer that one educated Indian entered the Colony under the general immigration law and through “the front-door of right” than that 20 or more Indians could enter through “the back-door of favouritism” and as “ticket-of-leave men”, entitled to remain in the Transvaal only during the pleasure of the Government.

The statement clarified that there was no desire on the part of Indians to flood the Transvaal with people from India and Indians recognised that the British and Boer populations were and would remain predominant in South Africa. But they contended that the Colony of the Transvaal should not be allowed to offer a national insult to Indians by carrying out their policy of excluding Indians as a race. Moreover, the Indians resident in the Transvaal required the help of their highly educated brethren from India in order to improve their educational and cultural standards. The Indians, while they objected to legal discrimination against Indians, would not mind a strict administration of the immigration law so



as to admit the fewest possible number of Indians, say six, in any one year. [C.W.M.G., IX, p 296]

The statement further pointed out that under the new constitution of the Union of South Africa, the position of British Indians required “careful safeguarding”, unless they were ultimately to be driven out of, or extinguished in South Africa. [*Ibid*, p 297] The statement therefore urged that both from the Imperial and the Indian standpoints it was of paramount importance that the Transvaal Indian question should be satisfactorily settled. [*Ibid*, p 297]

Alluding to the Indian struggle in the Transvaal, the statement mentioned that the Indians in the Transvaal were bound by a solemn covenant to secure relief from discriminatory laws, even if it meant that they might have to suffer imprisonment and face other difficulties for an indefinite length of time. Over 2500 imprisonments, mostly with hard labour, had already taken place during the two years and six months that the struggle had lasted. Many Indian families had been reduced to poverty and many homes had broken up.

Further the Transvaal Government had latterly, by means of a secret arrangement with the Portuguese authorities, taken to deporting to India those Indians who did not comply with the provisions of the Asiatic Act and who could be dealt with under the deportation sections of that Act. Under this procedure, children had been torn from their parents and boys born in South Africa to whom India was a foreign land, had been sent penniless to India. [*Ibid*, pp 297-8]

The statement concluded by saying that the two Indian demands mentioned above were intrinsically just, and that regard for the wishes of the self-governing Colonies should not debar the Imperial Government from protecting British subjects in the Colonies as it would have protected them in foreign countries. [*Ibid*, pp 298-9]



On 5 November Gandhiji issued a letter to the Press enclosing a summary of the statement of the Transvaal Indians' case. In the covering letter he explained that the statement was not issued earlier "as delicate negotiations with a view to arriving at a quiet settlement were in progress." These had now failed and it was felt necessary to apprise the public of the Transvaal Indians' case. The object of the struggle, he said, was to secure legal or theoretical equality of Asiatics with the Europeans in respect of immigration and to "obtain the removal of the stigma cast upon the whole of India" by a legislation which imported 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 laid down in the legislation was "a radical departure from the traditional policy". It was "un-British and intolerable", and if it was accepted tacitly by the British Indians, they would be "untrue to themselves, to the land of their birth, and to the Empire" to which they belonged. The whole of India was now awakened to a sense of the insult that the Transvaal legislation had offered to her, and the people in England at the heart of the Empire could not remain unmoved by "this departure, so unprecedented and so vital, from Imperial traditions." The proposal of Mr Smuts would give the Indians only the "husk without the kernel" and would not remove the "badge of inferiority". The Indian deputation therefore hoped that the British public would not be misled by the "specious concessions" offered by Mr Smuts, into the belief that the Indians, in not accepting them, were unreasonable and their demands did not therefore "deserve the sympathy and support of a common sense and practical public."

Accusing the Imperial Government of being a party to the "crime against the Imperial Constitution", Gandhiji said in the letter that the Imperial



Government had “sanctioned when they need not have, and when it was their duty not to have sanctioned, the legislation in question”. Lord Crewe had tried to bring about a satisfactory solution, but he was too late. Smuts was now not ready to “retrace his steps”.

The letter concluded by recounting the sufferings undergone by Indians as a result of their struggle and pointed out that the statement of Smuts that “he had arrived at an understanding with Lord Crewe which would satisfy the large body of British Indians who were heartily sick of the agitation” was disproved by the continuing arrests and imprisonment in the Transvaal. [C.W.M.G., IX, pp 514-17]

The summary of the statement appended to the letter briefly mentioned the problem of Indians in the Transvaal and what they were fighting for. It stated that the population of Indians domiciled in the Colony was about 13,000, out of whom nearly 8000 had been driven out, for the time being, from the Transvaal, owing to their weakness and unwillingness “to undergo the physical suffering of gaol life.” The Indians thus actually residing in the Colony numbered only about 5000, of whom over 2500 had passed through the Transvaal gaols all but 150 having been imprisoned with hard labour. About 60 Indians had been deported to India, where they were landed penniless and friendless. The struggle was all the same being continued to maintain the honour of the 300 millions of their fellow-countrymen in India and was absolutely selfless. The sufferers had no personal interest to serve. They were fighting only against the “unnecessary legal racial disability” which made the “situation so degrading” and afforded an “abiding source of irritation to the whole Indian nation.” [*Ibid*, pp 517-19]

The statement was clean and forceful. But it was released so late, that it could not help the Indians in persuading His Majesty’s Government to make their acceptance of the Unification Bill conditional on the South African leaders’



agreement to give adequate relief to the Asiatics, defining the status of British Indians in the Constitution of South Africa — demands which were considered reasonable by many whites in South Africa and by the British leaders themselves in London.

On receipt of Gandhiji's communication, the Colonial Office recorded a minute on 9 November, which read as follows:

This is a very strong letter indeed.... We cannot dispute the rightness of his claim to equality before the law, it is indeed a fundamental principle. We only refuse to press for the recognition of the principle about which we feel no doubt, because we have no power to enforce our views on those who have the settlement of the question in their hands. When a colony is given responsible government, the settlement of such questions necessarily passes into the hands of the Colonial Government and Parliament and though the Transvaal Government have shown readiness to meet us on points of detail, they have on the point of principle shown a tenacity (due, no doubt, to the historical abhorrence of equality of white and coloured shown by the Dutch) quite equal to that of the Indians. If they will not accept our principle, the Empire being what it is, we cannot drag on them. [C.W.M.G., IX, pp 598-9]

It was unfortunate that the British Government should have felt so helpless when they could have easily made the acceptance of South African Union draft legislation conditional on the acceptance, by South African leaders of Indian demands, acceptance of the principle of racial equality, of fair treatment of Indians in the Transvaal including fair settlement of all their outstanding disputes, and grant of franchise to the Indians and other coloured races in South Africa. But they had done nothing about it.



One cannot help feeling that if British people and political leaders had been taken into confidence by the deputation early, they might have put pressure on the British Government, so that the Government in its turn might have laid down the necessary conditions for the acceptance of the Union bill and the result of the deputation might have been quite different. In other words, Gandhiji was too late in releasing the statement, whatever might have been the reason for the delay.

The Colonial Office sent a telegram to the Transvaal Government mentioning Gandhiji's release of the statement to the Press. In another minute dated 15-16 November, the Colonial Office noted that the case of the Transvaal Indians was a "strong" one and "well stated" and when the Union Government was launched, "We (Imperial Government) shall have to make an effort to get an immigration law on the lines of Natal and Australia and the Governor- General (of the Union of South Africa) should be instructed accordingly before the time comes. But, for the moment, we must take the concessions which Transvaal offers." [110 C.W.M.G., IX, p 598]

15

During his stay in London, Gandhiji also attended to some of his other interests besides the political problems of the Indians in South Africa.

The Parsis' Pateti (New Year Day) fell on Monday 13 September and to celebrate the occasion leading Parsi ladies and gentlemen in London arranged a party in a hotel on the bank of the Thames. Sir Muncherjee was asked to invite the Transvaal and Natal delegates to attend it. About 50 gentlemen and ladies were present and the gathering included two granddaughters of Dadabhai Naoroji, the Grand Old Man of India. Sir Muncherjee was in the chair. When toasts were being proposed, Gandhiji suggested that in proposing one to the



Parsi community they should name, besides Sir Muncherjee, Parsi Rustomjee, Sorabji Shapurji, Randeria and Nadirshah Cama, the Parsee leaders of Indians in South Africa. The suggestion was received with great enthusiasm. [*Ibid*, pp 420-24]

In London, Gandhiji observed that the newspapers for some time had been writing about food adulteration, pointing out that almost all processed foods were adulterated, some to the extent of 33%. The adulterant sometimes was of a harmful nature, and was mixed with food items through chemical processes used to save costs. Criticising this practice he wrote:

The producers have their eyes only on profit and never care what harm they do to people. These very men then donate a part of their ill-gotten wealth to public causes and so win respect for themselves. They earn reputation as good and virtuous men. In this civilization, therefore, immorality presents itself as morality. [C.W.M.G., IX, pp 423-24]

While Gandhiji was in London, the *Gujarati Panch*, a magazine published from Bombay, had asked him to write something for its special Diwali number. In reply on 8 October Gandhiji wrote a short account of the struggle waged by Indians in the Transvaal and the hardships endured by them and said that the readers of the *Gujarati Panch* should ask themselves “on this festival of Diwali” what they proposed to do for the Transvaal Indians. “There will be a *Diwali* or *Id* or *Pateti* for them only when they return from this battlefield victorious,” he concluded. [*Ibid*, p 470]

On the same day 8 October, Gandhiji delivered a speech at the Emerson Club on the “Ethics of Passive Resistance”. He condemned war as a “degrading thing” as it demoralized those who were trained for it and brutalized their naturally gentle character. It outraged every beautiful canon of morality. Its path of glory was “fouled with the passions of lust”, and “red with blood of murder”.



According to him, “the grandest aid to development of strong, pure and beautiful character which is our aim, is the endurance of suffering....” Self- restraint, unselfishness, patience, gentleness, “these are the flowers which spring beneath the feet of those who accept, but refuse to impose, suffering and the grim prisons of Johannesburg, Pretoria, Heidelberg and Volksrust are like the four gateways to this garden of God.” [C.W.M.G., IX, p 471]

On 13 October, Gandhiji spoke on “East and West” at a meeting held under the auspices of the Hampstead “Peace and Arbitration Society” at the Friends’ Meeting House. He said that he had 18 Years’ experience of contact between East and West and that when he spoke on the subject, he would have to use harsh words and say many things which would seem repugnant to his audience. He would also have to speak against a system under which he had been brought up. He would have to break many idols which he and his countrymen had worshipped and which his audience too might have worshipped. Referring to the oft-quoted lines in Kipling’s poem that “East is East and West is West and never the twain shall meet”, he said that it was a doctrine of despair and it was inconsistent with the evolution of humanity. Another English poet Tennyson had in his “Vision” clearly foretold the union between East and West and it was because he believed in that vision that he had cast his lot with the people of South Africa. To a certain extent it was true that there was no meeting place between civilizations. The chief characteristic of modern civilization was that it worshipped the body more than the spirit and gave everything for the glorification of the body, “while the soul within”, which was imperishable, “must languish”. [*Ibid*, pp 475-6]

During his stay in London, Gandhiji had occasions to meet Indian revolutionaries and discussed with them the problem of Indian independence and the means to achieve it. While Gandhiji was a firm advocate of non-violence



and passive resistance as the only right means to gain freedom for India, the extremists believed that nothing short of an armed revolt would accomplish it.

On 1 July 1909, one of the extremists, Madan Lai Dhingra, an inmate of the India House, had shot dead Sir William Curzon-Wyllie, Political ADC to the Secretary of State for India, at a reception held by the National Indian Association at the Imperial Institute in London. Dr Cawas Lalkaka, a Parsi doctor from Shanghai, was also fatally wounded while trying to save Sir Curzon-Wyllie. [C.W.M.G., IX, p 284] In a letter written to Kallenbach on 7 August 1909 Gandhiji expressed his sorrow at the assassination saying, “I cannot tell you how deeply affected I was when I heard of the assassination of Col Wyllie and Dr Lalkaka.... I would not have independence if the price to be paid is assassination.” [Pyarelal Papers : Letters to Kallenbach]

On Sunday 24 October 1909, the Indians in London celebrated Vijaya Dasami (Dussehra) at India House. A subscription dinner was arranged at the Nazimuddin Indian restaurant at Bayswater, to which Gandhiji was also invited. Gandhiji’s condition to join the dinner was that the menu should be vegetarian, and to make sure of it, he went an hour in advance and himself prepared some dishes in the kitchen. His second condition was that no controversial politics should be touched upon during the function.

As the principal invitee, Gandhiji spoke first and dealt with the sufferings of Sri Rama, Sita and Lakshman in exile and wanted all Indians to emulate their example to make India great and prosperous. Introducing V. D. Savarkar who was present at the meeting, he said, “I am very proud to have the honour of sitting by the side of Savarkar.” He hoped that “India would reap the fruits of Savarkar’s sacrifice and patriotism” and added “Mr Savarkar, the chief speaker of the evening, is to follow me and I should not like to stand between you and him.” Savarkar devoted



his speech to the excellence of the *Ramayana* and the significance of Navratri (nine nights) which precede Vijaya Dasami when Goddess Durga is worshipped. [Harindra Srivastava: *Five Stormy Years : Savarkar in London*, pp. 179-190 C.W.M.G., IX, pp 498-9]

The speeches of Gandhiji and Savarkar on the occasion reflected their individual attitudes and ideologies, the one firmly believing in non-violence to gain Indian independence and the other equally strongly believing in violence to achieve the same end. In a letter written to Lord Ampthill on 30 October Gandhiji said, “I have practically met no one who believes that India can ever become free without resort to violence.” He described the India House inmates as “extremists” and a “party of violence”, though he found them “earnest spirits, possessing a high degree of morality, great intellectual ability and lofty self-sacrifice.” [C.W.M.G., IX, pp 508-9]

In a letter sent to G. A. Natesan of Madras on 29 October, in response to the latter’s request for a message to the ensuing Indian National Congress, Gandhiji referred to the struggle of the Indians in the Transvaal as the “greatest struggle of modern times, because it is the purest as well in its goal as in its methods.” In it the fighter had no personal interest to serve nor was there any material gain to accrue to anybody, after the right fought for, had been secured. The methods adopted to secure relief were also equally pure and simple. Violence in any shape or form was entirely eschewed. The satyagrahis believed that self-suffering was the only true and effective means to procure lasting reforms. They endeavoured to meet and conquer hatred by love. They opposed the brute or physical force by soul-force. They held that loyalty to an earthly sovereign or an earthly constitution was subordinate to loyalty to God and His constitution. In interpreting God’s constitution through their conscience, they admitted that they might possibly be wrong. Hence, in resisting or disregarding



the man-made laws which they considered to be inconsistent with the eternal laws of God, they accepted with resignation the penalties provided by the former and trusted to the working of time and the best in human nature to make good their position. If they were wrong, they alone would suffer and the established order of things would continue.

Gandhiji added that such a struggle was worthy of occupying the best, if not the exclusive, attention of the Congress. He suggested that “for the many ills we suffer from in India, passive resistance is an infallible panacea. It is worthy of careful study and I am sure it will be found that it is the only weapon that is suited to the genius of our people and our land, which is the nursery of the most ancient religions and has very little to learn from modern civilization — a civilization based on violence of the blackest type, largely a negation of the Divine in man and which is rushing headlong to its own ruin.” [C.W.M.G., IX, p 507; I.O., 27-11-1909]

On 30 October, Gandhiji addressed the members of the Indian Union Society at the New Reform Club on “The Struggle for Fellowship in South Africa by British Indians”, and said that they had justice on their side although “it might be years before they could make themselves heard.” [C.W.M.G., IX, p 510]

16

On 1 October 1909, Gandhiji had written a letter to Leo Tolstoy giving him a short account of the struggle the British Indians were waging against the white racist regime in the Transvaal for securing their just rights. He said that as a result of the oppressive laws of the Government in the Transvaal and the passive resistance struggle of the Indians, nearly half of the total Indian population of 13,000 in the colony had withdrawn from the Transvaal, and out of the remaining half, nearly 2500 had allowed themselves to be imprisoned for conscience’s sake, some had gone to jail as many as five times. The prison sentences had varied from



4 days to 6 months, in the majority of cases with hard labour. Many had been financially ruined. Out of over a hundred passive resisters still left in the Transvaal gaols, some were very poor, earning their livelihood from day to day. The result was that their wives and children had to be supported out of public contributions, largely raised from the passive resisters. This had put a severe strain on British Indians, but they had risen to the occasion. He added, "The struggle still continues and one does not know when the end will come. This, however, some of us at least have seen most clearly that passive resistance will and can succeed where brute force must fail." [C.W.M.G., IX, pp 444-5]

Tolstoy replied to Gandhiji on 7 October supporting the movement. "God help our dear brothers and co-workers in the Transvaal," he said in his message of good wishes. [*Ibid*, p 593]

Gandhiji again wrote to Tolstoy on 10 November and said that the struggle of the Indians in the Transvaal was "the greatest of modern times, in as much as it has been idealised both as to the goal as also the methods adopted to reach the goal." He said, "I am not aware of a struggle in which participators 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 principle." Soliciting Tolstoy's support for giving wide publicity to the struggle, "as it has not been possible for me to advertise the struggle as much as I should like," he wrote:

You command, possibly, the widest public today.... 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 its ultimate success; and your encouragement in the way suggested by you can only strengthen us in our resolve. [*Ibid*, pp 528-9]

17

On Tuesday 2 November a meeting of Indians living in London was held. Between 40 to 50 persons were present. Gandhiji, Haji Habib and Anglia addressed the gathering. Gandhiji asked for some Indians to come forward as volunteers to go from house to house and collect signatures on a memorandum of sympathy which had been drafted by him, besides collecting monetary contributions from sympathisers. The memorandum was in the form of a letter addressed by British sympathisers of the passive resistance movement to “our British Indian Brothers and Sisters in the Transvaal.” [*Ibid*, pp 519-20] In response to this call, about 20 Indians gave their names on the spot and afterwards some whites also came forward as volunteers. A suggestion to start a small journal in England for the duration of the struggle was also mooted. [C.W.M.G., IX, pp 323-24]

Gandhiji gave an interview to Reuter on November 9 and expressed his disappointment at the failure of negotiations with Mr Smuts. He paid a tribute to the efforts of Lord Crewe to effect a settlement but said that the concessions made did not touch the vital principle of legal equality. He added that he and Haji Habib might be arrested at the Transvaal border on their return from England but the campaign would be continued “most strenuously in India, in United Kingdom and in South Africa.” [*Ibid*, p 527]

He reiterated the same points to the representative of the *Daily Express* the next day. [*Ibid*, p 531] Through a letter dated 11 November, he asked the editor of the *Daily Telegraph* to “give due publicity to the movement and favour it with



your advocacy”. [*Ibid*, p 537] The following day he also appealed to the Indian press to give as wide publicity as possible to the statement he had issued on the Transvaal question. [*Ibid*, pp 538-39]

Gandhiji wrote a letter to Gokhale on 11 November. Having learnt from Polak’s letter that overwork and anxiety had ruined Gokhale’s health and that his life had also been endangered by his plain-spokenness, Gandhiji invited him to come to the Transvaal and join the struggle there. He said:

I claim that the Transvaal struggle is national in every sense of the term. It deserves the highest encouragement. I have considered it to be the greatest struggle of modern time. That it will succeed in the end I have not the slightest doubt....

In the Transvaal, we are trying to show that violence is futile, and that the proper method is self-suffering, i.e. passive resistance. If, therefore, you come to the Transvaal, publicly declaring that it was your intention to share our sorrows and therefore, to cross the Transvaal border as a citizen of the Empire, you would give it a world-wide significance. The struggle will soon end and your countrymen will know you better.... If you would come, and if you are left untouched and I am free, I should deem it a great privilege to nurse you. If you are arrested and imprisoned, I should be delighted. I may be wrong, but I do feel that it is a step worth taking for the sake of India. Feeling so strongly, I would be pardoned for suggesting that the Transvaal question should have a prominent place on the Congress platform and nothing can be so effective as for you to say that you would join the struggle. [C.W.M.G., IX, pp 531-2]



A meeting to bid farewell to Gandhiji and Haji Habib on the eve of their departure for South Africa was held at Westminster Palace Hotel on 12 November. Rev Frederick B. Meyer, a clergyman who had been in Johannesburg for some time, had arranged for a tea-party at his cost. [C.W.M.G., IX, pp 467, 514, 524] Meyer, a deeply spiritual man, had visited Johannesburg at the end of May 1908 as the President of the Free Church Council. He played a leading role in the Non-Conformist social campaigns, helped the Dutch Reformed Churches return to pre-war position in the Free Church Council, supported Charles Phillips' campaign against opium permits for the Chinese and encouraged Y. M. C. A. to provide hostels for single women. Through his friend J. J. Doke, he became deeply interested in Gandhiji and formed a very high estimate of his personal character which was greatly enhanced as a result of two quiet walks and talks with Gandhiji. He wrote in the *British Weekly* that no greater crime could be laid on Mr Gandhi's door than "we are familiar with in the case of our own passive resistance. I think he learnt some of his methods from a close study of the utterances of certain editors. Doctors of Divinity and others" whom he could name but refrained. [J. D. Hunt : *Gandhi & the Non-Conformists*, pp 118-9]

Meyer had invited for the party some sixty guests including Bhownaggee, Ritch and Motilal Nehru, who was in London at that time. Introducing Mr Gandhi and Haji Habib to the guests the host said that though their presence did not endorse in every particular all Mr Gandhi's works and acts in the long and arduous agitation he had been conducting, it was on the whole an "endorsement of a struggle of a singularly pure character and unselfish methods." He felt that the audience represented a very large number of men who were watching the



conflict with interest and who felt that they could not but contribute their influence to it. [C.W.M.G., IX, pp 539-40]

Thanking the host, Gandhiji said that Rev Meyer's caution was a "very proper" one and the deputation had not come before the public of England for an endorsement of every step that had been taken in the struggle but to receive only their "generous support, sympathy and encouragement". It was a question of the "most solemn importance not only to the British Indians in the Transvaal.... but to the whole of the British Empire." Tracing the history of the struggle from the beginning he observed that the Transvaal legislation cut at the root of the British Empire, and in resisting the doctrine implied in that legislation, the Transvaal Indians were "rendering a service not only to British India but to the British Empire." They were undoubtedly offering passive resistance not only to the Transvaal Government but to the Imperial Government and he hoped that the gathering present "would tell him in no uncertain voice that they were doing rightly in doing so." ('hear, hear' and applause). Gandhiji added that they felt that they could not do less and deserve to be members of the British Empire - they would not deserve to be partners in the Empire, and unless there was partnership, there could not be Empire. Lastly he made the request that if the ideals for which the passive resisters in the Transvaal were undergoing suffering appealed to the gathering, it should send them its "encouragement, and sympathy and a word of cheer." He suggested that a committee similar to the one functioning under Mr Hosken in the Transvaal might be formed by it to give all encouragement to, and hasten the end of the sufferings of the Indians in South Africa. [C.W.M.G., IX, pp 539-43; *Ibid*, X, pp 76-79]



In the end a resolution was unanimously passed by the gathering expressing “its earnest sympathy with the Transvaal British Indians in their peaceful and selfless struggle for civic rights.” [*Ibid*, X, p 79]

On 13 November 1909, Gandhiji and Haji Habib left for South Africa by s.s. *Kildonan Castle*.



CHAPTER XVII: EUROPEAN SYMPATHISERS AND SUPPORTERS

Many Europeans — businessmen, politicians, press people and especially the clergy — were greatly impressed by the Indian Passive Resistance movement. Here was a demonstration of the teachings of Jesus Christ being put into practice by Indians — Hindus, Muslims, Christians and Parsees. A number of Europeans had therefore become active supporters and admirers of Gandhiji, the leader of the movement. They extended sympathy and support to the Indian cause and the passive resistance movement undertaken by the Indians for the vindication of their honour and self-respect

There were some who became his close associates and practically members of his larger family. This group includes Albert West, Henry Polak, Herbert Kitchin, L. W. Ritch, Hermann Kallenbach and Sonja Schlesin.

Then there was a committee of European sympathisers which was set up in 1909 under the chairmanship of William Hosken. This committee rendered useful service. It remained active till the successful end of Satyagraha in South Africa in 1914 when Gandhiji left South Africa for good. Several members of this committee were clergymen with progressive views who had experience of passive resistance against the Education Bill in England and admired the Indian movement. These were Hosken, Rev Doke, Rev Phillips, Rev Thomas Perry, Rev John Howard and Dr N Audley Ross.

Then there were pressmen who were deeply sympathetic to the Indian cause and had great admiration for Gandhiji. Here we may include David Pollock, Albert Cartwright, Vere Stent and Dawdney Drew.

Finally there were a few European women who strongly supported Gandhiji and the Indian passive resistance movement. Sonja Schlesin is included in the first group. Miss Emily Hobhouse, Miss Molteno and Mrs Olive Schreiner



are among these. Some of them have already been mentioned, others will come later. A brief introduction of these friends will be useful.

1. *ALBERT WEST*: Albert West's association with the Indian community dated from the days prior to the passive resistance movement. His association with Gandhiji dated from the days when Gandhiji had opened his office in Johannesburg while his wife and children were still in India. It might be recalled that Gandhiji had to leave India suddenly at the end of November 1902 on getting a cable from South Africa. The Indian community had summoned him to help them present their case before Mr Chamberlain, Secretary of State for the Colonies, who was about to visit South Africa after the Boer War. Gandhiji left his office and household in India intact, because he had hoped to go back to his practice at Bombay and join his family before long. What he saw on coming to South Africa, however, made him realize that the Indians would have to fight a long and hard battle even to retain their few remaining rights, leave aside getting their grievances under the Boers redressed under the new regime. The Britons had won the war. But they had forgotten what they owed to Indians. The Indians were in a worse position after the war than they were under the Boers. Gandhiji saw that the Indians needed his help and he decided to stay on in South Africa.

Gandhiji decided to start his law practice in the Transvaal and set up an office at Johannesburg early in 1903 before his family joined him. He was alone and used to have his meals at the vegetarian restaurant which was also frequented by Mr West. They thus became acquainted with each other. Mr West was then running a printing press in partnership with another European. [Pyarelal: Vol. III *Birth of Satyagraha*, pp 267-70; M. K. Gandhi, S.S.A., pp 174-5]

In 1904 a virulent plague broke out among Indians in Johannesburg. Gandhiji became fully engaged in nursing the plague patients, and his visits to the



vegetarian restaurant became irregular. Even when he was able to go there, he went before the other guests came, in order to avoid any possible danger of passing on infection to them, as a result of their coming in contact with him. West became anxious when he did not find Gandhiji at the restaurant for two days in succession. He had read in newspapers that Gandhiji was attending on the plague patients. On the third day at 6 a.m. even before Gandhiji was ready to go out, Mr West knocked at his door. When he opened it he saw Mr West standing there with his beaming face.

“I’m so glad to see you,” he exclaimed. “I had been worrying about you, not finding you at the restaurant. Do tell me if I can do anything for you.”

“Will you nurse the patients?” Gandhiji asked jocularly.

“Why not? I am quite ready.”

But that was not what Gandhiji wanted him to do.

Gandhiji had thought out his plans. He told him, “No other answer could be expected of you, but there are already many helping with the nursing.” He proposed to put West to still harder work, he said. Madanjit was in Johannesburg fully occupied with plague duty, and there was no one to look after *Indian Opinion* and the press. If West could go to Durban and take charge of the press, it would be a great help. Gandhiji offered him £ 10 a month and half the profit, if any.

“That is rather a tough job,” replied West. “I must have my partner’s permission, and then there are some dues to be collected. But never mind. Will you wait till evening for my final answer?”

“Yes, we meet in the park at 6 o’clock.” [M. K. Gandhi, S.S.A., p 175]

So they met. Mr West had obtained his partner’s permission. He entrusted Gandhiji with the recovery of his dues, and left for Durban by the evening train



the next day. In a month he sent his report saying that not only was the press not profitable, it was actually a losing concern. There were large arrears to be collected, but the books had been badly kept. Even the list of names and addresses of subscribers was incomplete.

West had not written all this as a matter of complaint, Gandhiji has recorded. He did not care for profits. He assured Gandhiji that he would not give up what he had undertaken. But he had to tell him clearly that the paper would not be paying its way for a long time to come. Gandhiji wrote in his Autobiography how embarrassed he had felt and laid down the principle that a public man must be sure of his facts. [M. K. Gandhi, *Autobiography*, p 298 Edition 1956]

Madanjit had come to Johannesburg to canvass subscribers for the paper as well as to confer with Gandhiji with regard to the management of the press when he was put on plague duty. Every month Gandhiji had been meeting a small or a large deficit, and he was therefore desirous of having a more definite idea of his possible liabilities. Madanjit had no experience of the printing business, and Gandhiji had been thinking from the beginning of associating a trained hand with him. The plague had broken out in the meantime and Madanjit was just the man for such a crisis. Gandhiji had put him on to nursing the plague patients, and closed in with West's unexpected offer. West was sent to Durban to look after the *Indian Opinion* and the press, not temporarily while the epidemic lasted, but for good. [M. K. Gandhi, S.S.A., pp 175-6]

The paper and the press were both shifted from Durban to Phoenix on 24 December 1904. West too moved to Phoenix. There he drew a monthly allowance of £ 3 like everyone else instead of £ 10 as previously arranged. He was agreeable to all the changes and fully accepted the ideology which had led



Gandhiji to set up Phoenix Settlement. He never showed the least anxiety as to how he would be able to maintain himself.

Gandhiji recognised in West a deeply religious spirit, although he was not a student of religion. He was a man of perfectly independent temperament. He would say what he thought and would not hesitate to call a spade a spade. He was quite simple in his habits and was unmarried when he first met Gandhiji. Gandhiji knew that he lived a life of spotless purity. [*Ibid*, p 176]

In June 1906 he went to England to see his parents and became engaged to Ada Pywell of Leicester. When he came back to South Africa his sister Ada West came with him. By chance the ship bringing Gandhiji and Ally to England in 1906 arrived on the same morning when West and his sister were leaving. So they could meet Gandhiji and exchange news. Ada West was unmarried and was given the name ‘Devi’ in South Africa by Gandhiji. She became a settler at Phoenix. She at first stayed with Kasturba and the Gandhi children in Gandhiji’s house. The boys, especially Devadas, became very friendly with her. [*Ibid*, p 176]

West and Ada Pywell had decided not to get married until arrangements were made at Phoenix. She and her mother came in June 1908 and they were married at Phoenix in the hut loaned by John Cordes on 28 June by Rev Ireland of the Greville Presbyterian Church, Durban. Many guests came from Cape Town, Durban, Johannesburg and Verulam to attend the wedding. Gandhiji was held up at Johannesburg due to urgent work. So they sang his favourite hymn.

“Take my life and let it be
Consecrated, Lord to Thee”

The children knew it well and joined in, writes West. [Albert West Memoirs — Pyarelal Papers]



The Wests lived at Phoenix in extreme simplicity, and they fraternized with the Indians in Phoenix in every way. Miss Ada West, or Devibehn, as she was called, was 35 and unmarried. She took part in all the activities at Phoenix. When Gandhiji dictated his memoirs *Satyagraha In South Africa* twenty years later, she was still unmarried. She led a most pious life and stayed on at Phoenix even after Gandhiji had left South Africa in 1914. [M. K. Gandhi, S.S.A., pp 176-7]

Devibehn rendered to the pioneers at Phoenix services of no mean order. At one time or another she looked after the little children, taught them English, cooked in the common kitchen, swept the floors, kept accounts and did composing and other work in the press. Whatever task came to her, she never hesitated to do it with devotion. She left Phoenix ultimately because after Gandhiji's return to India, the press was unable to meet even her small personal expenses. [*Ibid*, pp 176-7]

West's mother-in-law, Mrs Pywell, was over sixty eight years old when she came to Phoenix. She was a fine hand at sewing, and used to help the Settlement with her skill as a tailor. She would teach sewing to the ladies at Phoenix. Everyone in Phoenix called her granny and felt that she was really a grandmother to him or to her.

Mrs Ada West made good adjustment. When many members of the Phoenix Settlement were in jail, members of the West family, along with Maganlal Gandhi, took over the whole management of the institution. West would see to the press and the paper *Indian Opinion* (English), and in the absence of Gandhiji and others took care of the daily despatch to Gokhale, the daily cables to keep him informed of developments from day to day. These cables had to be sent from Durban. When later, during the intensive phase of the Satyagraha, even West was arrested, though he was soon released, Gokhale got nervous and sent



over two young clergymen, Andrews and Pearson, but that was late in 1913, towards the end of the South African Satyagraha struggle. [*Ibid*, p 177]

Gandhiji in a letter to Dadabhai Naoroji in 1906 wrote, “Mr A. H. West who has been managing the International Printing Press and sub-editing *Indian Opinion*, is one of the founders of the Phoenix Settlement scheme under which the paper is being published. He belongs to a peasant family and hails from Louth (Lincolnshire). He has received an ordinary school education and has learnt a good deal in the school of experience and by dint of self-help.” [Albert West Memoirs — Pyarelal Papers]

Gandhiji left South Africa on 18 July 1914 to return to India *via* England where he went to meet Gokhale as desired by him. He wrote to Albert West from the ship that he had been so often prevented from going back to India that he could hardly believe he was actually on his way home. And he wondered what he was going to do when he got back to India. But he left it to God, and concluded by saying “One step enough for me”. He wrote to West from England also, where he had to stay longer than he had intended, due to the outbreak of the world war, and shared with him his experiences. [C.W.M.G., XII, pp 556]

West stayed on at Phoenix looking after *Indian Opinion* when Gandhiji went back to India. In 1916 he wrote to Gandhiji that it was not possible to make a living from the land and *Indian Opinion* could not stand on its own feet. It needed financial support. Gandhiji had at first thought that the passive resistance fund from India could be used for the upkeep of Phoenix Settlement and *Indian Opinion* for an indefinite period. But the idea did not find favour with anyone else. It was therefore left to West, Devibehn and Sam (Govindoo Samy) to decide what they wanted to do. [C.W.M.G., XIV, pp 104-5]



The Wests had spent fourteen long years of their youth, on the whole happy, in Phoenix. It would be hard to leave it, but they felt they had no alternative but to seek their living elsewhere. After some correspondence with Gandhiji West sent him a cable:

Will you lend Sam myself jobbing plant, papers, earn living Durban? Ultimately complete independence. Paper published English Gujarati Phoenix. Management editorship same time being. Cable reply.

The cable in reply said “You may enforce your plan. Good luck.” [*Ibid*, p 212] A letter from Gandhiji came a little later from his new ashram at Sabarmati where Gandhiji lived with Kasturba and the children and others. It said:

I will not discuss your letter. I simply want to say “Do what you like. Phoenix and all it means are just as much yours as mine. You are on the spot. You must do what you think best. I can but adviseMy affection for you and trust in you remain undiminished....

I shall keenly watch your new and bold experiment. [C.W.M.G., XIV, pp 351-2]

West and Sam moved to Durban, leaving Manilal Gandhi in charge of Phoenix. West continued to write editorials for *Indian Opinion* and went to Phoenix every Wednesday to arrange the make-up of the paper. He has recorded that later “it became impossible to maintain my authority as editor any longer. I discontinued the work and left Manilal in charge to carry on.” They returned the printing plant they had borrowed and purchased a new plant and machinery for their business which they named the Graphic Press.

The children of Govindoo Samy received education at the St. Philomina Orphanage and became teachers in Indian schools in Durban. West’s children,



Hilda and Harry, were educated in Durban schools and took their places in business in Durban, Johannesburg and Pretoria to the satisfaction of their parents.

West was a member of the Rustonjee Trust, and the Gandhi Library and Hall Committee and kept up interest in Indian affairs till he left for England in 1948 with his family.

Gandhiji kept his interest in his old friends. In one of his later letters to West, he asked after several of them:

How is Devi doing? Where is Mrs Doke living now? And Mr Phillips? Please tell Parvati that she never wrote to me again as she promised. Hilda must have grown up into a big girl. Why can't she favour me with a line? Please remember me to Grannie. She must be a perfect wonder to all about her. And remember me also to Mrs West and Sam. I wonder what he is doing with his gun! [West Memoirs, Pyarelal Papers]

In 1963 West was invited by the Government of India and spent six weeks visiting various places associated with Gandhiji in India. He gave talks in some places and wrote some of his reminiscences for the *Illustrated Weekly of India* and the *Bombay Chronicle Weekly*. [Ibid]

2. HENRY S. L. POLAK:

Henry S. L. Polak was drawn to Gandhiji on reading his letter to the press criticising the Johannesburg municipality for its negligence of sanitation of the Indian location and holding it responsible for the outbreak of plague there in March 1904. He met Gandhiji one evening in the vegetarian restaurant and introduced himself as the sub-editor of the *Critic*. Gandhiji liked his candour and simplicity, and thus began their friendship which proved lifelong and led to their



close cooperation in the Indians' struggle in South Africa. [M. K. Gandhi, S.S.A., p 177; *Autobiography*, p 297]

It might be recollected that it was Polak who gave Gandhiji a copy of Ruskin's *Unto This Last* to read during his thirty-six hours' journey from Johannesburg to Durban, in October 1904, which changed Gandhiji's life and led to the setting up of the Phoenix Settlement.

When Gandhiji decided to change his life in accordance with the ideals enunciated in Ruskin's book and established the Phoenix Settlement, Polak offered to join the settlers. He resigned from the *Critic* and became sub-editor of *Indian Opinion*. He took to the Phoenix Settlement life like a duck to water. His sociability and simplicity won the hearts of all and soon made him a beloved member of the Phoenix Settlement. But he was not there for long.

Ritch left Gandhiji to study law in England. Gandhiji asked Polak to move to Johannesburg to help him in the office and also to take training as an articled clerk to qualify as an attorney. Polak readily agreed to the proposal and joined as an articled clerk in Gandhiji's office at Johannesburg to fill the place vacated by Ritch. [M. K. Gandhi: *Autobiography*, pp 305-6]

Gandhiji invited Polak to stay with him in his house as a member of the family, like several others who had lived with him. Very soon they began to live like blood-brothers. [*Ibid*, p 307]

Polak completed his term as an articled clerk and became an attorney, entitled to set up his own law practice. He first became Gandhiji's partner and later when Gandhiji was too preoccupied with Satyagraha, he set up his own independent practice. [Millie Graham Polak: *Mr Gandhi : The Man*, p 11]



Polak had been engaged to a young English woman, Millie Graham, for some years, but the marriage was being postponed, as Polak could not earn enough to support a wife and run a household. Gandhiji persuaded him not to wait but to send for his fiancée who was then in London, get married and live with him. He also wrote to Millie assuring her “of a warm welcome in his home, where every possible care would be given” to her. Reminiscing over this, Millie has written in her book *Mr Gandhi : The Man* that this letter “set the tone to the whole of my relationship with him, establishing him in my life as a loving and understanding elder brother and showed the human tenderness of the man. [Millie Graham Polak : *Mr Gandhi : The Man*, p 11]

Millie arrived in Johannesburg in December 1905. She being a Christian by birth and Polak a Jew, their common religion being only the religion of ethics, no rites prescribed by any formal religion were required to unite them. With Gandhiji as the “sponsor” and Polak’s best man they presented themselves before the Registrar of European Marriage in Johannesburg, who performed the civil ceremony after some initial hesitation, mistaking Mr Polak as a “Coloured person”, as he happened to be living with Gandhiji, a non-European. [*Ibid*, pp 12-14]

The couple lived with Kasturba and Gandhiji in Johannesburg as members of a joint family for some time. Gandhiji was by that time already simplifying his life. Millie found it hard at times and Gandhiji was indulgent to her, so much so that if Kasturba wanted something for the children or herself, she would ask Millie to speak to Gandhiji. Later the Polaks shifted to Phoenix along with Kasturba and the children. Gandhiji kept his house and office in Johannesburg for the sake of his law practice and public work and Polak and he lived there during the week and went to Phoenix over the weekends, when they could.



Polak believed in the philosophy of simple living, dignity of labour, equal value of physical and intellectual labour of any kind and the principle of continuously extending one's family circle so as to ultimately include all mankind in it irrespective of race, colour or creed. After Gandhiji's arrest in 1908, which led to his giving up his legal practice and winding up his household at Johannesburg, the Polaks hired a small house of their own in Johannesburg. It was to this house that Gandhiji went after he left Doke's residence following his convalescence after Mir Alam's murderous attack on him. Polak's house was not too far away from Troyville, where Gandhiji had lived with his family. It was located in another suburb a little to the east of Troyville and like it, it was a middle-class European neighbourhood. Gandhiji's house had been the only non-white household in the Troyville neighbourhood. [M. K. Gandhi : Autobiography, p 308]

In 1908 and 1909 Gandhiji became totally engrossed in Satyagraha and had to give up his law practice. He closed down his establishment and used to stay with the Polaks whenever he went to Johannesburg. Later he started living with Kallenbach at the latter's residence on the outskirts of Johannesburg and his expenses were met by Kallenbach.

In 1909 Gandhiji asked the Indian community to pay for the rent of Polak's office which was being used mainly as the Satyagraha office, he said.

Polak was sent to India and to England in connection with the Satyagraha struggle in South Africa, and he did an excellent job. Gandhiji said about him, "He (Polak) had a wonderful faculty of translating into action anything that appealed to his intellect."

Polak was arrested in 1913 during the great march into the Transvaal. He was to go to India as desired by Gokhale and had gone to say goodbye to Gandhiji and to take from him the necessary instructions. But Gandhiji was arrested as



Polak finished talking with him. Gandhiji asked Polak to lead the marchers which he did, and was arrested the next day after the marchers had all been arrested and sent to Natal by train. He was tried and sentenced to three months' simple imprisonment. [M. K. Gandhi, S.S.A., pp 306-7]

People in India came to know and have a high regard for Mr and Mrs Polak. Mrs Polak's habits were not as simple as her husband's but not only she never came in her husband's way, she was a perfect helpmate to him during the Satyagraha struggle and afterwards. [*Ibid*, p 177]

The Polaks did not see eye to eye with Gandhiji in later years in the context of the Indian non-cooperation movement. They had gone back to England. They still believed in the concept of the British Empire, while Gandhiji had outgrown it. But they continued to serve India to the best of their light and ability and to have a regard and affection and love for Gandhiji, India and the Indians. [*Ibid*, pp 177-8]

3. HERBERT KITCHIN:

Herbert Kitchin was an English Theosophist who had become a refugee due to the Boer War. He became a part of Gandhiji's household at Johannesburg at Beach Grove Villa. Adopting the Indian way of life, he became practically a member of Gandhiji's family. He was a self-made engineer and a versatile genius. He had unfortunately a weakness for alcohol which he could never get over. He was nicknamed 'Tiger'. Gandhiji said that when he was under the influence of liquor, he behaved like a beast. He and some other friends whom Gandhiji had brought to Beach Grove Villa, at times made Kasturba shed bitter tears. [Pyarelal: Vol. II, *Discovery of Satyagraha — On the Threshold*, p 172]

He worked with Gandhiji and the Indian Corps during the Boer War. "Herbert's heart was pure as crystal", wrote Gandhiji. [M. K. Gandhi, S.S.A., p 180]



The Boers had offered stubborn resistance to the British troops. “The British had not taken into account the patriotic stubbornness of the Boer character rooted in a century of unbroken voortrekker tradition of struggle for the preservation of the Boer way of life,” writes Pyarelal in *Discovery of Satyagraha*. [Pyarelal : Vol, II, *Discovery of Satyagraha — On the Threshold*, p 301] Gandhiji followed the developments during the Boer War from afar, while he worked as leader of Indian Stretcher Bearer Corps and afterwards. Herbert Kitchin kept sending him graphic descriptions of his experiences from areas that had been cleared of the Boers. He was a volunteer in the Engineering Corps. In the last week of April 1900 he was detailed with a party of eight Indians, a Corporal and a sapper, “to take down a portion of the Boer telegraph line round Ladysmith.” [Ibid, pp 301-2]

A little later he wrote to Gandhiji to engage three English-speaking Indians at a pay of £ 30 a month for the Army Telegraphs to replace three who wished to leave. He added, “If good men, I would recommend for an increase.” He had plenty of leisure in hand just then. He wrote, “The last three afternoons I have been making cakes and toffee. That is warlike work, eh! The iron cooking pots made capital ovens with a little fire on the lid as well as underneath.” [Ibid, p 302]

He joined Phoenix Settlement later and was editor of *Indian Opinion* for some time. He never married and was a life-long Brahmachari. [M. K. Gandhi, S.S.A., p 141]

On 22 February 1906 Gandhiji wrote to Chhaganlal, “I have a letter from Mr Kitchin in reply to a note I sent him last week. He has resigned and he will retire from the editorial department at the end of next month.” [C.W.M.G., V, p 199] In the Golden Jubilee book of Phoenix 1954, Polak said that Kitchin resigned as



editor of *Indian Opinion* over the adoption of the policy of passive resistance in 1906.

We do not know what Gandhiji had written to Kitchin as the note referred to is not to be found. Gandhiji advised Chhaganlal to keep in touch with Kitchin all the same, “because there is a great deal to learn from him.” [M. K. Gandhi, S.S.A., p 199]

In his memoirs Prabhudas Gandhi has written, “Mr Kitchin was always occupied fixing electric lights in one place or another.” In the evening he would scatter tin cans in the field and practise shooting. He left Phoenix very early. In 1915 Prabhudas learnt that he had committed suicide by shooting himself. [Prabhudas Gandhi: *My Childhood with Gandhiji*, p 57]

4. LEWIS WALKER RITCH:

L. W. Ritch first met Gandhiji some time in 1893 when Gandhiji had already become famous as champion of the claims of Natal Indians. As one interested in the welfare of non-European peoples and removal of their disabilities and being also an eager student of Hindu philosophy as a Theosophist, Ritch opened correspondence with Gandhiji. The outcome of the exchange of letters was Gandhiji’s invitation to Ritch to visit him at his home near the Bayside, Durban. Ritch records that “this contact I was privileged to make was doubtless one of the most important milestones in my life.” [*Sansmaran* (Reminiscences). Ramdas Gandhi, Translator: Gauri Shaknar Joshi, Navajivan Publishing House, Ahmedabad, 1970]

Ritch recalls meeting with Gandhiji in the following words:

I can still see the room wherein we first met, with dear old Nazar seated in an easy chair in one corner smoking one of the blackest of black cigars. Naturally I cannot recall details of our conversation, but I seem to recollect that, while I sought to discuss the *Gita* and direct the conversation



into a philosophical and religious channel, Gandhi's mind appeared to be primarily occupied with the political struggle and its incidence. [C. S. Shukla: *Incidents of Gandhiji's Life*, (1949), p 287]

Continuing, he says.

If I were asked to describe Gandhi during the years we were associated – professionally, socially, politically and if I may coin the word religiously, I should, I think, best be able to do so in three words — sweetness, light, joyousness. A more active man it would be difficult to imagine, but his actions were always, in my experience of him, pervaded by the *sattvic* quality and that, as I seem to see it, was the secret of the influence he exercised over even his fiercest opponents. Not that Gandhi was any man's fool. On the contrary, insincerity, camouflage and sophistry never escaped his detection, though he would be, and generally was, immeasurably tolerant and forgiving. [C. S. Shukla : *Incidents of Gandhiji's Life*, (1949), pp 288-9]

Lewis Walker Ritch (probably 1870 - 1964) was an Englishman. He was Jewish in origin. He was also a Theosophist. He came to South Africa in 1889. He was the founder of the Johannesburg Lodge. [*Ibid*, pp 288-9] He helped Gandhiji to find a house for residence in Troyville, a middle class European suburb of Johannesburg. He was the manager of a business concern and had a large family. He gave up his job to become an articled clerk in Gandhiji's office and took training in law. Later, in 1905 he went to England to become a barrister. [M. K. Gandhi, S.S.A., p 261]

He supported the Indian cause. When Gandhiji led the deputation to London against the Black Act in 1906, Ritch did a great deal of running around for him and helped the deputation in various ways. Gandhiji set up a South Africa



British Indian Committee before he left London to return to South Africa. Ritch was appointed its Secretary and worked hard with Lord Ampthill who was appointed Chairman of the Committee, to present the Indian case in various political and other influential circles in Britain. He wrote an excellent pamphlet presenting the Indian case, which he circulated. He was always in need of money and there are several references in *Collected Works of Mahatma Gandhi* suggesting to the British Indian Association that some money should be sent to him.

Ritch did valuable work in London from 1906 to 1911. He then came to South Africa, and actively worked for the Indian movement. He was put in charge of the Johannesburg office when Gandhiji went to Cape Town for negotiations with Smuts. There were some complaints of misuse of money on his part towards the end of the Indian struggle. [Kallenbach Correspondence, Pyarelal Papers]

Gandhiji had only one use for money, Ritch tells us, its employment for the service and uplift of his people, and it was his own example more than his persuasiveness that influenced the contributions he obtained from others to finance public work.

Ritch further says:

Gandhi's most outstanding characteristic was that he was always the servant, the server. At the many banquets and receptions, given from time to time to prominent visitors and actual or prospective champions of the cause, Gandhi's role was invariably that of the menial, the helper in the kitchen, the waiter upon the guests, never in the 'front row', never courting the limelight, always to identify himself with "the least of those", the humblest and lowliest.



If ever any man dignified and truly interpreted the word ‘servant’ it was he. No wonder he compelled the respect, if not the love, of all who knew him. [C. S. Shukla: *op cit* p 291]

5. HERMANN KALLENBACH:

Hermann Kallenbach came in contact with Gandhiji before the Satyagraha struggle had started. He was a German Jew, a prosperous architect of Johannesburg with a “vein of other-worldliness”. He was once challenged to a duel by a Volksrust European for his Indian sympathies. He declined, saying that he had “accepted the religion of peace.” [M. K. Gandhi, S.S.A., pp 301-2]

When Gandhiji broke up his Johannesburg establishment after shifting his family to Phoenix and gave up his practice of law for lack of time during the Satyagraha in 1909, he began to live with Kallenbach. They lived together in Kallenbach’s house in 1909-1910. Kallenbach would feel hurt if Gandhiji offered to pay his share of the household expenses. He would plead that Gandhiji was responsible for considerable savings in his domestic economy. This was of course true as Gandhiji had introduced Kallenbach to simple living. [*Ibid*, pp 177-8]

There was a deep and close personal bond between the two men. When it was decided in 1910 that the families of the satyagrahi prisoners in Johannesburg should be accommodated in one place, Kallenbach bought the farm for this purpose and lent its use to Gandhiji without any rent. Thus Tolstoy Farm was set up. It was the home for the satyagrahis’ families and the satyagrahis in between their prison terms for nearly two years.

Kallenbach was a man of strong feelings, wide sympathies and childlike simplicity. Although an architect by profession, there was no work, however lowly, which he would consider beneath his dignity. He taught on Tolstoy Farm



carpentry, gardening and sandal-making, the last he had learnt at a Trappist monastery. [*Ibid*, p 177]

When Gokhale came to Johannesburg, the community put him up at Kallenbach's cottage at Johannesburg. It charmed the illustrious guest. He liked it very much. Gokhale came to like Kallenbach very much for his qualities of head and heart. Kallenbach therefore went with Gandhiji as far as Zanzibar to see him off. [M. K. Gandhi, S.S.A., pp 263-69]

Kallenbach was in charge of all arrangements at Volksrust, the border town on the Transvaal side, at the time of the Great March. He was arrested along with Polak towards the latter part of the Satyagraha struggle in the Transvaal and was awarded three months' simple imprisonment. He was released along with Gandhiji and Polak before completing his term, following the recommendation of the Solomon Commission. [*Ibid*, p 332]

In *Satyagraha in South Africa* Gandhiji has written about the character and conduct of Kallenbach saying "It was really a wonder how he lived on Tolstoy Farm among our people as if he were one of us. [*Ibid*, p 250] Gokhale was not the man to be attracted by ordinary things. But even he felt strongly drawn to the revolutionary change in Kallenbach's life." [*Ibid*, p 250]

Kallenbach had been brought up in the lap of luxury and had never known what privation was. In fact, indulgence had been his religion till he met Gandhiji. He had had his fill of all the pleasures, of life, and he had never hesitated to secure for his comfort everything that money could buy. It was no ordinary thing for such a man to live, move and have his whole being concentrated on Tolstoy Farm, and become one with the Indian settlers. It was an agreeable surprise for the Indians. [*Ibid*, p 250]



Some Europeans considered Kallenbach to be either a fool or a lunatic, while others honoured him for his spirit of renunciation. Kallenbach never felt his renunciation to be painful. In fact, he enjoyed it even more than he had enjoyed the pleasures of life before. He would be transported with rapture while describing the bliss of simple life, and for a moment his hearers would be tempted to go in for it.

He mixed so lovingly with the young as well as the old at Tolstoy Farm, that separation from him, even for a short time, left a clearly-felt void in their lives. [*Ibid*, p 250]

Kallenbach was very fond of fruit trees and therefore he reserved gardening as his own portfolio. Every morning he would engage children as well as grown-ups in tending the fruit trees. He would make them work hard, but he had such a cheerful temper and smiling face that everyone loved to work with him. Whenever a party left the Farm for Johannesburg at 2 a.m. Kallenbach would always be one of them. [M. K. Gandhi, S.S.A., p 250]

Kallenbach and Gandhiji had frequent talks on religion, which usually centred on fundamentals like non-violence, love and truth. Gandhiji said it was a sin to kill even snakes and such other animals. The statement shocked Kallenbach at first, as it had shocked numerous other European friends of Gandhiji. But in the end he admitted the truth of that principle in the abstract. [*Ibid*, pp 351-3]

At the very beginning of their friendship Kallenbach had seen the propriety and duty of carrying out in practice every principle of which he was convinced intellectually, and therefore he had been able to effect momentous changes in his life without a moment's hesitation. Now if it was improper to kill serpents and the like, he must cultivate their friendship, thought Kallenbach. He therefore first collected some books on snakes in order to identify different species of reptiles.



He read therein that not all snakes were poisonous, and some of them actually served as protectors of field crops by eating up rats. He taught everyone at Tolstoy Farm how to recognize different species of snakes and at last tamed a huge cobra which was found on the farm. He fed it every day with his own hands. Gandhiji argued with him that although he did all that in a friendly spirit, “your friendliness may not be quite clear to the cobra, especially as your kindness is not unalloyed with fear. Neither you nor I have the courage to play with it if it was free.” Therefore, though there was friendliness, there was not love in this act of taming the cobra. “Our behaviour should be such that even the cobra can see through it. We see every day that all animals grasp at once whether the other party loves or fears them. Again, you do think the cobra to be venomous and have imprisoned it in order to study its ways and habits.” This was a kind of self-indulgence for which there should be no room in the case of real friendship, he said. [*Ibid*, p 251]

The argument appealed to Kallenbach, but he could not bring himself all at once to release the cobra. Gandhiji did not exercise any pressure on him. He too was taking interest in the life of the cobra, and the children, of course, enjoyed it immensely. No one was allowed to harass the cobra, which however was casting about for some means of escape. Whether the door of the cage was inadvertently left open, or whether the cobra managed to open it, in a couple of days Kellenbach found the cage empty as he came one morning to call upon his friend. He was glad of it and so was Gandhiji. As a result of this taming experiment, snakes became a frequent subject of their talk. [M. K. Gandhi, S.S.A., p 252]

There are about two dozen letters from Gandhiji to Kallenbach written during the years 1909 to 1911, which reveal the closeness of the attachment between the two men and also the Spartan code of discipline which Gandhiji had



enjoined on Kallenbach. In some of these letters Gandhiji affectionately admonishes Kallenbach for the latter's excessive adulation for him. In some he advises him to renounce what he considered were luxurious habits and pleasures, as for example skating and the use of motor car. In his letter of 21 June 1909 Gandhiji wrote:

I do not understand your extraordinary love. I hope I deserve it all. Our mutual attachment is the strongest possible testimony of our having lived before in bodies other than the present ones.

In the same letter, he advised Kallenbach:

May I ask you to count your pennies. If you hold your possessions in trust for humanity, that is God, you must mind how you use every penny.

[M. K. Gandhi to Kallenbach 21 June 1908, Pyarelal Papers]

Gandhiji was preparing Kallenbach for a life of great austerity and discipline which he believed was necessary if one was to serve the poor. He had come to practise extreme asceticism in his own life. He had brought down the expenses on his food so low that he considered one pound per month as the permissible ceiling. In his letter of 30 December 1909 he gave a detailed account of his own meal which consisted of four bananas, olive oil, peanuts, and quarter pound of dates and papaya and lemon from the garden, each item costing not more than one penny. [*Ibid*]

The letters do not reveal to what extent Kallenbach succeeded in following his mentor's strict code of discipline, but it is very clear that Gandhiji expected him to follow very austere standards even when he went to Europe in 1911.

In 1911, Gandhiji drew up an agreement in proper legal language before Kallenbach left for Europe. This agreement was to govern Kallenbach's life and



conduct while he was abroad. It must have been done in a semi-humorous vein, but it is illustrative of the austere code of conduct which Gandhiji expected from his friend and disciple.

In their correspondence Gandhiji was called Upper House and Kallenbach Lower House.

Articles of Agreement: Lower House is to proceed to Europe on a sacred pilgrimage to the members of his family during the month of August next. Lower House is not to spend any money beyond necessities befitting the position of a simple-living poor farmer.

Lower House shall not look lustfully upon any woman.

Lower House is to travel third class whether by sea or land.

Lower House may, if the exigencies of his business in Johannesburg permit it, visit India with Dr Mehta. In the event of his so doing he will travel the same class as Dr Mehta.

Lower House will not tarry long in London or any other place save the homes of the members of the family.

The consideration for all the above tasks imposed by the Lower House on himself is more love and yet more love between the two Houses — such love as I hope, the world has not seen.

In witness whereof the parties hereto solemnly affix their signatures in the presence of Maker of all, this 29th day of July 1911 at Tolstoy Farm.

[Kallenbach letters, Pyarelal Papers]

Upper House

Lower House



Gandhiji's letters to Kallenbach during 1909-1911 show that Kallenbach had become fully involved in the struggle for civil liberties and political justice for Indians in South Africa. These letters throw interesting sidelight on the attitude of General Smuts and others then in power in South Africa, and also the problems which Gandhiji had to face because of the lack of strength and determination on the part of some of the members of the Indian community. What comes out clearly in these letters is that Gandhiji had unflinching faith in the justice of his cause, and with dauntless courage he carried on with the struggle irrespective of the wavering by some of his followers and other such setbacks and difficulties.

In his letter of 1 October 1909 to Kallenbach from London Gandhiji expressed himself strongly against those who were pleading for settlement on the terms offered by Smuts, which Gandhiji had rejected:

It is my firm belief that if you are weak, no matter whether you show your weakness in words or not, you leave unconsciously an impression of it on your opponent. Such has been the case with friend Habib.

Smuts can feel it and so can Lord Crewe. What wonder then if both of them be in no hurry to end the struggle! We have then to be patient and fight internal forces as well as external, that are ranged against us. Our friend did some time ago suggest it to me that we should accept what has been offered. I returned an emphatic "no". Then came Mr Abdul Qadir upon me. I told him that even if the community turned upon me and asked me to accept the proposal, I should have to say "no" ... (that these were) the terms on which I consented to lead the deputation (and that it) was a matter of my own conscience. Since then nobody has ventured to talk to me about accepting Smuts' terms. Please make the position clear to the



people, tell them that owing to weakness within, we must look forward to a prolonged struggle. [Kallenbach letters, Pyarelal Papers]

Finally when Gandhiji left South Africa after the successful end of Satyagraha in South Africa, and went to see Gokhale in England before returning to India, Kallenbach went with him and Kasturba. But when Gandhiji left England to go to India, Kallenbach was not permitted to go with him on account of the War. He was, like all other Germans, interned in England until the end of the War.

When the War was over Kallenbach returned to Johannesburg and recommenced the practice of his profession. He came to India several times to meet Gandhiji, and in the twenties he took back Gandhiji's third son Ramdas with him, because Ramdas was keeping poor health in India. Ramdas regained his health and vigour in the salubrious climate of South Africa but he came back to India in spite of Kallenbach's advice and exhortation that he should stay on in South Africa. [Ramdas Gandhi : *Sansmaran* (Reminiscences), Translator - Gauri Shankar Joshi, Navajivan Publishing House, Ahmedabad, 1970]

Kallenbach was called 'Uncle Hanuman' by the ashramites in India. His niece Hanna also came to Sevagram in 1939 and kept up correspondence with Pyarelal till her death in the early eighties.

Kallenbach was deeply distressed by the plight of the Jews in Germany under Hitler. Gandhiji's view that if the Jews had been truly non-violent and had offered non-violent resistance to Hitler, they could have changed even Hitler and that in any case they would not have fared any worse than they had done, upset Kallenbach. The two men had several talks on the subject but could not convince each other. The friendship and mutual affection, however, was stronger than their differences, and endured till the very end.



6. MISS SONJA SCHLESIN:

There were four remarkable European women who must be mentioned in this chapter. Foremost among them Miss Sonja Schlesin, Gandhiji's young secretary, was a remarkable person. A Jewish girl, "with a character as clear as crystal and courage that would shame a warrior," she joined Gandhiji as a stenotypist at the age of 16. She made herself very useful later in the course of Satyagraha struggle and was ardently interested in the Indian cause.

Gandhiji had a Scottish girl. Miss Dick, working with him earlier as a stenotypist. She was the very picture of loyalty and purity, according to him. "Many a bitter experience has been my portion in life," he wrote "but I have also had the good fortune to claim a large number of Europeans and Indians of high character as my associates," [M. K. Gandhi, S.S.A., p 179]

Miss Dick left him when she got married, and then Kallenbach recommended Miss Schlesin to him and said, "This girl has been entrusted to me by her mother. She is clever and honest, but she is very mischievous and impetuous. Perhaps, she is even insolent. You keep her if you can manage her." She was his sister's daughter. He said he was not placing her with Gandhiji for the sake of the mere pay. [*Ibid*, p 179]

As to her educational qualifications she had passed the Intermediate examination of the Cape University and obtained a first class diploma in shorthand and typing. Gandhiji was ready to pay £ 20 a month to a good stenotypist, but he had no idea of Miss Schlesin's abilities. Kallenbach said he should pay her £ 6 per month to begin with, and he readily agreed. [*Ibid*, p 179]

Miss Schlesin soon made Gandhiji familiar with the mischievous part of herself. Gandhiji narrated to us in the Aga Khan Palace detention camp how he came into his office one morning soon after she had joined him in South Africa



and found her sitting on the table, dangling her legs and smoking a cigarette. He lost his temper and gave her a hard slap on her face. She did not take it ill and considered it a fatherly gesture on his part. She became a devoted daughter and secretary, and served him and the cause that he represented with her energy.

“In a month’s time she had achieved the conquest of my heart,” writes Gandhiji. She was ready to work at all times whether by day or at night. There was nothing difficult or impossible for her. She captivated Gandhiji’s clients as well as the fellow satyagrahis’ hearts by her frankness and readiness to serve. This young girl soon constituted herself the watch and ward of the morality not only of Gandhiji’s office, but of the whole movement. Whenever she was in doubt as to the ethical propriety of any proposed step, she would frankly discuss it with Gandhiji and not rest till she was convinced of its correctness. [M. K. Gandhi, S.S.A., p 179]

Miss Schlesin never asked for or desired an increase in the monthly allowance of £ 6 Gandhiji began giving her. He raised it to £ 10 when he came to know of some of her wants. This too she accepted with reluctance, and flatly declined to have anything more. “I do not need more, and if I take anything in excess of my necessities, I will have betrayed the principle which has attracted me to you” [*Ibid*, p 180], she would say, and silence him.

Gandhiji wrote in his Johannesburg letter in January 1908 before he was sentenced to three months’ imprisonment on 10 January: “Miss Schlesin is an unmarried girl of twenty. Very few Indians know how hard she has worked for the community.” He added that she worked not for a salary, but because of her deep sympathy for the Indian cause. She attended cheerfully to everything that was entrusted to her. [C.W.M.G., VIII, p 24]



She wanted to speak at the mass meeting held a little before Gandhiji's arrest in January 1908. She had previously obtained her parents' permission for making a speech. Her speech, given below, was read out by Gandhiji in the meeting:

Now that the struggle has reached its culminating point, I, who have followed it with the closest attention almost from its inception, would fain say a few words of sympathy, of heartfelt sympathy, in the sufferings which you have already undergone, in the sufferings still before you, of which the former are but a foretaste. But I implore you not to flinch from the hardships which now confront you, not to falter at the shoals ahead, but to continue steadfast in your heroic resolve to give up all, aye very life itself, for the noble cause of country and religion. Let me remind you of a similar crusade now being waged by my sisters in England. I refer to the suffragettes. For the sake of a principle, they are prepared to lose their all, to brave innumerable trials. Many have already suffered imprisonment, more are ready, nay eager, to do so. If delicately nurtured women can do this, will hardy men, inured to toil do less? Do not swerve from the course upon which you have entered, be true to the ideal before you; and 'heart within and God o'erhead' proceed to conquer or to die. And, if you do that, if you adhere to your solemn covenant with God, if you prove yourself resolute in deed, as you have already shown yourselves gentle in method, then it will not be to die! Success then is assured, victory is yours, is ours.

[I.O., 11-1-1908, p 152; C.W.M.G., VIII, pp 24-25]

Gandhiji added at the end that it was a young girl who addressed the above sincere exhortation to them. If, after all that, they would accept loss of face out of a cowardly fear of gaol, they were sure to repent it.



When all the leaders except Cachhalia were in gaol. Miss Schlesin had control of large funds and was in charge of the accounts. She ably handled the money as well as workers of various temperaments. Even Cachhalia would from time to time consult her and seek her advice. [M. K. Gandhi, S.S.A., p 179]

Albert West was then in charge of the English Section of *Indian Opinion*. But even he, hoary-headed veteran as he was, would get the articles he wrote for *Indian Opinion* passed by her. He once told Gandhiji, “If Miss Schlesin had not been there, I do not know how I could have satisfied even my own self with my work. I cannot sufficiently appreciate the value of her assistance, and very often I have accepted the corrections and additions she suggested, knowing them to be appropriate.” [Ibid, p 179]

Gandhiji wrote:

Pathans, Patels, ex-indentured men, Indians of all classes and ages surrounded her, sought her advice and followed it. [Ibid, p 180] Thousands of stalwart Indians looked up to her for guidance. When during the Satyagraha days almost everyone was in gaol, she led the movement single-handed. She had the management of thousands, a tremendous amount of correspondence, and *Indian Opinion* on her hands, but she never wearied. [C.W.M.G., VIII, p 24 fn]

Europeans in South Africa would generally never travel in the same railway compartment as Indians, and in the Transvaal they were even prohibited from doing so. Yet Miss Schlesin would deliberately sit in the third class compartment reserved for Indians, like other satyagrahis, and “even resist the guards who interfered with her.”

Gandhiji feared and Miss Schlesin hoped that she might be arrested some day. But although the Transvaal Government were aware of her ability, her



mastery over the 'strategy' of the movement and the hold she had acquired over the satyagrahis, they adhered to the policy and the chivalry of not arresting her.

Miss Schlesin graduated after the Indian struggle was over, and became a teacher in a Government Girls High School in the Transvaal. [M. K. Gandhi, S.S.A., p 180]

7. *WILLIAM HOSKEN:*

The persons thus far mentioned were those who came in close contact with Gandhiji and had lived with him as members of his extended family for long or short periods. They could not be classed among the leading Europeans of the Transvaal. However this latter class too had persons who were sympathetic to the Indians and were very helpful.

The most influential of such helpers was William Hosken (1851-1925) ex-President of the Association of Chambers of Commerce of South Africa and a member of the Legislative Assembly of the Transvaal.

Hosken was born in Cornwall, England and came to the Transvaal in 1874 as a young man. He did well and became manager of a gold mine. He was chairman of the Uitlanders Council in 1899 and took part in the Jameson Raid which failed. He was sentenced to two years' imprisonment for his role in the Raid.

After the Boer War in which Britons were the victors, Hosken was appointed a member of the first Johannesburg Town Council in 1901. In 1903 he was nominated to the Legislative Council of the Transvaal. Later in 1907, he was elected to the Transvaal Legislative Assembly on the Progressive Party ticket, which was the main opposition, representing mainly the mine-owners.



Hosken was an active Wesleyan layman and also a member of the Johannesburg Church Council. [Hunt : *op cit* p 94] Gandhiji said that Hosken was a man “who spoke out his mind boldly and fearlessly in favour of justice and humanity.” [C.W.M.G., III, p 341] Hosken had supported the English passive resistance movement against the Education Bill and represented the Johannesburg Church Council before Lord Selborne, on behalf of Native land rights. [Hunt : *op cit* p 94]

Though Hosken was a friend and political associate of mine-owners, he had a liberal outlook in race relations. The Africans wanted him to be appointed as a ‘Native Senator’, when the South African Native Congress was formed, so that he could represent the Native interests in Cape Town. [Hunt : *op cit* p 95]

In 1903, shortly after Gandhiji had settled in Johannesburg, Hosken signed and circulated a petition, against further restrictions on Indians’ residence and trade, among the businessmen of Johannesburg. [*Ibid*, p 95]

In 1907, when Satyagraha started, Gandhiji told Indians, “Mr Hosken says if all Indians go to gaol, the Government dare not raise a little finger against them.” [I.O., 27-7-1907]

Hosken founded in 1908 the Committee of European Sympathisers of the Satyagraha movement and became its chairman. He continued in that capacity up to 1914 till the successful end of Satyagraha and Gandhiji’s departure from South Africa.

When the movement was in full swing, direct communications between the satyagrahis and the government was out of the question, not because of any objection on principle, on the part of the satyagrahis, to deal directly with the government, but because the latter would naturally not like to confer with the breakers of its laws. Hosken’s Committee had acted as a mediator between the



Indians and the government. Hosken took every opportunity to explain the Indian position to the whites.

8. JOSEPH J. DOKE:

Rev Joseph John Doke (1861-1913) along with his wife and children, had nursed Gandhiji in his home after Mir Alam and his companions had made a murderous assault on him following the compromise with Smuts on the registration issue. [M. K. Gandhi, S.S.A., pp 168-71]

Rev Doke was born in 1861 and died prematurely in 1913. His father was a Baptist pastor in Chudleigh, Devon, England. The boy wanted to become a foreign missionary. The parents agreed. He was apprenticed to a homoeopathic chemist to prepare him for the job. But he was in poor health. At the age of 21 in 1882, he was sent to South Africa, where it was thought, the salubrious climate might help him in his recovery. It did help him. [C.W.M.G., VIII, p 169]

In South Africa his personal qualities and preaching skills were recognized and he was sent to establish a new church at Graaff-Reinet in the Eastern Cape though he had no college education. He was very successful and served there for three years. During this period his elder brother William, at the beginning of a promising missionary career in the Congo, died. [*Ibid*, p 169]

In 1885 Doke resigned and went home *via* Ceylon and India. The impressions made on his mind during this tour were useful to him later when he came in contact with Gandhiji. India, when he toured it, had seemed to him a perfect mixture of opposites. “I do not understand it”, he said.

Doke was called to succeed his father at the Chudleigh church in England, but before taking it up he went back to Graaff-Reinet and married Agnes Hannah



Biggs. They had three sons and a daughter. [J. D. Hunt : *Gandhi & The Non-conformists*, pp 98-9]

In 1889 he moved to a church at Bristol and served there for five years. At that time he paid a short visit to Palestine. In 1894 he went to New Zealand to serve the Baptists in Christchurch and was there until 1901.

For the next two years he was back in England without a church of his own though he often preached and took interest in the controversy over the Education Act, against which a passive resistance movement was being conducted by the Baptists and other non-conformist churchmen. Doke declared himself a passive resister. But before he could actively participate in the movement, he was called back to South Africa in 1903 and was put in charge of the Baptist church at Grahamstown in the eastern Cape. During his service there, he was elected president of the Baptist Union of South Africa. In October 1903 he visited Johannesburg for the first time, to attend Baptist meetings. Along with Thomas Perry, Minister of the Baptist church in nearby King Williamstown, he travelled to 'Kaffirland' and now called Ciskei, to see the country, the missions and the living conditions of the Africans. In 1907 both men were called to Johannesburg. Perry was put in charge of the middle class suburb of Troville and Doke was entrusted with the Central Baptist Church downtown. [J. D. Hunt : *Gandhi and The Non-conformists*, pp 99-100]

Doke was known for his genial wit and was once described as “a man in whom holiness and humour blended.” He made cartoons to amuse himself and wrote and published two novels which proved very successful. His hobby was photography. The Central Baptist Church in Johannesburg was a new one; the congregation had split off from Rev Owen Owens' Plein Street Baptist Church,



because they wanted a more active mission. Doke reunited the two in a few months. Rev Owens withdrew on grounds of health. [*Ibid*, p 100]

Johannesburg had many single men who had been attracted by its gold. Doke organised a men's Brotherhood and with a band paraded the streets of Johannesburg on Sunday afternoons advertising his brotherhood services. Doke's concept of a minister was very different from the usual one. In a letter to a friend he wrote:

The demands which modern life makes on one in the ministry are extraordinary. A minister of today should be an expert at cricket, football and tennis. He should be able to sing and organise concerts. He must be ahead of his best man intellectually and keep up his reading so as to be abreast of the thought of the age. He must visit constantly, take part in public affairs, and preach attractively. He should know the heart of a businessman and the problems of the Stock Exchange; and with all this he must be as patient as Job and as meek as Moses. [*Ibid*, p 101]

Doke took an active part in the public affairs of Johannesburg. His role was sometimes controversial, but he was able to retain the loyalty and support of his congregation for six years till his premature and unexpected death in 1913 while on tour in Rhodesia in South Africa.

Doke became chairman of the Social Reform Committee of the Witwatersrand Church Council. It took interest in several social reform questions, and had among others sub-committees working for temperance, prevention of gambling and promotion of personal purity in sex matters. "Nothing would keep him quiet if an injustice raised its head," wrote his biographer William E. Cursons. "Absolutely fearless, he dared to stand practically alone at times." Both from the pulpit and through the press he exhorted his fellow-citizens to join him in his



efforts to fight the wrong. “Alas, however,” writes Cursons “he piped but they did not always dance.” [Hunt : *op cit* p 100]

Doke came to Johannesburg in 1907 in the last month of the boycott of registration offices by Indian passive resisters under Gandhiji’s leadership. Ram Sundar Pundit had been sent to gaol for thirty days in the middle of November 1907 and Gandhiji was ordered by the court on 28 December to leave the colony within 48 hours. About this time Doke heard from a friend of his an account of what he thought of Indians and the Indian movement. The account was so different from Doke’s earlier ideas and experience, that he decided to go and meet and interview the leader of the Indian community. He went to see Gandhiji soon after the court had ordered him to leave the colony. [*Ibid*, p 101, 106]

Let us learn from their own lips what Rev Doke and Gandhiji thought of each other when they first met. Doke wrote his impressions after his visit to Gandhiji in the latter’s office as below:

“It was intended for work and not for show. The door was adorned with the name of the occupant with the denomination of ‘Attorney’ attached to it. The first room was given up to a lady typist; the second into which I was ushered was the *sanctum sanctorum*. It was meagrely furnished and dusty. A few pictures were scattered along the walls. They were chiefly photographs of no great merit. The Indian Stretcher-bearer Corps was in evidence. Photographs of Mrs Besant, Sir William Wilson Hunter, and Justice Ranade — several separate Indian portraits and a beautiful picture of Jesus Christ adorned the austere office. Some indifferent chairs and shelves filled with law books completed the inventory.” [J. J. Doke : *M. K. Gandhi : An Indian Patriot in South Africa*, pp 7-8]



All this Doke confessed to have noted afterwards. “Just then my whole attention was centred on the man who greeted me and in an effort to adjust my ideas to unexpected experiences.” [Doke : *op cit* p 8] Doke judged him to be of some thirty-eight years of age, which proved correct. But the strain of his work showed its traces in the sprinkling of silver hairs on his head. “He spoke English perfectly, and was evidently a man of great culture.”

“Asking me to be seated, he listened to an explanation of my visit, noting the points raised with a nod of the head, and a quick ‘yes’ until I had done. Then he went straight to the mark. Using his fingers to emphasize his thoughts, he gave the most luminous statement of the Asiatic position, in a few crisp sentences, that I have ever heard.” [*Ibid*, p 9]

Doke was anxious to know what the religious elements in the struggle were. Gandhiji explained them with convincing clarity, explaining patiently every little involved issue and satisfying himself that Doke understood each before dealing with the next. Once, when he paused longer than usual, to see whether Doke had grasped the thought or had only assented for the sake of courtesy, Doke closed his notebook thinking that Gandhiji had finished. “Don’t close it,” he said, “the chief point is yet to come.”

“There was a quiet assured strength about him, a greatness of heart, a transparent honesty, that attracted me at once to the Indian leader. We parted friends,” records Doke. [*Ibid*, pp 9-10]

Doke was so well satisfied after his interview with Gandhiji that he wrote a letter to the *Transvaal Leader*, which appeared on 2 January 1908, in which he said that the supreme element in the Indian struggle was “neither political, nor commercial, it is essentially religious.” He asked his readers to investigate the



question. He was emphatic that “liberty of conscience” was at stake. [*Transvaal Leader*: 2 January 1908, quoted by Hunt in *Gandhi and The Non-conformists*, p 103]

Gandhiji has also narrated this first meeting with Rev Doke in *Satyagraha In South Africa*. Rev Doke sent in his card. On seeing “Reverend” before his name, Gandhiji thought that he had come, like other clergymen, to convert him to Christianity or to advise him to give up the struggle or perhaps to express patronising sympathy with the movement. But after talking with him for a few minutes he saw how sadly he had misjudged Doke and “mentally apologised” to the latter.

Doke had read everything about the struggle which had been published in the newspapers. He said, “Please consider me as your friend in this struggle. I consider it my religious duty to render you such help as I can.” The life of Jesus had taught him one thing he said, “one should share and lighten the load of those who are heavily laden.” Wrote Gandhiji, “We thus got acquainted with each other, and every day marked an advance in our mutual affection and intimacy.” [M. K. Gandhi, S.S.A., p 171]

J Hunt in his recent book *Gandhi and the Nonconformists* writes that “on 10 January 1908, in the crowded courtroom, when M. K. Gandhi, Barrister-at-law, was convicted for the first time of a criminal offence and sentenced to imprisonment, three white clergymen were present : Joseph Doke, Charles Phillips and Thomas Perry.” [James D. Hunt, *op cit* p 103]

Doke was deeply moved by Gandhiji’s speech before entering the courtroom, in which Gandhiji had referred to his religious duty; and also by the manner in which the Indian crowd after the conviction rallied round a large black banner bearing the words UNJUSTICE BRITISH EMPIRE and moved off in the rain. [*Ibid*, p 104; C.W.M.G., XII, p 24]



Doke, Phillips and five other clergymen signed a letter to General Smuts, asking the Government to respect Indian religious sensibilities by reconsidering the requirements of ten-digit impressions and of giving the names of wives and mothers. It appeared in all the major newspapers on the same day as Gandhiji was convicted for the first time. [I.O., 18-1-1908, p 38]

The next day, 11 January 1908, Doke wrote a fourth letter to the *Transvaal Leader* entitled “What do the Asiatics want?”

On 12 January Doke delivered a powerful sermon in the Central Baptist Church, comparing the struggle of the Indians with the Christian martyrs. He said, “And I think that we have ill learnt the lessons of the past if we fail to recognize the beauty, the Divine beauty, of loyalty to conscience, religion and liberty under whatever skin it shines.” Doke was most active during Gandhiji’s imprisonment and had a hand in bringing about the compromise in which Cartwright had taken the lead. [J. D. Hunt: *op cit* pp 105-6]

Doke took Gandhiji to his home when he was badly hurt as a result of the attack of the Pathans. Gandhiji has recorded how the Dokes had showered affection and meticulous care and attention on their sick guest when he stayed with them after Mir Alam’s murderous attack on him, after the compromise. Gandhiji’s family had been shifted to Phoenix. Gandhiji recalled, “Day and night one or the other member of the family would be waiting upon me. The house became a sort of caravanserai so long as I stayed there.” All classes of Indians flocked to the place to inquire after his health, and later when it was permitted by the doctor they came to see him. From the humble hawker, basket in hand, with dirty clothes and dusty boots, right up to the Chairman of the Transvaal British Indian Association, all were received by Rev Doke most courteously, taken to his drawing room and shown all consideration.



So long as Gandhiji lived with the Dokes, all their time was occupied either with nursing him or with receiving the hundreds of people who looked in to enquire about him or to see him. Even at night Rev Doke would quietly peep twice or thrice into Gandhiji's room. His son's room had been placed at Gandhiji's service, while the boy slept on the floor in the library. Gandhiji has recorded, "While living under his hospitable roof, I never so much as felt that it was not my home or that my nearest and dearest could have looked after me better than the Dokes." [M. K. Gandhi, S.S.A., pp 171-2]

And it must not be assumed that Rev Doke did not have to suffer for giving public support to Indians in their struggle and for harbouring the leader of the Indian campaign under his roof. Rev Doke's youngest son Clement, who was then a school boy of 15, remembered how proud he was that the illustrious guest had been kept in his room. He also remembered that their neighbours who had been quite friendly so far, "cut us completely for so breaking caste as to entertain a black man." [I.O. Mahatma Gandhi Memorial number, March 1948]

Rev Doke was in charge of a Baptist Church, and depended for his livelihood upon a congregation of Europeans, not all of whom entertained liberal views. Dislike of Indians was probably as general among them as among other Europeans. But Rev Doke was unmoved by it. Gandhiji discussed this delicate subject with him at the very beginning of their acquaintance. Rev Doke replied:

My dear friend, what do you think of the religion of Jesus? I claim to be a humble follower of Him, who cheerfully mounted the cross for the faith that was in Him, and whose love was as wide as the world. I must take a public part in your struggle if I am at all desirous of representing Christ to the Europeans who, you are afraid, will give me up as punishment for it. My livelihood is indeed derived from them, but you certainly do not think



that I am associated with them for living's sake, or that they are *my cherishers*.

My cherisher is God, they are but the instruments of His Almighty Will. It is one of the unwritten conditions of my connection with them, that none of them may interfere with my religious liberty. Please therefore stop worrying on my account. I am taking my place beside you in this struggle not to oblige the Indians, but as a matter of duty. [M. K. Gandhi, S.S.A., p 172]

Rev Doke told Gandhiji that he had fully discussed this question with his Dean. He had gently informed the Dean that if the latter did not approve of his relations with the Indians, he might permit him to retire and engage another minister instead. But the Dean had not only asked Doke not to trouble himself about it but even spoken words of encouragement. Doke added : “You must not imagine that all Europeans alike entertain hatred against your people.... You can have no idea of the silent sympathy of many with your tribulations, and you will agree with me that I must know about it situated as I am.” [*Ibid*, pp 172-3]

Doke felt that if the whites could understand Gandhiji's personality, they would be better able to appreciate the Indian cause that he represented. He decided to write a biography of Gandhiji. He approached Gandhiji round about March 1909 and said to him, “My friend, I want to ask you a strange question – how far are you prepared to make a martyr of yourself for the good of the cause?” J. J. Doke: *op cit* pp 13-4 With this introduction he presented his proposal and persuaded Gandhiji to let him write his biography and to that end give him the information that he needed. The short book that he wanted to write, he said, would make Gandhiji's personality real to the people of England. The English regarded the character of the leader as the key to understanding the nature of a social or political movement. The book would help the fight for the recognition



of the status of Indians throughout the Empire. Gandhiji reluctantly agreed to answer his questions.

Thus Doke's book of 97 pages titled *M. K. Gandhi: An Indian Patriot in South Africa* became the very first biography of the Mahatma.

Gandhiji took the manuscript with him when he went to London for the second deputation in June 1909. He got Lord Ampthill to write an introduction. The book was published in October 1909 and Gandhiji brought back with him about 700 copies for distribution, out of which he sent 24 copies to Dr Mehta, 14 Mugal Street, Rangoon, 250 to G. A. Natesan at Madras and 250 copies to the manager (International Printing Press) Natal, South Africa, postal address. Box 182, Durban, Natal. [C.W.M.G., IX, p 492]

Doke remained an active member of Hosken's "European Committee" of sympathisers and took a great deal of interest when the new legislation regarding Indians was being discussed by the Union Government. The bonds of personal affection formed during Gandhiji's convalescence in Doke's home remained strong. Doke's daughter, Olive who sang for Gandhiji "Lead Kindly Light" during his convalescence in their home, gave singing lessons to Gandhiji's third son Ramdas later on.

In July 1913 Joseph Doke, accompanied by his youngest son Clement, who was then 20, left Johannesburg to go on a missionary journey into "Black Africa". This was his first venture of this kind. He wanted to visit the various missions and explore possibilities of expanding the work in Central Africa, now called Zambia. He used the money that came to him as royalty from his recently published novel *The Secret City*, for the trip. He fell ill on the way and died on 15 August in Rhodesia. He was diagnosed as a case of enteric fever. He was alone. Even his son Clement had been sent back home. He had his funeral "at Umtali on Sunday last",



reported *Indian Opinion* on 23.8.1913. His brother had already died on the soil of Africa. [C.W.M.G., IX, p 170]

Gandhiji was heart-broken. “Mr Doke is no more. The thought is terrible,” he wrote in *Indian Opinion* on 23 August 1913. His death on a working journey, he said, seemed to sum up the qualities of his life:

He claimed no exclusive relationship with anybody. To him every human being was truly a friend and brother. He, therefore, died surrounded by newly-made friends. His life preached the gospel of work. He died in harness, doing his duty. His life preached love to his fellowmen. He died whilst finding further fields for his loving activity, and as he loved, so is his death today mourned by not only his European congregation, not only by Englishmen, but also by many of his Native, Chinese and Indian friends. In a place where even men of religion are not free from the local prejudice against colour, Mr Doke was among the few who knew no distinction of race, colour or creed. Though dead, Mr Doke lives through his work of love and charity in the hearts of all who had the privilege of coming in contact with him. [I.O., 23-4-1913]

The Central Baptist Church invited non-Christian and non-white “Mr Gandhi” to address the memorial service for Rev Doke on 24 August 1913. It was a highly unusual gesture which indicated how well they understood their late pastor’s beliefs. Doke had respected Gandhiji’s Hinduism and Gandhiji had respected Doke’s Christianity and Christian mission. The mourning congregation must have derived some consolation from Gandhiji’s words when he said that Mr Doke the pastor had “missed no occasion to bring home to me the truth as he knew it, and which brought him and his, so much inward peace.” He added “Mr Doke’s was not modernised and civilised Christianity. He practised the original.



Mr Doke believed in practising as he preached.” Finally Gandhiji said that the binding tie between them was the belief they shared in the doctrine preached by Jesus Christ of “non-resistance to evil”. He added, “With Mr Doke hatred was to be conquered by love, vice by the fullest exercise of virtue.” [C.W.M.G., XII, pp 176-77]

9. REV CHARLES PHILLIPS:

Besides Rev Doke there were several other clergymen who supported the Indian cause. There was much in common between Gandhiji and the ethical and political concepts of the Non-Conformist Churches. Most of his European supporters in South Africa were either non-conformist clergymen or belonged to the congregations of those churches. Several of them were Theosophists. Gandhiji addressed the Johannesburg Theosophical Society, as also some others. He was most appreciative of the fact that Theosophists, by asking him to explain to them the teachings of the *Gita*, had made him study and understand his own religion.

The magazine of the Johannesburg congregational church. *The Outlook*, published an article recognising the merits of the Indian struggle in South Africa. *Indian Opinion* in its issues of April 1905 took note of this article and appreciated it. A reader denounced the article. Gandhiji was given space by the management of the magazine to reply to it. [Hunt : *op cit* p 114]

On 12 August 1905 *Indian Opinion* commended the Church Council of Johannesburg for sending a deputation headed by Mr Hosken and including Rev Charles Phillips to wait on Lord Selborne to plead for the protection of the Transvaal Natives’ rights to hold land. [*Ibid*, p 114]



The most outstanding member of the clergy who sympathised with the Indian cause was Reverend Doke. Before he came to Johannesburg in 1907, there were others.

Reverend Charles Phillips was one such clergyman who was an ardent supporter of Gandhiji and the Indian movement. He was the minister of the Ebenezer Congregational Church in Johannesburg from 1896 to 1937. Ebenezer Church was a mission serving the Cape Coloured population. Under Reverend Phillips' leadership, it had been transformed into a self-supporting congregation by 1903 and had set up a number of church mission stations of its own. Membership of the church was 26 in 1896 and grew to 600 by 1906. Church sites had been acquired in six Rand towns. Phillips was actively interested in social and political questions because they affected his ministry and the people he served. [C.W.M.G., IV, p 390, 411: Hunt, *op cit* p 92]

He had been an ardent advocate of British intervention in the Transvaal. He had gone to London at his own expense to canvass for intervention, because of the hardships the coloured races had to face under the Boer. He was therefore sad to see the conditions of Indians and other non-whites after the war and boldly asserted before Governor Selborne that the coloured races were not better off under the British rule, when he met him in a deputation to plead for the protection of the land rights of the Natives.

Phillips had opposed the privileges enjoyed by Anglicans in respect of entry into the schools for religious instruction. Lord Milner noted in his official despatches that Phillips was greatly interested in the Natives and coloured people.

On 8 April 1907 Phillips gave evidence before the Transvaal Indigency Commission and was questioned by the Commission about the Indians and Polish



Jews besides the Coloured, because of his wide knowledge of the poor people in the Transvaal. [*Ibid*, p 96]

He strongly opposed the Government policy of supplying opium to the Chinese and organised a campaign to eliminate opium trade from the Transvaal. [*Ibid*, p 96]

In spite of his criticism of government policies Phillips had a good standing in official circles. Lord Selborne came to lay the foundation stone of a new church he was to construct. [J D Hunt : *op cit* p 96]

Phillips supported the Indian cause. He had supported resistance against the Education Act in England from South Africa. He understood the Indians' struggle and gave them full support at every stage. He spoke against the Registration Act and supported voluntary registration. He stood by Gandhiji in the court-room at his trial in January 1908 and visited him in gaol. He was an active and reliable member of Hosken's Committee of European Sympathisers. [*Ibid*, pp 95-6]

On 15 July 1914, three days before Gandhiji's departure from South Africa Phillips stood by the side of the Indian leader for the last time in Johannesburg in the Bloemfontein Cemetery at the dedication of a monument to Valliamma Munusamy, who had died after her imprisonment in the passive resistance struggle. [C.W.M.G., XII, p 486] Mrs Phillips was given the honour of unveiling the stone.

10. THOMAS PERRY:

Thomas Perry, pastor of a well-to-do Baptist church in the lower middle class suburb of Troyville was most active in supporting the Indians. He was a close friend of Joseph Doke and supported him in all matters concerning the Indians.



He signed petitions and public letters, attended Gandhiji's trial and served on Hosken's European Sympathisers Committee.

He once addressed the Theosophical Society in a series of talks on world faiths. This indicated his readiness to talk with and be friendly with members of other faiths. [Hunt: *op cit* p 123]

The middle class community he served felt the trade competition of the Indians. But Perry was able to openly support the Indian cause and still maintain a thriving ministry. Gandhiji also lived in this neighbourhood from 1903 to 1906. Although Perry stood steadfast with Doke and Phillips in support of Indians throughout, he did not take a lead on his own in a public manner as the other two did. [Hunt : *Gandhi and The Non-conformists*, p 124]

11. REV JOHN HOWARD:

Reverend John Howard, Pastor of the Wesleyan Methodist Church, joined the European Committee late in 1908 and stayed on it as an active and a steadfast sympathiser of Indians till the end. He signed the farewell address for Gandhiji in 1914. His sister too was a noted sympathiser of Indian passive resistance movement. The Golden Number of *Indian Opinion* carried a photograph of the brother and sister. [I.O., Golden No]

Howard gave a Biblical interpretation of the Indian movement. He wrote, "The story reads like a chapter from the Acts of the Apostles. By choosing the way of passive resistance, the Indians have given us a living commentary on the principles laid down in the New Testament." [*Ibid*]

12. DR N. AUDLEY ROSS:

Dr N. Audley Ross, LL.D., of St. George's Presbyterian Church, came from Newcastle-on-Tyne in 1903 and was probably the most distinguished clergyman



actively to support Gandhiji and the Indian cause. He had given support to the English passive resistance movement against the Education Bill when it had started. He was one of the first to write to the press supporting the Indians even before Gandhiji was sentenced. He did not often use the method of public agitation, but he quietly worked with Hosken's European Committee. He also worked behind the scene on his own. Gandhiji recalled his assistance and wrote:

He was often present at Indian functions and never hesitated in unequivocal language to show his sympathy towards us. We know that when passive resistance was at its height, he even carried on personal correspondence with General Smuts, urging him to grant the demands of the passive resisters. [C.W.M.G., XII, p 178]

Gandhiji knew of the earlier passive resistance against the Education Act in England, and several of those who had become active in that movement, later became his active supporters. The spiritual basis of Satyagraha or passive resistance, was the common link between Gandhiji and the non-conformist clergy and their followers. [Hunt : *Gandhi and The Non-conformists*]

13. DAVID POLLOCK :

David Pollock was the Assistant Editor of *Rand Daily Mail*. He was an active sympathiser of the Indian cause and often went to the mass meetings of Indians to watch the proceedings. He was a J.P. of the Transvaal. He later became Secretary of Lands in the Transvaal and also honorary Secretary, Native Affairs Society of Transvaal. He attended many Indian functions.

David Pollock wrote to Selborne about the brutal treatment meted out to Gandhiji in gaol during his incarceration at Pretoria. Gandhiji was sentenced to three months from 25 February 1909 to 24 May and taken from Volksrust gaol



after three days to Pretoria prison. As a result of it an enquiry was held. [C.W.M.G., IX, p 329]

At the dinner hosted by Johannesburg Indians on 14 March 1908 for European sympathisers, David Pollock said that the Indian community had opened the gates of freedom to the entire coloured population and that it had “by its work brought the blacks and the whites close together.” [C.W.M.G., VIII, p 150]

14. ALBERT CARTWRIGHT:

Albert Cartwright (1868-1956) was born in Lancashire, England and came to South Africa as a young man. He became Assistant Editor of Johannesburg *Star* in 1892 and stayed in that position for four years upto 1896, and for two years was editor of *The Diamond Field Advertiser*, Kimberley. From 1899 to 1905, he worked as Editor of *South African News*, a liberal daily in Cape Town, and also as a correspondent for the *Manchester Guardian*. He was jailed by Lord Milner for a year for publishing reports critical of the administration of martial law in Cape Town.

Cartwright was the London Editor of *Rand Daily Mail* from 1905 to 1907 and Editor of the *Transvaal Leader* from 1907 to 1911.

It was during his visit to London in November 1906 as a leader of the Transvaal Indian deputation, that Gandhiji became acquainted with Cartwright. He invited Cartwright to lunch at Hotel Cecil, where he was staying and from then on their acquaintance became closer and grew into friendship.

Gandhiji saw that Cartwright had much sympathy for the Indian cause. Writing in *Indian Opinion* of 7 December 1907 he said, “Cartwright is an eminent man and has himself been to gaol for his powerful writings. He is a very capable man who is not afraid of defending truth.” [I.O., 7-12-1907]



He was the first member of the Progressive Party to actively espouse the Indian cause and was always known as a friend of the unrepresented classes. [M. K. Gandhi, S.S.A., pp 180-1]

Cartwright was a religious man. He had great admiration for Gandhiji and the Indian passive resistance movement. It was he who took the initiative to present the voluntary registration offer of the Indians again to Smuts in 1908, after Gandhiji had gone to gaol, which resulted in a compromise and the release of Gandhiji and others from prison. By bringing about this compromise settlement between Gandhiji and Smuts, he came to be known as the “Angel of Peace”

The compromise was later broken by General Smuts. Gandhiji described Cartwright as “deeply shocked” at Smuts’ failure to keep his promise regarding the repeal of the Black Act.

There was frequent exchange of letters between Gandhiji and Cartwright. Gandhiji asked him to use his good offices to represent the Indian viewpoint before the Progressive Party in order to win their support for the Indian causes, in which he succeeded to a large extent.

Gandhiji wrote to Cartwright on 14 May 1908 after it became apparent that Smuts had no intention of honouring his part of the compromise contract, “Perhaps the Angel of Peace will again have to be requisitioned.” Referring to the draft letter Cartwright had brought to Gandhiji in prison (supposed to have been drafted by Smuts, it certainly had Smuts’ approval), Gandhiji said, “The letter you brought was after the style of Delphic oracles. You will recollect I expressed my views then, and told you that a document of that nature I could sign only because you were in it.” [C. W.M.G., VIII, pp 230-1]



Gandhiji kept Cartwright informed of his meetings and correspondence with Smuts. On 6 June 1908 he wrote to him on his meeting with Smuts, “The situation required consideration *de novo*, and therefore, I had to return without a definite assurance of repeal.” [*Ibid*, p 279] Cartwright did all he could to help the Indians.

Cartwright was helped by Hosken, Phillips, Doke, Perry and others, all of whom had been familiar with the passive resistance movement against the Education Bill in England. [*Ibid*, pp 168-9]

Cartwright was a guest of honour along with the other European sympathisers at the dinner hosted by Indians in Johannesburg on 14 March in 1908 in appreciation of their help and support for the Indian cause.

He also attended a reception at Hotel Cecil on 8 August 1914 given by British and Indian friends in London to Gandhiji and Kasturba on their arrival in England after the successful end of Satyagraha in South Africa. [C.W.M.G., XII, p 523]

15. VERE STENT:

Vere Stent (1872-1941) was another spontaneous helper. He was born in South Africa. He was a friend of Sir Cecil Rhodes. He was editor of *Pretoria News* from 1902 to 1921 and was known for his “strongly pro-imperialist” and anti-racist liberal views.

When Gandhiji first came to the Transvaal, he found comments in the *Pretoria News* advocating the Indians’ cause. He enquired and was told that Stent was a negro-philist’ and took up many an unpopular cause at great personal risk to himself. [C.W.M.G., XII, p 96]

A mass meeting of Europeans was held in the Town Hall of Pretoria on 15 January 1908 to condemn the Indian movement and support the Black Act, while



Gandhiji was in gaol. Vere Stent alone stood up in opposition to the overwhelming majority of anti-Indians and refused to sit down in spite of the President's order. The Europeans threatened to lay hands on him, but he stood unmoved and defiant as a lion. The meeting dispersed at last without passing a resolution. [M. K. Gandhi, S.S.A., p 181]

Stent consistently advocated the Indian cause and gave active help to the Indians during their passive resistance campaign against the Transvaal Government. He was a severe critic of Smuts for his breach of promise with Gandhiji. [C.W.M.G., VIII, p 443]

Stent presided over a meeting held at Pretoria on 10 July 1914 to bid farewell to Gandhiji and his party prior to their departure from South Africa. [*Ibid*, XII, p.459] He also presided over a similar meeting on 16 July 1914 at the Indian Location in Pretoria for the same purpose. [*Ibid*, p 498]

16. DEWDNEY DREW:

Dewdney Drew (1864-1930) was born in England and became a Congregational minister in Johannesburg in 1891. He resigned his ministry during the Boer War in order to protest against the burning of Boer farms and other atrocities. In 1902 he became assistant Editor of *South Africa News*. During 1904-1908 he edited *The Friend* of Bloemfontein and in 1909 became assistant editor of the *Transvaal Leader*. In 1915 he was elected as M.P. from Germiston district. [C.W.M.G., VIII, p 97; and J. Hunt notes]

Gandhiji has said of him in his memoirs that he was “one of the best speakers in South Africa.” [M. K. Gandhi, S.S.A., p 181]

He supported the Indian cause in the teeth of European opposition.



17. MISS EMILY HOBHOUSE:

Among the prominent European women, who were active supporters of the Indian cause and great admirers of Gandhiji, was Miss Emily Hobhouse. She was the daughter of Lord Hobhouse. She lived a life of frustration up to her 35th year. She had a typical Victorian education for girls of that period and was denied the intellectual development enjoyed by her youngest brother, the sociologist Professor Leonard T. Hobhouse, a kindred spirit. She did social work in the parish and cared for her invalid, widowed father. These activities gave her few opportunities for self-expression. [*Standard Encyclopedia of South Africa* (1973)]

After her father's death she became a church social worker, the only task she felt competent to do in America in the mining district of Minnesota, to which Cornish miners had emigrated. Her engagement to an American businessman fell through, and on the outbreak of the Second Anglo-Boer War she found herself in London in the circle of the pro-Boers, prominent among whom was her uncle, Lord Hobhouse. As Secretary of the women's branch of the Conciliation Committee which tried to avert the war, she organised a mass meeting of women to protest against the war in Queen's Hall, London. [*Ibid*, p 545]

Reports of systematic burning of Boer farms by British soldiers caused her to see a 'sort of vision' of herself amidst homeless women and children. She established a relief fund, went out to South Africa against Lord Milner's wishes, and during the first five months of 1901 visited many of the camps in the Free State and the Northern Cape to which civilians were being herded in their hundreds. Bad organisation and a serious epidemic of measles combined to claim an appalling number of children's lives in the camps. For her, Britain's honour was at stake. Her flaming indictment of conditions prevailing in these camps caused the British War Government to be severely criticised by the Liberal opposition,



for their ‘methods of barbarism’. A Government committee under Millicent Fawcett substantiated the most serious of her charges after an unfortunate delay of some months. [*Standard Encyclopedia of South Africa* (1973). p 545]

She had single-handedly moved among the Boer women and children, encouraged them and bade them stand firm when Lord Kitchener had set up his infamous ‘concentration camps’ in the Transvaal and the Free State. She believed the English policy in respect of the Boer War to be totally unrighteous, and therefore like the late Mr Stead, wished and prayed to God for England’s defeat in the War. [*Ibid*, p 545]

She ‘that Miss Hobhouse’, was reviled for her compassion for enemy subjects. She was denied further access to the camps and when she arrived again in Table Bay on 27 October 1901 to render what service she could to destitute British refugees from the war zone, she was deported under martial law. [*Ibid*, p 545]

Early in 1903 she visited the devastated districts in the Transvaal and the Free State to which ruined Boer families were returning after the cessation of hostilities, at the height of a severe drought. She criticised the repatriation committees and established a relief fund mainly for the purchase of spans of oxen and seeds for farmers. She also established a fund for home industries, which from 1905 to 1908 she personally initiated, along with a school for spinning and weaving, first at Philippolis and later also in Johannesburg. A lace-making school at Koppies (OFS) formed part of this scheme. When the National Women’s Monument was erected at Bloemfontein, the motif depicted by Van Wouw in his principal group was a camp scene as recorded by her. [*Ibid*, p 545]

She was invited to unveil on 16 December 1913, the national monument for women and children who had died during the Boer War, but owing to heart



trouble she had to cut her journey short at Beaufort West. Her inaugural address was however read out and circulated in both the official languages, Dutch and English. [*Standard Encyclopedia of South Africa* (1973), Hobhouse, p 545]

Having thus served the Boers, she was shocked to learn that the same Boers, who had only recently themselves faced and fought injustice with all their might, were now doing injustice to the Indians through ignorant prejudice. The Boers looked up to her with great respect and affection. She decided to take up with the Boer leaders the cause of Indians.

Emily Hobhouse had become a Member of Parliament of South Africa and was a personal friend of both Smuts and Botha. She was greatly upset to see the Boers treating Indians so badly and had sent her friend Miss Molteno to Phoenix on a fact-finding mission. Both Miss Molteno and Miss Hobhouse had been deeply impressed by the Indians' non-violent Satyagraha struggle. It seemed like a miracle to them the way these unarmed people had stood up to the mighty Government of the Union of South Africa and forced it to change its policies. They were deeply moved by the suffering of Kasturba.

Miss Hobhouse had come to unveil the monument to the victims of the concentration camps, but she had collapsed on her journey from Cape Town to Bloemfontein. She wrote to Smuts on 29 December 1913:

“Probably an invalid like myself who has hardly come back from the brink of the grave, ought in your opinion to lie quiescent and not mix in public affairs, but somehow I was not born that way and if once one has started a public conscience, one can no more silence that than one can a private conscience.

“And we women, you know, are developing public consciences at a surprising pace. Well, dear Oom Jannie, this is my excuse for invading your



New Year's peace with a political letter, on a subject that is only my business in the sense it is everybody's and upon which therefore I should not presume (since you are a Minister) to write to you, had it not been that Gandhi has asked me to do so and that gives a sort of right to do what might otherwise be deemed interference, were we not such old friends. Now, dear Oom, having thus cleared the ground and defined our mutual attitudes, can't we do something to adjust this matter, so that I may go hence feeling that all is well and at peace in South Africa.... You see January 15 is the date now proposed for another march. Before then some way should be found of giving private assurance to the leaders that satisfaction is coming to them. Their grievance is really moral, not material and so, having all the power of the spiritual behind him, he (Gandhi) and you are like Mrs Pankhurst and McKenna and never will governmental physical force prevail against a great moral and spiritual upheaval. Wasted time and wasted energy, dear Oom Jannie.... You see the gravity of the situation is that India keeps it going with her money and will, till all handle for doing so is withdrawn, because she is using you or rather the position here as a convenient whip to beat the old horse with. Not being South African or Indian but in fullest sympathy with both, it just struck me, since Gandhi asked (and the name of Hobhouse is so revered in India) that I might be of some use. So use me or refuse me or abuse me just as it pleases you, dear Oom. I am too old and benumbed to mind throwing myself down as a paving stone and being trodden upon as the result.

"I do so as Gandhi has asked me to do what I can ..."



On 1 January 1914, she cabled to Gandhiji asking him to postpone his march by fifteen days as a personal favour to her to which he agreed.

Whether or not it was Miss Hobhouse that brought them together, Gandhiji and Smuts did meet a few days later on 13 January 1914 and thus began the negotiations which led to a final settlement. [W. K. Hancock : *Smuts, The Sanguine Years*, pp 343-4]

Miss Emily Hobhouse was a fervent pacifist. She cooperated with the Women's International Peace Movement during the First World War, spending three months in Amsterdam. In 1915, on her way to Italy and without the knowledge of her Government, she went to Germany where she tried to act as mediator between the belligerents. For this she was denounced in Britain as a traitress.

In spite of poor health she carried on an untiring struggle against famine in post-war Europe, especially in Leipzig and Vienna, for which she received contributions amounting to £ 15,500 from South Africa.

Her books *The Brunt Of The War and Where It Fell* (1902) and English translation of the diary of Alida Badenhorst (Tant Alie of the Transvaal, her diary, 1880-1902, 1923) and her compilation of Boer Women's war experiences, *War without Glamour* (1924) did pioneering work in giving documentary proof of civilian sufferings in times of war, and amounted to a plea for the abolition of war.

18. MISS MOLTEÑO:

Miss Molteno, an old lady from Cape Town was a friend and close associate of Miss Emily Hobhouse, the well-known social worker. Miss Molteno visited Phoenix towards the close of 1913 and showed great sympathy for Kasturba who



was then lying ill in bed. She was very keen to study the Indian way of life.
[Prabhudas Gandhi : *op cit* p 181]

The Molteno family was well-known in South Africa. Her brother James Molteno was President of South African parliament. The sister, Miss Molteno, was 70 years old but she had the energy and enthusiasm of a young woman. She had spent all her life in social service.

She came to Phoenix to see Kasturba. She and Miss Hobhouse were great friends. Miss Hobhouse an English woman who had espoused the cause of Boer women and children during the Boer War and had endeared herself to all the Boers, had sent Miss Molteno to Phoenix to make discreet enquiries.

Miss Molteno would talk to Kasturba and go on talking and repeating her questions, till she understood the replies Kasturba gave in her broken English. She found out all about the hardships which Kasturba and her companions had to undergo in jail, the hard labour, problems with food which necessitated a hunger-strike on the part of Kasturba and many others including her sixteen year old son Ramdas, as also the rude behaviour of warders and others in prison. Miss Molteno would sigh “Terrible! This is terrible cruelty! How could the Government do it to you?” She would say, “How could they think of putting this gentle lady in prison? What crime had she committed? She is incapable of doing anything wrong.” She would go on making such comments and would say to Kasturba, “Do tell me all, Mrs Gandhi. The Government treated you very badly indeed. How thin you have become, you are so pale? It is terrible.”

Miss Molteno carried all the news to Miss Hobhouse, who took up the matter with General Smuts on a personal level.



Smuts, to whom the situation was looking more hopeless than ever, seized the opportunity offered by Miss Hobhouse, and was glad to respond to her appeal. Help had come to him from an unexpected quarter.

19. MRS OLIVE SCHREINER:

Then there was the famous Mrs Olive Schreiner (1855-1920). She and her brother William Phillip Schreiner were friends of Indians. The name Schreiner was one to conjure with in South Africa, so much so that when Miss Olive Schreiner married, her husband adopted her name so that her relationship with the Schreiners might not be forgotten among the Europeans of South Africa. This was not due to any false pride, as Miss Schreiner was as simple in her habits and humble in spirit as she was learned. She was a fascinating woman. She educated herself. She was a vigorous liberal and an ardent feminist. She was a friend of Karl Marx's daughter.

Olive Schreiner's father Gottlob Schreiner served as a parson at Bloemfontein for some time. The Wesleyan Missionary Society then offered him a post at Wittebergen, where Olive was born, in 1855. The family moved to Heald Town when Olive was six. Olive's education was practically confined to what her well-read, cultured and gifted mother taught her. Olive, being a girl, did not have the educational opportunities that her brothers had. [*Standard Encyclopedia of South Africa* (1973), Schreiner, p 526]

At the age of 12 Olive went to live with her brother Theophilus who was teaching at Grahamstown. She became a governess to farm children and served as such in four successive places. Conditions were often difficult and her earnings were very modest usually £ 50 to £ 60 a year; but she saved what she could for the purpose of going to Europe. Meanwhile, she gained a penetrating insight into the life and mind of the people around her. A voracious reader, she was



profoundly stirred by the writings of Herbert Spencer, J. S. Mill, Huxley, Darwin, Ruskin, Emerson, Goethe, Gibbon, Prescott, Lecky and Carlyle. [*Standard Encyclopedia of South Africa* (1973), Schreiner, p 526]

She wrote *The Story of an African Farm* and completed it in 1881. She sent the manuscript to friends in England, and then followed it to find a publisher. She went over on her meagre savings, relying upon finding a home with her brother Fred and employment as a nurse. She found a publisher in 1883. Her book, which appeared under the pseudonym Ralph Iron, was an immediate success. In the second edition she revealed her identity.

After publishing her great novel, Olive remained in London for six years meeting many of the outstanding intellectual and literary people of the day. During this period she published in London *Dreams* (1890) and *Dream Life And Real Life* (1893).

Revisiting some of the Karoo farms near Cardock where she had been a governess, she met Samuel Cronwright, an active young farmer. She married him on 24 February 1894. The marriage was given legal form. Inequalities were not to be allowed. She certainly was no mere appendage of a household founded upon the husband's requirements. The marriage was a success on Olive Schreiner's principles of fearless candour. [*Ibid*, pp 562-3]

Together the couple became involved in the sharpening political conflicts of the Jameson Raid and the affairs leading up to the Second Anglo-Boer War. With her growing revulsion towards the policy pursued by Rhodes (who told her that he preferred 'land to niggers') she became a zealous supporter of Native rights and staunchly pro-Boer. With her husband she published a small book in 1895 on the political situation. Her attitude towards the Natives was humane but



not sentimental. She disapproved of Rhodes' contemptuous imperialism. [*Ibid*, pp 562-3]

When war broke out, Olive Schreiner, in search of a place and climate suitable to her asthma, had left Johannesburg and was staying temporarily at Hanover. In this little Karoo town she was unexpectedly immobilised by the war. Her husband had gone to England. He rejoined her in 1900 and started a law agency at Hanover. As the war came to an end Cronwright Schreiner who had built up a successful practice, was elected to the Cape Parliament in 1902. He sold his practice. During parliamentary sessions Olive accompanied him to Cape Town. [*Standard Encyclopedia of South Africa* (1973), Schreiner, pp 562-3]

Olive was profoundly interested in the women's suffrage league. Enfranchisement of women when the Union of South Africa was established in 1910 and the freeing of women from all artificial forms of social subjugation, were her most serious concerns. [*Ibid*, pp 562-3]

Gandhiji had the privilege of being familiar with her. He wrote that she knew no difference between her Negro servants and herself. Despite being a famed authoress of many well-known books, she never hesitated to cook, wash the pots or handle the broom. She held that far from affecting it adversely, such useful physical labour stimulated her literary ability and made for a sense of proportion and discrimination in thought and language.

This gifted lady went to see Gandhiji and Dr Abdurrahman (leading a Coloured deputation) off on the boat on 23 July when they went to England in 1909. She lent to the Indian cause the whole weight of her influence over the Europeans of South Africa. [C.W.M.G., IX, pp 270, 286]



20. MISS FLORENCE WINTERBOTTOM:

Another English lady who sympathised with the Indian cause and helped Gandhiji from 1906 onwards was Miss Florence Winterbottom, corresponding Secretary of the Union of Ethical Societies.

Gandhiji had contacted her when he went to London leading the first deputation in October 1906 hoping that she could arrange a meeting where he could explain the Indian case. She seems to have taken much interest in the plight of Indians in South Africa after that first meeting. [C.W.M.G., VI, p 157]

In a letter to her on 13 November 1906 Gandhiji writes thanking her for offering “to speak to the lady you mention in connection with the furniture” for his temporary office in Hotel Cecil. He mentions in a letter to Polak on 16 November of having met her again and writes in his Deputation Notes II on 17 November that she “has promised to render all possible help.” [*Ibid*, p 183]

Miss Winterbottom moved a resolution expressing sympathy with the British Indians in South Africa at a well-attended meeting of East India Association held in Caxton Hall on 26 November 1906, and it was passed. [*Ibid*, pp 255-6]

In September 1907 she wrote to Gandhiji, “I can forbear no longer sending to you a few words to express sympathy with you, which I have felt over and over again when reading your paper *Indian Opinion* — sympathy with the stress and strain of your struggle, sympathy with the holy nature of your cause, and above all, sympathy with the spirit in which you are writing, speaking and acting all the time.” She congratulated him “in that you have been able to carry on the struggle so strenuously.” [C.W.M.G., VII, p 247, Johannesburg letter]



Miss Winterbottom helped Gandhiji again during his second deputation to London. [C.W.M.G., XIV, p 210 fn] She also contributed to funds in aid of the Indians' cause. [C.W.M.G., IX, p 75]

Miss Winterbottom and Gandhiji kept in touch with each other until she died in 1927, many years after Gandhiji had returned to India.



PART FOUR
MOBILISING THE SPIRITUAL RESOURCES



CHAPTER XVIII: HIND SWARAJ

1

Gandhiji's ideas were now undergoing a radical change. In the summer of 1909 he had gone to England along with Haji Habib to plead for the Indian cause while the South African Union Bill was being discussed. He had gone unwillingly this time, because he had come to realise that real strength lay in Satyagraha and self-suffering. He now saw that the key to freedom for Indians in South Africa and Swaraj for Mother India lay in the moral uplift of the community; it would come through self-emancipation and self-control or rule over the self. The Imperial Government was unwilling or unable to help the cause he represented although it was, he believed, of greater importance for the future of the Empire than it was for the future of the Indians in South Africa. After his life in "the prison palace", Gandhiji found that his four months' stay in England was like being in a wilderness.

2

In England he was a witness to the ardent patriotism of Indian youths who were willing to lay down their lives for the freedom of India. The assassination of Sir William Curzon-Wyllie, a British officer, on 2 July 1909 had attracted wide public attention. The activities of the group that believed in violence for the attainment of Indian independence were under fierce criticism. Gandhiji admired the courage of these young patriots, but his whole being revolted against their methods. He was convinced that India could not reach the goal of real Swaraj through violence, blood-shed and assassinations.



He had come in close contact with many young men who believed in terrorism and he had held long discussions with some of them. He had to carry conviction to them that there was a better and more effective way to Swaraj, the way of Satyagraha. But could he convince them unless he could demonstrate the success of Satyagraha in South Africa? He had yet to achieve that success.

He was the leader of the Indian movement in South Africa which had been started to defend the Indians' self-respect and rights and combat the arrogant assumption of superiority of the white race and their modern civilization. He had to take a stand on issues which had been forced into the open by the terrorist action of Madanlal Dhingra the assassin of Curzon-Wyllie.

He drew inspiration from the Indian scriptures with their emphasis on truth and non-violence. His faith was further strengthened by what he gathered from other religions, and by reading the writings of thinkers and scholars such as Edward Carpenter, G. K. Chesterton and Tolstoy, as well as by his contacts with Ethical Societies and friendship with those who believed that "ethics would eventually triumph over force." [James Hunt : *Gandhi in London*, p 149]

Edward Carpenter's *Civilization : Its Cause and Cure* which he read on 7 September 1909 made a deep impression on his mind. Carpenter was a vegetarian and a believer in simplicity and democracy. He considered civilization "a kind of disease which the various races of man have to pass through." There was no known case of a nation recovering from it and returning to health, he regretted.

The disease of civilization, Carpenter held, led to progressive loss of unity, community and purpose, and increase in private property. For a cure, it was necessary to move "towards a return to nature and community of human life," including a simplification of domestic life and clothing. Open air, clean and pure



food especially fruits and grains (vegetarian diet) and the company of animals would help. [*Ibid*, p 150]

In a letter to Henry Polak on 8 September Gandhiji wrote that he had been reading Carpenter's illuminating work, *Civilization : Its Cause and Cure* : "His analysis of civilization is very good. His condemnation, though very severe, is in my opinion, entirely deserved. The cure suggested by him is good, but I find he is afraid of his own logic, naturally because he is not certain of his ground. No man, in my opinion, will be able to give an accurate forecast of the future and describe a proper cure, unless he has seen the heart of India. Now you know in what direction my thoughts are driving me." [C.W.M.G., IX, p 396]

A little later, he read an article by G. K. Chesterton and was greatly interested in Chesterton's statement that real Indian nationalism should mean renunciation of all things Western. Chesterton was a Catholic. He idealised the medieval past. He said: "The principal weakness of Indian nationalism seems to be that it is not very IndianWhat is the good of the Indian national spirit if it cannot protect its people from Herbert Spencer? ... If there is such a thing as India it has a right to be Indian. But Herbert Spencer is not Indian. His philosophy is not Indian philosophy and all this pedantic clatter about culture and science is not Indian...." [I.O., 13-11-1909]

Gandhiji wrote, "Indians must reflect over these views of Mr Chesterton and consider what they should rightly demand. What is the way to make the Indian people happy? May it not be that we seek to advance our own interests in the name of the Indian people? Or that we have been endeavouring to destroy what the Indian people have carefully nurtured through thousands of years? I, for one, was led by Mr Chesterton's article to all these reflections and I place them before readers of *Indian Opinion*." [I.O.(Gujarati), 8-1-1910; C.W.M.G., IX, p 427]



The editor of *Indian Opinion* was puzzled and asked: “Is Chesterton serious?” Institutions like the vote were also invented by the West and he wondered whether these should therefore not belong to Indians. Gandhiji on the other hand had taken note of another comment of Chesterton namely about Herbert Spencer, the guiding spirit of the radicals of India House. Shyamji Krishnavarma and V. D. Savarkar’s fiery nationalism saw future India following the path of modern science and civilization. Gandhiji felt that it was a mistake to think in terms of westernizing India. He wanted a deeper nationalism, a cultural nationalism for India.

3

Tolstoy had long exercised a great influence over Gandhiji’s thinking. At this time he finally entered into correspondence with the Russian sage. A typewritten copy of Tolstoy’s letter to a radical Indian nationalist in America, which Gandhiji called a “Letter to a Hindoo”, stimulated the encounter.

He had read Tolstoy’s *The Kingdom of God is Within You* in 1893 soon after it was first published. It had a powerful effect on him. It strengthened his own belief in non-violence. Tolstoy says in that book that as all social institutions were founded on violence, those with “Christian consciousness” (in other words with more developed consciousness) must speak the truth and refuse to obey the orders of the Government and suffer the consequences. Tolstoy perhaps without knowing it, had here enunciated the basic principle of civil disobedience or Satyagraha. He said, “The sole meaning of human life lies in serving the world by promoting the establishment of the Kingdom of God” and that each individual could serve the world “by the recognition and avowal of the truth.” [Leo Tolstoy: *The Kingdom of God is Within You and Peace Essays*, (London 1936), p 444, quoted by James Hunt in *Gandhi in London*, p 167] Gandhiji was thrilled. He regarded Tolstoy as his chief



Western teacher. He read and enjoyed Tolstoy's writings and pondered over them in depth. Tolstoy not only taught non-resistance and preached the power of love, he himself practised what he preached. Gandhiji found a reiteration of his own beliefs in Tolstoy's writings and began to correspond with him while he was in London in the autumn of 1909.

Tolstoy had written a letter to Tarak Nath Das (1884-1958), the young editor of *Free Hindustan* a revolutionary paper published in Vancouver, British Columbia. He was a Bengali Hindu. He was the first Indian revolutionary to migrate to America. He had asked for Tolstoy's help to free India from the British yoke. Tolstoy in his reply gave him a sermon on the virtue of non-resistance and the power of love. Tolstoy's views did not agree with those of Tarak Nath Das and the other radicals, but they were very much in tune with Gandhiji's own ideas. Tolstoy wrote:

In your magazine you insert as the basic principle which should direct the activity of your people, the following thought (from Herbert Spencer) as an epigraph: "Resistance to aggression is not simply justifiable but imperative, non-resistance hurts both Altruism and Egoism."

You say the English have enslaved and keep the people of India in subjection because the latter had not resisted sufficiently, and do not resist violence by force.

But it is just the contrary. If the English have enslaved the people of India, it is just because they (Indians) recognised and do recognise coercion as the main fundamental principle of their social order. In the name of this principle they submitted to their little Rajas, in their name they struggled with each other, fought with Europeans, with the English, and at present are preparing to struggle with them again. [I.O., 1-1-1910, p 5]



Tolstoy added that in India a commercial company (of a few thousands) had enslaved a nation comprising 200 millions. “Tell this to a man free from superstition and he will fail to grasp what these words mean.” What did it mean that thirty thousand people not athletes, but rather weak and ill-looking, had enslaved 200 millions of vigorous, clever, strong, freedom-loving people? “Do not the figures make it clear that not the English, but the Indians, have enslaved themselves?”

For the Indians to complain that the English had enslaved them was reminiscent of people who being addicted to drink, complained that vendors of wine, who had settled in their midst, had enslaved them, said Tolstoy. “You tell them that they (should) abstain from drinking, but they answer that they are so accustomed to it, that they cannot abstain, that they find it necessary to keep up their energy by (drinking) wine. Is not that the case with all the people who submit to thousands and hundreds of individuals, whether of their own nation or of foreign nations?”

If the people of India had been enslaved by violence it was because they themselves, “live by violence, and do not recognise the eternal law of love inherent in humanity.”

Tolstoy quoted *Krishna** to prove his point:

Pitiful and ignorant is the man who seeks what he has already got, but is unaware that he has it. Yes, pitiful and ignorant is the man who does not know the bliss of that love which surrounds him, which I gave him. [I.O., 1-1-1910, p 6]



Tolstoy held that in the past pseudo-religion and now pseudo-science had tried to justify the use of violence on three grounds. One justification had been the recognition of the divinity of those in power, who, it was believed, were placed there by God, and as these men used violence, the use of violence was inevitable and justified. Science might term it as the ‘historical law’. [*Ibid*, p 5] Tolstoy said that to justify violence on this score would mean that men, instead of living according to their own reason and call of their conscience, should live in accordance with what had been taking place for a long time. This was wrong reasoning.

The second justification given for the use of violence was that the struggle for existence and survival of the fittest was the law that prevailed in all vegetable and animal life and it therefore applied equally to human beings. This so-called scientific justification of violence, said Tolstoy, ignored the fact that human beings were endowed with attributes of reason and love, faculties which were absent in the vegetable and animal kingdoms, and therefore he rejected it. [*Ibid*, p 5]

The third justification, the most widespread, Tolstoy said, was the theory that use of violence in social life against some, for the welfare of others, was necessary and however desirable love amongst people might be, coercion was inevitable in life. [*Ibid*, p 5]

Tolstoy added that the difference between the justification of violence by pseudo-science and that by pseudo-religion lay in the fact that to the question “why such and such people, and not others”, have the right to decide as to “whom violence may and must be used against,” science did not give the same reply as that formulated by religion. Pseudo-science did not say, like pseudo-religion, that these decisions were just because they were pronounced by



personages who possessed a divine right to power. It said that these decisions were right because they represented the will of the majority, which under a constitutional form of government was supposed to express itself in all the decisions and actions of the party who at any given time might be in power.

These scientific vindications of coercion, although quite groundless, were so necessary to people occupying privileged positions, Tolstoy continued, that they believed in them as implicitly and propagated them as confidently as formerly the doctrine of the immaculate conception had been believed in and propagated by men of religion.

Meanwhile the unhappy majority weighed by toil, was so dazzled by the display which accompanied the propagation of these “scientific truths” that under its influence it accepted them as readily as it had formerly accepted the pseudo-religious justifications, and continued to submit slavishly to the new potentates who were just as cruel as the former, but who had somewhat increased in number.

Tolstoy continued:

Thus it has been in the past and still continues in the Christian world. One could hope that in the vast Brahmin, Buddhist, Confucian worlds this new scientific superstition would not have place, and that the Chinese, the Japanese, the Hindoos, having seen the falsity of religious impositions which justify violence, would proceed direct to the conception of the law of love inherent in humanity, which has been so clearly enunciated by the great teachers of the East. But it appears that the scientific superstition, which replaced the religious one, is getting a firmer and firmer grip upon the Oriental nations. It has now a specially strong hand on the land of the extreme East, Japan, not only upon its leaders but upon the majority of its



people, and is the precursor of the greatest calamities. It has taken hold of China with her 400 millions of inhabitants, and also of your India with her 200 millions or at least the bulk of the people who look upon themselves, as you do, as the leaders of these peoples. [I.O., 1-1-1910, p 5]

He went on to say that if man lived only in accord with the law of love, which included non-resistance, which had been already revealed to him and was natural to his heart and hence did not participate in any form of violence, not only hundreds would not enslave millions but even millions would be unable to enslave one individual. “Do not resist evil, but also yourselves participate not in evil, in the violent deeds of the administration, of the law courts, the collection of taxes, and what is more important, of the soldiers, and no one in the world will enslave you.” [I.O., 1-1-1910, p 6]

Love was the only means of saving people from all disasters which they might undergo, wrote Tolstoy. “In your case the only means of liberating your people from slavery lies in love.” Love as the religious foundation of human life was proclaimed with striking force and lucidity in the midst of Indian people in remote antiquity. Love, without non-resistance, was a contradiction in itself. And in the 20th century, “you, a member of one of the most religious of peoples, with a light heart and with confidence in your scientific enlightenment and hence in your undoubted righteousness — you deny this law, repeating — pardon me — that colossal error which they, the defenders of violence, the enemies of the truth, at first the servants of theology, then of science, your European teachers, have instilled into you.” [*Ibid*, p 6]

* Krishna, a booklet written in 1904 by a Bengali saint. Baba Premananda Bharati, then resident in California, U.S.A.



A copy of Tolstoy's letter might have reached Gandhiji through his old friend Dr Pranjivan Mehta, who might have obtained it from the Indian radicals in Paris. Dr Mehta went to Paris on 26 September and wrote to Gandhiji on 27 September that he was sending him the material by separate book-post relating to "that letter about which I made a reference to you." He suggested that 20,000 copies of the letter be printed. [C.W.M.G., IX, pp 445-6] Two days later he replied to Gandhiji's queries saying that the original letter of Tolstoy was probably in America and he would try to get it from there. On 29 September he wrote about another matter "they want to print it with a rejoinder." He did not like the idea. "It should be done according to our wishes," he wrote. He wanted Tolstoy's letter to be printed with a friendly introduction by Gandhiji. He considered this Letter so important that he suggested its simultaneous publication in England, South Africa and India to produce the maximum effect. He promised to bear the cost of printing. It was however printed only in South Africa, after Gandhiji's return from England. [I.O., 25-12-1909, 8-1-1910]

Gandhiji felt that Tolstoy's Letter should be read by as many Indians as possible and therefore should be published. As he had seen only a copy of the original letter, he sent it to Tolstoy and asked him if it was his letter and if Gandhiji could have his permission to publish it. Tolstoy confirmed that it was his letter and gave the permission asked for. Gandhiji translated the letter into simple Gujarati on board the ship coming back to South Africa from London. The English and the Gujarati versions were published in the *Indian Opinion* of 25 December 1909, and subsequent issues [I.O. and Gujarati I.O. issues of 29-12-1909, 1-1-1910 and 8-1-1910] after his arrival in South Africa.



Gandhiji wrote a preface to this Letter in which he said that Count Tolstoy was a Russian nobleman, who had had his full share of life's pleasures, and was once a valiant soldier. He had no equal among European writers. After much experience and study, he had come to the conclusion that the political policies generally followed in the world were quite wrong. The chief reason according to him, was that "we are revengeful, a habit unworthy of us and contrary to the tenets of all religions." He believed that to return injury for injury did harm both to "ourselves and our enemy". According to him, "we should not retaliate against anyone who may injure us, but reward him with love instead. He is uncompromising in his loyalty to the principle of returning good for evil." [C.W.M.G., X, p 2]

Tolstoy did not mean that those who suffered must seek no redress, said Gandhiji. An oppressor's efforts would be in vain if the oppressed refused to submit to his tyranny. Generally, no one will kick another person for the mere fun of it. There would be some deeper reason for his doing so. He would kick another person to bend him to his will. If, in spite of the kicks, the opponent refused to carry out his order, he would stop kicking him. What mattered was the fact that his order was unjust and therefore had to be disobeyed. "Slavery consists in submitting to an unjust order, not in suffering ourselves to be kicked." [*Ibid*, p 1] Real courage and humanity consisted in not returning a kick for a kick. This was the core of Tolstoy's teaching, he said.

Tolstoy's letter was of great interest and of immense value to Gandhiji. He wrote that anyone who had enjoyed the experience of the Transvaal struggle would perceive its value readily enough. A handful of Indian satyagrahis had pitted love or soul-force against the might of the Transvaal Government's guns. That was the central principle of Tolstoy's teaching, and of the teaching of all



religions. God had endowed men's souls with such strength that sheer brute force was of no avail against it. The Indians in South Africa had been employing that strength against the Transvaal Government, "not out of hatred or with a view to taking revenge, but merely in order to resist its unjust order."

He went on to say, "Tolstoy gives a simple answer to those Indians who appear impatient to drive the whites out of India." According to Tolstoy, Indians were their own slaves, not of the British. "This should be engraved in our minds. The whites could not remain if Indians do not want them." [*Ibid*, p 2]

In his Letter, Tolstoy had not spared the superstitions of any religion, said Gandhiji. There was no reason why any proud follower of Hinduism, Islam or of any other religion should oppose his teaching. That Tolstoy accepted the fundamental principles of every religion should suffice. When irreligion posed as religion, as it often did, even true religion suffered. Tolstoy had repeatedly pointed this out. Indians must pay the utmost attention to his thought, whatever the religion they belonged to, he advised. [C.W.M.G., X, p 3]

Gandhiji had come to a fundamental conviction that political freedom was an outcome and an expression of moral discipline, self-conquest and self-emancipation. It had to be won by waging a war primarily against the inner enemy, by overcoming the animal nature of man. Man was an amalgam of the divine and the brute. The brute in him had to be put down, to let the divine come up.

Gandhiji's ideas had been in formulation and his convictions had been growing over the years. His innate truthfulness and humility had enabled him to respond to ennobling influences from many sources. These accumulated and still accumulating ideas crystallised into precise formulations and issues which he



wrote down during his return passage from England in November 1909. The pamphlet of eighty pages and twenty chapters was called *Hind Swaraj* or *Indian Home Rule*. *Hind Swaraj* may be said to mark a definite stage of enlightenment in Gandhiji's life.

On board s. s. *Kildonan Castle* he at last had the leisure to read, think and write. He set forth his ideas in the form of a dialogue between two persons, the 'Editor' and the 'Reader' which was later published as a pamphlet, *Hind Swaraj*. The 'Reader' in the "Dialogue on the Sea" trying to shake Gandhiji's faith in non-violence or soul-force, represents the many young Indian patriots whom he had met and talked with in London. Satyagraha had not so far succeeded in enabling the Indians in South Africa to achieve their limited objectives. How could it succeed in driving the British out from India, they had questioned. He answered the question in *Hind Swaraj* in the larger context of national regeneration through moral strength.

When asked why he wrote *Hind Swaraj* in a dialogue form, he explained that the Gujarati language, in which he wrote *Hind Swaraj* in the first instance, was suited to this form of treatment. Probably he did it to clarify his own ideas. It enabled him to present both sides of the picture.

True self-rule, explains the 'Editor' in the dialogue, will not be obtained by politics or violence, but by personal regeneration through non-violence. "Real home rule is self rule or self control." [M. K. Gandhi: *Hind Swaraj*, p 30; I.O. (Gujarati), 11-12-1909, pp 784-96]

The 'Reader' is critical of the Congress policies which are too moderate for him and Congress leaders like Gokhale, Dadabhai Naoroji, Hume and Wedderburn. The 'Editor' gives strong support to Congress policies and the Congress leaders, especially the moderates, Gokhale and Naoroji. He admits it is



time to go beyond the views held by these leaders, but he wants respect for and recognition of their contributions.

His political goals are moderate, but on the cultural front the ‘Editor’ becomes more radical than the radicals. Eleven out of the 20 chapters of *Hind Swaraj* are devoted to the cultural argument. “India is not being ground down under the English heel, but under that of modern civilization,” [*Ibid*, p 30] asserts the ‘Editor’.

He emphasised that the basic conflict between India and England is cultural. In order to be free, India must reject English culture and modern civilization. Certain assertions made by Gandhiji about a month earlier and often referred to as “Gandhi’s Creed” set down the core of the cultural argument. These sixteen propositions state:

1. There is no impassable barrier between East and West.
2. There is no such thing as Western or European civilization, but there is a modern civilization, which is purely material.
3. The people of Europe, before they were touched by modern civilization, had much in common with the people of the East; anyhow, the people of India and, even today, Europeans who are not touched by modern civilization are far better able to mix with the Indians than the offsprings of that civilization.
4. It is not the British people who are ruling India, but it is modern civilization, through its railways, telegraphs, telephones, and almost every invention which has been claimed to be a triumph of civilization.
5. Bombay, Calcutta and the other chief cities of India are the real plague spots.
6. If British rule were replaced tomorrow by Indian rule based on modern methods, India would be no better, except that she would be able then to



retain some of the money that is drained away to England; but then, Indians would only become a second or fifth edition of Europe or America.

7. East and West can only and really meet when the West has thrown overboard modern civilization, almost in its entirety. They can also seemingly meet when East has adopted modern civilization. But that meeting would be an armed truce, even as it is between, say, Germany and England, both of which nations are living in the Hall of Death in order to avoid being devoured, the one by the other.
8. It is simply impertinence for any man or any body of men to begin or contemplate reform of the whole world. To attempt to do so by means of highly artificial and speedy locomotion is to attempt the impossible.
9. Increase of material comforts, it may be generally laid down, does not in any way whatsoever conduce to moral growth.
10. Medical science is the concentrated essence of Black Magic. Quackery is infinitely preferable to what passes for high medical skill.
11. Hospitals are the instruments that the Devil has been using for his own purpose, in order to keep his hold on his kingdom. They perpetuate vice, misery and degradation, and slavery.
12. I was entirely off the track when I considered that I should receive a medical training. It would be sinful for me in any way whatsoever to take part in the abominations that go on in the hospitals.

If there were no hospitals for venereal diseases, or even for consumptives, we should have less consumption, and less sexual vice amongst us.



13. India's salvation consists in unlearning what she has learnt during the past fifty years. The railways, telegraphs, hospitals, lawyers, doctors, and such like have all to go, and the so-called upper classes have to learn to live conscientiously and religiously and deliberately the simple peasant life, knowing it to be a life giving true happiness.
14. Indians should wear no machine-made clothing, whether it comes out of European mills or Indian mills.
15. England can help India to do this, and then she will have justified her hold of India. There seems to be many in England today who think likewise.
16. There was true wisdom in the sages of old having so regulated society as to limit the material condition of the people: the crude plough of perhaps five thousand years ago is the plough of husbandman today. Therein lies salvation. People live long, under such conditions, in comparative peace much greater than Europe has enjoyed after having taken up modern activity, and I feel that every enlightened man, certainly every Englishman, may, if he chooses, learn this truth and act accordingly to it. [S.N. 5127; C.W.M.G., IX, pp 479-80]

6

Gandhiji's vision was clear and far-sighted. In *Hind Swaraj* he asks the 'Reader' to think as to what kind of Swaraj will satisfy India's aspirations. India surely did not want a mere change of rulers. Swaraj should enable the Indian masses to lead a life of dignity and self-respect. This was possible only if India was morally as well as politically free.

The 'Reader' would like to take from the West all things modern such as Parliamentary government and the message of Spencer, Mill and others as also



the railways, factories, compulsory education and institutions of higher learning. These were valuable and most desirable according to the 'Reader'.

There was danger in following the Indian tradition and religion which encouraged bigotry, charlatanism and certain immoral and disgusting practices. Hindus and Muslims were enemies. The Muslims had unmade the Indian nation, said the 'Reader'.

Non-violence to the 'Reader' was a weapon of the weak. India had its own martial tradition. Terrorism was necessary said the 'Reader' because the British granted political reforms only out of fear. Armed movements of liberation will enable India to recover its manhood.

These views of the 'Reader' do sound like the sentiments of Shyamji Krishnavarma and V. D. Savarkar of the India House. The 'Editor' takes the 'Reader' beyond the current political scene. He analyses the modern civilization and makes the 'Reader' give careful consideration to basic moral and ethical questions. The 'Reader' ultimately succumbs to the 'Editor's' reasoning and arguments.

Machinery, industrialization and the rise of professional classes such as doctors, lawyers and administrators, the 'Editor' considered as marks of moral slavery. These professionals helped to maintain British rule in India whether they realized it or not. They joined hands with the British rulers in exploiting the poor masses. They copied British ways of living which pampered the body and starved the soul. Real freedom should enable Indians to decide their own destiny and formulate their economic, political and social structure in accordance with their own moral principles, instincts and traditions. They should grow morally and materially and develop their own institutions instead of borrowing ideas and



ideals under the hypnotic spell of the glamour of Western civilization. *Hind Swaraj* attacks Western civilization and warns against modernisation of India.

Gandhiji had seen Western civilization at close quarters and had turned away horrified by the evils of competitive, non-moral industrial society. He wanted India to save herself from this insidious poison. If she could do that, she would get independence without any difficulty.

Many of his ideas of the harmful effects of industrialisation and its effect on ecology and the need for the wise use of natural resources are today universally accepted, although *Hind Swaraj* was accused of trying to take India back to medievalism. But Gandhiji remained firm in his convictions and tried to lead a simple life close to nature, reducing his wants to the minimum. He was not discouraged by criticism. His close followers tried to follow in his footsteps along with their families at Phoenix and later at Tolstoy Farm which was set up in the middle of 1910 out of necessity, and still later, after his return to India, in his Ashrams at Sabarmati and Sevagram.

7

In the introduction to *Indian Home Rule*, he wrote: “My countrymen impute the evils of modern civilization to the English people, and, therefore, believe that the English people are bad, and not the civilization they represent. My countrymen, therefore, believe that they should adopt modern civilization and modern methods of violence to drive out the English. *Hind Swaraj* has been written in order to show that they are following a suicidal policy, and that, if they would but revert to their own glorious civilization, either the English would adopt the latter and become Indianized or find their occupation in India gone.”
[C.W.M.G., X, p 189]



Civilization, he said, was that mode of life which made man lead a moral life and be a master of himself. It was ‘that mode of conduct which points out to man the path of duty.’ [M. K. Gandhi : *Hind Swaraj*, p 44]

The argument for rejection of Western achievements was a moral one. He made use of the writings of various Indian and European writers in support of his own views. But he did not make use of their economic or political and pragmatic arguments. He built his case on the moral effects, be it his objection to hospitals and modern medicine or railways and lawyers and law courts.

His loyalty to traditional Indian civilization was not oblivious of certain defects and shortcomings in it, which he believed should be removed. Likewise he wrote that a free India will no longer tolerate the tyranny of the Indian princes. James Hunt sums it up by saying “So it is a modernised tradition that he is in fact affirming while rejecting an uncritical trust in modernity.” [Hunt : *Gandhi in London*, p 162]

Hind Swaraj shows that Gandhiji was becoming disillusioned by the British promises of equal treatment for all British subjects as members of the British Empire. His fascination for the British way of life had already given way to an inner urge for simplicity and austerity. Western civilization, he had come to realize, glittered but it was not gold. Mass production, fast means of transport, services of lawyers and doctors did not result in a better life for the common people. They all exploited the poor who were made to slave in order to serve the rich and make them richer.

He was realizing the need for practising the Indian ideal of simple living and high thinking. He was being, unconsciously perhaps, prepared to work for Indian independence, Swaraj for India. Satyagraha was to be the means to enable him to lead India to independence in later years.



Hind Swaraj, published in Gujarati in *Indian Opinion* of 11 and 18 December 1909, was issued as a booklet in January 1910. The booklet was proscribed in India by the Government of Bombay in March 1910. This hastened Gandhiji's decision to publish its English translation, which was issued by the International Printing Press, Phoenix, with a foreword by Gandhiji, written on 20 March 1910. [C.W.M.G., X, p 6 fn]

8

Hind Swaraj is Gandhiji's most revolutionary writing. In it Gandhiji explained that modern civilization is civilization only in name. Its object is mainly to increase the bodily comforts of man, even by offending moral and religious principles. He wrote that factories and machinery used for mass production to increase material wealth in the interest of a few individuals, resulted in enslaving millions of workers. The people of Europe who had succumbed to the temptation of mass production did not realize to what pathetic condition the workers were being reduced.

Englishmen, who were also under the influence of the modern civilization, ruled over India. But they "had not taken India by themselves." It was the Indians who had "given it to them." The British were not in India because of their own strength, but because the Indians were weak and they kept the Britishers in India. The British came to India originally for purposes of trade. It was the Indians who "welcomed the East India Company's officers with open arms in order to become rich all at once." When Indian princes fought among themselves, they sought the assistance of "Company Bahadur". Thus Indians created the circumstances that gave the Company its control over India. "Hence it is truer to say that we gave India to the English than that India was lost (to the British)." [*Ibid*, p 22]



“The causes which gave them India enable them to retain it”, he said. “They hold whatever dominions they have for the sake of their commerce.” [*Ibid*, p 23] Their army and their navy were intended to protect their trade. Indians strengthened the foreigners’ hold by quarrelling amongst themselves.

Pax Britannica or the peace that the ‘Reader’ said the English gave to India, was “only nominal”, he said, “for by it we have become emasculated and cowardly.... Strength lies in the absence of fear, not in the quantity of flesh and muscle we may have on our bodies.” [C.W.M.G., X, p 25]

Gandhiji’s rejection of modern civilization was complete. He wrote in *Hind Swaraj*, “It is my deliberate opinion that India is being ground down not under the English heel, but under that of modern civilization.” [*Ibid*, p 24]

“Railways, lawyers, and doctors have impoverished the country. But for the railways, the English could not have had such a hold on India as they have.” [*Ibid*, p 26] He held that railways by providing mobility had led to the spread of diseases like the bubonic plague. By providing transport for foodgrains, they led to famines among farmers who grew the food and sold it away.

It was his opinion that “the lawyers have enslaved India. They have accentuated Hindu-Muslim dissensions and have confirmed English authority [*Ibid*, p 32].... The profession teaches immorality; it is exposed to temptation from which very few are saved.” [*Ibid*, p 33] Men took up the lawyer’s profession, “not in order to help others out of their miseries, but to enrich themselves. It is one of the avenues of becoming wealthy and their interest exists in multiplying disputes.” [*Ibid*, p 33]

“The greatest injury the lawyers have done to the country”, he said, “is that they have tightened the English grip.” It would not have been possible for the English to carry on their Government without the law courts. “Those who want



to perpetuate their power, do so through the courts.” [*Ibid*, p 34] Without lawyers, law courts could not have been established or conducted and without the courts the English could not rule.

“Doctors have almost unhinged us”, said Gandhiji. Diseases arose out of men’s negligence or indulgence, and when the doctor gave medicine and cured them, the body felt more at ease and the man tended to indulge himself all the more. “The mind gets thereby weakened, and the man loses self-control.” The doctors violated peoples’ religious instincts also, he added, as most of the “medical preparations contain either animal fat or spirituous liquors.” [*Ibid*, pp 35-36]

9

“The civilization India has evolved is not to be beaten in the world,” he said“Civilization is that mode of conduct which points out to man the path of duty. Performance of duty and observance of morality are convertible terms. To observe morality is to attain mastery over our mind and our passions. By doing so we know ourselves. The Gujarati equivalent for civilization means ‘good conduct’.” [C.W.M.G., X, p 37] If this definition was correct, said Gandhiji, then India had nothing to learn from anybody else.

“The tendency of the Indian civilization is to elevate the moral being; that of the Western civilization is to propagate immorality. The latter is godless, the former is based on a belief in God. So understanding and so believing, it behoves every lover of India to cling to the old civilization even as a child clings to the mother’s breast.” [*Ibid*, p 38] There were of course certain defects in Indian society, he admitted and said that customs such as child marriage, resulting in child widowhood etc., should be removed.



He added that in India the common people lived in small villages independently and followed their agricultural occupation. They enjoyed true Home Rule. “They saw that our real health and happiness consisted in proper use of our hands and feetThey were therefore satisfied with small villages.” [*Ibid*, pp 37-38]

“The removal of the cause of a disease, results in the removal of the disease itself. Similarly if the cause of India’s slavery be removed, India can become free.” [*Ibid*, p 39] He explained further: “If we become free, India is free. And in this thought you have a definition of Swaraj. It is Swaraj when we learn to rule ourselves. It is therefore in the palm of our handsBut such Swaraj has to be experienced by each one for himself. It is not necessary for us to have as our goal the expulsion of the English. If the English become Indianized, we can accommodate them” [*Ibid*, p 39] Thus Gandhiji objected to the English civilization and not to Englishman. Englishmen, could remain in India if they accepted Indian civilization and if they became servants of the people, he said.

10

Gandhiji did not want the Indian nation to adopt arms to fight the English nor think of freeing the country by assassinating Englishmen. “Those who would rise to power by murder, would certainly not make the nation happy.” Killing others he believed was a cowardly act. He wrote “what we need to do is to sacrifice ourselves.” [C.W.M.G., X, pp 43-46]

He laid great stress on the use of the right means to reach the right end. “The means may be likened to a seed and the end to a tree. There is the (same) inviolable connection between the means and the end as there is between the seed and the tree.” Fair means alone could produce fair results and at least in the majority of cases, if not in all, the force of love and pity is infinitely greater than



the force of arms. “Exercise of brute force generally does harm, that of pity never.” [*Ibid*, pp 45-6] “The force of arms is powerless when matched against the force of love or the soul.” [*Ibid*, p 46]

“The force of love is the same as the force of the soul or truthThe universe would disappear without the existence of that force. [*Ibid*, p 47] The fact that there are so many men still alive in the world (in spite of innumerable wars) shows that it is based not on the force of arms but on the force of truth or love” ... “The greatest and most unimpeachable evidence of the success of this force is therefore to be found in the fact that in spite of the wars of the world, it still lives on.” [*Ibid*, p 48]

He added, “Passive resistance is a method of securing rights by personal suffering, it is the reverse of resistance by arms. When I refuse to do a thing that is repugnant to my conscience, I use soul-force. For instance, the Government of the day has passed a law which is applicable to me. I do not like it. If by using violence I force the Government to repeal the law, I am employing what may be termed body-force. If I do not obey the law and accept the penalty for its breach, I use soul-force. It involves sacrifice of self.” [*Ibid*, p 48]

“No man can claim that he is absolutely in the right or that a particular thing is wrong because he thinks so, but it is wrong for him so long as that is his deliberate judgment. It is therefore meant that he should not do that which he knows to be wrong, and suffer the consequence whatever it may be. This is the key to the use of soul-force.” [C.W.M.G., X, p 49]

“The real meaning of the statement that we (Indians) are a law-abiding nation is that we are passive resisters. When we do not like certain laws, we do not break the heads of law-givers but we suffer and do not submit to the laws. That we should obey laws whether good or bad is a newfangled notion. There



was no such thing in former days. The people disregarded those laws (which) they did not like and suffered the penalties for their breach. It is contrary to our manhood to obey laws repugnant to our conscience. Such teaching is opposed to religion and means slavery. If the Government was to ask us to go about without any clothing, should we do so ? If I were a passive resister, I would say to them that I would have nothing to do with their law. But we have so forgotten ourselves and become so compliant that we do not mind any degrading law. [*Ibid*, p 49]

“A man who has realized his manhood, who fears only God, will fear no one else. Man-made laws are not necessarily binding on him. Even the Government does not expect any such thing from us” ... “We have sunk so low that we fancy that it is our duty and our religion to do what the law lays down. If man will only realise that it is unmanly to obey laws that are unjust, no man’s tyranny will enslave him. This is the key to self-rule or home rule.” [*Ibid*, pp 49-50]

11

On democracy and decisions of the majority being binding, he wrote, “It is a superstition and an ungodly thing to believe that an act of a majority binds a minority. Many examples can be given in which acts of majorities will be found to have been wrong and those of minorities to have been right. All reforms owe their origin to the initiation of minorities in opposition to majorities.”“So long as the superstition that men should obey unjust laws exists, so long will their slavery exist. And a passive resister alone can remove such superstition.” [*Ibid*, pp 49-50]

“To use brute-force, to use gunpowder, is contrary to passive resistance, for it means that we want our opponent to do by force that which we desire but he does not. And if such a use of force is justifiable, (on our part), surely he is entitled to do likewise by usThose who believe that they are not bound to obey



laws which are repugnant to their conscience have only the remedy of passive resistance open to them. Any other must lead to disaster.” [C.W.M.G., X, p 50]

“Passive resistance, that is, soul force, is matchless. It is superior to the force of arms. How, then, can it be considered only a weapon of the weak?” Men who believe in or use physical force, “are strangers to the courage that is requisite in a passive resister. Do you believe that a coward can ever disobey a law that he dislikes?A passive resister will say that he will not obey a law that is against his conscience, even though he may be blown to pieces at the mouth of a cannon.” [*Ibid*, p 50]

“Wherein is courage required — In blowing others to pieces from behind a cannon, or with a smiling face to approach a cannon and be blown to pieces? Who is the true warrior — he who keeps death always as a bosom-friend, or he who controls the death of others? Believe me, that a man devoid of courage and manhood can never be a passive resister [*Ibid*, p 50].... Even a man weak in body is capable of offering passive resistance. One man can offer it just as well as millions. A woman can offer it as well as a man. It does not require the training of an army; it needs no jiu-jitsu. Control over the mind is alone necessary, and when that is attained, man is free like the king of the forest and his very glance withers the enemy.” [*Ibid*, pp 50-1]

“Passive resistance is an all-sided sword, it can be used anyhow; it blesses him who uses it and him against whom it is used. Without drawing a drop of blood it produces far-reaching results. It never rusts and cannot be stolen. Competition between passive resisters does not exhaust. The sword of passive resistance does not require a scabbard.” [*Ibid*, p 51] How could such a weapon be considered a weapon of the weak? he asked.



“That nation is great which rests its head upon death as its pillow. Those who defy death are free from all fearThe fact is that, in India, the nation at large has generally used passive resistance in all departments of life. We cease to cooperate with our rulers when they displease us. This is passive resistance.” [C.W.M.G., X, p 51] “I remember an instance, when in a small principality, the villagers were offended by some command issued by the prince. The former immediately began vacating the village. The prince became nervous, apologised to his subjects and withdrew his command. Many such instances can be found in India. Real home rule is possible only when passive resistance is the guiding force of the people. Any other rule is foreign rule.” [*Ibid*, p 51]

“To become a passive resister is easy enough but it is also equally difficult.... Those who want to become passive resisters for the service of the country have to observe perfect chastity, adopt poverty, follow truth, and cultivate fearlessness.” [*Ibid*, p 52]....These qualities were needed by all warriors whether they used weapons of violence or non-violence, he said. ...“A warrior without fearlessness cannot be conceived of. It may be thought that he would not need to be exactly truthful, but that quality follows real fearlessness. When a man abandons truth he does so owing to fear in some shape or formThose alone can follow the path of passive resistance who are free from fear, whether as to their possessions, false honour, their relatives, the Government, or bodily injury or death.”“One who is free from hatred requires no sword.” [*Ibid*, p 53]

Gandhiji was strongly opposed to English education. He said: “By receiving English education, we have enslaved the nation.... It is we, the English knowing Indians, that have enslaved India.... We are so much beset by the disease of modern civilization, that we cannot altogether do without English education.



Those who have already received it may make good use of it wherever necessary....Those who have studied English will have to teach morality to their progeny through their mother-tongue and to teach them another Indian language; but when they have grown up, they may learn English, the ultimate aim being that we should not need it. The object of making money thereby should be eschewed. Even in learning English to such a limited extent, we shall have to consider what we should learn through it and what we should not.” [*Ibid*, p 56]

We have to improve all our languages.... Those English books which are valuable, we should translate into the various Indian languages. We should abandon the pretension of learning many sciences.

“Religious that is ethical education will occupy the first place. Every cultured Indian will know in addition to his own provincial language, if a Hindu, Sanskrit; if a Mahomedan, Arabic; if a Parsee, Persian, and all should know Hindi. Some Hindus should know Arabic and Persian; some Mahomedans and Parsees, Sanskrit. Several Northerners and Westerners should learn Tamil. The universal language for India should be Hindi, with the option of writing it in Persian or Nagari characters. In order that the Hindus and the Mahomedans may have closer relations, it is necessary to know both the characters (scripts). And, if we can do this, we can drive the English language out of the field in a short time. All this is necessary for us, slaves. Through our slavery, the nation has been enslaved, and it will be free with our freedom.” [C.W.M.G., X, pp 56-7]

“Indians will never be godless. Rank atheism cannot flourish in this land.... The Mullas, the Dasturs and the Brahmins hold the key (for religious education) in their hands, but if they will not have the good sense, the energy that we have derived from English education will have to be devoted to religious education.... In order to restore India to its pristine condition, we have to return to it (religion).



In our own Indian civilization there will naturally be progress, retrogression, reforms and reactions, but one effort is required, and that is to drive out western civilization. All else will follow.” [*Ibid*, p 57]

13

Gandhiji was opposed to modern civilization and machines as modern civilization was co-terminus with introduction of machines and technology. About machinery he said: “It is machinery that has impoverished India. It is difficult to measure the harm that Manchester has done to us.... It is due to Manchester that Indian handicrafts have all but disappeared.” [*Ibid*, p 57]

He explained that Manchester could do it because Indians purchased Manchester cloth. “Machinery has begun to desolate Europe. Ruination is now knocking at the English gates. Machinery is the chief symbol of modern civilization; it represents a great sin.” [*Ibid*, p 58]

“The workers in the mills of Bombay have become slaves. The condition of the women working in the mills is shocking. When there were no mills, these women were not starving. If the machinery craze continues in our country, it will become an unhappy land. It would be folly to assume that an Indian Rockefeller would be better than the American Rockefeller. Impoverished India can become free, but it will be hard for India made rich through immorality, to regain its freedom.... Moneyed men support British rule; their interest is bound up with its stability.... We need not, therefore, be pleased with the prospect of the growth of the mill-industry.” [C.W.M.G., X, p 58]

“We cannot condemn mill-owners; we can but pity them. It would be too much to expect them to give up their mills, but we may implore them not to increase them. If they would be good, they would gradually contract their business. They can establish in thousands of households the ancient and sacred



handlooms and they can buy out cloth that may be thus woven. Whether the mill-owners do this or not, people can cease to use machine-made goods. [*Ibid*, p 57]

“... What did India do before machine-made articles were introduced? Precisely the same should be done today. As long as we cannot make pins without machinery, so long will we do without them. The tinsel splendour of glassware we will have nothing to do with, and we will make wicks, as of old, with home-grown cotton and use hand-made earthen saucers for lamps. So doing, we shall save our eyes and money and support *Swadeshi* and so shall we attain home rule.” [*Ibid*, p 59]

“It is necessary to realize that machinery is bad. We shall then be able to gradually do away with it.... If, instead of welcoming machinery as a boon, we should look upon it as an evil, it would ultimately go.... ” [*Ibid*, p 60]

14

The ‘Reader’ asks whether Gandhiji would form a third party, apart from the extremists and the moderates. Gandhiji knew that he had to carry the moderates and the extremists with him. He told the ‘Reader’ in *Hind Swaraj*, “We do not all think alike. We cannot say that all the moderates hold identical views and how can those who want only to serve have a party? I would serve both the moderates and the extremists. Where I differ from them, I would respectfully place my position before them and continue my service. I would say to the extremists: ‘I know that you want home rule for India; it is not to be had for your asking. Everyone will have to take it for himself. What others get for me is not home rule, but foreign rule; therefore, it would not be proper for you to say that you have obtained home rule if you have merely expelled the English.... This (true home rule) you would never obtain by force of arms. Brute force is not natural to Indian soil. You will have, therefore, to rely wholly on soul-force. You must not



consider that violence is necessary at any stage for reaching our goal’ ” He goes on to describe how he would deal with moderates and extremists. “I would say to the moderates: ‘Mere petitioning is derogatory; we thereby confess inferiority. To say that British rule is indispensable is almost a denial of the Godhead. We cannot say that anybody or anything is indispensable, except God. Moreover, common sense should tell us that to state that, for the time being, the presence of the English in India is a necessity, is to make them conceited.’ ” [C.W.M.G., X, p 60]

“If the English vacated India, bag and baggage, it must not be supposed that she would be widowed. It is possible that those who are forced to observe peace under their pressure would fight after their withdrawal. There can be no advantage in suppressing an eruption; it must have its vent. If, therefore, before we can remain at peace, we must fight amongst ourselves, it is better that we do so. There is no occasion for a third party to protect the weak. It is this so-called protection which has unnerved us. Such protection can only make the weak weaker. Unless we realize this, we cannot have home rule. I would paraphrase the thought of an English divine and say that anarchy under home rule were better than orderly foreign rule. Only, the meaning that the learned divine attached to home rule is different from Indian home rule according to my conception. We have to learn, and to teach others that we do not want the tyranny of either English rule or Indian rule.” [*Ibid*, pp 60-1]

“If this idea were carried out, both the extremists and the moderates could join hands. There is no occasion to fear or distrust one another.”

How would we deal with the Englishmen asks the ‘Reader’. Gandhiji replies that to the English he would say: “I admit you are my rulers. It is not necessary to



debate the question whether you hold India by the sword or by my consent. I have no objection to your remaining in my country, but although you are the rulers, you will have to remain as servants of the people. It is not we who have to do as you wish, but it is you who have to do as we wish. You may keep the riches that you have drained away from this land, but you may not drain its riches henceforth. Your function will be, if you so wish, to police India; you must abandon the idea of deriving any commercial benefit from us.

“We hold the civilization that you support to be the reverse of civilization. We consider our civilization to be far superior to yours. If you realize this truth it will be to your advantage and, if you do not, according to your own proverb, (When in Rome, do as the Romans do) you should only live in our country in the same manner as we do. You must not do anything that is contrary to our religions.

“We consider your schools, and law courts to be useless. We want our own ancient schools and courts to be restored. The common language of India is not English but Hindi. You should, therefore, learn it. We can hold communication with you only in our national language.

“We believe that at heart you belong to a religious nation. We are living in a land which is the source of religions. How we came together need not be considered, but we can make mutual good use of our relations.

“You, English, who have come to India are not good specimens of the English nation, nor can we, almost haif-Anglicized Indians, be considered good specimens of the real Indian nation. If the English nation were to know all you have done, it would oppose many of your actions. The mass of the Indians have had few dealings with you. If you will abandon your so-called civilization and search into your own scriptures, you will find that our demands are just. Only on condition of our demands being fully satisfied may you remain in India; and if you



remain under those conditions, we shall learn many things from you and you will learn many things from us. So doing we shall benefit each other and the world. But that will happen only when the root of our relationship is sunk in a religious soil.” [C.W.M.G., X, p 62]

Gandhiji continued: “It is only those Indians who are imbued with real love who will be able to speak to the English in the above strain without being frightened, and only those can be said to be so imbued who conscientiously believe that Indian civilization is the best and that the European civilization is a nine days’ wonder. Such ephemeral civilizations have often come and gone and will continue to do so. Those only can be considered to be so imbued who, having experienced the force of the soul within themselves, will not cower before brute force, and will not, on any account, desire to use brute force. Those only can be considered to have been so imbued who are intensely dissatisfied with the present pitiable condition, having already drunk the cup of poison.”

Gandhiji continues: “If there be only one such Indian, he will speak as above to the English (on behalf of the nation) and, the English will have to listen to him.”.... He will tell the English that: “These are not demands, but they show our mental state. We shall get nothing by asking; we shall have to take what we want, and we need the requisite strength for the effort and that strength will be available to him only who will act thus :

1. He will only on rare occasions make use of the English language.
2. If a lawyer, he will give up his profession, and take up a handloom.
3. If a lawyer, he will devote his knowledge to enlightening both his people and the English.



4. If a lawyer, he will not meddle with the quarrels between parties but will give up the courts, and from his experience induce the people to do likewise.
5. If a lawyer, he will refuse to be a judge, as he will give up his profession.
6. If a doctor, he will give up medicine, and understand that rather than mending bodies, he should mend souls.
7. If a doctor, he will understand that no matter to what religion he belongs, it is better that bodies remain diseased rather than that they are cured through the instrumentality of the diabolical vivisection that is practised in European schools of medicine.
8. Although a doctor, he will take up a handloom, and if any patients come to him, will tell them the cause of their diseases, and will advise them to remove the cause rather than pamper them by giving useless drugs; he will understand that if by not taking drugs, perchance the patient dies, the world will not come to grief and that he will have been really merciful to him.
9. Although a wealthy man, yet regardless of his wealth, he will speak out his mind and fear no one.
10. If a wealthy man, he will devote his money to establishing handlooms, and encourage others to use handmade goods by wearing them himself.
11. Like every other Indian, he will know that this is a time for repentance, expiation and mourning.
12. Like every other Indian, he will know that to blame the English is useless, that they came because of us, and remain also for the same reason, and that they will either go or change their nature only when we reform ourselves.



13. Like others, he will understand that at a time of mourning, there can be no indulgence, and that, whilst we are in a fallen state, to be in gaol or in banishment is much the best.
14. Like others, he will know that it is superstition to imagine it necessary that we should guard against being imprisoned, in order that we may deal with the people.
15. Like others, he will know that action is much better than speech; that it is our duty to say exactly what we think and face the consequences and that it will be only then that we shall be able to impress anybody with our speech.
16. Like others, he will understand that we shall become free only through suffering.
17. Like others, he will understand that deportation for life to the Andamans is not enough expiation for the sin of encouraging European civilization.
18. Like others, he will know that no nation has risen without suffering; that, even in physical warfare, the true test is suffering and not the killing of others, much more so in the warfare of passive resistance.
19. Like others, he will know that it is an idle excuse to say that we shall do a thing when the others also do it; that we should do what we know to be right, and that others will do it when they see the way, that when I fancy a particular delicacy, I do not wait till others taste it; that to make a national effort and to suffer are in the nature of delicacies; and that to suffer under pressure is no suffering.” [C.W.M.G, X, pp 62-4]



1. Real home-rule is self-rule or self-control.
2. The way to it is passive resistance; that is soul-force or love-force.
3. In order to exert this force, *Swadeshi* in every sense is necessary.
4. What we want to do should be done, not because we object to the English or because we want to retaliate but because it is our duty to do so. Thus, supposing that the English remove the salt-tax, restore our money, give the highest posts to Indians, withdraw the English troops. We shall certainly not use their machine-made goods, not use the English language, nor many of their industries. It is worth noting that these things are, in their nature, harmful; hence we do not want them. I bear no enmity towards the English but I do towards their civilization. [C.W.M.G., X, p 64]

These extracts show how Gandhiji's thinking had changed. He was now thinking in terms of independence for India and he was clear as to the way to achieve it. Character building, self improvement, self sufficiency in consumer goods, encouragement of village crafts and home industries, education for life and learning and using mother tongue in general and Hindi as the national language alongwith living one's religion and respecting others' religions were to be the key programmes in the quest for independence or true home rule.

In later years he admitted that when he talked of the 'handloom', he had in mind the charkha — the spinning wheel. He was referring to hand spinning and hand weaving so that Indian people could be self-sufficient, at least with regard to the two basic needs of life, food and clothes. They grew their food and cooked it in their homes. They grew cotton and Gandhiji felt that they should be able to process it and prepare khadi to meet their cloth needs, and become self-sufficient.



Gandhiji's views may sound unrealistic to some, in some areas, but his basic emphasis on moral and ethical principles, need for adherence to truth and non-violence or love, practice of the principles of one's own religion, dignity of labour and ending exploitation of the weak by the strong by using the method of passive resistance or Satyagraha, whether it be the exploitation of labourers by mill-owners, or the exploitation of the resources of the conquered nations by the conquerors, so clearly stated in *Hind Swaraj*, is unexceptionable.

In later years Gandhiji developed his ideas on machinery still further and advocated the use of such machines as would serve as tools and supplement human labour and would serve man by reducing his labour. He had no use for machines that became the master of man and took away the creative joy from work and reduced it to sheer drudgery. As an example he often quoted the Singer sewing machine which saved the housewife drudgery of stitching with needle and thread, but all the same enabled her to derive creative joy from her work when she sewed a frock for her child or a shirt for her husband or a blouse for herself. His emphasis was on the use of appropriate technology and prevention of pollution of the atmosphere on the one hand and on the other deep concern at the reckless squandering away of natural resources by mass production. Preservation of the dignity of man through dignity and joy of creative work which could satisfy his creative urge, was also an important aspect of the problem with him. Therefore it is obvious that when Gandhiji wrote *Hind Swaraj*, he was not taking India back to mediaevalism. In fact he was far ahead of his time. Many of his ideas today are occupying the best brains of scientists, economists, ecologists and sociologists the world over. The threat of nuclear warfare is making wise men think in terms of alternatives for wars of violence and turn to non-violent



resistance. Man has to choose between self-destruction and survival by accepting Gandhiji's views and values.

18

The Bombay *Government Gazette* of 24 March 1910 notified that *Hind Swaraj*, *Universal Dawn*, *Mustafa Kemal Pasha's Speech*, and *Defence of Socrates or The Story of a True Warrior* — all publications of the International Printing Press, Phoenix – have been forfeited to His Majesty for the reason that they “contain matter declared to be seditious.” [I.O., 7-5-1910; C.W.M.G., VIII, pp 159, 239-41; C.W.M.G., X, p 245]

Except for *Hind Swaraj* the other three had been before the public for a long time. *Universal Dawn* was a Gujarati rendering of Ruskin's *Unto This Last*.^{*} *Mustafa Kemal Pasha's Speech* was an English translation of that great patriot's speech before a vast audience in Cairo shortly before his death. *Defence of Socrates or the Story of a True Warrior*, was a Gujarati rendering of Plato's immortal work which was printed to illustrate the virtue and true nature of passive resistance. Gandhiji had always tried to educate the Indian community by introducing them to the ideas of great men from all over the world. These publications were intended to impart a lofty moral tone to the readers and were considered by Gandhiji, works fit for being put into children's hands without any danger of any kind.

Gandhiji wrote that he sympathised with the Government of India in their desire to stop the spread of violence. The only effective way to eradicate the disease, in his opinion, was to popularise passive resistance of the right stamp. Any other way, especially the way of repression, was bound to fail in the long run, he said.



Bombay Government's action led Gandhiji to publish the English translation of *Hind Swaraj* at the International Press, Phoenix without delay. He wrote in its preface that during the stay of the Transvaal Indian deputation in London for four months, "I have read much and I have pondered much. I have also discussed things with as many of my countrymen as possible." He considered it his duty to share with the readers of *Indian Opinion* and others the conclusions which he had finally arrived at.

Many readers of Gujarati *Indian Opinion* had asked him questions about the conditions in India he said, and similar questions were asked of him in London. He had therefore thought it proper to publicly ventilate the views that he had expressed privately.

These views, he said, were his, because he hoped to act in accordance with them. They were almost a part of his being. And yet they were not his because he could not claim originality with regard to these views. He had formed them after reading many books. These views were not only held by many Indians not touched by what is known as civilization, but also by thousands of Europeans.

He invited criticism from his readers. His only motive in writing *Hind Swaraj*, he said, was to serve his country, to find out the truth and to follow it. If his views proved to be wrong, he would gladly reject them. If they proved to be right, he would naturally wish, for the sake of the motherland, that others should adopt them. [I.O. 1-1-1910]

* CWMG, VIII, pp. 159, 239-241; CWMG, X, p. 245fn.



Gandhiji sent copies of the little pamphlet *Hind Swaraj* to many friends in South Africa and outside and invited their comments and criticism.

A lengthy reply came from Mr W. J. Wybergh, a Member of the Legislative Assembly of the Transvaal whom Gandhiji had known through the Johannesburg Theosophical Society. He wrote to Gandhiji on 3 May 1910, acknowledging the copy of *Hind Swaraj* sent to him. In his letter Wybergh wrote: "On many questions of fact you are at variance with ordinary opinion." On the question of loyalty to the Throne, "while, as a rule, you avoid giving any occasion for specific charges of disloyalty, yet there are so many subtle hints and ambiguous expressions ... so many half-truths put forward, that I am not at all surprised at anyone considering the book highly dangerous.... Plain ignorant men would suppose that you were preaching against British rule in India, for you attack everything which the plain men would identify with this rule." [I.O., 21-5-1910, pp 168-70; C.W.M.G., X, pp 507-11]

Gandhiji, in his reply on 10 May, wrote, "I share your views that a superficial reader will consider the pamphlet to be a disloyal production, and I admit too that those who will not distinguish between men and measures, between modern civilization and its exponents, will come to that conclusion. I accept your proposition that I discourage violence only because I think it to be both wrong and ineffective, and not because the object sought to be attained is wrong, that is to say, if it were ever possible, which I hold it is not, to detach the object from the means adopted to attain it." This correspondence was published in *Indian Opinion* of 21 May 1910.

He held that home rule obtained by violence would be "totally different in kind from that obtained by the means suggested by me." [*Ibid*, pp 168-70] He added, "The function of violence is to obtain reform by external means; the



function of passive resistance, that is, soul-force, is to obtain it by growth from within, which in its turn is obtained by self-suffering, self-purification. Violence ever fails; passive resistance is ever successful." [*Ibid*, pp 168-70]

Gandhiji had explained in *Hind Swaraj*, "The English have not taken India; we have given it to them" by in-fighting among princes and between Hindus and Muslims. And further, "They are not in India because of their strength, but because we keep them. Some Englishmen state that they took India and they hold India by the sword. But these statements are wrong. The sword is entirely useless for holding India." [I.O. 21-5-1910, pp 168-70]

Mr Wybergh had charged Gandhiji with confusing passive resistance and non-resistance saying, "What you call 'soul-force' and 'passive resistance' have nothing to do with love or spirituality in themselves." He quoted Christ's refusal to use 'soul-force', "for even the perfectly harmless and apparently legitimate purpose of making stones into bread"; and he also quoted *Bhagavad Gita* to justify unselfish acts despite wrong methods.

Gandhiji admitted that the term 'passive resistance' was a misnomer, that he had used it only because it appealed to popular imagination. The underlying principle, he said, was totally opposed to that of violence, and hence it could not be, as Mr Wybergh had stated, that "the battle is transferred from the physical to the mental plane."

Gandhiji explained that "Passive resistance was always moral, never cruel." He added : "That Jesus refused to use soul-force ... only supports my argument." Passive resistance sought to rejoin politics and religion and "to test every one of our actions in the light of ethical principles." He however agreed with Mr Wybergh that "a pure passive resister cannot allow himself to be regarded as a martyr nor can he complain of the hardships of prison or any other hardships."



To Mr Wybergh's criticism that Tolstoy's political preachings could produce only anarchy, Gandhiji said : "What he (Tolstoy) has preached, as ... have all world teachers, is that every man has to obey the voice of his own conscience, and be his own master, and seek the Kingdom of God within."

My Wybergh had quoted Annie Besant to support his disclaimer that European civilization was not "the kingdom of Satan", as Gandhiji had written in *Hind Swaraj*. He had added: "It appears to me a necessary step in the evolution.... The bulk of Indian population requires to be roused by the lash of competition and the other material and the sensuous as well as intellectual stimuli which the civilization supplies.... Western ideas are necessary to India, not to supersede but to modify and develop her own."

Gandhiji replied: "I hold that the spirit of it (modern civilization) is evil.... I have examined its tendency in the scale of ethics.... Its blasting influence ... now threatens to overwhelm India." He was sure that the Indian population did not need to be roused by the 'lash of competition and the other material and sensuous as well as intellectual stimuli.'

Wybergh concluded by saying, "Let me assure you that you and others like you have my most sincere respect and most affectionate regard and admiration, and that, as a matter of public duty, I shall continue to oppose both your objects and your methods to the utmost of my ability." [I.O. 21-5-1910, pp 168-70]

20

In its issue of 26 January 1921, Gandhiji wrote about *Hind Swaraj* in Young India,

It is certainly my good fortune that this booklet of mine is receiving wide attention.... It was written in 1909 during my return voyage from



London to South Africa in answer to the Indian school of violence and its prototype in South Africa. I came in contact with every known Indian anarchist in London. Their bravery impressed me, but I felt that their zeal was misguided. I felt that violence was no remedy for India's ills, and that her civilization required the use of a different and higher weapon for self-protection. The Satyagraha of South Africa was still an infant hardly two years old. But it had developed sufficiently to permit me to write of it with some degree of confidence.... I thought that it was due to my English friends that they should know its contents.

... It teaches the gospel of love in place of that of hate. It replaces violence with self-sacrifice. It pits soul force against brute force. It has gone through several editions and I commend it to those who would care to read it....

The booklet is a severe condemnation of 'modern civilization'. It was written in 1908. My conviction is deeper today than ever. I feel that if India will discard 'modern civilization', she can only gain by doing so.

But I would warn the reader against thinking that I am today aiming at the Swaraj described therein. I know that India is not ripe for it. It may seem an impertinence to say so. But such is my conviction. I am individually working for the self-rule pictured therein. But today corporate activity is undoubtedly devoted to the attainment of Parliamentary Swaraj in accordance with the wishes of the people of India. I am not aiming at destroying railways or hospitals, though I would certainly welcome their natural destruction. Neither railways nor hospitals are a test of a high and pure civilization. At best they are a necessary evil. Neither adds one inch to the moral stature of a nation. Nor am I aiming at a permanent destruction



of law courts, much as I regard it as a ‘consummation devoutly to be wished’. Still less am I trying to destroy all machinery and mills. It requires a higher simplicity and renunciation than the people are today prepared for.

The only part of the programme which is now being carried out is that of non-violence. But I regret to have to confess that even that is not being carried out in the spirit of the book. If it were, India would establish Swaraj in a day. If India adopted the doctrine of love as an active part of her religion and introduced it in her politics, *Swaraj* would descend upon India from heaven. But I am painfully aware that that event is far off as yet.

... A portion of the whole theory of life described in *Hind Swaraj* is undoubtedly being carried into practice. There is no danger attendam upon the whole of it being practised.... [*Young India*, 26 January 1921; C.W.M.G., XIX pp 277-8]

21

Shri Mahadev Desai, Gandhi ji’s private secretary who was called his alter-ego. wrote about *Hind Swaraj* in the *Special Number* of the *Aryan Path* published in September 1938, as “unique in its conception” and “beautifully successful in its execution.” It was mainly due to the devoted labours of the gifted lady, Shrimati Sophia Wadia that this special number on *Hind Swaraj* was brought out. She sent copies of *Hind Swaraj* (Indian Home Rule) to numerous friends and invited some of the most prominent ones to express their views on the book. She herself wrote special articles on the book and saw in it the hope for future India. But she wanted the European thinkers and writers to realize that it had the potential to help even Europe out of its chaos. It was for this reason that she had adopted this plan.



The result was that articles by some of the well-known pacifists and socialists like Professor Soddy, G. D. H. Cole, C. Delisle Burns, John Middleton Murry, J. D. Beresford, Hugh Fausset, Claude Houghton, Gerald Heard and Irene Rathbone appeared in the *Special Number of Aryan Path*. These articles were so arranged “that adverse criticisms and objections raised in earlier articles were mostly answered in subsequent ones.” But there were one or two criticisms made practically by all the writers. Professor Soddy remarked that having just returned from a visit to India, he saw little outwardly to suggest that the doctrine inculcated in the book had attained any considerable measure of success Mr G. D. H. Cole remarked that though Gandhi was “as near as a man can be to *Swaraaj* in a purely personal sense, he has never solved, to his own satisfaction, the other problem — that of finding terms of collaboration that could span the gulf between man and man, between acting alone and helping others to act in accordance with their lights, which involves acting with them and as one of them being at once one’s self and someone else, someone one’s self can and must regard and criticize and attempt to value.” John Middleton Murry said, “The efficacy of non-violence is quickly exhausted when used as a mere technique of political pressure”, — when the question arises, ‘Is non-violence *fante de mieux*, really non-violence at all?’ [M. K. Gandhi : *Hind Swaraj*, op cit p 4]

Mahadev Desai’s comment was that the whole process was one of endless evolution. In working for the end, man also worked for perfecting the tools, the means. The principle of non-violence and love was enunciated by Buddha and Christ centuries ago. It had been applied through the centuries by individuals with success on small clear-cut issues. It had been recognised, as Gerald Heard pointed out, that “the world-wide and age-long interest of Mr Gandhi’s experiment lies in the fact that he has attempted to make the method work in what may be called the wholesale or national scale.” [M. K. Gandhi: *Hind Swaraj*, op cit p 4] The difficulties



of that application were obvious, but Gandhiji trusted that they were not insurmountable.

The experiment seemed impossible in India in 1921 and had to be abandoned following an outburst of violence at Chaurichaura during the non-cooperation movement. What seemed impossible then was tried again in 1930 with better success. The question often arose “What is a non-violent means?” Mahadev Desai wrote that it would take long practice “to standardize the meaning and content of this term. But the means thereof is self-purification and more self-purification.” What Western thinkers often lost sight of was that the fundamental condition of non-violence was love, and pure unselfish love was impossible without unsullied purity of mind and body. [*Ibid*]

Gandhiji sent the following message from his village Segaon, later named Sevagram for the *Special Hind Swaraj Number* of the *Aryan Path* in September 1938:

I welcome your advertising the principles in defence of which *Hind Swaraj* was written. The English edition is a translation of the original which was in Gujarati. I might change the language here and there, if I had to rewrite the booklet. But after the stormy thirty years through which I have since passed, I have seen nothing to make me alter the views expounded in it. Let the reader bear in mind that it is a faithful record of conversations I had with workers, one of whom was an avowed anarchist. He should also know that it stopped the rot that was about to set in among some Indians in South Africa. The reader may balance against this the opinion of a dear friend, who alas! is no more, that it was the production of a fool. [*Aryan Path “Special Hind Swaraj Number”* published in September 1938]

Segaon, 14 July 1938.



CHAPTER XIX: PHOENIX — TRAINING GROUND FOR SATYAGRAHIS

1

The full implications of Satyagraha, and the preparation necessary on the part of an individual in order to become a true Satyagrahi, slowly unfolded themselves before Gandhiji's mind over the years. The foremost discipline to be followed by a satyagrahi was the practice of truth in thought, word and deed. Constant exercise of self-control with regard to sex and all other natural drives in life, control of the palate, leading a simple life and reducing one's wants to the minimum, were also considered most important. One who aspired to become a satyagrahi must constantly endeavour to extend the area of his or her personal concern, love and service from one's own family to the community. All these and, above all, fearlessness were to become important and essential disciplines in the lives of satyagrahis. Phoenix Settlement became the laboratory or training and testing ground where these ideas were put into practice in a community setting.

Polak gave Gandhiji a copy of Ruskin's *Unto this Last* to read on the train journey to Durban in 1904 and Phoenix Settlement had come up as a result, so as to put into practice Ruskin's ideas. Gandhiji and his family and friends had taken to a simple life of labour and self-help at the Phoenix Settlement. Gandhiji then took a vow of life-long *Brahmacharya* in 1906. The book had made such a powerful impression on him that it had changed the course of his life. So he wanted to share the salient ideas in this book with his compatriots.

Gandhiji has described Ruskin as "one of the three moderns who made a deep impression on me." In his *Autobiography* he says, "*Unto this Last* brought about an instantaneous and practical transformation.... I arose with the dawn, ready to reduce principles to practice." [M. K. Gandhi : *Autobiography*, pp 298-99]



John Ruskin (1819-1900) was a Scotsman who wrote many books on architecture, painting, social and industrial problems, the place of women in society and so on. For some time he was Slade Professor of Art at Oxford. Later on he became a strong opponent of vivisection and usury. He was deeply interested in workers' education and cooperative industrial settlements. Ruskin's *Unto this Last* was published as a series of articles by him in *Cornhill Magazine* and gives expression to his utopia. It was later published as a book in 1862.

Ruskin criticised the construction of a science of economics on Newtonian model from which social affections had been wholly abstracted. He argued that the greatest art or science was that which aroused "the greatest number of greatest ideas." [C.W.M.G., VII, p 239]

2

Gandhiji was doing his utmost to widen the vision of the Indian community in South Africa by introducing them to new ideas and new thoughts of great thinkers from all over the world. He took care to present these ideas to them in a language which the Indians could understand. He tried to link the new ideas with the ancient Indian philosophy. In May 1908, he began a series of four articles which paraphrased *Unto this Last*. He named it *Sarvodaya, Dawn for All*. In his introduction he said:

Happiness is taken to mean material happiness exclusively, that is, economic prosperity. If in the pursuit of this happiness, moral laws are violated, it does not matter much. Again, as the object is the happiness of the greatest number, people in the West do not believe it to be wrong if it is secured at the cost of the minority. The consequences of this attitude are in evidence in all Western countries. [*Ibid*, pp 239-40]



The exclusive quest for the physical and material happiness of the majority, he wrote, had no sanction in divine law. In fact, some thoughtful persons in the West had pointed out that it was contrary to divine law to pursue happiness in violation of moral principles. John Ruskin was foremost among these. He was a Scotsman of great learning. He had written numerous books on art and crafts. He had also written a great deal on ethics. One of these books, a small one, *Unto this Last*, Ruskin himself believed to be his best. Gandhiji wrote. “It is read widely wherever English is spoken. In the book he has effectively countered these arguments and shown that the well-being of the people at large consists in conforming to the moral law.” [C.W.M.G., VIII, p 240]

Gandhiji continued: “We in India are much given nowadays to imitation of the West. We do grant that it is necessary to imitate the West in certain respects.” At the same time, there was no doubt that many Western ideas were wrong, he said. It would be admitted on all hands that what was bad, must be eschewed. The condition of Indians in South Africa was pitiable. “We go out to distant lands to earn money. We are so taken up with this that we become oblivious of morality and of God. We become engrossed in the pursuit of self-interest.” In the sequel, it was found that going abroad did them more harm than good. At least it did not profit them as much as it should have. [*Ibid*]

All religions, he said, presupposed the moral law, but even if they disregarded religion as such, the observance of moral law was necessary on grounds of common sense. “Our happiness consists in observing it (the Moral Law),” he said. This was what John Ruskin had established. He had opened the eyes of the Western people to this, and today, a large number of Europeans were seen modelling their conduct on his teaching. In order that Indians might profit



by his ideas, “We have decided to present extracts from his book, in a manner intelligible to Indians who do not know' English.”

Gandhiji added “Socrates gave us some idea of man’s duty. He practised his precepts. It can be argued that Ruskin’s ideas were an elaboration of Socrates’.”

Ruskin had described vividly how one who wanted to live by Socrates’ ideas should acquit himself in different vocations, he said. “The summary of his work which we offer here is not really a translation. If we translate it, the common reader might be unable to follow some of the Biblical allusions, etc. We present, therefore, only the substance of Ruskin’s work. We do not even explain what the title of the book means, for it can be understood only by a person who has read the Bible in English.* But since the object the book works towards was the welfare of all, that is, the advancement of all and not merely of the greatest number — we have entitled those articles Sarvodaya”.

* Vide the parable of the labourers in the Vineyard, St. Matthew, Ch.XX, V. 14, “I will give unto this last, even as unto thee.”

Below is given just a sample of the type of selections Gandhiji made for the Indians from *Unto this Last*:

ROOTS OF TRUTH

Man suffers from many delusions, but none so great as his attempt to formulate laws for the conduct of other men disregarding the effects of social affection, as if they were only machines at work. That we cherish



such an illusion does us no credit. Like other forms of error, the laws of political economy also contain an element of plausibility. Political economists assert that social affections are to be looked upon as accidental and disturbing elements in human nature; but avarice and the desire for progress are constant elements. Let us eliminate the inconstants and, considering man merely as a money-making machine, examine by what laws of labour, purchase and sale, the greatest amount of wealth can be accumulated. Those laws once determined, it will be for each individual afterwards to introduce as much of the disturbing affectional elements as he chooses.

This would be convincing argument if the social affections were of the same nature as the laws of demand and supply. Man's affections constitute an inner force. The laws of demand and supply are formulations concerning the external world. The two, therefore, are not of the same nature. If a moving body is acted upon by a constant force from one direction and a varying force from another, we would first measure the constant force and then the inconstant. We will be able to determine the velocity of the body by comparing the two forces. We can do this because the constant and the inconstant forces are of the same kind. But in social dealings the constant force of the laws of demand and supply and the accidental force of social affection are forces that differ in kind. Affection has a different kind of effect on man and acts in a different manner. It changes man's nature, so that we cannot measure its effect with the help of laws of addition and subtraction, as we can the effects of different forces on the velocity of a body. A knowledge of the laws of exchange is of no help in determining the effects of man's social affections. [C.W.M.G., VIII, pp 241-2]



Thus Gandhiji was making all efforts to introduce the Indian community to higher values of life so that they could become true satyagrahis.

The teachings of Ruskin as understood by Gandhiji may be summarised in the following three enunciations: [Ruskin : *Unto this Last*, a paraphrase by M. K. Gandhi, pp v and vi (Translator's note by Valji Govindji Desai), Navajivan Publishing House, Ahmedabad 1951]

1. The good of the individual is contained in the good of all.
2. A barrister's work has the same value as that of a barber, as all have the same right of earning their livelihood from the pursuit of their profession.
3. A life of labour, working with one's hands in the fields or factories, is the life worth living.

He wrote that the first of these three conclusions he had known long ago, the second he had come to realize by himself; but the third had not occurred to him till he read this book of Ruskin. *Unto this Last* led Gandhiji to the following conclusions which he presented to his readers:

Ruskin's book thus paraphrased has a lesson for Indians no less than for Englishmen to whom it was primarily addressed. New ideas are in the air in India. Our young men who have received Western education are full of spirit. This spirit should be directed into the right channels, as otherwise it can only do us harm. 'Let us have *Swaraj*' is one slogan; Let us industrialize the country' is another.

But we hardly understand what is *Swaraj*. Natal for instance enjoys *Swaraj* but her *Swaraj* stinks in our nostrils, for she crushes the Negroes,



and oppresses the Indians. If by some chance the Negroes and the Indians left Natal, its white men would fight among themselves and bring about their own destruction.

If not like Natal's, will we have Swaraj as in the Transvaal, one of whose leaders. General Smuts, breaks his promise, says one thing and does another? He had dispensed with the services of English policemen and employed Afrikaners instead. I do not think that this is going to help any of the two nationalities in the long run. Selfish men will loot their own people, when there are no more 'outsiders' left to be looted.

Here are some more quotations about Swaraj:

Thus Swaraj is not enough to make a nation happy. What would be the result of Swaraj being conferred on a band of robbers? They would be happy only if they were placed under the control of a good man who is not a robber himself. The United States, England and France for instance, are powerful states, but there is no reason to think that they are really happy.

Swaraj really means self-control. Only he is capable of self-control who observes the rules of morality, does not cheat or give up truth, and does his duty to his parents, wife and children, servants and neighbours. Such a man is in enjoyment of Swaraj no matter where he lives. A state enjoys Swaraj if it can boast of a large number of such good citizens.

It is not right that one people should rule over another. British rule in India is an evil, but let us not run away with the idea that all will be well when the British quit India.

The existence of British rule in the country is due to our disunity, immorality and ignorance. If these national defects are overcome, not only



would the British leave India without a shot being fired but we would be enjoying real Swaraj.

Some foolish Indians rejoice in bomb-throwing, but if all the Britishers in the country were thus killed, the killers would become the rulers of India, who would only have a change of masters. The bomb now thrown at Englishmen will be aimed at Indians after the English are there no longer. It was a Frenchman who murdered the President of the French Republic. It was an American who murdered President Cleveland. Let us not blindly imitate Western people.

If Swaraj cannot be attained by the sin of killing Englishmen, it cannot be attained either by the erection of huge factories. Gold and silver may be accumulated but they will not lead to the establishment of Swaraj. Ruskin has proved this to the hilt. Western civilization is a mere baby, a hundred or only fifty years old. And yet it has reduced Europe to a sorry plight. Let us pray that India is saved from the fate that has overtaken Europe, where the nations are poised for an attack on one another, and are silent only because of the stockpiling of armaments (by every nation). Some day there will be an explosion, and then Europe will be a veritable hell on earth.

Non-whites are looked upon as legitimate prey by every European state. What else can we expect where covetousness is the ruling passion in the breasts of men ? Europeans pounce upon new territories like crows upon a piece of meat. I am inclined to think that this is due to their mass production factories.

India must indeed have Swaraj but she must have it by righteous methods. Our Swaraj must be real Swaraj, which cannot be attained by



either violence or industrialisation. India was once a golden land, because Indians then had a heart of gold. The land is still the same but it is a desert because we are corrupt. It can become a land of gold again only if the base metal of our present national character is transmuted into gold. The philosopher's stone which can effect this transformation is a little word of two syllables — Satya (Truth). If every Indian sticks to truth, Swaraj will come to us of its own accord. [John Ruskin: *Unto this Last*, pp 59-64; C.W.M.G., VIII, pp 372-5]

I have quoted the long extract above, because many of the ideas expressed therein are still applicable and require careful consideration by the Government and people of India. It shows how his ideas were evolving. The full impact of these new ideas was seen in *Hind Swaraj* which he wrote during his passage to South Africa in 1909 after the second deputation to London.

Gandhiji's preface to *Sarvodaya* gives us a glimpse into his mind at that time. He wrote, "People in the West generally hold that it is man's duty to promote the happiness — prosperity that is — of the greatest number." The reference is obviously to Bentham's maxim "The greatest good of the greatest number." He opposed it on moral grounds and so did Ruskin. [C.W.M.G., VIII, p 239] As against the above proposition he advocated "the greatest good of one and all." The right approach and the right decision, he said, should result in being beneficial to all, and not in being harmful to anybody.

When Gandhiji returned to South Africa in December 1902, Maganlal accompanied him and joined some other members of the Gandhi family who had gone to South Africa four or five years earlier. Among them was Abhayachand



Gandhi, the eldest son of Tulsidas Gandhi, the younger brother of Gandhiji's father Kaba Gandhi. Abhayachand had settled in trade at Tongaat, a small town thirty miles from Durban. The Zulu trade was largely in the hands of Indians from Gujarat, who were concentrated in Tongaat and Stanger. Maganlal joined his cousins at Tongaat, where he soon learnt all about the business and was then sent to Stanger as a partner. [Pyarelal : *Mahatma Gandhi, Vol. III, The Birth of Satyagraha*, p 3]

Gandhiji visited Tongaat some time later. When he saw the beautiful fruit orchard at the back of Abhayachand's shop, he became very much interested in the possibility of a healthier life on land. He went back to Johannesburg thinking about it. [Prabhudas Gandhi: *My Childhood with Gandhiji*, pp 34-35]

A few weeks later he again had to undertake a journey from Johannesburg to Durban, when Henry Polak gave him *Unto this Last* to read during the journey. It made a powerful impact on his mind. He spent a sleepless night thinking about it. By the morning he had decided to change his life and shift *Indian Opinion* and the press as well as his family to the countryside.

Gandhiji bought a plot of land, about 100 acres, located fourteen miles away from Durban and two and a half miles from the Phoenix railway station. This plot Gandhiji developed into his Ashram, although the name "Ashram" was not then used. The residents were called "settlers" and the place was called Phoenix Settlement. [Pyarelal, Vol. III *The Birth of Satyagraha*, pp 429-43]

Gandhiji was pleased with the name 'Phoenix' given to his new experiment. A Greek legend attributes to the bird Phoenix qualities of purity, sacrifice and immortality. The bird is supposed to be alone without a mate. It immolates itself and is reborn from its own ashes. [Prabhudas Gandhi, *op cit* pp 35-7]



At Phoenix Gandhiji tried to translate Ruskin's ideas into a living experiment. He had shifted *Indian Opinion* and the press to Phoenix in 1904 and soon thereafter some of his close colleagues and trusted workers went to live there. His own family shifted to Phoenix in June 1906. The settlers took part first in building the common buildings, such as the one that housed the press, and then started building their own simple cottages. Gandhiji's house was built by Herbert Kitchin who lived in it and left Phoenix early in 1906.

Each family was given a plot of two acres of land which they could cultivate and develop into a garden and grow therein vegetables, fruits and flowers. Besides the house and the plot of land, each one received three pounds a month, except for a few who received more money. They had not joined as members of the Phoenix community but had gone there to work in the press as wage-earners.

Prabhudas Gandhi in his excellent book of memoirs, published by Navajivan under the title *My Childhood with Gandhiji*, has given a fascinating pen-picture of life in the Phoenix Settlement and its development from its early days. Maganlal Gandhi, his father's younger brother and Chhaganlal Gandhi, his father, were the two pillars of the Phoenix Settlement. They had joined it almost from the beginning.

Maganlal and Chhaganlal were sons of Khushalchand Gandhi, who was a first cousin of Gandhiji (son of Gandhiji's father's elder brother Jeevan Gandhi). They had matriculated together, although Chhaganlal was two years older than Maganlal. The younger brother was more boisterous and dynamic. Chhaganlal was much more serious minded. The two brothers were inseparable. They were both married early as was the custom in those days. The financial position of the family was not good and Chhaganlal had taken a clerical post in the office of the British Political Agent at Rajkot and had given up the idea of higher studies. He



left it when Gandhiji invited him to join as his clerk and tutor for his sons when he went back to India and set up practice in Bombay in 1902.

Chhaganlal came to South Africa in 1903 with a partner of Abhayachand's shop at Tongaat, a few months after Gandhiji's return to the Transvaal. He had to stop at Durban, because in order to enter the Transvaal he needed a permit, which was not easy to get. Gandhiji had to arrange it. It took him time to do so.

At Durban Chhaganlal met Madanjit who was then looking after the affairs of *Indian Opinion* as its editor. Madanjit employed Chhaganlal and took his help in summarising news from Indian newspapers for the English and Gujarati editions of *Indian Opinion*. Madanjit often went out, leaving the paper to Chhaganlal, who learnt the work quickly. He was getting £ 8 a month for his work. Madanjit left for India some months later after selling his press — The International Printing Press — and *Indian Opinion* to Gandhiji, from whom he had borrowed large sums of money from time to time. Chhaganlal became the editor of *Indian Opinion* in due course along with Albert West who looked after the English section while Chhaganlal looked after the Gujarati edition. [Pyarelal, Vol. III *The Birth of Satyagraha*, p 432 also Prabhudas Gandhi, *op cit* p 35]

Indian Opinion had been losing money and had to be heavily subsidised by Gandhiji. He decided to shift it to Phoenix for economy and in the interests of healthier life for the workers. The first edition of one sheet was issued from Phoenix on due date on 24 December 1904. The interesting story is narrated by Pyarelal in the earlier volume. *Birth of Satyagraha*. [Pyarelal : *Mahatma Gandhi : The Birth of Satyagraha*, p 86]

Maganlal too had joined Phoenix quite early. He worked with the carpenters whenever he could find the time. Thus he learnt carpentry. He also learnt composing and press work in general and kept the accounts. He was an



excellent organiser and Gandhiji came to rely on him to manage the affairs of the Settlement at Phoenix and later in India at Sabarmati Ashram.

The two brothers — Chhaganlal and Maganlal — got a four acre plot and worked hard to develop it into a fruit and vegetable garden. They built a living room on high ground and close by built a small room which served as the kitchen. [Prabhudas Gandhi : *op cit* p 39]

After the press building, all the settlers turned to building their own living accommodation. The floor was wooden and was kept high to guard against dampness and snakes and mice. The glass window ensured light and there was good ventilation. The buildings were simple to look at, but the houses were comfortable.

Water for drinking had to be collected by storing rain water. There was rain every week except for three months in the year. Water for bathing, washing and other household needs as well as for watering the garden had to be brought from two nearby springs. The tall grass was cut and roads were laid out, so that the place came to look like a neat little colony where men and women lived simple lives, inspired by high ideals.

Soon after the house of Maganlal and Chhaganlal was ready, Harilal, the eldest son of Gandhiji and Gokuldas, the only son of his sister came to Phoenix on a visit. They were teen-age boys but to little Prabhudas they looked like grown-up men, with whom he could not play. Soon after they left, Kasturba came to live at Phoenix with her three younger sons — Manilal, Ramdas and Devadas — and so Prabhudas at last had playmates. Manilal, Ramdas and Devadas were uncles to Prabhudas Gandhi in relationship but Ramdas, Devadas and Prabhudas were close in age. Prabhudas was four and a half years, Devadas was six, Ramdas eight and Manilal fourteen.



There were no servants at Phoenix and every one had to do his or her own work including carrying of water and cleaning of latrines. The night-soil had to be collected and carried to pits dug up by the inmates for burying it.

There were many snakes in and around the Settlement. Some varieties were non-poisonous, but others were deadly poisonous. The snakes could be seen hanging from the trees near the spring. The inmates learnt to avoid them and there were no mishaps.

Gandhiji came and stayed at Phoenix for a month when Kasturba shifted there in June 1906. A house had been built for her. It was called ‘the big house’. Every one collected there in the evening. Prabhudas’ mother, Kashibehn Gandhi, sang hymns and there were general discussions. Sometimes Gandhiji addressed the group. These meetings were the precursor of the regular evening prayer meetings which were later introduced by Gandhiji in all his ashrams.

Kasturba would often go to sit and talk with Kashibehn, wife of Chhaganlal and Santokbehn, wife of Maganlal. Santokbehn had given birth to a son shortly before Kasturba came to Phoenix. He was named Keshavlal and was the youngest child of Maganlal, the other two being older girls, Radha the eldest and Rukhi (Rukmini) who came between Radha and Keshubhai. Chhaganlal had two sons, Prabhudas and Krishnadas. Prabhudas remembers that Kasturba used to have an anxious look in those days. May be the adjustment to life at Phoenix had put some strain on her or she might also have been anxious about her husband in the context of the coming Satyagraha struggle. The women would talk together for hours, writes Prabhudas. [Prabhudas Gandhi : *op cit* pp 38-43]

In June 1906 Gandhiji decided to help the Government in the Zulu Rebellion by organising an ambulance corps. Phoenix Settlement was in the midst of Zulu habitats and they could have easily destroyed Phoenix Settlement, if they



wanted to. But Gandhiji had established a reputation as a friend of Zulus and even while he and his team were working as stretcher- bearers and first-aid workers for the government during the Zulu Rebellion, they mainly concentrated on serving the wounded and badly neglected Zulu patients. The Zulus appreciated the services and those Zulus living around Phoenix maintained a friendly attitude towards the Phoenix Settlement. [Prabhudas Gandhi : *op cit* pp p 42]

Harilal came back to Phoenix and later fetched his young bride Gulab. She was expecting her first baby. Harilal was attracted by the Indian resistance movement and decided to join the Satyagraha struggle. He went to jail six times between 1907 and 1909, spending in all a full year in prison. His heart was, however, set on higher education. He was deeply hurt when Gandhiji selected Chhaganlal in preference to Harilal to be sent to England to study law and when Chhaganlal fell ill and came back, he selected Sorabji and again ignored Harilal. He went back to India in 1912 to resume his studies, much to Gandhiji's disappointment. [*Ibid*, p 40]

Gokuldas was also married in India. He died 15 days after his marriage. It was a very big shock for Gandhiji and his widowed sister Raliatbehn. Gokuldas was her only son. Gandhiji wrote to his cousin Khushalchand Gandhi on 14 May 1908 a letter which throws light on his ideas on early marriage:

Your letter. I have given expression to some of my feelings in my letter to my sister Raliatbehn. The letter is attached. Please read it and ponder over it, and also read it to Raliatbehn. If she is away with Karsandas, please forward it to her and oblige me by letting me know how she is.

Gokuldas is gone. Because of the relationship I feel like crying as I write, but my ideas, vague in my mind for some time, have become clear and I find that we are all caught in a net. The position in which our family



finds itself is not very different from that of our country. I am expressing here ideas which are uppermost in my mind.

Out of a false desire to keep up appearances or wrong ideas of affection, we hustle our boys into marriage. We waste large sums of money on ceremonies and then feel unhappy at the pathetic sight of young widows. How can I suggest that there should be no marriages at all? But we should at least have some limits. We push mere boys into misery by marrying them. They get into greater difficulty when they have children. According to our ideals, the end of marriage is procreation. All else is sheer indulgence.

I shall not say more. You have given me news from your end. But what answer can I give you? I can only tell you what I feel. Although I am younger than you, I am placing my views before the whole family through you. You may take it as my contribution towards the family's welfare. Please forgive me if you consider these outpourings presumptuous. What I have written is after fourteen years of self-study and thought and seven years of practice. [Prabhudas Gandhi : *op cit* pp 40-1]

5

Education of the children was a big problem at Phoenix. Gandhiji had not sent his children to South African schools although he could have done so. His children could have been admitted in the best schools. But he would not take advantage of a facility which was not open to other Indians. He tried to take lessons with the boys himself, but there was very little time at his disposal and he could not take regular classes with them even when they were with him at Johannesburg. He used to make them walk with him to the office and back — a distance of about five to six miles in all — and during the walk took lessons with



them covering various subjects. But if there were other people with him to demand his attention, the boys did not get their lessons. They learnt what they could by listening to the conversation of elders. Ramdas writes in his reminiscences that they were unhappy not to have regular schooling. But it did not do them any harm ultimately. [Ramdas Gandhi: Reminiscences]

At Phoenix there was no regular school. The adults were expected to teach the children when they could spare the time. The children picked up English from the English-speaking inmates and Gujarati from their parents. Maganlal, Chhaganlal and Kashibehn taught them Gujarati and Arithmetic. They had an occasional class of geography and history. Some of the English inmates took English classes with them. They learnt composing in the press and helped in folding and despatching *Indian Opinion* every week. They helped the elders in the various daily activities of life and thus every activity became a means of education. The foundation for basic education was thus laid in Phoenix, although the name Basic Education came much later in 1936 in India.

Gandhiji came to Phoenix from time to time, but he could never stay there for more than two weeks or a month. He set up a Primary School with Mr John Cordes, a German who worked in the press, as its principal. John Cordes was a strict disciplinarian. He paid great attention to the students' physical fitness. The school was held in his hut so long as he was at Phoenix. He had a beautiful garden which he had developed himself. If any child tried to pluck a flower, his quick eye generally caught him and stopped him from doing so. His methods of inculcating discipline and imparting knowledge to the children included a great deal of physical punishment, much to the chagrin of the children and their parents. The parents attributed the use of physical chastisement by Mr Cordes to his German origin. He taught the children English and made them drill after the classes. The



children took part in gardening also and in the process learnt about the various plants.

Gandhiji visited the school whenever he went to Phoenix although Prabhudas does not remember his taking any classes with the children. He paid more attention to the personal hygiene of the children and to general cleanliness of the school. Prabhudas remembers how he had dirty ears on one occasion and Gandhiji pointed it out to his mother. [Prabhudas Gandhi : *op cit* pp 45-6]

At the time of another visit Gandhiji found that Prabhudas had boils on his body. He asked his mother to feed him on raw green tomatoes to purify his blood. Prabhudas took the raw tomatoes as a medicine even though the green tomatoes were bitter in taste. [Prabhudas Gandhi : *op cit* pp 44-5]

6

With the setting up of the primary school, the children could not roam about as they used to. Besides the Phoenix children, the school had three outsiders. They were the children of ex-indentured labourers, who lived on a hill on the other side of Phoenix Settlement. Later on some children from Natal joined as boarders. Their parents had gone to jail in the course of Satyagraha. Gandhiji took very good care of the satyagrahis' children. [*Ibid*, pp 46-8]

Prabhudas writes : “After our school was properly organised, Phoenix took on a serious atmosphere. Elders seemed to be more than usually engrossed in their work. Then I saw traces of sadness on their faces.” He could not understand the reason at first, but by overhearing the conversation of grown-ups he discovered that Gandhiji was in some trouble. “Some white man named Botha had imprisoned both Gandhiji and Harilal Kaka (uncle). The prisoners had only maize porridge for meals which they ate with wooden spoons. They did not have even enough clothes to wear.” [*Ibid*, pp 46-7]



Gandhiji did not come to Phoenix for several months. It was a hard time for the settlers. But several friends and colleagues of Gandhiji from Natal and from outside — Indians as well as Englishmen — visited Phoenix from time to time and helped in various ways. Thus even from gaol Gandhiji continued to function as the guardian angel of Phoenix Settlement.

In spite of Gandhiji's long absence from Phoenix the settlers felt that his protective hand was always there. It was because of him that "our jungle school came to have the atmosphere of an international university," writes Prabhudas. [*Ibid*, p 58]

The school at Phoenix made steady progress, Prabhudas has recorded, even though the teachers, the teaching methods and textbooks were frequently changed. A notice about the school appeared in *Indian Opinion* of 2 January 1909 and in the issue of 9 January there was a special announcement about the arrangement. An extract from it given below shows how Gandhiji was trying to develop it into some kind of a *Gurukul*, a residential school where children would live with the teachers. It said:

Workers with families at Phoenix will be able to receive up to eight boys each in their homes. The idea is that the guest children should be treated as children of the family. The custom was prevalent in India in ancient times. It should be revived as far as possible. All Indians would be eligible.

There will be no discrimination in serving food. The boys will have the same kind of meals, with a few changes, as the settlers in Phoenix. They will get half a bottle of milk, two ounces of ghee, flour, porridge, rice, green vegetables, fresh fruit, groundnuts, sugar and bread. The time for serving various items will be according to the rules of the Settlement.



No tea, coffee or cocoa will be served. Our experience is that tea, etc. are injurious not only to children but to grown-ups as well. Some doctors believe that tea has led to an increase in diseases. Moreover, tea, cocoa and coffee are generally produced with the help of slave labour. In Natal, indentured labour is used. In the Congo, cocoa is produced by indentured Negroes who are treated with great cruelty. We know that sugar is also produced through slave labour. It is not easy to go very deep into all this but in any case the use of tea, coffee, and cocoa should be reduced to the minimum. When in India we are propagating the idea of using only home-made products, these three things should be given up.

It would be convenient to have a uniform dress for the boys. A pair of pyjamas, a shirt, a pair of shorts, sandals, a sun hat, towel, handkerchief etc., are calculated to cost £ 1-13-6. The headgear will be according to what one is used to. The sun hat will be useful when working outdoors. Parents who do not want to spend so much on clothes or do not favour such simplicity, can supply their children with a different set of clothes in a separate box.

It is not intended to provide the boys with beds. We propose to give them wooden boards, as in jails, for sleeping, as it is felt that they would be more conducive to health. For the same reason we would prefer blankets to quilts and mattresses. The bedding must contain at least three blankets, four sheets and three pillow covers.

There will be no tuition fees. Teachers will be from among those who work in the press at Phoenix where they are assured of a livelihood. The press has agreed to allow them to work in the school. A committee has



been appointed to discuss the system of education and other problems.

[Prabhudas Gandhi: *op cit* pp 50-1]

Gandhiji wanted the school to develop into a high school, but this ambition of his could not be fulfilled because of frequent changes of teachers. Prabhudas records in his memoirs that because of all this “our education remained unstable.” [Prabhudas Gandhi: *op cit* p 58]

To Gandhiji, the most important aspect of education was character building. Gandhiji’s plan for the school can be judged from the following extract from *Indian Opinion* of 9 January 1909:

The main aim of this school is to build the character of the students. Study, it is said, is the real training for children. It is through study that they develop a desire for knowledge, but knowledge is of many kinds, some of it harmful. If students’ character is not formed, they might gain the wrong type of knowledge. Some people become atheists, if taught everything without any plan or method. Others become characterless even if they have received education. The main aim of this school, therefore, is to strengthen their sense of morality.

Students will be taught their own language, namely, Gujarati and Hindi, and if possible Tamil, besides English, arithmetic, history, geography, botany and nature study. In the advanced stages algebra and geometry will also be taught. The idea is to teach students up to the matriculation standard. [*Ibid*, p 58]

Education in the “Cordes” school and family boarding houses was supplemented by frequent foreign visitors. Coming in contact with them, looking



after their needs and talking with them was education in itself. One of the frequent visitors was Polak, who worked with Gandhiji. He was keenly interested in the Phoenix experiment. He and Maganlal would sit and talk for hours, writes Prabhudas, and discuss different aspects of life in Phoenix.

Mr Isaac was another foreign visitor whose visits were a source of great joy to the children. He would amuse them by telling them animal stories. Sometimes he would jump like a frog and at other times he would surprise them by producing sounds of a dog-bark. He was always finding ways of making the children laugh. When he told them animal stories, Prabhudas remembers that “it was as if those animals were really before us.” Gandhiji was however the person who laughed most often and also made the children laugh most, writes Prabhudas.

Govindswami, “Sam” was an engineer who was responsible for keeping the press machines clean and in order and looked after printing and book-binding. It was surprising, writes Prabhudas, how in spite of soiled hands, he never left any mark on the books and papers that he handled.

Sam could shoot and bring down a snake climbing a tree. Children loved to watch him prowling through tall grass chasing deer to hunt them. He too was very vigilant about his garden and never let the children pick fruit or flowers therefrom. He would tell them gently not to do so and they would obey him. He taught them composing and the children helped in the weekly despatch work.

There was also Mr Herbert Kitchin who was editor of *Indian Opinion* at one time and was always fixing electric wires at one place or another, writes Prabhudas. He built and lived in Gandhiji’s house which the Gandhi family later occupied. [Prabhudas Gandhi : *op cit* pp 56-7]

The above description of various people from the children’s point of view, shows how Gandhiji had started collecting a motley crowd around him from his



early days. He took the best from each that he or she was capable of giving in the service of the community, and in the process he helped them all develop their own potential to the maximum extent. This trait was a prominent characteristic of Gandhiji throughout his life and enabled him to make many heroes out of common clay and provide many outstanding workers for the service of mother India.

There was no building at Phoenix for a hostel, although in March 1909 there was a talk of erecting a dormitory. There was also no one who could be made the warden of the hostel. So Gandhiji had gone from house to house in the Settlement to take the consent of the women to keep in their homes some of the students who were expected to join and treat them like their own children. Satyagraha was going on in full swing and many men were going to gaol. Gandhiji was anxious to provide proper care and education for the satyagrahis' children. He therefore placed before the settlers the idea of family-boarding-houses as a way of public service. He introduced in this manner in a practical way the concept of expanding one's family circle, by asking them to take guest students as boarders in their homes and make them members of their families. Three students were placed in Maganlal and Chhaganlal's house and three with Kasturba. Prabhudas thought the boarding and lodging arrangements were better than the teaching in the school.

Guest students were well looked after. Every effort was made to see that Muslim boys living in Hindu homes did not feel like outsiders or out of place. Prabhudas writes, "In our house they were given the best room, which was well-furnished. On going there, I always felt as if I had entered a wealthy house." There were beds for them. Bright floor-covering and little tables were provided for each



guest student. “The place was always quiet. The guests never talked loudly so that the members of the family were not disturbed.”

The boys in Prabhudas’ home came from well-to-do families in Natal. Two of them were Muslims and one was a Parsee. They were quiet and well-behaved.

The boys in Kasturba’s house were much more aggressive. They came from Christian families of South Indian origin, of ex-indentured labourers. “There was one named Manikyam who was an adept at slapping smaller boys.” He was the monitor and looked after the school when Cordes was not there. [Prabhudas Gandhi: *op cit* p 59]

Cordes was a strict believer in corporal punishment. He made the children hold pencils two feet long and half inch in diameter, in a particular way in order to learn calligraphy. If any child did not hold the pencil as he instructed, he would be there in a second to hold the pencil and hit with it the offender on the knuckles. This was not liked by the children or by Gandhiji and other adults like Maganlal and Chhaganlal. But they all acknowledged the German’s devotion to duty and discipline and his emphasis on physical fitness. He would make the children drill like soldiers, climb trees like monkeys and make them jump to the ground from the point he ordered them to do so. [Prabhudas Gandhi: *op cit* p 56]

In spite of the best efforts of the settlers and the guest students, the adjustment on both sides was not easy. [*Ibid*, p 59] Gandhiji was in the thick of the second phase of Satyagraha. For the guest students. Phoenix was an entirely new experience. They had come to a jungle from the gay city life, away from their parents, with no shopping centre to spend money. Their parents had sent them to Phoenix without any enthusiasm on the children’s part. They did try to adjust but it was hard.



It was not easy for the settlers too to look after these guests. The hard-worked housewives had to cook for them. There was always a danger of difficulties arising over the cleaning of their plates and washing of their clothes. Emotionally the women had not achieved the ideal set before them by Gandhiji.

The guests were probably not at Phoenix for more than eight or nine months, writes Prabhudas. During this period the atmosphere in the house was “quiet and even grave. There was no light-heartedness or laughter.” [*Ibid*, p 49] But this might well have been due to the serious political developments in the course of the Satyagraha which had resulted in Gandhiji, Harilal and many others being locked up in gaols.

Only one among the guest students had really adapted himself to Phoenix. He was Hoosen Dawa, son of Dawad Seth. Dawad Seth had come to South Africa from a village in Surat District as a young lad some years before the close of the 19th century.

He had neither money nor education, but he had courage, self-confidence and an adventurous nature. He set up a small shop and made a success of it. He then began to buy and sell properties. He made good money and a very good reputation for himself. His son Hoosen had good education but because of racial barriers in South Africa, he could not get higher education in that country. His father sent him to Phoenix and would often visit the Phoenix Settlement and the school along with Rustom Seth. They had both taken active part in Satyagraha and had gone to jail. Hoosen liked Phoenix and the simple life there. He did not care for money and did not wish to become a businessman. He often used to sing in the evening prayers –



है बहारे बाग दुनिया चन्द रोज़ ।
देख लो इसका तमाशा चन्द रोज़ ॥

(The bloom of this worldly garden is but for a few days.) He went with his parents on a pilgrimage to Mecca from where he went to London for higher studies where he came forward to help Gandhiji and Habib at the time of the second deputation to London. Later he fell ill with tuberculosis, and in spite of the best possible treatment, he died on 22 September 1913. It was a big blow for Dawad Seth and Gandhiji who wrote a long obituary on Hoosen's death in *Indian Opinion*.

8

Gandhiji was a great believer in nature cure. Kuhne hip baths, application of mud poultices, fasting and enema to cleanse the bowels were the main methods he used to treat the sick under his care. Lack of medical care at Phoenix must have strengthened his faith, born of necessity, in nature cure, though he had started using nature cure methods even before he came to Phoenix. He used nature cure to treat himself after Mir Alam's attack on him, using mud poultices and diet restrictions, with good results.

Before that, during his stay in India in 1902 at Bombay, his second son Manilal was ill and had a persistent fever which would not leave him. Gandhiji has vividly described the episode in his autobiography and narrated it to us while we were in detention in the Aga Khan Palace detention camp, Poona. He was terribly worried about Manilal and spent a sleepless night. The boy's body was burning hot and there was not a trace of sweat. He decided to give him a wet sheet pack. He soaked a bedsheet in cold water, squeezed out the excess water and wrapped it round the naked body of the boy, keeping his head out, and covered him with a blanket. He then went out for a walk praying hard to God to guide him. On his return Manilal cried out asking to be taken out of "the furnace".



Gandhiji saw that his face was covered with beads of sweat. He persuaded him to bear with it a little longer. The fever was coming down. At last he removed the wet sheet, dried Manilal, put him in dry clothes and changed his bedsheets. Neither of them had slept earlier that night. Now father and son slept soundly in each other's arms. [M. K. Gandhi, *Autobiography*, pp 225-7] Manilal recovered completely soon after that. He was the healthiest of his four sons, Gandhiji has recorded.

Later, when Kasturba was on her way from India to South Africa along with her three younger sons, Manilal, Ramdas and Devadas in 1904, Ramdas, the third son, had a fall on board the ship and broke his arm. The ship's doctor gave him first aid. A senior doctor called for consultation advised operation on arrival at Durban. Gandhiji preferred to treat Ramdas with mud poultices and the boy was soon all right.

Kasturba fell ill at Phoenix in November 1908. She was having frequent haemorrhages. A doctor friend and his wife treated her at Durban. She needed an operation which was performed without anaesthesia because she was too weak. The doctor allowed Gandhiji to go back to Johannesburg, but after a few days Gandhiji received a letter from him saying that Kasturba's condition was worse. She could not sit up in bed and had fainted once. The doctor wanted Gandhiji's permission to give her any diet and drugs that he thought necessary. Knowing full well that Gandhiji was strongly opposed to the use of animal food and alcohol even as medicines, he wanted his permission to give her beef tea. Gandhiji replied on phone that he could not give the permission but if Mrs Gandhi was conscious, he should ask her and if she agreed, he could give her beef tea. The doctor was angry and said that he never consulted the patients as to what medicines or diet he should give them. He told Gandhiji to come at once to



Durban. He said he could not take the responsibility of looking after Kasturba unless he was given a free hand.

Gandhiji went to Durban. He was informed by the doctor that he had given beef tea to Kasturba before writing to Gandhiji. Gandhiji said it was a fraud and it upset him. But the doctor said that as a medical man he considered it a virtue to deceive, if by deceiving the patients and their relatives lives could be saved. Gandhiji did not agree with him. The conversation had pained him but he kept cool. The doctor was a personal friend. Gandhiji asked him what he intended to do now, to which the doctor replied that unless he could give the patient the medicines and diet that he considered necessary, he could not take the responsibility of looking after her and would have to ask that she should be removed from his nursing home. Gandhiji asked him if he wanted her to be removed straightaway. The doctor was annoyed and said that he did not want her to be removed. She was not fit for travel. All that he was asking for was permission to give her the diet and drugs that he considered necessary for her.

Manilal who was with his father said that she should not be given beef tea. Gandhiji went to Kasturba and informed her of his conversation with the doctor. She said that she would rather die than pollute her body with such filth and abomination and asked him to take her home. He was pleased but he explained to her that many people did take things such as meat and wine as medicines and she too could decide to do so. But she was firm that she would not do so. He then went to the doctor and told him of her resolve. The doctor was very angry that Gandhiji should have talked with the patient about such matters and walked away.

Kasturba was skin and bone for lack of nourishment and was very weak. Gandhiji sent a telegram to Phoenix to bring a hammock and six men to carry her



from the station to the Settlement and also a bottle of hot milk. He then took her in a rikshaw to the Durban railway station. The platform at Durban was long. She could not walk. So he carried her in his arms to the compartment and put her on the bed made on the seat and sat with her through the 14 mile train journey.

At Phoenix she was given hot milk and was carried home in the hammock. She was given proper nourishment and hydro-therapy by Gandhiji, and soon began to rally round. Before long she was so much better that Gandhiji felt reassured enough to go back to Johannesburg.

Kasturba had a recurrence of the illness after some time. Gandhiji had read in nature cure literature that salt was not good for health and *dal* (lentils) was difficult to digest by weak persons, and therefore should not be taken by those in poor health. He suggested to Kasturba to give up salt and *dal* for some time. She refused to do so and told him that even he would not be able to do it. He was delighted to get an opportunity to do something for her and took a vow then and there, giving up both *dal* and salt for one year. It shocked Kasturba and she begged of him with tears in her eyes to take back his vow. She promised she would not take either salt or *dal* till she was better. Gandhiji welcomed her decision, but he said he could not break his own solemn vow. Kasturba got better. It is difficult to say whether it was due to giving up *dal* and salt and other changes made in her diet by Gandhiji or whether it was due to a change in her own mental condition. But she recouped quickly.

Gandhiji went back to Johannesburg. He completed his year of vow of not taking salt and *dal* and continued the restriction much longer, of his own accord. He only took these articles of diet very briefly after about ten years and then gave them up for ever. [M. K. Gandhi, *Autobiography*, pp 270-1]



During Kasturba's illness in 1908, Gandhiji had persuaded Harilal to be with his mother for some time instead of going back to gaol. Harilal stayed with her at Phoenix and left for the Transvaal when Gandhiji was released and came back to Phoenix. Harilal was soon arrested on the border and was sent to gaol. Gandhiji in his turn left Phoenix when he thought that she had sufficiently improved in health, and he too was arrested at the border of the Transvaal. He was tried and the magistrate imposed on him a fine of £50 or imprisonment for three months with hard labour. He opted to go to gaol.

In gaol Gandhiji got the news that Kasturba was ill again and she was in a critical condition. He longed to be by her side, but he could not do so unless he paid the fine, which as a satyagrahi he could not do. He wrote to her a letter* which was a farewell note, so to say. But God was kind. She was there to welcome him on his release and he was able to nurse her back to health. He nursed her with rare devotion during all her illnesses including the last one in the Aga Khan Palace detention camp, (which resulted in her death on 22 February 1944) to which I was an eye-witness as a detenu in that camp.

Gandhiji was making many experiments in dietetics in South Africa. He gave up his favourite dishes one after another in order to control the palate and also to control passion. But he found to his dismay that he relished whatever food he took. He was convinced that one should eat to preserve the body and not to please the palate.

He took to fasting on certain days, such as *Ekadashi*** and also fasted if any other occasion for fasting presented itself. He felt that control over passion was helped by fasting and by the control of the palate. Kallenbach joined him in these experiments. Kallenbach and Gandhiji had fasted before that for health



reasons. But now Gandhiji experimented with fasting as a means of self-control and spiritual growth and development. [M. K. Gandhi, *Autobiography*, Navajivan (1956), p 320]

Raichandbhai, who was Gandhiji's spiritual mentor ever since his early days in South Africa, had told him that milk stimulated sexual desire. So he gave up milk. Along with his spiritual quest came the information that in Calcutta and some other places terrible cruelties were being committed on the cows and buffaloes to extract the last drop of milk from them. So he gave up taking milk. [*Ibid*, p 328] It was not easy. Milk is the only source of animal protein in a vegetarian diet and is an essential ingredient of balanced nutrition. It becomes especially necessary for the body in certain conditions, as for instance during the growing years for children and for adults during convalescence from illness.

Giving up milk affected Gandhiji's health adversely and he had to resume it many years later in India when he just could not regain strength after a severe attack of dysentery. Kasturba then reminded him that when he had taken the vow of giving up milk he had in mind only cow's and buffalo's milk. There was no reason why he should not take goat's milk. Gandhiji wanted to live and become strong to serve India. He was destined to lead India to independence. He therefore agreed to Kasturba's suggestion and began to take goat's milk. He started improving in health quickly by the addition of goat's milk to his diet. He often used to say regretfully that he was merely observing the letter of his vow, the spirit of it had gone.

Gandhiji also observed fasts as penance for the mistakes of his near and dear ones, and his first long fast was of one week's duration against two young inmates of the Phoenix Settlement as a result of a moral lapse on their part. [Prabhudas Gandhi: *op cit* pp 116-7] The news of the lapse had shocked him. He was



badly shaken. He at once left for Phoenix from Johannesburg, and on the train decided to go on a fast for a week and then take one meal a day for four and a half months. The resolve calmed his agitated mind, and the fast had a salutary effect upon the guilty parties in making them realise their mistake. [Prabhudas Gandhi : *op cit* pp 119-20]

Gandhiji believed that the teachers and guardians were responsible for the lapses of their pupils and wards. He did not, however, suggest that the teachers should always fast in order to bring their pupils to the right path. There was need for a close bond of affection and deep understanding between the two for the success of fasting in such cases.

* For the text of the letter, see Ch. XV.

***Ekadashi* is the eleventh day of the month.

The inmates of Phoenix Settlement too were undergoing profound changes in their inner and outer lives. In the early days, on Sunday the settlers used to have their meals together and special dishes were prepared. Gandhiji enjoyed good food in those days. But these parties did not last long. Gandhiji soon began to move towards a still more simple and austere life. Some of the settlers were keen to go along with him. Spicy food was given up by Maganlal. He no longer frowned if the food was not to his taste. Westernised ways of living and the use of cutlery and furniture had already been given up at Phoenix. The special Sunday meals were now replaced by eating together in the orchard, each one carrying his simple food from his own home. Prabhudas' and other children's



bright suits, shoes and stockings were replaced by coarse Khaki shorts and shirts made by their mothers.

We have noted the emotional and mental conflicts the inmates were subjected to as a result of Gandhiji's experiments of making them accept guest students in their homes. Chhaganlal's diary gives us a glimpse of the state of his mind in the face of his new experiences on coming to South Africa and the cultural shock to which he was exposed. Here are a few extracts quoted by Prabhudas Gandhi in his book *My Childhood with Gandhiji*:

4 January 1906: Arrived at Johannesburg station. Rama (Ramdas), Deva (Devadas), Manilal, Bapu and Mrs Polak were there to receive me. Reached home at 7 o'clock with them. After a wash everybody went to the table for dinner; found the westernised style very odd. I began to wonder but could not decide whether our ways were better or theirs. There was bread, vegetables, dal, rice, etc. for dinner. Cocoa was served after the meal. Before the meal Bhai (Gandhiji) recited a few verses from the *Gita* and explained their meaning in Gujarati. Went to bed at 10 o'clock.

5 January 1906: Getting up at 5 a.m., was ready by 6.30 a.m. On being asked by Mohandas Kaka (Gandhiji) Manilal took my shoes away to polish. This made a deep impression on me which I cannot convey in words. Every one went out to work without any breakfast. I walked with Bhai to his office, about two miles away. Talked about *Indian Opinion* on the way. Bhai started work in his office exactly at 9.30 a.m. Seeing a girl working in the office made me wonder. In the afternoon Bhai and others in the office had a meagre meal of bananas and groundnuts. The accounts of the press were then carefully gone through. Returned home with Bhai at 5.30 p.m. I



began to wonder again when I found the English friends, the Polaks, mixing freely with everyone.

6 January 1906: A few people were invited to dinner at Bhai's house in connection with Mr Polak's marriage. Among the guests were English people, Muslims and Hindus. I felt that they crossed the limits in their jokes at dinner.

11 January 1906: Smith, Polak and Mrs Polak, who are staying at Bhai's house behave very freely, which makes me think.

20 January: Isa Haji arrived by the Sugar cane Colony train. I went to receive him at the station with Bhai and Omar Seth. At lunch the guests included Mr Isaac, Mr Kallenbach, Isa Haji, Omar Seth and Haji Habib. Polak was in Indian dress. I ate my meals separately.

16 March 1906: Read in the paper that Bhai has apologized to the Muslims in Pretoria. The news put me in deep thought. [Prabhudas Gandhi: *op cit* pp 59-60]

It shows how the young men brought up in an orthodox Gujarati home were being influenced by Gandhiji to change their way of thinking and living. At times they found it difficult to keep pace with him. But they tried their best to follow him.

A code of conduct and a set of disciplines for the satyagrahis were being slowly evolved. Later in India these came to be accepted as the eleven vows for all those who wished to live in the ashram and develop the soul force in contrast to physical strength and brute force represented by arms and armaments.



A mention of the eleven vows repeated in the morning and evening prayers in the ashram at Sabarmati and Sevagram might be made here. They are:

1. Non-violence or love.
2. Truth.
3. Non-stealing (to keep more than what one needs was considered a form of theft).
4. *Brahmacharya* — self-control in matters of sex and with regard to all other natural drives and passions.
5. Non-accumulation.
6. Physical labour, realising the dignity of labour.
7. Control of the palate.
8. Fearlessness.
9. Equal respect for all religions.
10. Swadeshi (use of indigenous and home-made products).
11. Non-observance of untouchability, symbolising the end of exploitation of the weak by the strong.

These vows were to be observed in thought, word and deed in a spirit of 'humility'. Humility must pervade all actions of the seekers after spiritual growth and development of inner strength. In the pursuit of soul force the satyagrahis were to find their way to self purification, and ultimately self-realization with the help of the eleven vows.

Life at Phoenix had thus become a training for the satyagrahis to enable them to develop their inner strength and learn to use soul force to face the Government's brute force. Gandhiji was trying to perfect his tool of non-violent



resistance. He was quite clear as to the importance of using the right means to reach the right ends.

He was convinced that means and ends were intimately inter-related. In order to reach the goal of peace, the means had to be peaceful and consistent with the goal. He had no use for the oft-repeated slogan advocating “a war to end all wars.” He held that violence could not end violence. He tried to carry this conviction to others.

The goal or the end to be reached in South Africa was the recognition by the whites that the Indians had a right to live in South Africa with self-respect and dignity and that they had to be treated as civilized human beings like themselves, with the same human needs, hopes and aspirations.

The means to reach the goal was Satyagraha, voluntary self-suffering on the part of satyagrahis to awaken the inherent goodness in the hearts of their oppressors, and to bring about a change of heart on the part of the white majority, and the white rulers of South Africa. Through voluntary self-suffering, the satyagrahis were to strive for more and more self-purification. Their faith in God was to become stronger and stronger. This was the object of leading the austere life at Phoenix. Phoenix had become the training ground for Satyagraha and for the satyagrahis.



CHAPTER XX: SATYAGRAHA AND TOLSTOY FARM

1

Gandhiji and Haji Habib returned to South Africa by s.s. *Kildonan Castle* on 30 November 1909, after four months of weary waiting in England. The situation in South Africa was dismal. There was on the one hand the inevitable weariness and slackening among the rank and file of the satyagrahis after a prolonged and sustained struggle over the years. There were hardly one hundred satyagrahis who were still firm and ready to go to gaol again and again. On the other hand Smuts had said in his statement before leaving England that most of the Indians in the Transvaal were sick to death of agitation. On his return to the Transvaal he did his best to crush the movement by taking advantage of the Indians' weakness. He tried to bend the will of the satyagrahis who still stood firm by increasing repression. The sentences became harsher and life in prison was made as uncomfortable as possible. Large numbers were deported to India under conditions of utmost rigour and the war was extended to women and children.

Gandhiji met this challenge with the utmost serenity. His faith in satyagraha and soul-force had become stronger than ever. He knew that the struggle he was conducting was unique and "one of the greatest of modern times." He was proud of the heroism of his colleagues, and co-satyagrahis and of the great movement that he was leading. Along with it there was a profound personal humility. Writing to Maganlal on 24 November 1909, [C.W.M.G., X, p 69] on board the ship, he said that the name Phoenix was most appropriate, because it was neutral so far as the Hindus and Muslims were concerned. Being an English word, they were showing respect for the land of their adoption by accepting it. The legend, which said that the bird Phoenix was reborn out of its own ashes



again and again, showed that it never died. “I wish that my name is forgotten”; he wanted Phoenix only to be remembered.

Again he wrote, “It is out of our ignorance that we believe we get our bread because of our efforts.” And as if to prove his faith, he found a cheque of Rs 25,000 from Mr Ratanji Jamshedji Tata on his arrival at Cape Town which had come unsolicited at a time when he was badly in need of money to run the movement and support the families of the poor satyagrahis who were in jail. [C.W.M.G., X, p 85]

2

Gandhiji and Haji Habib landed at Cape Town. In an interview to *Cape Argus*, Gandhiji explained the principle involved in the struggle of the Transvaal Indians. He said, “Although the result of our visit to England was negligible, yet I feel satisfied that the English people now realise the exact nature of this struggle and are persuaded that we are moved by a sense of duty.” [*Ibid*, p 85] He expressed his belief that General Smuts would give a fair hearing to the Indian case.

Gandhiji and Haji Habib came to Johannesburg by train on the evening of 2 December. An orderly crowd of over 2000 Indians and Chinese, besides several Europeans, was present at the Park Station to greet them. When the train steamed in, there was a tremendous ovation from the crowd and flowers were showered upon Gandhiji. Thanking the Transvaal Government for allowing him and Haji Habib unobstructed re-entry into the colony, Gandhiji said that the people of England and India were waking up to the fact that the Indians’ struggle in South Africa was just and that the action of the Transvaal Government was harmful not only to the Indians but to the very stability of the Empire. He also referred to the handsome donation of Rs 25,000/- made by Ratanji Jamshedji Tata of Bombay to the funds of passive resisters in the Transvaal. [*Ibid*, pp. 86-7]



On 5 December a mass meeting of over 1500 Indians including representatives from Boksburg, Germiston, Krugersdorp, Heidelberg and other Rand towns and a number of Chinese friends was held at 4 p.m. on the grounds of the Hamidia Mosque, Johannesburg to welcome the two delegates. The Chairman of the British Indian Association, A. M. Cachhalia, presided. He observed that “the sending of the delegations to England and India has resulted in giving our struggle world-wide status.” [*Ibid*, p 90]

Recalling the sacrifices of satyagrahis like Rustomji, Bawazeer, Sorabji, Shelat and particularly Nagappan who gave his life for the struggle, Gandhiji said that “the honours of battle were reserved for the few, and every community was represented, after all, by the fewest possible.” He hoped that the people would follow the worthy example of these leaders.

They had returned from England without any result, he said. Yet they had not come back disappointed. The authorities now knew the exact nature of the struggle. There was no one in England who had anything to say against it. Their struggle was not on behalf of a handful of Indian residents in the Transvaal, but on behalf of the whole of India, indeed on behalf of the whole Empire. Its honour was entrusted to them.

It would be well for the colonists to understand the seriousness of the struggle, he added. They could not question the demand of the Indian community for the restoration of that equality which it had enjoyed before the Boer War and even up to 1906, when the colonial policy of restricting immigration from India was accepted and carried out. It was the duty of Indians to resent a national wrong. When they were told that they could not enter the country because they were Indians, the implied insult became intolerable. It was a life-and-death struggle. The doctrine of inequality with regard to immigration was laid down for



the first time in the colony of the Transvaal. If the desired alteration in the legislation was made, it would be a simple, graceful act of justice. But he feared that if the Transvaal persisted in its present policy, it would shake the very foundations of the Empire. [C.W.M.G., X, pp 90-2]

Towards the close of the meeting, resolutions were passed congratulating the deputation members, Gandhiji and Haji Habib, for “having carried out their mission with courage, patience and moderation” and thanking “Lord Ampthill and his fellow-members of the South Africa British Indian Committee for having guided the delegates and given them the benefit of their mature experience.”

The meeting also resolved “to carry on the struggle by means of self-suffering in the shape of courting imprisonment and otherwise until the legal and theoretical equality as to immigration of British Indians of culture with other immigrants is restored.” It appealed “to the Government and the European colonists to consider the bearings of the struggle on the Empire as a whole and to see that the terrible sufferings of the (Indian) community are ended by justice being done.”

Lastly, it also appealed to the Imperial and Indian Governments “to use their friendly efforts for securing a settlement” and thanked R. J. Tata “for his munificent and timely donation of Rs 25,000 in aid of the struggle.” [C.W.M.G., X, pp 94-5] Copies of the resolutions were sent by the Chairman, British Indian Association to the Private Secretary to the Governor of the Transvaal to be forwarded to the Secretary of State for the Colonies and the Secretary of State for India.

On Sunday 20 February 1910 a meeting of the Natal Indian Congress was held in Durban. The notable resolutions passed at this meeting related to the



need of stoppage of indenture altogether and the need to carry on the struggle.

[*Ibid*, p 164]

3

The Satyagraha movement had been going on all the time while Gandhiji had been away in England. The Government leaders in Britain and South Africa had been much too busy with the Union matters to give any serious thought to the Indian struggle. Gandhiji had done his best to plead for the Indian cause in London with the help of Lord Ampthill, but for various reasons his efforts had not produced the results that his previous visit to London in 1906 had done.

Before leaving England, he had tried to educate and mobilise public opinion, however belated, in favour of the Indian cause among Indians as well as the Whites. He had enrolled volunteers, including Indians and Englishmen who were to go from house to house for a signature campaign. [C.W.M.G., IX, p 523]

After reaching South Africa he gave interviews to the press and addressed meetings from as many platforms as he could. He tried to allay the fears of the whites by putting the Indian demands in the right perspective. He tried to keep up the morale of the Indians by encouraging them in every way possible. He paid a brief visit to Phoenix and then came back to the Transvaal.

Gandhiji, along with his 18 year old son, Manilal, Joseph Royeppen a barrister, Samuel Joseph the Headmaster of Indian School, David Andrew a clerk and Fazandar the acting Chairman of the British Indian Association, crossed the border from Natal into the Transvaal unchallenged on 26 December 1909. Fazandar, although a voluntarily registered Indian, was deported the previous week to the Natal border for not producing his register and for not giving his thumb mark. He re-entered the Transvaal along with Gandhiji on 26 December without any difficulty. [C.W.M.G., X, p 104]



The policy of the Transvaal Government according to its own admission was to deport to India even those who had voluntarily registered and were lawful residents of the Transvaal, [*Ibid*, p 104] because they were defying Law 2 of 1907, the Black Act. Gandhiji and his group however were not arrested or interfered with in any way on 26 December, when they entered the Transvaal.

Manilal Gandhi, Samuel Joseph and David Andrew began selling fruits and vegetables as hawkers. They went from house to house selling the stuff at a small profit which was added to the passive resistance fund. One of the reasons why people like school-masters and clerks took to hawking was that it would induce hawkers, who with petty traders formed the majority among free Indians in South Africa, to take part in the passive resistance struggle and thereby make the movement more effective. This would, Gandhiji felt, incidentally also result in the intellectuals appreciating the dignity of manual labour and the fact that nature has intended man to earn his bread by the sweat of his brow. [C.W.M.G., X, p 130]

Manilal was arrested on 14 January 1910 and sentenced to ten days' imprisonment with hard labour. [*Ibid*, p 131] He was awarded solitary confinement as he refused to drink polluted water from a common bucket kept for all prisoners who had to drink from it like dogs from a pool. The next day, on his representation to the Governor, the order of solitary confinement was rescinded and a separate bucket of water was thenceforward reserved for Indian prisoners. [*Ibid*, p 150] He was discharged on 28 January on completing his sentence. The other prisoners who were discharged along with Manilal Gandhi on 28 January 1910, included V. S. Pillay, S. N Naidoo and Nanalal Shah.

On his release, Manilal recommenced his “honourable calling” of hawking on 5 February and challenged the authorities to rearrest him. He approached the same constable who had arrested him the first time, who after laughing



remonstrance, acceded to his request and arrested him. When however he was brought to the Charge Office, Vernon, Superintendent of Police, Johannesburg, ordered his discharge. [*Ibid*, p 150]

Satyagrahi prisoners, after coming out of jail, complained of absence of ghee in their diet and insufficiency of the rations, in spite of the fact that the Government had added two ounces of beans to their diet. All the prisoners had lost weight.

Joseph Royeppen, a barrister-at-law of Lincoln's Inn and a native of South Africa who had returned to the Transvaal a few months ago, had also been arrested and ordered for deportation for not having registered himself. [*Ibid*, p 141] Royeppen, David Andrew and Samuel Joseph were sentenced to three months' imprisonment each. [*Ibid*, p 149]

A number of Indians from Natal entered the Transvaal on 13 March 1910 along with Gandhiji. Two of them were arrested on 14, six on 15 and two on 16. All were ordered to be deported to Natal. They were all either educated Indians or pre-war Indian residents of the Transvaal and had the right of domicile or of entry into the Transvaal by reason of education under the Immigrants Restriction Act. In an interview to *The Star* on 17 March Gandhiji said that these Indians had come to the Transvaal not to assert their personal rights but to take part in the struggle. He wondered why the Government had not arrested him, although he was instrumental in bringing them to the Transvaal. In so doing he was supposed to have committed a breach of the Immigration Law in so far as he had aided and abetted prohibited immigrants to enter the Colony. In fact, he said, they were not prohibited immigrants at all. [C.W.M.G., X, p 184]



The deportations, when they were made to Natal, were not of much consequence, except for their legal effect in enhancing punishments for future offences. But deportations to India were of a serious nature. The men involved had in several cases been voluntarily registered and their credentials were well known to the Asiatic Department. Some of the persons deported were born in South Africa. Several of them had to leave their families behind. These families were left without their bread-winners and had to be supported out of the passive resistance fund, the major contribution for which had come from India. [*Ibid*, p 194]

The orders for deportation were passed without any judicial trial. The cases were administratively tried in semi-secrecy. There was no appeal to the Supreme Court against these administrative acts. Thus under a totally un-English procedure liberties of the British subject were taken away with a stroke of the pen. What was lacking in the law, which was harsh enough, had been supplied by the astute subtlety of an unscrupulous department of the Government.

Legally, these deportations could take place only as far as the Transvaal boundary. The Transvaal Government had, therefore, entered into an understanding with the Portuguese authorities, whereby passive resisters deported to the boundary of the Portuguese territories were arrested by the Portuguese Government and without trial put on board a steamer going to India. The British Government in London had taken no notice of this illegal action.

Even if it was assumed that the Imperial Government could not interfere with the course of law of a self-governing colony, there was no reason why they should have overlooked the smuggling away of British Indians domiciled in the Transvaal to India through Delagoa Bay with criminal indifference. There was no



legal justification for it. If, instead of being a British colony, the Transvaal had been a foreign state that had entered into such a compact with the Portuguese Government, it would have been treated as a breach of treaty and might even have justified a declaration of war. Without the connivance or silent concurrence of the Imperial Government the Transvaal Government could not have carried out these deportations. The Imperial Government was therefore a party to the desolation of many an Indian home resulting from such action. The conclusion was irresistible that the Imperial Government had abdicated its primary function of protecting their Indian British subjects, against illegal harassment by their white British subjects in South Africa. The Imperial Government had become paralysed, it seems, before the might of the Transvaal Government. It was therefore unable to shield the weak Indians from oppression by the strong whites. That the Imperial Government existed only to strengthen the tyranny of the white tyrants was the inevitable and the only conclusion to be drawn. [I.O., 23-4-1910, p. 135; C.W.M.G., X, pp 194-5]

On 14 March 1910 fifty-nine Indians were unlawfully “deported” to India by s.s. *Umhloti* by the Transvaal Government. Some of them fell ill at Delagoa Bay. But not a single Indian became dispirited. It was expected that all of them would return to South Africa in a short time. [C.W.M.G., X, p 224] Most of these men had voluntarily registered. But they had burnt their certificates. When they were called upon to produce the documents, they said that they had burnt them. They were then asked to give their signatures and fingerprints which they declined to give. The officials then, instead of adopting the regular course of prosecuting them, insisted on their deportation under an administrative order.

The officials contended that if they did not follow this course, any Asiatic might pretend that he had been voluntarily registered and he would, “merely go



to gaol.” This punishment, they said, was not enough. They therefore took the law into their own hands and found an excuse to “get rid of voluntarily registered passive resisters also,” including some wellknown stalwarts like V. A. Chettiar, Chairman of the Tamil Benefit Society, and L. Quinn, Chairman of the Transvaal Chinese Association. [C.W.M.G., X, p 225] The argument of the officials was not correct, because on going to gaol the satyagrahis would be giving their fingerprints and if there were any among them who had not voluntarily registered, they could be found out and hauled up for perjury.

Out of the satyagrahis deported to India, twenty-eight returned immediately and arrived in Durban in June 1910. Nine of them could not, however, disembark, owing to the despotic attitude of the Union Government. [*Ibid*, p 274-5] Some of the deportees who returned to South Africa by the end of September 1910 along with Polak, were refused permission for landing first at Durban, then at Port Elizabeth, then at the Cape and again at Durban. The last was in defiance of an order of the Supreme Court restraining the Immigration Officer from removing them from the jurisdiction of Natal. The officer, acting under instruction from Smuts, the Minister of Interior, sent these men in indecent haste, to Delagoa Bay. Exposed to inclement weather for several days without sufficient covering to protect the body, and shivering on the open deck of the steamer, these hapless men had to undergo great hardships. One of them, Narayanasamy, died on board the steamer. He thus became a martyr for the Indian cause. The struggle of the Transvaal Indians for their basic human rights was strengthened by the sacrifices of the satyagrahis said Gandhiji in sorrow over Narayanasamy’s death.

The Government’s increasing repression to break the spirit of the satyagrahis was not able to do so. The sentences became harsher. Life in prisons



such as Diepkloof, a penal settlement to which satyagrahis were being sent, was made as uncomfortable as could be. Large numbers were being deported to India under inhuman conditions.

Gandhiji kept on inspiring and urging the passive resisters to fight on fearlessly and untiringly until the wrongs done to the Indians were remedied. He addressed himself not only to Indians but to all Asiatics and to the Coloured people as well. [*Ibid*, p 301] His words had the desired effect. The hard core of satyagrahis remained steadfast.

5

Ratanji Jamshedji Tata's donation of Rs 25,000 to the Passive Resistance Fund was very helpful for the Satyagraha movement, but money alone could not ensure the success of the movement. The Satyagraha struggle, according to Gandhiji, was a fight on behalf of Truth. Its strength lay in self-purification and self-reliance. The capital necessary for Satyagraha, said Gandhiji, was character. He was doing his best to build the inner strength of the hard core of satyagrahis who were ready to go to jail again and again. No one could tell how long the struggle would last. The Boer Generals, who were now the rulers of the Union of South Africa, were determined on the one hand, not to yield even an inch of ground, and on the other hand there were a handful of satyagrahis who were pledged to death or victory. It was like a war between ants and an elephant who could crush thousands of ants under each of his feet. [M. K. Gandhi, S.S.A., p 233]

Support for the families of satyagrahis who were in jail was a necessary obligation. So far they had been given a monthly allowance in cash according to their need. It would not have been right to give the same amount to everyone, for some had big families and some others had small ones; others were single men *brahmacharis* (celibates) without families. It was not possible to select only



the *brahmacharis* as satyagrahis, nor to exclude men with big families. So each family was asked to indicate their minimum needs and was paid accordingly on trust. There was considerable room for fraud and some unscrupulous persons did take advantage of it. Others who were honest, but were accustomed to live in a particular style, expected such help as would enable them to keep it up. There was risk of injustice being done to the honest and undue advantage being taken by the dishonest. There was only one way to solve this problem, Gandhiji felt. All the families should be kept in one place and become one big cooperative family. But where could that be?

For the satyagrahis fighting meant imprisonment or deportation. The families of many of them were in economic distress. When the satyagrahis came out of gaol, they too had to be looked after. No one could find employment when there was uncertainty as to how long he would be out of gaol. There were men who had suffered several sentences. A satyagrahi is a human being and has the human needs for shelter, food and clothing for himself and his family. Gandhiji was on the look-out for a place where he could keep the satyagrahis' families, and the satyagrahis in between their prison terms, on as self-reliant a basis as possible. The place had to be in the countryside where they could work on the land and grow food. It had to be in the Transvaal and not too far away from Johannesburg. Phoenix had a number of advantages but it was 300 miles away and took 30 hours to reach by train, besides the possibility of satyagrahis being arrested and even deported at the crossing of the border.

Kallenbach, an architect and a close and devoted friend and colleague of Gandhiji, acquired a farm of 1100 acres 22 miles away from Johannesburg and named it Tolstoy Farm. He had a very high regard for Count Tolstoy and was trying to live a simple life according to Tolstoy's teachings. He must have done it in



consultation with Gandhiji, in order to find a solution for the problem of housing satyagrahis and their families. He wrote to him on 30 May 1910 offering his farm for the use of the satyagrahis. He wrote:

In accordance with our conversation, I offer to you the use of my farm near Lawley for passive resisters and their indigent families; the families and passive resisters to live on the farm free of any rent or charge, as long as the struggle with the Transvaal Government lasts. They may also use, free of charge, all the buildings not at present used by me.

Any structural alterations, additions or improvements made by you may be removed at your pleasure on the termination of occupation, or they will be paid for by me at a valuation in the usual manner, the terms of payment to be mutually agreed upon by us.

I propose to pay, at a valuation in the usual manner, (for) all the agricultural improvements that may have been made by the settlers.

The settlers to withdraw from the farm on the termination of the struggle. [C.W.M.G., X, p 262]

Gandhiji replied the same day saying that he had shown his letter to Cachhalia Seth and other passive resisters and thanked him for his offer on their and his own behalf. He accepted the offer. It would greatly relieve the financial pressure, he said. He accepted Kallenbach's conditions. Referring to the improvements and additions mentioned in Kallenbach's letter, Gandhiji wrote that he would keep an accurate account "which will be open to your inspection and I shall not undertake improvements or additions without your approval." [C.W.M.G., X, p 262]



In *Indian Opinion* of 11 June 1910 he wrote, “We place a very high value on Mr Kallenbach’s offer of his farm for the benefit of satyagrahis.” If the families of the satyagrahis used it well, there should be no occasion for anxiety, however long the struggle might last. There would be much saving in expenditure. Those who settled on the farm would learn to be happy, leading a noble life, in place of the unclean and monotonous ways of town life. Moreover, what they would learn on the farm would prove useful for a lifetime. He had said in the past that the Indian community would be well rewarded if it were to take to agriculture and it would also be saved from the anxieties incidental to business. “We have to pay a heavy price for not recognizing the value of this best of occupations.” [*Ibid*, p 262]

He asked the leaders of the Indian community to address letters of thanks to Kallenbach. He added, “His gift will be appreciated at its proper worth only when Indians settle there in large numbers.” [*Ibid*, pp 271-2]

6

The attack on Indian children and women now came as illustrated by the cases of Chhotabhai which occurred about the middle of 1910 and of Mrs Rambhabai Sodha which came about in November 1910.

A. E. Chhotabhai was a prominent Indian merchant of Krugersdorp. He was lawfully domiciled in the Transvaal since 1899 and was registered under Law 36 of 1908. He brought in his minor son, aged 15, in January 1910. His name was inscribed in his father’s registration certificate. The boy on attaining the age of 16 years applied for registration under the Asiatic Act. He had entered the Transvaal as a minor along with his father and with the knowledge and consent of the authorities. He had a legal right to register under the Immigration Restriction Act. His application for registration was rejected by the registrar. He appealed to the magistrate, who upheld the registrar’s decision and ordered his immediate



removal from the Transvaal. This action was, however, suspended, pending proceedings in the Supreme Court. The matter went before Mr Justice Wessels in chambers, who characterised the action of the Government as inhuman” and said that “when known, it would create a howl throughout the civilized world”. But the learned judge decided that the Act did not provide for registration of such boys, and he therefore reluctantly dismissed the application. The case was sent in appeal before the full bench, which by a majority vote upheld Mr Justice Wessels’ decision. But two judges, Mr Justice Mason and Mr Justice Bristowe condemned the Government’s action as also the Acts concerned in somewhat scathing terms. [C.W.M.G., X, pp 360-1]

On 25 January 1911 Chief Justice Lord De Villiers of the Supreme Court (Appellate Division) of the Transvaal gave the final decision that the minor son of a person domiciled, and legally registered and admittedly entitled to be in the country, “cannot be subject to an order of deportation and sent away from his parents.” The Chief Justice passed remarks which exposed the designs of General Smuts who had deliberately intended the law to be vague, so that the door might remain open for the deportation of minors. Lord De Villiers said: “If the Legislature desires to place restrictions upon the liberty of any class of subjects, whether Europeans or Asiatics, it should do so in a language which admits of no doubt as to its intention. Otherwise, we will refuse to give effect to the law.” [I.O., 28-1-1911; C.W.M.G., X, pp 404-5]

A number of satyagrahis from Natal had been breaking the law by crossing into the Transvaal. Several of them had gone to jail, and some of them had done so again and again. Mr E. M. Sodha was one of them.



Sodha was one of the stalwarts in the passive resistance struggle, who had suffered imprisonment almost continuously for about 18 months from May 1909 onwards. Consequently his family in Natal had been reduced to poverty and his home had broken up. As the families of passive resisters were being supported at Tolstoy Farm out of public funds, Gandhiji, when he returned from Natal in the first week of November 1910, brought with him to the Transvaal Mrs Sodha (Rambhabai) and her children — a boy of 12 years, another under three years and a baby in arms. Before leaving Natal, he had taken the precaution of telegraphing to the immigration officer that he was crossing the border with Mrs Sodha. [C.W.M.G., X, p 347] On reaching Volksrust, however, he learnt that the police had received instruction to stop Mrs Sodha together with some other passive resisters who were in his company. They got down from the train. He took her and the children to the Charge Office, where he was asked to produce Mrs Sodha the following morning. [C.W.M.G., X, pp 350-1]

An Indian store-keeper provided shelter and food for Rambhabai and the children. The next day 6 November she was charged as a prohibited immigrant and the case was remanded to 21 November. She was released on her own cognizance. Thinking that Mrs Sodha's arrest might have been due to a misunderstanding, Gandhiji telegraphed again to the Chief Immigration Officer, giving him the information about Mrs Sodha's children and telling him that she was proceeding to Tolstoy Farm, that she would return from the Transvaal at the end of the struggle and that she was being taken to Tolstoy Farm only pending her husband's incarceration. He received at Volksrust a reply that Mrs Sodha would be tried as a prohibited immigrant unless she immediately returned to Natal. She and Gandhiji, however, did not wish that she should go back.



In order to avoid any further complications, Cachhalia, the Chairman of the British Indian Association, telegraphed to Smuts, Minister of the Interior, recounting the circumstances of Mrs Sodha's arrest and requesting that the prosecution might be withdrawn. The Minister replied in the negative, stating that her husband was a prohibited immigrant. As the British Indian Association was eager to avoid bringing women into the controversy, it again approached the Minister and requested him that a temporary permit be issued to Mrs Sodha. He declined to do so. The Government, it seemed, had now declared a war on Indian women and children also, as the punishment inflicted upon the menfolk had apparently failed in its purpose. [*Ibid*, pp 351-3]

The case of Mrs Rambhabai Sodha came up for hearing on 30 November 1910 after several adjournments. She was charged with contravening the provisions of Act 15 of 1907, the Immigrants' Restriction Act, in that, being a prohibited immigrant she had entered and was found within the Transvaal, and that when asked by a duly authorised officer, she was unable, through deficient education, to write out and sign in the characters of a European language an application for permission to enter the Transvaal.

Gandhiji appeared for the defence. As soon as the case was called, the public prosecutor allowed Gandhiji to go into an adjoining room with the Immigration Officer for putting the accused through an education test. Some difficulty arose in connection with the interpretation of the evidence. The public prosecutor explained that Gandhiji would act as interpreter and he was asked to interpret the charge to the accused. In reply Mrs Sodha said that she did not know any European language, but said that she was not guilty. For further interpretation, P. K. Desai was sworn to perform the duty. She also said that she



did not know whether her husband was registered under the Act. [C.W.M.G., X, p 392]

Sodha, the husband of the accused, a passive resistance prisoner, was then called by Gandhiji and he said that he was serving three months' imprisonment under the Registration Act. He had been in South Africa for nearly 14 years. He came to the Transvaal in 1897. He did business in Pretoria but during the war went to Natal as a refugee. After the war, he came to the Transvaal again, passing the necessary test at Volksrust on 7 October 1906. Since then he had been off and on in gaol for non-compliance with the Registration Act. While in gaol, his store was broken into and he had lost all his property.

Questioned by the Magistrate, he said that his registration pass, before the war, had been issued at Komatipoort. He had not taken out a registration pass under subsequent legislation because of his conscience. [*Ibid*, p 393]

Gandhiji, while giving evidence, said that solely on his responsibility, the accused had come to the Transvaal. He had telegraphed to the immigration officer that the accused with her minor children was entering the province on a particular date. He received no reply, and the accused and her children left with him for Johannesburg. At the border she with her children was arrested as a prohibited immigrant.

Cross-examined, Gandhiji said that he considered that the accused's real home was in the Transvaal. She came to the Transvaal, after her husband was convicted. When asked by the public prosecutor, Gandhiji denied that he had brought the accused to the Transvaal for the purpose of agitating against the Asiatic Law and affirmed that as the passive resisters' families had to be supported out of public funds, it was convenient for him to support Mrs Sodha at



Tolstoy Farm in the Transvaal along with others as also to look after her family.
[C.W.M.G., X, p 394]

In reply to questions from the Bench, Gandhiji clarified that Mrs Sodha had not been brought in order to support in any manner whatsoever, what had been called the Asiatic agitation. There had been no desire to defy the law of the country in connection with the entry of Mrs Sodha. On the contrary, every possible effort had been made to conciliate the authorities, even when they were erring on the wrong side so far as the legal point was concerned. Gandhiji added that not a single passive resister got a single farthing as wage or pay for going to gaol, unless the support given to their dependants could be so termed. The passive resisters, when discharged, were taken to the Tolstoy Farm if they so wished, and were supported there but nothing was paid to them.

The public prosecutor stated that the only question was whether the accused had knowledge of a European language. It had been proved that she did not possess it.

Gandhiji urged that if the case was concerned only with the education test, the Crown was bound to secure a conviction. But Mrs Sodha was not guilty as she was the wife of a person who was not a prohibited immigrant, because Mr Sodha, according to the evidence, had passed the education test at Volksrust on his entry. Again Mr Sodha, being a pre-war resident of the Transvaal, was an eligible Asiatic under the Registration Act and, hence, not a prohibited immigrant. Mr Sodha's conviction did not affect Gandhiji's contention, as he was convicted only for not producing his registration certificate. This did not make Sodha a prohibited immigrant in any way whatsoever.

Gandhiji further argued that Mrs Sodha being a married woman could not, under Common Law of South Africa, be declared guilty of a statutory crime. By



the Common Law she had a right to follow her husband. And while her husband was in the Transvaal, she had a right also to be there. He therefore pleaded for Mrs Sodha's discharge. [C.W.M.G., X, p 394]

The Court reserved judgment up to January 1911. The proceedings of the Court were keenly watched by the Indian community. Many Indian ladies were present and they remained with Mrs Sodha the whole day and showed her marked attention. It was a pathetic scene to see her in the Court House with her baby in her arms and a three-year-old child by her side. [*Ibid*, pp 392-5]

The judgment was delivered on 11 January 1911. Rambhabai Sodha was sentenced to a fine of £10 and one month's simple imprisonment, but notice of appeal having been given, was released on a personal bail of £25. [*Ibid*, p 394]

The High Court of the Transvaal revised the sentence to fine or imprisonment. [*Ibid*, p 423]

8

In the midst of all his preoccupations with the Satyagraha and satyagrahis, Gandhiji had his domestic problems. His eldest son Harilal had followed him to prison and Gandhiji was happy and proud of him as is obvious from his reference to Harilal in his letter to Tolstoy from London on 10 November given in chapter XVI. But this did not last long.

Harilal was not happy. His desire for higher education was still there, and he could not accept all his father's experiments, some of which when followed by others at Phoenix seemed to him motivated by a desire to please his father.

Gandhiji had taken the vow of *Brahmacharya* in 1906. He asked his son Manilal and others also to do so. Manilal refused. Maganlal took the vow. Gandhiji also introduced certain other disciplines at Phoenix such as taking



saltless diet, and many took it for varying periods in order to please him. Harilal was upset by all this and saw hypocrisy in it. He began to question the utility of such disciplines and also of the Phoenix experiment.

Harilal had been very keen to study and become a barrister like his father. Gandhiji did not agree to it. It was during Gandhiji's 1909 visit to London that one of his friends, Dr Pranjivan Mehta, offered to bear the expenses of educating one of his sons in England. Gandhiji accepted the offer provided he allowed him to choose any one he thought most suitable and did not insist on his sending one of his sons. "If I find Manilal to be the most suitable, I shall send him" he told Dr Mehta. He did not mention Harilal. It must have hurt Harilal. Later he selected Chhaganlal, his nephew, in preference to one of his sons, much to their disappointment.

Chhaganlal was first sent to India to join Polak who had been sent there to keep Indians informed about the situation in South Africa and the progress of the Satyagraha campaign there. From India Chhaganlal went to England. He had been asked by Gandhiji to take the vow of poverty before taking the steamer for London. He was to promise that he would not use his education for earning money. He would be getting his subsistence allowance from Phoenix. He was to dedicate his life to the practice of principles and ideals of Phoenix and if it became necessary for him to live in a town, he was to take a house and do his own cooking and other work with his own hands. Chhaganlal went to England, but did not become a barrister as he fell ill in London and came back within six months. Harilal was deeply upset at having been ignored.

Differences had arisen between father and son soon after Harilal's return to South Africa on the question of the latter's studies. All the four sons and Kasturba too resented the denial of adequate educational opportunities to the



boys. Gandhiji's friends also advised him against it. But he was convinced that the type of education available in the schools and colleges was no good. He laid far greater emphasis on education for life than on formal education. He was aware of the dissatisfaction of his wife and sons. To seventeen years old Manilal he wrote "When people ask you in which class you are studying, you tell them you are in Bapu's class." Manilal, a teenager, might have been suppressed by such a reply, but 21 years old Harilal could not be suppressed. His resentment grew stronger.

Chhaganlal was back from England by 21 January 1911. Gandhiji then selected Sorabji Shapurji Adajania to take his place and Sorabji left for England on 21 July 1912. Harilal must have protested. Gandhiji wrote to him on 16 October 1912 "You have not been able to appreciate my action. The main reason is that Sorabji is a Parsee." It was most becoming that a Hindu should encourage a Parsee. "If he does become a barrister, his responsibilities will increase." Gandhiji could not make any special use of Sorabji, but he could of Medh. "When I do not encourage Medh to become a barrister, how can I encourage you?" he asked. He added that if he did so, it would go counter to all his principles. [C.W.M.G., XI, p 333]

It was too much for Harilal to swallow. His father's earlier objection to the type of higher education available had not been too convincing to Harilal. He had felt that his father could not have made the impact that he had if he had not been a barrister, but now that he was choosing others to become barristers in preference to him, it became unbearable. He felt that he and his brothers and mother were being used by his father as tools to satisfy his own fads.

Harilal's wife was expecting her second baby. Gandhiji said she should be sent to India with suitable company. Harilal was in gaol at that time. He desired to take her to India himself on his release. But Gandhiji said that it would mean



unnecessary extra expenditure. Harilal was released from prison on 9 January 1911. Before that his wife Gulab and her daughter had reached India. She gave birth to a son on 10 January 1911. He was named Kantilal.

Harilal continued to take part in all the activities but he was very unhappy. On 6 April 1911, a telephonic message was received from a hospital that an Indian patient had died and there was no one to take away the body. Harilal made all arrangement for the last rites of the dead man. On 10 April 1911 Rev Phillips and owner of the *Transvaal Leader* were leaving for England. They were both supporters of the Indian cause and Harilal went to see them off. On 17 April he went to receive the satyagrahis who were released from the prison that day. During this period he was mentally much upset and was very unhappy.

He had a talk with Joseph Royeppen, and on 8 May 1911 he picked up a few things including a photograph of his father and disappeared, leaving a letter for Gandhiji. Gandhiji was greatly perturbed when he learnt that Harilal had left. He and his companions searched for him all over Johannesburg but they could not find him.

Harilal had taken a train and reached Delagoa Bay. But he had no money to buy his ticket to India. He had changed his name so that he would not be recognized as Gandhiji's son. He approached the British Consul as a poor Indian and asked to be sent back to India.

But some one recognized him and informed his father. Kallenbach came and took him back to Johannesburg. On 15 May father and son had a long talk but their differences could not be reconciled. Gandhiji arranged to send him to India. It was a sad parting. As the train was about to leave Gandhiji said to him "If you think your father has done you a wrong, please forgive him." [Extracted from



Dalal, Chandulal Bhagubhai, *Mahatma Gandhike Jeshthh Suputra Harilal Gandhi, Ek Dukhi Atman*, (Hindi), Sarvasevasangh Prakashan, 1980, Varanasi]

But Gandhiji did not have the time to brood over his personal problems. There was much work to do.

9

Gandhiji, his two sons Manilal and Ramdas, and Kallenbach shifted to the Farm on 4 June 1910 and started making preparations for shifting the satyagrahis' families to the Farm. Gandhiji and Kallenbach went to town on every Monday and Thursday and spent other days on the Farm. [C.W.M.G., X, p 272]

Kallenbach had given it the name 'Tolstoy Farm'. He himself wanted to live there and lead a simple life. Gandhiji said that Kallenbach's idea was gradually to give up his work as an architect and live in complete poverty. Kallenbach also agreed to look after the womenfolk living on the Farm, in Gandhiji's absence from the Farm.

The Farm measured about 1100 acres, it was two miles in length and three quarters of a mile in breadth, it was situated near Lawley railway station, and was 22 miles away from Johannesburg. It took 20 minutes to walk down from the Lawley railway station to the Farm. By rail it took about one and half hours to reach Lawley railway station from Johannesburg.

The soil was fertile and the Farm had about a thousand fruitbearing trees. There were peaches, apricots, figs, almonds, and walnuts. In addition, there were eucalyptus and wattle trees. The Farm had two wells and a small spring. The landscape was beautiful. At the head there was a hill with some more or less level land at the foot. [*Ibid*, p 272; M. K. Gandhi, S.S.A., pp 234-6]



Feverish activity was set in motion on the Farm to complete the living arrangements for women and children. Kallenbach became busy with building operations and the foundation was laid for a chawl, 50 feet long. It had a stone foundation. Gandhiji, Manilal, Chinan and Kuppusamy Naidoo started working at stone rolling, side by side with the Kaffirs. Stones were available on the Farm, but had to be carried from the hill to the building site.

It was decided to house men and women separately and therefore houses were built in two separate blocks at some distance from one another. It was also decided to build accommodation for ten women and sixty men in the first instance. A house had to be built for Kallenbach and also a school and a workshop for carpentry, shoe-making etc., closeby.

Gopal Naidoo attended to cooking. In all there were six Indians and Kallenbach to start with and they had a common mess. All the dishes were prepared in the Indian style. In the morning, those who wanted breakfast had bread and coffee made from roasted wheat. The bread was made at home, without the use of yeast, from Boer whole meal. At lunch, they had rice and curry, and bread with home-made jam prepared from oranges growing on the Farm. For dinner, they had porridge, bread and jam. Butter was not used, the ghee used in cooking being sufficient to meet the fat needs. In the afternoon and at night, they had dry fruit and ground-nuts, if available. Modifications, if necessary, were to be made after the women joined the Farm. [M. K. Gandhi, S.S.A., pp 236-9]

Construction work had started. Some of the Indian carpenters had offered to work *gratis*. The object of settling on the Farm was to save expenses and also to give some training to the inmates in the new way of life consistent with Satyagraha. [C.W.M.G., X, p 280]



The number of settlers gradually increased and the place began to take on the appearance of a new township. Labour for putting up the buildings was contributed by the satyagrahis and Kallenbach. [*Ibid*, p 288] They did every kind of work such as loading and unloading, fetching water, chopping wood, transporting goods from the station and so on. Conducting the school was a strenuous task. Everyone became tired out by the evening. [*Ibid*, p 288]

Gifts of articles such as cloth, foodstuffs and fruits were sent to the inmates of the Farm from different places in South Africa so as to minimise the cost of maintaining the satyagrahis and their families on the Farm. [*Ibid*, p 290]

A letter from Gandhiji to P. J. Mehta written soon afterwards, gives a glimpse of the life on the Farm.

.....I prepare the bread that is required on the farm. The general opinion about it is that it is well made. Manilal and a few others have learnt how to prepare it. We put in no yeast and no baking powder. We grind our own wheat. We have just prepared some marmalade from the oranges grown on the farm. I have also learnt how to prepare caramel coffee. It can be given as a beverage even to babies. The passive resisters on the farm have given up the use of tea and coffee, and taken to caramel coffee prepared on the farm. It is made from wheat which is first baked in a certain way and then ground. We intend to sell our surplus production of the above articles to the public later on. Just at present, we are working as labourers on the construction work that is going on, on the farm, and have not time to produce more of the articles above mentioned, than we need for ourselves. [*Ibid*, p 266]



Life on Tolstoy Farm was to be a training ground for satyagrahis. It was to enable them to develop their character and capabilities. The hard core of a hundred odd steadfast satyagrahis were mainly South Indians. Some of the Tamilian ladies came to see the Farm. Gandhiji cooked their food. Kallenbach showed them round. They were very pleased with the place. [*Ibid*, p 273]

Fruit such as oranges, apricots and plums grew on the Farm in abundance. The satyagrahis living on the Farm could have their fill during the season and still there would be a surplus.

The spring was about 500 yards away from the living quarters. As at Phoenix it was decided that there were to be no servants at Tolstoy Farm for the household work and as far as possible not even for farming and building operations. All work from cooking to cleaning, carrying water and scavenging was done by those living on the Farm with their own hands.

The Farm residents came from South and North Gujarat, Tamilnadu, Andhra Pradesh and other parts of India. Among them were Hindus, Muslims, Parsis and Christians. About 40 of them were young men. There were two or three old men, five women and 20 to 30 children including four or five girls. [M. K. Gandhi, S.S.A., p 236] Christians and Muslims were meat-eaters. Gandhiji and Kallenbach felt it would be desirable to exclude meat. But how could they ask people used to eating meat from their childhood to give it up even temporarily, especially when they were coming to live on the Farm in the days of their adversity. Giving them meat would increase the cost of living. Again there were some who were used to eating beef. That too would have to be allowed. How many separate kitchens were they to run ? These were all taxing problems. What was his duty, Gandhiji asked himself. Having earlier arranged financial assistance



for these families in the form of monthly allowance, he had already supported their meat-eating and beef-eating. Could he deny it to them when they came to live on the Farm? He was clear that he could not do so. He should and would supply meat and even beef to them if they wanted it.

But Gandhiji's overflowing love for all permeated the atmosphere and overcame these difficulties. They say where love is, God is also there. The Muslims agreed first to the running of a purely vegetarian kitchen. Gandhiji then approached the Christian ladies whose husbands were in prison. He had often come in close contact with the Christian friends who were now in jail but this was the first time that he had to deal with their families face to face in their absence. He placed his difficulties, financial as well as the problems of accommodation, if several kitchens were to be run, as also his own deep-rooted sentiments in the matter of meat-eating. But he assured them that meat will be provided and even beef, if they so desired. These good ladies, however, agreed to have vegetarian meals. There was to be a single kitchen. It would be vegetarian and it was put in charge of these sisters. Gandhiji himself, with or without another gentleman, was to assist them. His presence checked petty bickerings. Food was to be very simple, cooked in the common kitchen, and served to all sitting in one row. Hours and the number of meals too were fixed. Every one was to clean his or her own utensils and take part by turn in cleaning the common cooking vessels in group. No one ever asked for meat during their long stay at Tolstoy Farm. Smoking and drinking were totally prohibited. [M. K. Gandhi, S.S.A., pp 236-7]

In order to be as self-reliant as possible, unskilled work in construction of the buildings was done by the residents. Kallenbach, himself an architect, brought a European mason. A Gujarati carpenter, Narayandas Damania, volunteered his



services free and brought other carpenters who agreed to work at reduced rates. One of the settlers, Vihari, became very good at carpentry and did a good deal of carpenter's work. Some of the settlers with supple limbs did wonders.

For the first two months they lived in tents while the buildings were being constructed. The buildings were made of corrugated iron sheets and did not take long to construct. Timber of all sizes was available. They had only to cut it to measures. There were not too many doors and windows and the construction work progressed fast.

One of the residents, Pragji Khandubhai Desai, was not accustomed to manual work and had never faced hard life. But at the Farm he had to put up with biting cold, hot sun and sharp rain. Work was heavy and physically exhausting. It was much harder than work in gaol. One day Pragji fainted due to heat and exhaustion from physical labour. But he was not the man to give up. He trained himself to become hardy at the Farm and in the end was as good a worker as any other resident.

Joseph Royeppen was a barrister of Lincoln's Inn. He was free from the barrister's pride, but he could not undertake hard physical labour. It was difficult for him to take down heavy loads from the train and load them in a cart but he did it all the same as best as he could. Thus at Tolstoy Farm, work made them strong. Physical labour acted as a tonic for all and strengthened their physique. *[Ibid, p 238]*

Marketing was entrusted to Thambi Naidoo and he had to go to town for it. Others too had to go to Johannesburg on errands from time to time. Children wanted to go for fun. A rule was made that travel by railway train, in third class, would be permitted only to those who went on public business. The rest would have to walk and come back the same day. They were not to spend any money



on food while in town. The Farm had acquired an iron mill for grinding wheat. Bread was baked with coarse wheat flour without removing the bran. The groundnuts were roasted and then ground to make peanut butter. The cost was reduced to one fourth when made thus at home. There were plenty of oranges growing on the Farm and homemade jam with homemade bread and peanut butter provided good picnic meals for those who went to Johannesburg, which they carried with them. Fresh cow's milk was hardly used on the Farm. Condensed milk met the needs.

Anyone who wanted to go to town had to get up at 2 a.m. and start walking by 2.30 a.m. They reached Johannesburg in six to seven hours, the shortest time to walk the 22 miles was 4 hours and 18 minutes, the record set by Kallenbach. Many learnt to enjoy walking and it did them all good. A lot of money was saved and every one enjoyed the trips. The discipline was readily and cheerfully accepted by all including the children. They were given only that much work as they were readily and cheerfully willing to take up. The youngsters enjoyed the work on the Farm and the errands to the city. They did play pranks, but the work done by them willingly was by no means unsatisfactory in quality or quantity. [M. K. Gandhi, S.S.A., p 239] Gandhiji usually walked to town and took 5 hours to reach. He came back by train. Jamnadas Gandhi had set a record of 4 hours and 35 minutes. Kallenbach wanted to break it and therefore he did not open his knapsack to take out the food which he was carrying so that he could save time on opening and repacking the knapsack. He bought something to eat. He did beat Jamnadas' record, but was pulled up by Gandhiji for wasting money on food when he had it with him. [Prabhudas Gandhi, *op cit* p 109]

There were quite a large number of people living on the Farm, but the whole place was always clean. Trenches were dug to bury all refuse and waste



water was collected in buckets and used to water the trees. All waste, rubbish, leavings of food and peelings of vegetables, fruit-skins, dry leaves etc. were buried in the trenches to prepare manure. For latrines, a square pit, 1.5 feet deep, was dug near the house to receive night-soil, which was covered with dry earth. There was no smell and no flies. [M. K. Gandhi, S.S.A., p 240]

Gandhiji wanted to make the Farm a beehive of activity by introducing such industries as would meet their needs, save money and make the families ultimately self-sufficient. If they could achieve that, the fight against the Government could go on for an indefinite period.

In order to protect their feet from thorns and stones they needed sandals. They decided to learn to make them. At Mariann Hill near Pine Town there was a monastery of German Catholic monks called Trappists, where industries of this kind were carried on. Mr Kallenbach went there to learn sandal-making and he taught it to Gandhiji. Gandhiji in turn taught it to others so that they could make sandals for their own use and sell the surplus to their friends.

They needed benches and wooden boxes and learnt to make them. The carpenters who had helped in construction work for several months helped them in this also. Kallenbach was the head of the carpentry department and acquired mastery and exactitude in this craft, as he had done in sandal-making, building construction and of course his own profession as an architect. [*Ibid*, pp 239-41]

Kallenbach had brought to the Farm a poor and disabled German, named Albrecht, who was so hump-backed that he could not walk without supporting himself on a stick. Albrecht had boundless courage, and being an educated man, took deep interest in recondite problems. He too had become one with Indian settlers and mixed freely with all. He began fearlessly to play with snakes. He would catch young snakes in his hand and let them play on his palm. Gandhiji



wrote in his memoirs, “If our stay on Tolstoy Farm had been further prolonged, goodness knows what would have been the upshot of Albrecht’s adventures !”
[M. K. Gandhi, S.S.A., p 252]

As a result of these experiments the settlers did not fear snakes as much as they otherwise might have, but it was not that no one on the Farm feared serpents. Snakes were generally not killed, but there was not a total prohibition against killing them. To have a conviction that there is violence or sin in a certain course of conduct, said Gandhiji, was one thing; to have the courage of acting up to that conviction was quite another. A person who feared snakes and who was not ready to resign his own life could not avoid killing them in case of emergency. Gandhiji has recorded: “I remember one such incident, which occurred on the Farm.” The Farm was pretty well infested with snakes. There was no human population on the Farm when they occupied it, and it had been in this deserted condition for quite some time. “One day a snake was found in Kallenbach’s own room at such a place that it seemed impossible to drive it away or to catch it. One of the students saw it, and calling me there asked me what was to be done. He wanted my permission to kill it.” He could have killed it without such permission, but the residents, whether students or others, would not generally take such a step without consulting Gandhiji. Gandhiji saw that it was his duty to permit the student to kill the snake, and “I permitted him to do so. Even as I am writing this, I do not feel that I did anything wrong in granting the permission. I had not the courage to seize the serpent with the hand or otherwise to remove the danger to the settlers, and I have not cultivated such courage to this day.” [*Ibid*, pp 252-3]

In order to cut the expenses to the bare minimum, the dress was also changed. In town the men were used to wearing European dress. At the Farm



they adopted the labourer's dress in the European style and used cheap trousers and shirts made out of cheap coarse blue cloth. The women were good at sewing and took charge of the tailoring department.

For food they generally had rice, dal, vegetable and *roties** with occasional addition of porridge. These were served in a kind of bowl like the one supplied to prisoners in jail. They made wooden spoons for themselves on the Farm. At 7 or 7.30 p.m. they had prayers when they sang bhajans and read from *Ramayan* or from books on Islam. The hymns were sung in English, Hindi and Gujarati and sometimes they had three *bhajans*, one in each language, and sometimes only one. Every one retired at 9 p.m.

Many observed the *Ekadashi*** fast and some fasted for the entire rainy season — *Chaturmas****. The Muslim boys were encouraged to observe *Ramzan*. They were given food in the early morning and at night after sunset. To keep company with them many of the non-Muslims joined them in fasting and had only one meal a day in the evening. On the Farm they generally finished their meals before sunset, so that the non-Muslims finished their supper about the time that the Muslims started theirs. The fact of non-Muslim boys supporting the Muslim boys in fasting produced a good effect. There was never any quarrel or trouble of any kind between Hindus and Muslims or with regard to any other religious groups. There was perfect understanding and mutual respect for all religions on the Farm. The boys were good and never gave trouble to any one. [M. K. Gandhi, S.S.A., pp 246-7]

* Home made unleavened bread-flat *chapaties*.

** *Ekadashi* is the 11th day of the waxing and waning moon.

*** *Chaturmas* literally means four months and is used to indicate the rainy season.



A school was a necessity and was started in June 1910 soon after they came to the Farm. The burden of teaching fell mainly on Gandhiji and Kallenbach. Gandhiji taught everyday from 2 to 5 p.m. except on Mondays and Thursdays when he went to town. The first students to join the school were Gopal, Chinan, Kuppusamy and his two sons. It was a difficult task and complete success was not achieved till the end. The children came from different language groups such as Gujarati, Tamil and Telugu. Gandhiji was convinced that they should be taught in their mother-tongue. He knew Gujarati and a little Tamil but no Telugu. What could he do ? He tried to use some of the young men as teachers, but the experiment was not a total success. Pragji's services were requisitioned for the Gujarati speaking group. Some children were naughty and did not like books. On top of all this, the few teachers, that were there, could not be regular in taking classes, as Kallenbach and Gandhiji had to go to Johannesburg on business twice a week. Moreover classes could be held only in the afternoons, when every one was tired after the morning's hard physical work and was sleepy after lunch. They yawned, they sprinkled water over their faces and tried to keep awake but fatigue got the better of them at times. In spite of these problems, the classes were held and the pupils benefited from them. [M. K. Gandhi, S.S.A., p 241]

Religious teaching also created many problems. There were Muslims, Christians, Parsis and Hindus, and Gandhiji wanted every group to read and understand their own religious books. Among the Muslims there was a Khoja child whose father laid on Gandhiji the responsibility of teaching him the booklet of that sect. Gandhiji collected books on Islam and Zoroastrianism and wrote down the fundamental doctrines of Hinduism as he understood them. These were useful for teaching his own children as well as the children at the Tolstoy



Farm. Unfortunately he did not preserve those papers. He could not be expected to do so leading the life of simplicity and poverty that he did. Preservation of papers is both costly and time consuming.

The experiment of religious teaching was a total success. The children learnt to respect each other's religion and customs. They learnt to live together like blood-brothers and imbibed the qualities of tolerance, mutual courtesy, service and industry. Later activities of some of the children educated on Tolstoy Farm, would go to prove that the education that they received on the Farm did them a great deal of good.

In the school there were boys from 7 years to young men of 20 and young girls of 12 and 13 years. Gandhiji divided them in two groups — Gujarati-speaking and Tamil and Telugu-speaking. The children speaking Tamil and Telugu knew their own languages and English and a little Dutch. Gandhiji decided to teach them in English. The medium of instruction for the other group was Gujarati. He used story-telling as a major tool of education. He read to them or told them interesting stories and he did his best to bring them in close contact with one another, so that they would develop friendships and a spirit of mutual co-operation and service. Some general knowledge of geography, history and arithmetic was given and writing was also taught. All these exercises were useful. *Bhajans* (hymns) sung in the evening prayers were taught and they all liked to sing together. It brought the groups closer to one another. [M. K. Gandhi, S.S.A., p 243]

It was a co-educational school. Boys and girls met freely. Gandhiji felt that this would teach them how to behave properly towards one another and observe moral and ethical propriety, while enjoying the liberty. He made bold and fearless



experiments at Tolstoy Farm. The parents of the children had full faith in him. He would let the mischievous boys and the innocent girls all go for their bath at the same place at the same time. The fact that they all went together was a measure of safety in itself and generally he himself was also there at the same time. His eye would follow the girls as a mother's eye follows her daughter. Solitude and privacy were not allowed and this was an important safety measure. [*Ibid*, pp 243-4]

At night, all the boys and girls slept on the verandah around Gandhiji in beds made on the floor, no more than three feet apart. Some care was taken in the arrangement of beds. But in retrospect Gandhiji himself felt that God alone protected his wards and he would not advise anyone to carry out such experiments. Nor would he do it himself in his later life.

One day a boy told some indecent jokes about two girls. When Gandhiji learnt about it it shocked him. He checked and found the report to be true. It kept him awake at night. He had remonstrated with the boy, but he felt something more was necessary. The girls should show some sign on their person to warn every young man that no evil eye could be cast on them. What could it be ? He kept thinking about the matter all night. In the morning he gently suggested to the girls that they might let him cut off their beautiful long hair. They would not listen to him at first. He explained the matter to the older ladies. They too were shocked at first, but ultimately fell in line, and so did the two girls.

At the Farm they cut each other's hair, and scissors and clippers were readily available. The moment the girls acquiesced, Gandhiji cut off their hair and later explained the whole matter in the class. It had a profound and salutary effect. Never again did any such incident occur on the Farm. One of the two girls, a very bright and intelligent young lady, died early. The other lived long and had



a family of her own. Gandhiji was sure that the girls and boys derived much benefit from the incident. [M. K. Gandhi, S.S.A., pp 245-6]

15

They kept no drugs or medicines of any kind on the Farm. Gandhiji's faith in nature cure was at its highest at that time. He believed that there should be no illness when they were leading a healthy life on the Farm. If there was any case of illness, it should respond to nature cure treatment with earth, water, fasting and cleansing of the bowels. Gandhiji's booklet *Key to Health* sums up his ideas and experiments in health, when he was at Tolstoy Farm. [*Ibid*, p 246]

Gandhiji was very fond of making experiments in dietetics from the religious, economic and hygienic standpoints. His predilection for food reform persisted even after his return to India. People around him were naturally influenced by his experiments. As a barrister, he had established cordial relations with his clients, so that he and the clients looked upon one another almost as members of the same family. The clients therefore made him a partner in their joys and sorrows. Some of them sought his advice on health matter as they knew of his experiments in nature cure. Stray patients of this class would sometimes arrive at Tolstoy Farm. [*Ibid*, p 254]

One of these, Lutavan by name, was an aged client who first came to South Africa from north India as an indentured labourer. He was over 70 years old and suffered from chronic asthma and cough. He had given long trials to *vaidyas'* powders and doctors' prescriptions. Gandhiji had boundless faith in the efficacy of his methods of curing disease in those days and he agreed to try his experiments upon Lutavan if he lived on the Farm and observed all the conditions. One of these was that he should give up tobacco to which he was strongly addicted. [M. K. Gandhi, S.S.A., pp 254-5]



Gandhiji made him fast for twenty-four hours. At noon everyday he gave the patient a Kuhne bath in the sun. The weather was not extra warm. For food he was given a little rice, some olive oil and honey. Porridge and sweet oranges were allowed sometimes and at other times he was given grapes and caramel coffee. Salt and all condiments were avoided. [*Ibid*, p 255]

Lutavan slept in the same building as Gandhiji in the inner apartment while Gandhiji slept on the verandah. For bedding every one was given two blankets, one for spreading on the floor and the other for covering purposes, and a wooden pillow. A week passed, Lutavan had more energy, but he was still sick. His asthma and cough were less troublesome, but he had more fits at night than by day. Gandhiji suspected that he was cheating and smoking secretly. He asked him if he did so and Lutavan said he did not. A couple of days passed. As there was no improvement, Gandhiji decided to watch him without telling him.

Everyone slept on the floor, and the place was full of snakes. Kallenbach had therefore given Gandhiji an electric torch and kept one himself. Gandhiji slept with this torch by his side. One night Gandhiji resolved to lie in bed awake and watch his patient. Gandhiji's bedding was spread on the verandah just near the door, and Lutavan slept inside but also near the door. Lutavan coughed at midnight, lighted a cigarette and began to smoke. Gandhiji slowly went up to his bed and switched on the torch. Lutavan understood everything and became nervous. He ceased smoking, stood up, touched Gandhiji's feet and said, "I have done a great wrong. I have deceived you, I will never smoke again henceforth," and asked for his forgiveness. He almost began to sob. Gandhiji consoled him and explained that it was in his own interest not to smoke. Lutavan gave up smoking. His asthma and cough grew less severe in two or three days and in a month he



was perfectly cured. Gandhiji's memoirs record, "He was now full of vigour and took his leave of us." [M. K. Gandhi, S.S.A., pp 255-6]

The station master's son, a child of two years, had an attack of typhoid. The station master knew about Gandhiji's curative methods, and sought his advice. On the first day Gandhiji gave the child no food at all, and from the second day onwards only half a banana well-mashed with a spoonful of olive oil and a few drops of sweet orange juice. At night he applied a cold mud poultice to the child's abdomen. In this case too the treatment was successful.

Gandhiji recorded later in India:

I made many such experiments on the Farm, and I do not remember to have failed in even a single case. But today I would not venture to employ the same treatment.... In 1918 I had an attack of dysentery myself and I failed to cure it. And I cannot say to this very day, whether it is due to my want of self confidence or to the difference in climate that the same treatment which was effective in South Africa is not equally successful in India. But this I know that the home treatment of diseases and the simplicity of our life on Tolstoy Farm were responsible for a saving of at least two to three lakhs of public money. [*Ibid*, p 256]

16

There was on the Farm an ebb and flow of satyagrahis, some of whom would be expecting to go to prison while others had just been released from it. Once it so happened that there arrived at the Farm two satyagrahis who had been released by the magistrate on personal cognizance and who had to attend the court the next day to receive the sentence. They were engrossed in talk and the time was up for the last train which they had to, and must, catch. It became questionable whether they would succeed in catching that train. If they failed to



do so, they would not be in the court on time. They were both young men and good athletes. They ran for all they were worth, along with some of the residents who wanted to see them off. Gandhiji was amongst them. While still on the way to the railway station he heard the whistle of the train as it steamed into the station. When it gave the second whistle indicating its departure, they had reached the precincts of the station. The young men were increasing their speed every moment and Gandhiji was lagging behind them. The train started. Fortunately the station master saw them running up and stopped the moving train, thus enabling them to take it after all and keep their word with the court. Gandhiji thanked the station master when he reached the station.

This incident illustrates firstly the eagerness of the satyagrahis in seeking imprisonment and in fulfilling their promises, and secondly the sweet relations cultivated by the satyagrahis with the local officers. If the young men had missed that train, they could not have attended the court as they had promised to do. No surety had been required of them nor had they been asked to deposit any money with the court. They had been released only on their word as gentlemen. The satyagrahis had acquired such prestige by this time, that magistrates did not think it necessary to ask them for bail, as they were all courting jail and no one was running away. The young satyagrahis therefore had been deeply pained at the prospect of missing their train, and not being able to keep their word. That is why they had to run like the wind. [M. K. Gandhi, S.S.A., p 256]

Sometimes some railway-men, however, did try to create problems. For instance one day Gandhiji was returning with some of the Farm boys by train carrying a sack of peanuts. The white conductor asked him to get the sack weighed and pay freight for it. Gandhiji said that they were for the boys to eat. It was the railway rule not to charge freight for food meant for the passengers'



consumption. The ticket collector did not agree. Gandhiji distributed the peanuts to the boys who began to peel and eat them and there the matter ended. [Prabhudas Gandhi, *op cit* p 110]

At the commencement of the struggle satyagrahis were somewhat harassed by officials and jail authorities in some places were unduly severe on them. But as the movement advanced, the bitterness of the officials was softened and in some cases even changed into sweetness. And where there was long continued intercourse with them, they even began to assist the satyagrahis. The satyagrahis did not bribe the officials in any shape or form in order to secure amenities for themselves. They never thought of purchasing irregular facilities. But where facilities were offered through courtesy, they were freely accepted, and the satyagrahis had enjoyed such facilities in many places. An ill-disposed station-master could harass passengers in a variety of ways keeping himself all the while within the four corners of the rules and regulations. No complaint could be preferred against such harassment. On the other hand, if the official was well-disposed, he could grant many facilities without violating the rules. All such facilities the satyagrahis had been able to secure from the station-master of Lawley because of their patience and capacity for self-suffering. [M. K. Gandhi, S.S.A., p 254]

Gandhiji later admitted that some of his experiments were not free from danger. Such dangerous experiments could have their place only in a struggle of which self-purification was the very essence, he said. Tolstoy Farm proved to be a centre of spiritual purification and penance and prepared them all for the final campaign.

Gandhiji writes:



I have serious doubts as to whether the struggle could have been prosecuted for eight years, whether we could have secured larger funds, and whether the thousands of men who participated in the last phase of the struggle, would have borne their share in it, if there had been no Tolstoy Farm. Tolstoy Farm was never placed in the limelight, yet it was an institution which deserved it and attracted public sympathy. The Indians saw that the Tolstoy Farmers were doing what they themselves were not prepared to do and what they looked upon in the light of hardship. This public confidence was a great asset to the movement when it was organised afresh on a large scale in 1913. One can never tell whether such assets give an account of themselves, and if yes, when. But I do not entertain, and would ask the reader not to entertain, a shadow of a doubt that such latent assets do in God's good time become patent. [*Ibid*, pp 257-8]

Life at Tolstoy Farm led to the spiritual growth and development of satyagrahis. The settlers learnt to look upon one another as members of the same family. Tolstoy Farm provided the good, healthy and pure environment as the place of refuge for the satyagrahis and their families, and little scope was left for dishonesty or hypocrisy. The wheat was separated from the chaff.



CHAPTER XXI: GOKHALE'S VISIT

1

There seemed to be no immediate prospect of a successful end of Satyagraha in South Africa. On 1 June 1910 the Union of South Africa was born. In the elections held in September that year the Botha-Smuts team won a victory over J. X. Merriman and Botha-Smuts team formed the first Union Government.

Gandhiji had been frequently writing to the Union Government and asking them to do justice to the Indians by implementing the assurances given by them. He also kept writing in *Indian Opinion* in order to educate the Indians as well as the Europeans about the various issues facing them.

On 28 September 1910 Polak returned from India. [C.W.M.G., X, p 326 fn] He had done an excellent job in informing the Indian people of the exact situation in South Africa, and of the disabilities suffered by the Indian community in that country as well as the issues facing the satyagrahis. People in India were outraged to learn of the sufferings of their countrymen who had been sent there as indentured labourers to help in the development of Natal, and demanded an end of the indenture system which had proved to be a kind of semi-slavery. The interests of the Union Government of South Africa and the Indian community there, as also of the people in India, thus converged on the issue of putting an end to further immigration of Indian indentured labour to South Africa, though for different reasons.

Besides writing to the Union Government and in *Indian Opinion*, attending to the work at Tolstoy Farm and to Phoenix affairs from long distance, Gandhiji was also in correspondence with the South Africa British Indian Committee in



London, where Ritch and Lord Ampthill had been keeping up such pressure on the British Government as they could.

The British Government had perhaps already sensed that a war in Europe was inevitable. This probably was a major consideration in its decision to appease the Boer leaders of South Africa. Their conscience must, however, have troubled them to have let down the loyal subjects of the Empire the Indians and the Natives of South Africa — in order to please those who had, not long ago, fought a war against them. But they needed a friendly South Africa to face Germany. Moreover, it must be borne in mind that in spite of their professions of equality of all subjects of the Empire, irrespective of colour and creed, the British were essentially sympathetic to the white Christian rulers of South Africa. In their heart of hearts they believed in the superiority of their own civilization and considered it to be their role in the world to raise the non-whites to a higher level of civilization.

2

There were, however, a few whites who realized that Indians came of a civilization which was much older and was higher than the Western civilization, but the majority of them did not know it and they could not believe it even when some of their own people told them about it.

Annie Resant, an Irish lady who had studied in depth Indian religions and philosophy and was the president of the world-wide Theosophical Society, had gone on a tour of Australia in 1908, and was deeply disturbed to see the colour-bar in that country. Writing in *The Theosophist* on her return, she said : “One sees here the result of the power passing into the hands of the ignorant.” The hasty snatching at a momentary advantage, without any conception of the remote



consequences, had led Australia to think only of Australia and not of the Empire, she said. She thought this accounted for the hatred of coloured races in Australia.

One looks forward and sees the Australians themselves becoming yellow under the play of climatic influences,” Annie Besant observed, and wondered how they would then keep a “White Australia”. Many of them were already much yellower than northern Indians whom “they have excluded” “And one thinks amusedly that if Jesus Christ should come this way, He would be prohibited from landing by the Australian law.” She doubted whether a white Australian should consistently worship a coloured Saviour. [I.O., 7-11-1908, p 537]

Then there was Mr Ramsay MacDonald, M.P., who later became British Prime Minister. He gave an address on “India and its problems” at Belgrove Hall, Leicester (U.K.), on 29 May 1910, in the course of which he said that one mistake the Englishmen made about India was that they were inclined to regard it as something very inferior to them. The English people went there with a sort of an idea that the Indian native was a nigger and an uneducated, ignorant sort of person, who required to be looked after and to be put on the right path by them. It was a profound mistake, he said. As a matter of fact, the man who went to India with an open and objective mind and had the advantage of getting into close contact with the best minds of India, would find that they really looked down upon Europeans. The Western man was not respected by the educated Oriental, he observed.

Speaking from personal intercourse with representative leaders of Indian opinion, Mr MacDonald quoted several typical expressions of that opinion and said that none was more candid than that of a certain Maharaja who confessed that:



“We do think the English in India are rather coarse in their habits; they elbow their way far too much through India, and take an interest in things which we consider to be gross indeed; as a consequence they do not take an interest in the things that really are of importance to a civilized human being.”

It was not for him to say whether he agreed or not with this opinion, but he would give an explanation of the attitude. Mr MacDonald said Western civilization was very materialistic indeed, in many cases never thinking of the valuable treasure of the soul. The Indian occupied his time in contemplating the eternal. These things had to be understood before Westerners could understand India. “The civilization of India, the thought of India and ethics of India transcend this life altogether” and seemed to put this world and all that was in it absolutely under foot and behind, he concluded. [I.O., 2-7-1910]

Not many whites read or heard what Annie Besant or Ramsay MacDonald wrote or said, and even those who did read or hear them, did not pay much attention to it as a general rule.

On 3 January 1911 the Government of India, as a result of ceaseless efforts made by Prof Gokhale and other Indian leaders, announced its decision to prohibit emigration of indentured labour from India to Natal, with effect from 1 July 1911. [C.W.M.G., X, p 543] This gave added strength to Gandhiji to take up the Indians’ cause with the Union Government.

On 1 April 1911 the Government of India officially notified that emigration of indentured labour to South Africa would cease as from July 1 that year. This was a triumph for Gandhiji and his supporters in India like Prof Gokhale, the South African League and Mr G. A. Natesan in Madras. [I.O., 4-3-1911] It also indicated a new awareness on the part of the Government of India of its obligations towards



Indians abroad. The reaction to the Government of India's notification among the whites and Indians in South Africa was on the whole good.

3

On 25 February 1911 was published the new Immigrants' Restriction Bill by which General Smuts proposed to settle the Indian question once for all. Gandhiji's first reaction to the Bill was somewhat hopeful, but in view of his previous experience of iniquities in Smuts' dealings, the opinion of the legal expert, Gregorowski was sought. This revealed flaws which rendered the Bill unacceptable to him as it stood because of the following objections:

- i) Asiatics entering the South African Union under the education test provided in the Bill were not specifically exempted from the operation of the Transvaal Asiatics Registration Act and from the disabilities imposed on them under the Orange Free State Constitution;
- ii) The Bill applied to the whole of the Union, and therefore the colour-bar had to be removed in the entire Union territories;
- iii) Special provisions imposing disabilities on the Indians in the Constitution of the Orange Free State had to be removed and a way found so that the Asiatics Registration Act of the Transvaal did not create problems for them;
- iv) The Bill, moreover, did not grant the protection of the Common Law to the minor children of registered Asiatics, if such children were outside the Transvaal at the time of passing of the Bill, or to the wives of lawful residents who might be out of the Colony. [C.W.M.G., X, pp 409-14]



Believing that these omissions were probably the result of an oversight and were not intentional, Gandhiji entered into correspondence with General Smuts to have them rectified.

Ritch had come back from England. Towards the end of March 1911 Gandhiji went to Cape Town for personal negotiations leaving Ritch in charge of the office at Johannesburg. The negotiations ran a zigzag course, hope giving way to fear of breakdown again and again. Gandhiji had quite a hard task in carrying with him even his supporters like Doke and active workers like Ritch on the one hand, and fight every inch of the ground with Smuts on the other. A breakdown was just avoided, and in a speech at Cape Town on 30 March 1911 he struck a hopeful note when he declared: “We are nearing the end, and victory will undoubtedly be ours, if we work on in the spirit of Satyagraha.” [C.W.M.G., X, p 500]

Gandhiji was in Cape Town from 27 March onwards to practically the end of April 1911, meeting members of Parliament and canvassing support for the improvements he sought in the Bill. In the midst of a busy schedule he kept himself in overall touch with events in the Transvaal, Natal and the Cape with the help of Ritch in Johannesburg, and Polak who was in Durban actively working with the leaders of Natal Indian Congress. All the three of them had their hands full. Thanks to the complete understanding between Gandhiji on the one hand and these two on the other, the delicate negotiations in progress in Cape Town were conducted with the backing of the entire Indian community in South Africa. [C.W.M.G., XI, p 14]

The Bill seemed to concede the Indians’ basic demand for the removal of the racial bar from the immigration law of the Union, but it retained the racial discrimination embedded in the Orange Free State legislation. General Smuts was now the Minister of the Interior in the Union Government. He could not, or would



not, prevail upon the Free State legislators to fall in line with the trends in the rest of the Union and agree to a removal, even though it was to be only in theory, of the discriminatory requirements in that State. He seemed eager to get his Bill through the Parliament before the session came to a close for the Coronation of the new Emperor, King George V, in June 1911.

Gandhiji thereupon urged Smuts to accept an alternative solution which would help him bypass the Orange Free State legislators. He asked Smuts to amend the Transvaal Immigrants Restriction Act only and drop the Union Immigrants' Restriction Act. The Satyagraha campaign, when started, had in view only the legislation in the Transvaal, and if that law was amended, Satyagraha would have served its purpose. [C.W.M.G., X, pp 482-3] But Smuts would not agree to that, perhaps fearing that the resulting position would not be acceptable to the Whites in the Transvaal. He also had a valid argument that immigration was a matter for the Union Parliament and did not fall within the jurisdiction of the Provincial Legislature.

On the horns of a dilemma, Smuts placed his difficulties before Gandhiji. [C.W.M.G., XI, pp 31-4] On 19 April he had a very friendly, “extracordial” talk in which he said to Gandhiji:

You, as a lawyer, will understand when I tell you that it is difficult to carry out your alternative suggestion. Gandhi, my boy, I am sorry for you. You know I want peace. My advisers consider that your suggestion cannot be carried out. Parliament will not pass such a Bill.... I do not want to harass your people. You know that. And I do not want you to bring people from India and elsewhere to fight. I want to help the Imperial Government and they want to help me. I want to help you and you want to help me. Will you not see our point of view? [C.W.M.G., XI, p 32]



Continuing further, he added :

I know you have many leaders. I know you to be high minded and honest. I have told the Imperial Government so. You have a right to fight in your own way. But this country is the Kaffirs'. We Whites are a handful. We do not want Asia to come in.... You are a simple-living and frugal race. You belong to a civilization that is thousands of years old. Ours, as you say, is but an experiment. Who knows but that the whole damned thing will perish before long. [*Ibid*, p 32]

After asking a few personal questions of Gandhiji, Smuts rose to say goodbye. Gandhiji also got up. He expressed his disagreement saying, "You say you cannot amend the Transvaal Immigration Act. I must confess I do not see any difficulty in your doing it." [*Ibid*, p 33]

The next day, 20 April, Gandhiji wrote to E. F. C. Lane, Private Secretary to General Smuts, that he had wired the gist of his conversation with Gen Smuts to the Natal Indian Congress at Durban and the British Indian Association at Johannesburg and had also discussed the matter with the Cape Indian leaders. All of them were positive that the Satyagraha campaign should not be suspended unless the alternative solution suggested by him had been acted upon during the current session of Parliament. [*Ibid*, p 36]

Lane replied to Gandhiji on 21 April that General Smuts regretted that in view of the probable prorogation of Parliament early the week after, it would not be possible to proceed with the immigration legislation in any form during the current session. [*Ibid*, p 515 (Immigration Bill was dropped in April 1911, C.W.M.G., XI, p 213 fn)] He also conveyed the General's feeling 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 tended unnecessarily to



complicate the situation. 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, he wrote. [C.W.M.G., XI, pp 515-6]

In his reply dated 22 April Gandhiji regretted that General Smuts had found it impossible to settle the Transvaal Asiatic trouble during the current session and added that he shared his anxiety to bring passive resistance to a close, especially as he would do his best to bring about a settlement during the next session. In order that the “suspicion, that is sure to be roused among my countrymen owing to a postponement of the solution, may be allayed,” [C.W.M.G., XI, p 38] he asked for the following assurance from the Government:

- i) Legislation would 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 Parliament is removed by a general Bill, such Bill should naturally be free from a racial bar throughout the Union;
- ii) 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.
- iii) Educated passive resisters who were now in the Transvaal but who were not registrable 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.



Gandhiji concluded, “If the above assurance be given, I do not anticipate any difficulty in persuading my countrymen to suspend passive resistance.” [*Ibid*, pp 38-9]

On the same day, 22 April, a letter was received from Lane saying that General Smuts gave the assurance asked for and further that in the legislation to be passed during the following session there would be provisions giving equality to all immigrants. [*Ibid*, pp 519-20] After receiving this letter Gandhiji went back to Johannesburg from Cape Town.

He stopped at Kimberley on his way to Johannesburg. Kimberley had a large number of Konkani Muslims who had not been cooperating with the Satyagraha movement. Gandhiji had promised to visit them and talk to them as early as he could. He addressed a largely attended meeting of the Indian community in the Town Hall of Kimberley on 24 April. The Mayor of the town presided. Gandhiji said that he was glad to inform the meeting that the Satyagraha campaign in which the Indian community had suffered over 3,500 imprisonments and undergone untold suffering, was nearing an end. He had in his possession a letter from the Government which stated that the legitimate demands of the Indian community would be granted during the next session of Parliament. In that letter, there was official recognition of passive resistance as a legitimate form of agitation for the redress of grievances. There was no instance in modern history, he said, in which a body of people had undertaken self-suffering by way of securing redress of wrongs suffered by them, and that was what the Transvaal movement amounted to. [C.W.M.G., XI, p 40]

Gandhiji likened the Transvaal passive resistance to the conscientious opposition offered by Prophet Daniel to the laws of the Medes and Persians,



which the Prophet considered to be contrary to the demands of reason and holiness. [*Ibid*, p 41]

On Thursday 27 April 1911 there was a crowded meeting at the Hamidia Hall in Johannesburg where the Indian community assembled to consider the negotiations between Gandhiji and Smuts, and come to a decision whether Satyagraha could be suspended. A. M. Cachhalia, the Chairman of the British Indian Association, presided. Over 200 persons had to stand outside the hall for want of accommodation inside. The proceedings lasted for over four hours. Kallenbach and Ritch were also present. The discussion was at times heated, if not actually stormy and throughout there was an intense distrust of Government.

Gandhiji explained to them the whole correspondence between him and the Government and advised acceptance of the proposals made therein. Coovadia, Royeppen, Solomon, Ernest and Thambi Naidoo spoke in favour of acceptance of proposal and Abdul Rahman of Potchefstroom moved that the proposal for the suspension of Satyagraha be accepted on the assurance of fulfilment of pledges given by General Smuts. Shelat seconded. There was a counter-proposition that the proposal might not be accepted until the intentions of the Government were carried out in practice. The original proposition of Rahman was carried with five dissentients. [C.W.M.G., XI, pp 56-7]

It was also decided that an earlier proposal to send a public deputation to England consisting of Cachhalia and Gandhiji at the time of the Imperial Conference should be withdrawn and the funds collected for the purpose be used to send Polak to England in order to enable him to rejoin Mrs Polak and also take up such public work there as might be necessary. From London Polak was to go to India in October and attend the session of the Indian National Congress there in December. Gandhiji wrote to Dr Pranjivan Mehta to invite Polak and his wife



to Rangoon and added that the habits of Mrs Polak were not as simple as those of Polak. [*Ibid*, p 67]

The Chinese community also held meetings and passed resolutions accepting the proposed settlement.

In a petition addressed to the Secretary of State for the Colonies on 1 May 1911, Cachhalia, Chairman of the British Indian Association, listed the terms of the Provisional Settlement arrived at between General Smuts and Gandhiji and accepted at the meeting of the British Indian Association as given below: [*Ibid*, p 51]

- (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 Chhotabhai 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 the 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 registrable 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; and
- (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.

In addition, Cachhalia drew the attention of the Secretary of State of some of the other grievances of Indians in South Africa. He mentioned particularly Law 3 of 1885 which excluded British Indians and other Asiatics from (a) Burgher's rights i.e., rights of political franchise, (b) ownership of landed property except in Bazaars and Locations, and (c) residence in towns except in Bazaars and Locations set apart for their residence. [C.W.M.G., XI, p 52] Further, the Gold Law and the Township Amendment Act of 1908 contained certain provisions which meant that every Indian residing within the mining areas of the Transvaal ran the risk of being dispossessed of his occupation of stands therein and having his ownership completely destroyed. Many important towns including Johannesburg which accommodated nearly one-half of the total Indian population of the Transvaal, were affected by these laws. This meant the virtual ruin of the Transvaal Indian community and their being driven out of the province through starvation. [*Ibid*, pp 53-4] Lastly, there were also certain bye-laws and regulations which needlessly interfered with the personal liberty of Indians, such as prevention of the use of



footpaths and tram-cars by Indians. The Indians also needed protection against the restriction and extinction of their trading licences by the Government on the basis of highly prejudiced petitions made by rival European traders. [*Ibid*, p 55]

On 15 May the Natal Indian Congress also sent a memorial to the Secretary of State for the Colonies. The Congress particularly wanted protection against the general Immigration Bill proposed to be introduced in the ensuing session of the Union Parliament, which sought to curtail the existing rights of the Natal Indian community. The petition pointed out that the education test to be imposed was to become much more strict and the number of educated Indians proposed to be admitted in the whole Union was too small. It should be at least 50 in view of the fact that the Transvaal was to admit six, with only about 12,000 Indian population, the Indian population in the Cape Colony was 15,000 and in Natal over 150,000 which included the indentured labourers. Therefore, proportionately there should be 72 educated Indians admitted each year, but 50 was the least the Government should agree to admit. Moreover, in order to help Indian traders, permission for temporary permits, to be renewed as and when required, should continue to be liberally given. They wanted at least 25 such permits to be given every year to enable Indian traders to have clerks. It further demanded the abolition of the £ 3 tax exacted every year from ex-indentured Indian males and females and their children, especially in view of the fact that the indenture system was to be stopped with effect from 1 July 1911. [C.W.M.G., XI, pp 70-4]

Writing in the Gujarati section of *Indian Opinion* on 2 June 1911 under the heading “What has Satyagraha Achieved” [*Ibid*, pp 98-104] Gandhiji listed the



following as the gains obtained by the Indian community as a result of more than four years of passive resistance:

1. The Indian community's pledge has been redeemed. There is a saying among us that if one's honour is saved, all else is safe.
2. The obnoxious Act will be repealed.
3. Public opinion has been roused all over India about our disabilities.
4. The entire world has learnt about our struggle and has admired the Indians' courage.
5. A law has been passed (in India) to prohibit the emigration of indentured labour to Natal.
6. Satyagraha helped to bring about whatever improvement there has been in Natal's licensing legislation.
7. A law similar to the one in the Transvaal, which was passed in Rhodesia, was disallowed.
8. The sinister licensing Act which was passed in Natal was disallowed. Anyone who doubts that this was due to the Satyagraha campaign may peruse the reasons which the Imperial Government gave for disallowing the law (in its despatch).
9. Enactment of legislation for the whole of South Africa along the lines of the Transvaal law has been rendered impossible.
10. Enactment of further thoughtless legislation in the Transvaal has been prevented.



11. The railway regulations which were promulgated in the Transvaal, making distinctions between Whites and Coloureds, were repealed and substituted by regulations of general application.
12. Everyone knows that the Obnoxious Act of 1907 was the first step in legislation aimed against the Indians. They took up arms even at this stage and thus thwarted the designs of the local Government.
13. It is impossible that the Committee of European Sympathisers with Hosken as Chairman would have been called into being otherwise. The Committee is now likely to be useful to us in other matters as well.
14. Apart from these, we have also won the sympathy of many whites.
15. The prestige of the Indian community has risen and those who were wont to despise us have now come to respect us.
16. The Government realizes that we have become invincible.
17. The Indian community, once timorous, has now become brave and those who were too afraid even to make a mild request now speak out in a ringing voice.
18. In Johannesburg, Indian women did not take any part in social activities. Mrs Vogl has started a class for them and works free of charge.
19. The Indian community, which fought shy of gaol, has almost shed that fear.
20. Though Mr Cachhaia and others have lost their wealth, they know that they have acquired a certain spirit and strength which they could never have had, even at the cost of millions, without the experience that the campaign made possible.



21. It was only through this campaign that the Indian community learned of the men and women of heroic mettle among the Tamils.
22. It was thanks to Act No. 36, which was enacted as a result of the struggle, that the rights of hundreds of pre-war Transvaal Indians came to be protected.
23. The charge of fraud against the Indian community has been disproved.
24. Considering the latest instance, we find that the proposed poll-tax Bill in Natal, which was discriminatory, was abandoned in fear of Satyagraha.
25. General Smuts and the Imperial Government were obliged to rescind their decisions, the former on three occasions and the latter on two.
26. Whereas formerly the Government did not pause to think before passing laws directed against us, now it not only gives careful thought to such law but is also obliged to consider our probable reactions to them.
27. Indians command more respect as men of their word. “Better to lose millions than to lose one’s reputation as a man of one’s word.”
28. The community has demonstrated the power of truth.
29. By placing its trust in God, the community has demonstrated to the world the supreme value of religion. Theirs alone is victory who follow truth and religion. On further reflection we shall probably discover many other benefits but the last mentioned is the foremost among them. A great campaign such as ours could not have been waged without faith in God.

He said, “He has been our only true support.”



He added that if, through this struggle, they had learnt to depend on Him alone, that would be sufficient gain in itself, and all else would follow as a matter of course. [C.W.M.G., XI, p 104]

5

Towards the close of 1911, a new Immigration Bill had been drafted by the Union Government to meet the Indians' objections. It was shown to Gandhiji on 22 December, 1911 before being gazetted. [C.W.M.G., XI, p 213 fn] When, however, it was published in the Gazette, Gandhiji was disturbed to discover some alterations. [*Ibid*, p 214] He took up the matter with the Government. The Natal Indian Congress and the Cape British Indian Union held public meetings to protest against the new Bill. [*Ibid*, p 228]

The Bill, it was found, was designed not only to carry out the policy of excluding almost the entire Asiatic population, but if it was passed in its present form, it would very largely interfere with the vested rights of Indians. The Asiatics would generally find themselves at the mercy of Immigration Officers who were to issue domicile certificates to their wives and children. General Botha's oft-repeated declaration that the Union Government would not molest the resident Asiatic population of South Africa, was falsified by the Bill. It was more an Asiatic Expulsion Bill than an Immigration Consolidation Bill, and the rights of residence of domiciled Asiatics and those of their wives and children were seriously threatened by it.

The movement of educated Asiatics between Natal and the Cape as also the Transvaal was to be considerably restricted. Not a single section of the Asiatic community had been left untouched by the new Bill. Moreover, Natal and the Cape had a special grievance in that educated Indians of the status of clerks and assistants, would become, practically prohibited immigrants under the arbitrary



education test now proposed. [I.O., 1-10-1913; C.W.M.G., XI, pp 228-29] In addition, Gandhiji found that a clause requiring a declaration on oath by educated Asiatics entering the Orange Free State, that they would not farm or trade in that State, was retained in the new Bill.

On 15 February 1912 he therefore referred the Bill to Gregorowski for his expert legal opinion on all these provisions in the form of a statement. [*Ibid*, p 232-34]

After receiving Gregorowski's opinion, which upheld Gandhiji's objections, Gandhiji wrote to E. F. C. Lane on 24 February, drawing his attention to the drawbacks in the Bill, hoping that these would be remedied. [*Ibid*, p 241]

While this correspondence between Gandhiji and the Union Government was going on, it was agreed that the Provisional Settlement arrived at between the two parties on 20 May 1911 might continue pending the passing of a satisfactory legislation, which the Government intended to introduce during the next session of Parliament. Meanwhile, six educated British Indians were to be permitted to enter the Transvaal in 1912 also as was done in 1911, as if the intended legislation had already been passed. [*Ibid*, p 246]

The controversial Immigration Bill was dropped on 24 June 1912.

6

On 30 October 1911 Gandhiji wrote to Prof Gopal Krishna Gokhale saying that he was sorry to hear of the latter's illness and asked him to pay a brief visit to South Africa. He said that it would serve the double purpose of bringing the Indians in South Africa nearer to their home country and also giving him personally "the privilege of so nursing you as to restore you to health." [*Ibid*, p 176] Prof Gokhale was suffering from diabetes, and he was on a very strict diet. [Millie Graham Polak: *Mr Gandhi : The Man*, p 130]



The invitation was repeated on 8 December. [C.W.M.G., XI, p 195]

Gandhiji had very high regard for Prof Gokhale, the founder of the Servants of India Society and a highly respected moderate leader of the Indian National Congress. Gandhiji considered him his political guru (teacher). Prof Gokhale's name was a bye-word in India for his scholarship, patriotism and selfless service. He was elected as a member of the Bombay Legislative Council in 1899 and the Imperial Legislative Council in 1902. He became President of the Indian National Congress in 1905. He started the Servants of India Society in 1905 with a view to enlisting educated youth of the country in the service of the nation, and a good number of young men came forward to serve the country through the Society in return for a small remuneration, just enough to provide them with their minimum needs.

Gandhiji had written to Professor Gokhale from London in 1909 to come to the Transvaal breaking the Transvaal Immigration law and join the ranks of the satyagrahis. The situation had now changed. A visit by Professor Gokhale however would still be useful, said Gandhiji

Gokhale had earned the gratitude of South African Indians by initiating debate in the Legislative Council in India on the condition of Indians in South Africa, and had moved a resolution on 25 February 1910 in favour of prohibiting the recruitment of indentured labour for Natal. This resolution had been carried. It was on the basis of that resolution that the Government of India had announced its decision to stop sending indentured labour to South Africa with effect from 1 July, 1911.

Polak, who had gone to India to take part in the session of the Indian National Congress held in Calcutta on 11 December 1911, had announced, while speaking on the South African Resolution of the Congress, that Gokhale had



expressed a desire to visit South Africa in the following year in order to study the situation on the spot. [I.O., 24-2-1912; C.W.M.G., XI, p 207 fn]

Gokhale was in London in 1912. He conferred with the Secretary of State for India and informed him of his intention to proceed to South Africa and acquaint himself with the condition of Indians there at first hand. The Minister approved of the visit. [M. K. Gandhi, S.S.A., p 260]

Gokhale wrote to Gandhiji asking him to arrange a programme for a six weeks' tour, indicating the latest date when he must leave South Africa. This period was later reduced to three weeks by Gokhale. No Indian leader had been to South Africa, or for that matter to any other place outside India where Indians had emigrated with a view to studying their condition. Naturally, therefore, the Indians in South Africa were overjoyed, and under Gandhiji's leadership decided to give a royal welcome to the distinguished visitor. Europeans were also invited to participate in the functions to be arranged in Gokhale's honour. A booklet "The Hon Mr Gokhale and The Indenture System", containing a brief sketch of Gokhale's public career and a full report of the debate on the resolution moved by him in the Viceroy's Legislative Council in Calcutta was also proposed to be published by Phoenix, to mark the occasion of Gokhale's visit. [C.W.M.G., XI, p 302 fn]

Gandhiji was at the Tolstoy Farm looking after the families of satyagrahis in the latter half of 1911 and most of 1912, paying a visit to Johannesburg twice a week and occasionally to Phoenix to attend to necessary work there. At a meeting of the British Indian Association held on 23 August 1912 at the Hamidia Islamic Society Hall, Gandhiji gave details of the programme drawn up for Gokhale. He said Gokhale was to land at Cape Town on 22 October and would be able to stay in South Africa only for about three weeks, as he had to leave Durban



for Bombay on 16 November. He would be able to give two days to Cape Town, one day to Kimberley, and would reach Johannesburg on 27 October. He could give the Transvaal about ten days, most of which would be passed in Johannesburg. In estimating the cost of the celebrations in honour of Gokhale, Gandhiji suggested that £1,000 would be necessary. A committee of the Association was appointed to make collections and to arrange for the programme envisaged. The committee was also to appoint delegates to proceed to Cape Town to receive the honoured guest. [*Ibid*, pp 310-1]

7

Gokhale left for South Africa from London on 5 October, by s.s. *Dover Castle*. In England itself, he had a foretaste of South Africa's racial prejudice. The Secretary of State for India informed the Government of South Africa of Gokhale's high rank, his position in the Empire, etc. But no one had cared to book his passage or reserve a good cabin for him. Gokhale had such delicate health that he needed a comfortable cabin where he could enjoy some privacy. The Union Castle Company, which owned the steamer, refused to carry Gokhale unless he paid for a whole cabin since it feared that there might be no European passenger willing to share the cabin with him. [M. K. Gandhi, S.S.A., p 261; C.W.M.G., XI, p 332, Appendix XX] Gokhale flatly refused to meet the Company's demand. A letter was thereafter addressed from the India Office to the directors of the Company, and the best cabin was then placed at Gokhale's disposal. The Captain of the ship received instructions to treat Gokhale well, and consequently he had a happy and peaceful voyage to South Africa. [*Ibid*, p 209; C.W.M.G., XI, p 332]

The Government of South Africa offered Gokhale their hospitality during his stay at Pretoria and placed a State railway saloon at his disposal. Gokhale consulted Gandhiji and with his approval accepted the offer. [*Ibid*, p 261]



In an interview to the *Cape Argus* given on 22 October 1912 Gandhiji said that Professor Gokhale was coming to South Africa with the knowledge of the Indian Government but entirely on his own initiative. Gandhiji hoped that the visit would result in a better understanding between Europeans and Indians, that a better tone would be adopted by the two communities towards each other. [*Ibid*, p 335]

Gokhale landed at Cape Town on 22 October 1912. Gandhiji revised the arrangements when he found that Gokhale's health was too weak to withstand the heavy schedule he had drawn up for him. He acted as Gokhale's secretary throughout the tour. The volunteers, one of whom was Kallenbach, also rendered whatever help was needed.

8

At Cape Town, a grand reception was held in the City Hall where a number of prominent whites were also present and addresses of welcome were presented to Professor Gokhale by various organizations. The Mayor, Mr Harry Hands, presided on the occasion. Dr Abdurrahman, leader of the Cape Coloureds, and leaders of the Asiatic community occupied seats on the platform.

The Mayor in his opening speech said that he had pleasure in extending to Professor Gokhale a warm welcome to the “Mother City of South Africa” and hoped that the “result of his mission would be the solution of the difficulty in a manner satisfactory to all concerned.” [C.W.M.G., XI, p 336]

Gandhiji in his speech said that Prof Gokhale was his political *guru* (teacher) and whatever he had been able to do in the service of his fellow- countrymen in South Africa — of which he claimed to be a citizen — was due to him. Mr W. P. Schreiner paid an eloquent tribute to Gokhale and his work in India and



welcomed him on behalf of the European citizens of the Cape Colony. [I.O., 2-11-1912]

Gokhale thanked the various speakers for their kind references and said that he had come to study the position of Indians in South Africa, a problem that was agitating the Indian mind, as no other question had done so far. He hoped that his mission would be crowned with success. [I.O., 26-10-1912]

The hospitality accorded to Gokhale showed that though hard knocks had been given by the European and Indian communities to each other in South Africa, there was no bitterness. In every town where meetings were to be held in his honour, the Mayors had signified their intention to preside. Gokhale had come to help them in bringing the two peoples closer together. He however warned the Indian people against any false expectation that “Gokhale’s visit would act as a charm.” While he would certainly assist them, he said, there was nothing so valuable as self-help and people would have to work out their own salvation. They could get nothing that they did not deserve, and it was only when the time came that they would reap the reward of their past actions. [C.W.M.G., XI, pp 336-7]

On 24 October Gokhale along with Gandhiji left for Kimberley stopping for a short while at Klerksdorp and Krugersdorp on the way. Each of these two towns had a sizeable population of Indians. Gokhale attended the meetings and addressed the people who had assembled to welcome him.

On October 25 Gokhale reached Kimberley. There also a large crowd of Indians greeted him and gave him a fitting reception at the Town Hall. The Mayor, Mr W. Gasson, welcomed him. Gandhiji in his speech referred to Gokhale’s many noble qualities and attainments and said that if he had been an Englishman, “he would have been occupying the position now held by Mr Asquith (Prime Minister



of Britain)”, and possibly, had he been in France, he would have been “President of the French Republic.” [C.W.M.G., XI, pp 337-8] He hoped that Gokhale’s visit “would lead to better possibilities of a solution of the great problems that not only faced South Africa but faced the whole Empire.” [*Ibid*, p 338]

Gokhale thanked the Indians and Europeans for their warm welcome and referred to the stopping of the indenture system. He said that the general opinion was that such a system should not have been allowed to exist under the British flag. The people in India had reason to complain against that system which resulted in all Indians being regarded as coolies, no matter what their status was. The Indians therefore objected to the indenture system because it lowered their national self-respect. If the indenture system had not been introduced in South Africa for the benefit of planters in Natal, he said, there would have been no Indian question in South Africa. Free Indians came only in the wake of the Indentured Indians and therefore those who were responsible for the Indian problem in the country, were the British Government, who, acting in the interest of certain planters in South Africa, had brought Indian indentured labourers into Natal. He said that if the Empire was to endure, it could only endure on the basis of justice and not on the basis of selfishness of any particular class or section. [I.O., 2-11-1912]

A banquet was arranged in Mr Gokhale’s honour at Kimberley in the Town Hall on 26 October by the local Indians. The Mayor of Beaconsfield, Mr T. Pratley, presided. Among those who spoke besides Gandhiji, were Mr W. Gasson the Mayor, Kallenbach and Cachhalia.

In his speech Gandhiji said that it was a matter of pride that Mr Gokhale had been instrumental in bringing about an event of great significance in Kimberley, that a meeting of the most representative Europeans and Indians at a



common board was taking place. Though the two communities might have their differences, they would know each other better “when the mists of ignorance had rolled away.” Prof Gokhale had come to South Africa to dispel those mists of ignorance and he had come as the “brightest jewel that India could present to them.” [C.W.M.G., XI, p 339]

Gokhale, whose speech was greeted with cheers, thanked the hosts for the honour done to him and the extremely kind manner in which the toast had been proposed and received. He said that whether the conditions of the British Indians in South Africa were to improve or not, would depend to a large extent on the attitude of the European community. India was a part of the Empire. Indians declined to be treated as serfs in the Empire. Generally speaking, the treatment of Indians throughout the Colonies was most unsatisfactory. Unless that was remedied and treatment of Indians was based on a foundation of justice, there would be no contentment in India. On the Europeans mainly rested the responsibility of trying to reconcile the true interests of the Empire by reconciling themselves with the habits, wishes and aspirations of the different peoples of the Empire. “But if they (Indians) were to be treated as helots, then of course the Empire was a mere nameless thing,” and it would make the Indians reconsider their position. The European community should realize that the Indians were in the first place entitled to just and humane treatment and, secondly, that they must be made to feel that they were a part of the Empire. [I.O., 2-11-1912]

From Kimberley, Gokhale left for Johannesburg. Passing through Klerksdorp, Potchefstroom and Krugersdorp on 28 October and meeting the local Indians at receptions arranged for him in all those places, he arrived at Johannesburg the next day. He was received by Mayor Ellis and other citizens and heartily welcomed by a large number of Indians. The station had been decorated



colourfully and an elaborately designed arch had been erected in his honour outside the Park Station. [I.O., 2-11-1912]

After the Mayor's welcome, a number of addresses were presented, the most important being the one from the British Indian Association. The address was engraved on a solid plate of gold, along with a map of India and Ceylon. The other addresses were from the Hamidia Islamic Society, the Johannesburg Hindus, the Tamil Benefit Society, and some others. The address by the British Indian Association paid warm tributes to Gokhale and expressed the gratitude of the South African Indians for the active support and cooperation which he gave them in their struggle and also for his efforts to stop the supply of indentured labour from India to South Africa. [C.W.M.G., XI, pp 340-1]

At the banquet held in Gokhale's honour in the Masonic Hall, Johannesburg, on 31 October, Gandhiji proposed the toast. The banquet was given by the British Indian Association and was the largest of its kind, about 500 persons attending. In his speech Gokhale said that India would on all future occasions be behind the South African Indians and "would not forget her children across the seas." Referring to the South African struggle, he said that India felt the greatest admiration for the passive resisters, who had done a great deal for the honour of India. In this connection he paid a rich tribute to Gandhiji.

Gokhale said that one name stood apart from the rest, "the name of the figure which had been foremost in the struggle, the figure of his friend, of their friend, of the friend of everyone — Mr Gandhi". India recognized Mr Gandhi as a great illustrious son, of whom she was proud beyond words. He was sure that men of all races and creeds would recognize in him one of the most remarkable personalities of their time, but it was only those who had the privilege of knowing him intimately, it was only those that knew him well, knew that pure and



indomitable spirit that dwelt in that frail-looking frame which glorified whatever it touched.” [I.O., 9-11-1912, p 381]

A mass meeting of Indians was also held in Johannesburg where Gokhale, at Gandhiji’s request, addressed the gathering in Marathi, which was translated into Hidustani by Gandhiji. [M. K. Gandhi, S.S.A., pp 265-6]

Gokhale was put up in a fine house belonging to Kallenbach, perched on a hilltop five miles outside Johannesburg. He liked the place immensely “as the scenery was pleasant”, the “atmosphere soothing”, and the house “though simple, was full of art.”

A special office was hired in the city for Prof Gokhale to receive visitors. He was also taken to make private calls upon some of the distinguished men in the city. A private meeting of leading Europeans was organized so as to give him a thorough understanding of their standpoint. [M. K. Gandhi, S.S.A., p 263]

9

Gokhale had arrived in South Africa while Gandhiji, the satyagrahis and their families were still living on the Tolstoy Farm. It was natural for Gandhiji to feel that Gokhale must visit Tolstoy Farm.

Life on the Farm was most austere. Everyone slept on the floor, with one blanket to spread on the floor and one to use as a cover. There were no cots on the Farm. They had borrowed one for Gokhale. There was no room where he could enjoy full privacy. For sitting there was nothing except the benches of the school at Tolstoy Farm. Even so, how could they resist the temptation of bringing the illustrious visitor in spite of his delicate health, to the Farm and how could he help seeing it, either! [*Ibid*, p 248]



On 2 November Gandhiji and Gokhale left for Tolstoy Farm. Gandhiji has recorded in his memoirs: “I was foolish enough to imagine that Gokhale would be able to put up with a night’s discomfort and to walk about a mile and a half from the station to the Farm. I had asked him beforehand, and he had agreed to everything without bestowing any thought upon it, thanks to his simplicity and overwhelming confidence in me.” [*Ibid*, p 248] As fate would have it, it rained the day Gokhale came to the Farm. Gandhiji was not in a position suddenly to make any special arrangement. He could never forget the trouble to which he had put Gokhale that day “in my ignorant affection.” The hardship was too much for him to bear and he caught a chill.

They could not take him to the kitchen and the dining hall. He had been put up in Mr Kallenbach’s room. His dinner became cold by the time it was brought from the kitchen to his room. Gandhiji had himself prepared a special soup, and Kotwal special bread for him, but these dishes lost their flavour because the food could not be served to the guest while it was hot. They managed as best as they could. Gokhale uttered not a syllable of complaint, but Gandhiji understood from his face “what a folly I had committed!”

When Gokhale came to know that all of them slept on the floor, he removed the cot which had been brought for him and had his own bed spread on the floor. Gandhiji was unhappy. He wrote in his reminiscences, “This whole night was a night of repentance for me.” [M. K. Gandhi, S.S.A., p 249]

Gokhale had a rule in life which seemed to Gandhiji a bad rule. He would not permit anyone except a servant to wait upon him. He had brought no servant with him during this tour. Kallenbach and Gandhiji entreated him to let them massage his feet. But he would not let them even touch him. Half jocularly, half angrily, he said: “You all seem to think that you have been born to suffer



hardships and discomforts, and people like myself have been born to be pampered by you. You must suffer today the punishment for this extremism of yours. I will not let you even touch me. Do you think that you will go out to attend to nature's call and at the same time keep a commode for me? I will bear any amount of hardship, but I will humble your pride." [*Ibid*, p 249] These words were like thunderbolt for Gandhiji, and deeply grieved him and Kallenbach. The only consolation was that Gokhale wore a smile on his face all the while.

Gokhale remembered only their will to serve him, though he did not accord "us the high privilege of serving him. The deeply affectionate letter he wrote from Mombasa is still imprinted upon my heart", recorded Gandhiji over two decades later in his memoirs. [*Ibid*, p 249] Gokhale bore everything cheerfully, but till the last never accepted the service which it was in their power to render. He had to accept the food, etc. from their hands. That he could not help. No other personal service would he accept.

The next morning he allowed no rest either to himself or to Gandhiji and Kallenbach. He corrected all his speeches which they proposed to publish in a book-form.

When he had to write anything he was in the habit of walking to and fro and thinking it out. He had to write a small letter one day and Gandhiji thought that he would soon have done with it. But no. He took his own time. Gandhiji twitted him upon it, which brought out a little homily:

You do not know my ways of life. I will not do even the least little thing in a hurry. I will think about it and consider the central idea. I will next deliberate as to the language suited to the subject and then set to write. If everyone did as I do, what a huge saving of time would there be! And the



nation would be saved from the avalanche of half-baked ideas which now threatens to overwhelm her. [M. K. Gandhi, S.S.A., pp 249-50]

After taking rest in the Tolstoy Farm for about two days, Gokhale proceeded to Natal. At Maritzburg a reception and a luncheon were arranged in his honour on November 7 and 8 respectively.

Durban gave him “a great welcome” on November 8 with a reception in the Town Hall presided over by the Mayor Mr Hollander. Addresses were presented to him on behalf of several organizations, and a banquet was also held in his honour on 11 November. [C.W.M.G., XI, pp 347-8; I.O., 16-11-1912, 23-11-1912]

10

Gokhale had to be taken to Phoenix. A vivid description of the visit has been given by Chhaganlal's son Prabhudas Gandhi in his memoirs “*My Childhood with Gandhiji*”. He describes how one day late in October he and Devadas, Gandhiji's youngest son saw workers repairing the 2 ½ mile road from the Phoenix railway station to the Phoenix Settlement. It had not received any such attention for years. The boys asked one of the Indian workers the reason for this sudden interest in improving that road. They were told that India's great leader Gokhale would be coming and the road was being repaired so that he could drive through. [Prabhudas Gandhi, *op cit* p 96]

Prabhudas wondered why the whites were taking so much interest in Gokhale's visit. Devadas explained to him that Gokhale was a very big man and he was to be the guest of the Government of South Africa. It was a matter of prestige for the whites to repair road and see to Gokhale's comfort.

At Phoenix, one morning before Gokhale's arrival in South Africa Maganlal came back from the press two hours earlier than usual. He went to Kasturba and



asked her to find Gandhiji's turban as he had sent for it to wear it while welcoming Gokhale at Cape Town. Kasturba was not sure if the old turban was fit to wear, and where she had kept it, but she searched it out of discarded clothes. It was boat-shaped, made of cardboard with a thin covering of black muslin which had frayed at places. It was sent to Gandhiji by parcel post from Phoenix. In the pictures that the newspapers published after Gokhale's arrival at Cape Town he was seen being driven in an imposing open carriage with Gandhiji sitting by his side. The turban looked well on Gandhiji.

The Phoenix group read about the preparations for welcoming Gokhale at Johannesburg. They could not go that far and decided to go to Maritzburg to receive him on the border of Natal. They boarded the special train at Durban, which was carrying Indians to Maritzburg to welcome the guest. At Durban they met Jamnadas at Rustom Seth's place. Gandhiji had sent him from Tolstoy Farm to Durban to see to the arrangements for Gokhale's visit. He told the two boys all about Gokhale's visit to Tolstoy Farm. The simple decorations at the Farm had impressed everyone, he said. [Prabhudas Gandhi, *op cit* p 97]

The three boys spent the night at Maritzburg and early next morning walked the three miles to the railway station. Gokhale's saloon car was attached to the special train which had come from Durban. Gokhale was sitting in his saloon with Gandhiji and a few others. Devadas and Prabhudas were allowed to enter the saloon by Gandhiji who introduced them to Gokhale. Gokhale, Prabhudas recollects, was wearing a plain shirt and was bare-headed. He smiled at them and returned to the book he was reading. [*Ibid*, p 98]

Phoenix also had a face-lift to receive Gokhale in a fitting manner. The settlers cleaned up their houses and the whole place. At Durban the Indian boys and girls were taking part in sports and Mr Gokhale was to give away prizes to



the winners. The school children from Phoenix were also invited to join the sports. Maganlal had trained them with great diligence. The children had been spending half the day in practising for the 100-yards and half-mile races, high jump and long jump, and the like. There were no more than seven or eight students in the Phoenix School including children of ex-indentured labourers. But there was great enthusiasm among them. [Prabhudas Gandhi, *op cit* p 97] The enthusiasm and spirit of festivity infected everybody, young and old, non-Whites and also the Whites.

Gokhale arrived in Phoenix in the evening of 11 November. By the time he reached the Settlement walking from the railway station, he was tired. The road was still bad. Devadas and Prabhudas recited a poem “Eternal Spirit” memorized for the occasion and also a few verses from *Tulsi Ramayan*, to welcome the illustrious guest.

Gokhale went all over Phoenix Settlement and saw the activities of the inmates. He also visited the school. Gokhale’s Arithmetic was one of the textbooks for the Phoenix school students. Prabhudas had thought that he would ask them questions on it, but he did not. He put a question to Devadas at night, saying that if he was in a jungle with his mother and father and a hungry tiger appeared, whom would he protect? If he went to protect his mother, the tiger would eat up his father, and if he went to protect his father, the tiger would eat up his mother. Devadas was puzzled. Gandhiji suggested the answer, saying that he should offer himself to the tiger and protect both his parents.

Gandhiji was most solicitous about Gokhale’s health. He found one day that light was on in Gokhale’s room late at night. He went in and asked him “What are you doing so late?” “I am jotting down points for my speech tomorrow,” replied Gokhale.



“We do not want your speech if it means spoiling your rest,” said Gandhiji. “Then shall I tear up what I have written?” asked Gokhale. “Yes, do.” replied Gandhiji. “Well, here it goes. I have torn it up, but it is all there in my head,” Gokhale said and repeated what he had written and torn up.

One of Gandhiji’s colleagues, Pragji Desai, had heard that Gokhale had an amazing memory. He asked him to repeat a portion of one of his speeches made in the past few years. Gokhale was thoughtful for a moment, and then repeated parts of a speech he had made in a college at Oxford in 1904. [Prabhudas Gandhi *op cit* p 98]

During his visit to Natal, Gokhale came in contact with many Europeans in Durban, Maritzburg and at other places. At Durban, a public dinner was arranged by the reception committee, which was attended by many Europeans.

11

From Phoenix Gokhale went via Durban to Pretoria, where he was put up by the Union Government at the Transvaal Hotel. Here he was to meet the Ministers of the Union Government, including General Botha and General Smuts.

Gokhale’s interview with the Ministers lasted for about two hours, and when he returned, he said to Gandhiji, “You must return to India in a year. Everything has been settled. The Black Act will be repealed. The racial bar will be removed from the immigration law. The £3 tax will be abolished.”

“I doubt it very much,” Gandhiji replied. “You do not know the Ministers as I do. Being an optimist myself, I love your optimism, but having suffered frequent disappointments, I am not as hopeful in the matter as you are.” But he had no fears, either, he said. It was enough for him that Gokhale had obtained “this undertaking” from the Ministers. It was his duty to fight it out when it became



necessary to demonstrate that “ours is a righteous struggle.” The promise given to Gokhale would serve as a proof of the justice of their demands, he said, and would redouble their fighting spirit, if it came to fighting after all. “But I do not think I can return to India in a year.” Many more Indians, he felt, would have to go to jail before that.

But Gokhale did not agree. He replied, “What I have told you is bound to come to pass. General Botha promised me that the Black Act would be repealed and the £3 tax abolished. You must return to India within twelve months, and I will not have any of your excuses.” [M. K. Gandhi, S.S.A.; p 268] This had its effect on Gandhiji and he began to think of his early return to India.

Gokhale attracted big crowds everywhere. His speeches were very good and effective and were well received. He brought new hope to the Indians in South Africa and made the whites conscious of the need to be just to Indians. He left a deep impression on all and by the time he left South Africa after an extensive tour despite his delicate health, the Indians there had reaffirmed their determination to die if necessary to protect their own and their country’s honour.

12

At midnight on 18 November 1912, Gokhale left South Africa and accompanied by Gandhiji and Kallenbach, boarded r.p.d. *Kronprinz* of the German East Africa line. In his memoirs Gandhiji writes “Thus having achieved a conquest of Indian as well as European hearts, Gokhale left South Africa” Gokhale had persuaded Gandhiji and Kallenbach to see him off as far as Zanzibar. During the voyage the student Gandhi and the teacher Gokhale came very close to each other. There were intellectual and knowledgeable discussions. Gokhale was able to persuade Gandhiji even to play chess with him. They had many games between



them. Both of them did equally well, records Prabhudas Gandhi. [Prabhudas Gandhi, *op cit* p 100]

Arrangement for suitable food was made for Gokhale on the steamer, and Gandhiji and Gokhale had plenty of time to have heart-to-heart talks. The talks were confined to India and the duty they owed to the motherland. “Every word of Gokhale glowed with his tender feeling, truthfulness and patriotism. I observed that even in the games which he played on board the steamer, Gokhale had a patriotic motive... and excellence was his aim here too”, wrote Gandhiji.

Gokhale was preparing Gandhiji for India. He analysed for his pupil the character of all the leaders in India. “His analysis was so accurate, that I have hardly perceived any difference between Gokhale’s estimate and my own personal experience of them,” Gandhiji recorded over two decades later. [M. K. Gandhi, S.S.A., p 269]

On the way, the party disembarked at Beira on 21 and 22 November, at Mozambique on 25 November and at Zanzibar on 27 November. At each place there were felicitation meetings and in spite of Gandhiji’s efforts to spare Gokhale all strain, the illustrious guest had to attend meetings and make speeches at every place. [C.W.M.G., XI, p 351 fn]

From Tenga, beyond Zanzibar, Gandhiji and Kallenbach came back. “The parting at Zanzibar was deeply painful to Kallenbach and me, but remembering that the most intimate relations of mortal men must come to an end at last, we somehow reconciled ourselves, and hoped that Gokhale’s prophecy would come true and both of us would be able to go to India in a year’s time”, wrote Gandhiji. But that was not to be. [M. K. Gandhi, S.S.A., p 269]



A number of mishaps had occurred at the time of Gokhale's departure from South Africa. The food meant to go with him was sent to the Farm. [C.W.M.G., XI, p 362] One of his cases which had an address engraved on a gold plate presented to him by the British Indian Association, Johannesburg, was found missing. [*Ibid*, p 351 fn] Gandhiji wrote to Gokhale on 4 December 1912 from Dar-e-Salam that on receipt of a cable from Johannesburg to the effect that the case was found at Lourenco Marques and that it was being forwarded to Gokhale, he had cabled to Gokhale at Mahe to convey this information. He hoped that Gokhale had received that cable. A cable was also sent to Miss Schlesin, asking her to insure the case containing the valuable address.

Of all Gandhiji's colleagues, Gokhale was most impressed by Miss Schlesin and Mr Kallenbach.

Gandhiji added, "And now will you forgive me for all imperfections? I want to be a worthy pupil of yours. This is not mock humility but Indian seriousness. I want to realize in myself the conception I have of an Eastern pupil. We may have many differences of opinion, but you shall still be my pattern in political life."

He went on to advise Gokhale on health matters, which he called as "one word from the quack physician." He advised fasting and strict adherence to two meals a day without condiments of any kind. He also advised omission of pulses, tea and coffee, and to take Kuhne baths regularly. He wanted Gokhale to have regular brisk walks in the country, "not the pacing up and down for stimulating thought." He advised ample allowance of olive oil and of acid fruit, and gradual elimination of cooked food — "and you will get rid of your diabetes and add a few more years than you think to your life of service in your present body." [C.W.M.G., XI, p 352]



It is not known whether Gokhale followed his advice or not. Obviously, Gandhiji did not know much about the nature of diabetes and its complications. Even medical men were ignorant in those days about many things regarding diabetes. Insulin and its relation to diabetes was discovered only towards the end of second decade of the twentieth century. Even today medical science has much to learn about this metabolic disease.



CHAPTER XXII: THE GATHERING STORM

1

After seeing off Professor Gokhale at Zanzibar, Gandhiji and Kallenbach returned to South Africa. They had tickets for Delagoa Bay or Lorenzo Marques, now called Maputo, the capital of Mozambique. At Beira they changed steamer to save time. They were travelling as deck passengers, and there were 60 more passengers on the deck in the second steamer taken by them. When they reached Delagoa Bay on 13 December 1912, the Immigration Officer there interrogated each and every one before disembarkation even if they were taking the very next available train for Johannesburg. Most of the deck passengers were Greeks, and they were poor. They were interrogated first, and it took about an hour and a half. After asking them about their residence, occupation, etc., the Immigration Officer handed over their permits to them. Most of them were to proceed to Johannesburg. They were found to be carrying some papers, mostly to prove that they had the minimum of £ 20 with them. [C.W.M.G., XI, p 358]

When Gandhiji's turn came, the Immigration Officer asked him :

Are you an Indian ?

A. Yes.

Q. Were you born in India ?

A. Yes.

Q. Do you have any papers with you ?

A. No. I am a lawyer practising in the Transvaal Court and I have with me a return ticket to Johannesburg. I intend to go there today.



The official said : “Don’t you worry about that. Sit here. Your case will be disposed of later.” [*Ibid*, p 357]

Kallenbach’s turn came next. The official asked him : “Have you got any papers ?” Kallenbach said that he had none. He introduced Gandhiji and told the Immigration Officer that they had together gone to see the Hon Mr Gokhale off. The official hardly bothered to hear him out and said : “I shall take up his case later. I can’t give him a permit. He is an Indian.” Kallenbach gnashed his teeth. He was much hurt. He got his own permit immediately, but it was like poison to him. He could not think of disembarking, leaving Gandhiji behind. “The very thought rent his heart,” wrote Gandhiji.

Kallenbach felt ashamed to accept his permit, and while taking it, he turned to Gandhiji and said angrily, the remark being really meant for the benefit of the official : “You take that ! You are an ‘Asiatic’; your skin is black. I am European and white. You will have to remain under detention.” Gandhiji kept smiling, “but rage flared in my heart,” he later recorded. “I am a mere Indian. How overbearing this official is and how wicked the whites are! How despicable my countrymen are ! But why blame the whites ? What is there the official can do ? I must share in the benefits of and pay the penalties for the impression created by my fellow-countrymen in South Africa.” He felt he must learn a lesson and always travel as a deck passenger, see the conditions of his fellow Indians and help them overcome their habits which made them look small in the eyes of these whites. And he became calm. [C.W.M.G., XI, p 359]

There were a few Indians waiting to receive him on the pier. Kallenbach told them of what had happened. They said they had been ready with arrangements to receive him from the previous day. They would send someone



to bring his permit. Kallenbach brought this news to Gandhiji who sat quietly glued to his chair.

Kallenbach became impatient after some time, and went to the officer again. The official repeated, “I cannot do anything now.” When all the cases were disposed of, he left. He told Gandhiji while leaving that his case would take more time.

Some time later the Delagoa Bay friends brought the permit which was shown to the Immigration Officer’s clerk, who then issued him a pass, and he was at last set free and could disembark. [*Ibid*, p 359] The incident left a bitter taste in the mouth. It was reported in the press and shocked many people, white and coloured. It showed how strong the colour prejudice was and that the Indians would have to fight a hard battle.

From Delagoa Bay, Gandhiji went directly to Johannesburg to go back to Tolstoy Farm.

2

A few days later another Indian found himself in conflict with the immigration officials, though his story did not receive wide publicity. Bhawani Dayal was born in Johannesburg. He later became an active satyagrahi and ultimately renounced the world and became a *sanyasi*. His reminiscences in his autobiography show vividly the problems faced by the indentured labourers and immigrants and the callous attitude of immigration officers in South Africa.

Bhawani Dayal’s parents came from Bihar and had been recruited as indentured labourers through fraud and deceit. His mother Mohini Devi was the daughter of a Hindu landlord of high caste. She became a widow before she had gone to live with her husband. She was goodlooking and intelligent. She had gone



for a pilgrimage where she got separated from her group in a stampede. As she was searching for her companions, a recruiting agent's eye fell on her and under the pretext of taking her to her people, he took her to a recruitment depot which was a virtual prison. She was locked up there and told not to complain. She had no way of getting away from there.

In the same depot she met Jairam, another high caste young Hindu Bihari, who had left his job with a landlord because of his insulting behaviour. A recruitment agent lured him to a recruiting depot, promising him a good job in Natal. Mohini Devi and Jairam were of Kshatriya* caste. They were thoroughly disillusioned when they reached Natal. Safety for Mohini Devi lay in getting married to Jairam so that he could protect her as his wife from other men. There being twenty women for hundred men, the life of most of the women was nothing better than that of prostitutes. [Bhawani Dayal Sanyasi: *Pravasi Ki Atmakatha* (Hindi), Sasta Sahitya Mandal, Connaught Place, New Delhi, 1957 (Autobiography of Bhawani Dayal)]

The sufferings of indentured labourers have been graphically described by Pyarelal in Vol II, *Discovery of Satyagraha*. [Pyarelal, Vol II *Discovery of Satyagraha*, pp 348-51] Suffice it to say that Bhawani Dayal's parents somehow completed five years of their indenture and then set up life as free Indians in Johannesburg.

Bhawani Dayal was born on 10 September 1892. His father was doing well and was elected president of the Indian Association. Bhawani Dayal was sent to school and lived in comfort. His parents, however, had to leave the Transvaal for Natal after the Boer War started in 1899. [Bhawani Dayal Sanyasi: *Pravasi Ki Atmakatha* (Hindi), Rajhans Prakashan, 1947, p 35 (Autobiography of Bhawani Dayal) Sasta Sahitya Mandal, New Delhi, 1957]



The British won the war in which Indians had helped them a great deal. But when the Indians came back to the Transvaal after the war, they found the new regime to be far worse than the earlier Boer rule. Pyarelal has described in Vol III the *Birth of Satvagraha*, how the whites deprived the Indians of their location close to the town under the pretext of plague and harassed them in various ways. [Pyarelal Vol III *Birth of Satyagraha*, p 35] Bhawani Dayal's mother had died and his sister had been married. His father got £ 2000, equivalent to rupees thirty thousand as compensation for his land in the location and left for India in 1904 with Bhawani Dayal aged 12 years and his younger brother Devi Dayal. [Bhawani Dayal : *op cit* p 48]

In India Bhawani Dayal's father had another wife who did not take kindly to the boys. Bhawani Dayal was shocked to see stark poverty, hunger and filth in Indian villages. He wanted to go back to South Africa. His father persuaded him to wait for some time. He bought land and made Bhawani Dayal manage it. He married him off to a nice girl in order to make him feel more settled and responsible. But after his father's death and in the face of problems created by his stepmother, Bhawani Dayal decided to go back to South Africa. On 1 December 1912, along with his young wife, Jagrani, their four-year old son and his younger brother Devi Dayal and his wife, he sail by s.s. *Palamkota*, which brought them to Durban on 22 December 1912. [*Ibid*, p 81]

* The second in the hierarchy of four castes (Brahmin, Kshatriya, Vaishya, and Shudra - the learned, the warriors, the businessmen, and the labourers).

At Durban they were medically examined and their passports were checked. Bhawani Dayal had his father's domicile certificates for Natal and also



the Transvaal Asiatic Registration Certificate on which his and his brother's names had been entered as minors, and yet Bhawani Dayal and his family were not allowed to disembark. The immigration officer at Durban, C. W. Cousins, was notorious for his ill-treatment of Indians. He generally found some fault in their passports and ordered them to go back to India by the same steamer that had brought them to South Africa. [Bhawani Dayal Sanyasi: *op cit* p 81]

Bhawani Dayal was in a fix. He and his brother were born in Johannesburg and they had the right to live there, as their names were entered in their father's certificate. They were minors when he left for India, and therefore they could not then have independent certificates. But who cared? The Indians could not expect justice from Cousins. He ordered them to go back. Bhawani Dayal was miserable. His money was exhausted in fighting the case. Friends had come to the harbour to meet them and waited and waited, but he and his family were virtual prisoners on the steamer and could not meet them.

Bhawani Dayal had written to Gandhiji before leaving India and Gandhiji had entrusted his case to Polak. Polak tried to argue with the immigration officer, but it was of no use. Polak then appealed to the Supreme Court. The court in the meantime had been closed for Christmas vacation. But Polak did not give up. He sent his lawyer, Mr Tathem, to the residence of the judge to give him an application from Bhawani Dayal, praying that he and his family should be allowed to prove their right to stay in South Africa. Justice Bloom accepted the application and ordered that the steamer should not leave the harbour till the applicant and his family had disembarked. They were to deposit £100 as bail to enter the Transvaal and take legal action to prove their right of domicile. [*Ibid*, pp 83-4]

Polak's messenger took a cheque for £100 from Seth Rustomji and went to Cousins. But Cousins refused to accept it. He threw the cheque in his face and



had the messenger thrown out. Polak on learning of this behaviour went with £100 in cash himself to explain to Cousins the court order. The Captain of the ship also came there at that time. It was time for the steamer to leave and the first whistle had been sounded. The Captain picked up the money and tried to give it to Cousins pleading with him not to delay his ship any more. Polak had explained to the Captain that for the steamer to leave before the Indian family had disembarked, would amount to contempt of court.

Cousins lost his temper with the Captain and told him not to touch the money. He asked Polak whether he had the right to practise in Natal. Polak said he was registered to practise in the Transvaal. This emboldened Cousins and he had Polak thrown out of the steamer. He however understood that he could not ignore the court order. He then tried to interpret or misinterpret the court order in his own way. He said that Bhawani Dayal and family could leave the steamer and go to the detention camp where their food and other expenses would be paid for out of the £100 deposited as bail money. He gave them two weeks' time to prove their right of domicile. [Bhawani Dayal Sanyasi: *op cit* p 85]

Bhawani Dayal was so demoralised by this time, specially after seeing Polak ill-treated by Cousins, that he signed the paper as desired by Cousins. As he and his companions set foot on the soil of South Africa, the steamer whistled off. Fortunately they did not have to go to the detention camp, as in the meantime Polak had telephoned to his lawyer, Tathem, to get the clarification of his order from the judge. The judge said it was quite clear that after depositing £100 the Indian family were absolutely free to move about and take necessary action to prove their right of domicile. [*Ibid*, p 87]

Polak then asked the immigration officer to forward the application of Bhawani Dayal to the Transvaal, but Cousins refused to do so. He refused even to



give him the official form for application. So Polak sent the application on an ordinary paper. It was returned in a week's time stating that the application had to be sent on the official form and it had to be forwarded by the immigration officer. Cousins now agreed to do so.

The delay, however, had resulted in another complication. An awkward situation had arisen because the two weeks were almost at an end. Cousins was requested to extend the period so that a reply from the Transvaal could be received. But he refused to do it. It led to a difficult position for Bhawani Dayal. The last day of the two weeks' period granted by Cousins had come. The bail money would be confiscated and they would be thrown out of Natal or prosecuted as prohibited immigrants if they stayed in Natal beyond the two weeks. If they entered the Transvaal before getting clearance from the Government, they would run the risk of being thrown in prison on arrival as prohibited immigrants. After due thought and in consultation with Gandhiji, it was decided that they should leave the same night and so they took the train from Durban along with Mr Polak. *Ibid*, p 88

At the border town of Volksrust they were asked to produce their permit which they did not possess. So they were arrested and produced before the magistrate. The magistrate at Volksrust, however, was a thoughtful person. He consulted the registrar at Pretoria by telegram as Polak had told him that the matter was pending with the registrar. Prompt came the reply that the Indian family should go back by the first train or face trial as prohibited immigrants. Polak requested the magistrate that he should accept his personal bail and guarantee to release them, and refer the case to Pretoria. It would be easier to produce the necessary witnesses and other proofs there to justify their right of domicile.



The magistrate accepted both requests. Bhawani Dayal and family went to the Indian location at Germiston where his father had lived at one time and stayed with an old friend, Pandit Nandanram. On 16 January 1913, they had their first hearing in the court and on 30 January 1913, they had the second and the last hearing. Enough proof had been given by that time that Bhawani Dayal with his brother and other members of their families were entitled to live in the Transvaal. At last Bhawani Dayal could heave a sigh of relief and settle down in the land of his birth. [*Ibid*, p 89]

Bhawani Dayal had also appeared for the education test in Natal. His application along with the certificate that he had qualified for admission in the education test, was sent to the Minister of the Interior, Mr Fischer, and he was admitted. Bhawani Dayal, it might be noted, was the last Indian to be admitted into Natal on the basis of the education test.

Gandhiji and the Indian community accepted thereafter, on Gokhale's advice, the Union Government's closed-door policy provided the law did not specifically prohibit Indian entry. A limited number of highly educated Indians were to be admitted every year. The restriction was to be exercised by administrative action as was the practice in Australia. [*Ibid*, p 90]

4

At Phoenix after Gokhale's visit, everyone was eagerly talking about going back to India. They were all anxiously awaiting the Union Government's final decision as to when and how they were going to repeal the racial laws and implement the assurance given to Gokhale. So was Gandhiji. Jamnadas Gandhi the youngest brother of Chhaganlal decided to go back to India without waiting any further. He said that if Satyagraha was resumed, he would take the first steamer to come back and join the satyagrahis.



Prabhudas accompanied Maganlal and others who went to see Jamnadas off at Durban. Jamnadas had sent his baggage in advance, but as the steamer was to leave early next morning, he had to go on board at night. They were still on their way to the harbour, and it was 9 p.m. They therefore got on to a double-decker tram car, to save time.

The colour bar operated on the trams too. The lower storey and the front three or four rows in the upper storey were reserved for the whites. As the tram was empty, they occupied the front two rows in the upper storey. For about 15 minutes they sat in peace and talked and watched the lights on the bridge. The conductor then came up and rudely told them to get up and sit at the back. Maganlal said that they would not do so. The tram was stopped and the driver and conductor began to drag Maganlal by the arm off his seat. Maganlal was a strongly-built young man and he firmly held on to his seat, but the conductor and driver were hefty men and were at last able to drag Maganlal and throw him out of the window. Being agile, Maganlal was able to save himself from serious injury by clinging on to the framework of the lower storey. The rest of them too were pushed down the stairs and on to the road. It was an unpleasant experience.

They were close to the harbour by that time. They saw Jamnadas off expressing hopes of meeting soon in India.

When they all came back to the tramway, the earlier incident flashed back in their minds and they were greatly agitated. Maganlal most of all. They decided to wait for the same tram and let the driver and the conductor know that they would not be kicked and beaten and take it lying down. But the tram did not come for half an hour. They lost patience. It was past midnight. So they walked back to Rustom Seth's residence. [Prabhudas Gandhi: *op cit* pp 102-3]



On the issue of discrimination on the basis of birth or colour, there was a cartoon in one of the leading white-owned papers in South Africa. It showed Mr Gokhale sitting in a big chair resplendent with his turban, politely being offered a broom as a bouquet by a White man, probably meant to be the Mayor who had presided over his meeting. The caption below the cartoon said, “Before you ask us to wipe out injustice, you must clean your own home with it.” [*Ibid*, p 104] It brought out vividly what Gandhiji had always emphasised that one must remove one’s own shortcomings before pointing a finger at others. India’s caste system had given the opportunity to the Whites to have a dig at Gokhale, the great leader of Indians.

5

At Phoenix, Prabhudas had been eagerly looking forward to joining Ramdas and Devadas at Tolstoy Farm and studying in the school there. In the middle of 1912 Gandhiji sent Devadas for training at Phoenix. He was to come with him, but those who went to receive them, saw Devadas coming out of the train alone. Gandhiji came a day later and spent a few hours only at Phoenix in order to discuss matters regarding Devadas’ studies. He decided that Devadas would work in the fields from 2 p.m. onwards. His education and training was to be confined to the morning hours.

He advised Devadas to take saltless diet from the very next day. [Prabhudas Gandhi: *op cit* p 132] At Phoenix they were all taking saltless food for six days in the week and normal food was served only on Sundays. Maganlal and Chhaganlal had been trying to put into practice at Phoenix all that Gandhiji was doing at Tolstoy Farm. Gandhiji had given up salt long back and by this time he had decided to give up sugar also.



Gandhiji went back to Johannesburg. Prabhudas was glad to have the company of Devadas, who was to stay with them in their house. Devadas had been sent to Phoenix for three months to learn composing, and he was to continue to follow the same routine as he had followed at Tolstoy Farm. His lean figure and simple dress impressed Prabhudas. His close-cropped hair, in place of the stylish long hair of earlier days, looked to Prabhudas so very different. [*Ibid*, p 94] Prabhudas admired and loved Devadas. He began to hope that he would go back with Devadas to Tolstoy Farm after the latter's three months' training at Phoenix was over.

Before the three months were over, however, Kasturba also came back to Phoenix. Tolstoy Farm was being wound up. After Kasturba's arrival Devadas shifted to his own house and went to live with his mother. Prabhudas now realised that he had no chance of going to the Tolstoy Farm for his studies. He tried to learn all about the Farm from Devadas.

Chhaganlal's younger son, Krishnadas, was down with fever, and Jamnadas, before leaving Phoenix for India, had advised his brother to consult Gandhiji. He had seen Gandhiji treat many cases at Tolstoy Farm successfully and felt that he would be able to help the six-year-old Krishnadas who had been having intermittent fever for a fortnight and had been reduced to skin and bone. Chhaganlal wrote to Gandhiji explaining the whole position and prompt came a telegraphic reply that he was coming down to Phoenix. Within three days of the telegram he was there. On the following day Prabhudas also went down with intermittent fever. He had been sitting with his sick brother for long hours and might have caught the infection from him.

Gandhiji took both the sick boys under his charge. As for Krishnadas, he stopped all his nourishment and gave him just water with a few drops of fresh



lime juice every two hours. Once or twice a day the boy was wrapped up in a wet pack — a bed sheet soaked in cold water and squeezed to remove excess water, was wrapped round the boy's naked body. He was then wrapped in a blanket and made to lie in the open. Gandhiji would stand by him with a watch in hand and keep Krishnadas' mind diverted by talking with him and asking him all sorts of questions. He was brought out of his wet-pack when he could bear the heat no longer. His body was then wiped dry and he was put into dry clothes.

Krishnadas' fever came down within three or four days of this treatment, and everyone felt greatly relieved. Gandhiji would laugh and joke and cheer up Krishnadas and the whole family. He visited Chhaganlal's house three times a day. He would squeeze the lemon juice and strain it himself, mix it with water and give it to the patient. He thus gave the sick boy not only nature cure treatment but also psychotherapy. His loving attention and cheerfulness was enough to make any patient feel better.

As for Prabhudas, Gandhiji gave him wet mudpack on his abdomen, which was changed every two hours. He was given Kuhne hip-baths every morning and evening by putting him in a tub of water, keeping his legs, chest and head outside dry and warm, by wrapping a blanket around him, while his abdomen and hips were soaked in cold water and were massaged with a piece of cloth. He felt so comfortable in the tub that he would generally fall asleep. He was also given enema every day to cleanse his bowels. For food he was given only hot water to drink for three days. On the fourth day a little lime juice was added to the water. His bed was kept on the verandah during the day and in a well-ventilated room at night. Every day Gandhiji examined his tongue. After ten days of water and mud therapy, Gandhiji declared on the eleventh morning that Prabhudas' tongue was clean and he could be given some food.



The boy broke his ten days' fast with a carefully strained cup of fruit juice (granadilla juice). For days during their convalescence the two brothers were given only fruit juice. Then banana was added. Gandhiji would cut the banana in small pieces and then crush and whip them up. While he was doing it, Krishnadas looked on with hungry impatient eyes. When it was finally whipped well, Gandhiji would squeeze a lemon into it, mix it and ask the boys to consume it very slowly. [Prabhudas Gandhi: *op cit* pp 105-6]

6

A few days later Prabhudas heard Gandhiji telling his father that he would be soon shifting from Tolstoy Farm to Phoenix with several young people. But for the interruption due to the two boys' illness, he said, the shifting might have been effected by that time.

Within three months of Gokhale's departure, Gandhiji shifted to Phoenix with 25 or 30 residents of Tolstoy Farm. The Phoenix party received them about a mile from the Settlement. Gandhiji was walking ahead of them, dressed in white clothes. The weather was becoming chilly. The sun had set. Some one offered him a shawl. He wrapped it round Prabhudas who had recently recovered from illness. [*Ibid*, p 107]

They all went to Phoenix Settlement after the welcome. Arrangements for the meals of the whole party were made at Gandhiji's house. It had earlier been called the "Big House". Now it was called the "Kitchen House". It was a hut with corrugated iron sheet roof. It had two rooms, a kitchen and a store-room and a big verandah. The house was now crowded and there was no privacy for Kasturba or Gandhiji. Not to speak of a room, they did not even have a corner to themselves. It was hard on Kasturba.



There was a sliding table in Gandhiji's house. When it was stretched to its full length, about 30 persons could sit around it on chairs and benches. Gandhiji served food to them all himself, going round the table. Each of them had one aluminium plate and a wooden spoon, records Prabhudas. Devadas told Prabhudas something about each newcomer.

The newcomers were busy the whole day arranging their luggage and furniture which they had brought from Tolstoy farm. Gandhiji worked with a hammer and a saw, and had fixed up an open bookshelf by the evening.

At night they all gathered round the big table and after singing a couple of hymns, Gandhiji addressed them:

We have now arrived in Phoenix. This is not Tolstoy Farm, and it will be necessary to adjust our behaviour somewhat. The freedom at the Farm to play and roam around must give way to strict discipline. Those who were weak of heart and body have returned to their parents or relations. Those who have come here with me have done so of their own accord, knowingly. Here we have to live the hard life of prisoners. Those who cannot stand a prisoner's life are free even now to leave.

Only those who have the courage to go to prison when necessary should stay. I do not want those who might weaken on such an occasion, whether they are young people or grown-ups, to remain here. That can only be if we practise jail life here and live accordingly.

Even if it was not necessary to go to gaol and they went to India, there too they would have to live a life of simplicity and hardships. "In India even harder work awaits us," he said.



One of the elementary rules, for instance, will be that nobody will be allowed to pluck fruit and eat it whenever he desires. This will not only apply to garden fruits but even to wild fruits. No one must eat any fruit beyond what is served at the three meals, when he can have as much as he wishes. But eating anything else beyond that will be considered theft.

The second rule is that everyone must respect and obey the elders.

I want you to prepare for this life of discipline and am, therefore, giving you one week's holiday. During this time you can do what you like, be lazy, or enjoy yourselves in any other way. But next Monday school will begin. So that you may not say that I give you only work and no play. I am giving you the opportunity to play, and then we shall work with all our might. [Prabhudas Gandhi: *op cit* p 108]

The newcomers could see that life at the Farm had been easier by comparison. At Phoenix there was stricter discipline and more austerity, long hours of work and saltless diet.

Gandhiji often had only one meal a day consisting of fruit and peanuts. He took no salt or sugar, spices, cereals or milk or milk products. Bananas and peanuts were the mainstay of his diet. He had often taken bananas and peanuts for lunch in his office at Johannesburg when he was practising as an attorney. [*Ibid*, p 110]

Now there was no normal food for him at any meal. It took him an hour or more to have his meal because he always chewed well whatever he ate. He therefore could not generally find time for more than one meal.



Gandhiji had given seven days' leave to the boys on coming to Phoenix to enable them to settle down in the new place. The seven days' leave passed off quickly. The older boys had washed their clothes and beddings, and had rested. The younger ones had roamed about. Gandhiji had been busy the whole time, attending to the baggage and furniture, etc. and making arrangements for the new school. [*Ibid*, p 111]

The seventh day of the week's leave given by Gandhiji to the students at Phoenix happened to be a Sunday. The boys were having a leisurely bath early in the morning when Gandhiji appeared with a hair-cutting machine. One of the boys was good-looking and his long hair looked well on him. Gandhiji called him gently and asked him to bend a little. He then cut off his hair clean. The rest of the boys were called one by one and they also lost their hair.

Some of them felt depressed. Gandhiji told them that "this is not time for a life of ease." They had to start living their lives on a new basis. Anyone who was not prepared for it "is free to leave even now". It became clear to everyone that long hair had no place in the austere life Gandhiji wanted them to lead at Phoenix. [Prabhudas Gandhi: *op cit* p 111]

Gandhiji used to get up at two or three in the morning and get busy reading and writing. At dawn he woke up Devadas and then went round from house to house, waking up the other boys. This took about 45 minutes. Hearing Gandhiji call out to Devadas, Prabhudas' mother would wake him up. Their houses were about eighty yards apart, but in the stillness of the morning Gandhiji's voice calling Devadas was clearly heard in Prabhudas' house.

The boys washed after getting up and then went to the garden with Gandhiji to dig. Gandhiji did more work than anyone else and if he had to leave



for a short while to attend to some other business, he told them to carry on the work adding “You can gossip and laze in the presence of your elders but never cheat them behind their back.” [*Ibid*, p 112]

The school was housed in the two huts in the midst of fields. The school hours in the morning were 8 to 11, and the main subjects of study were arithmetic, Gujarati, Hindi or Tamil or Telugu (depending on which was the student’s mother-tongue), English, the *Gita* and grammar. Gandhiji, as the headmaster of the school, saw to such things as to what should be taught and by whom, if any teacher was absent, who was to take his place, and which students were to be grouped together. Chhaganlal taught arithmetic, Jekibehn (daughter of Dr Pranjivan Mehta) taught Gujarati, while *Gita* was taught by Gandhiji himself. He also taught English to older students for half an hour in the afternoon, and if he could not come on any day, he always informed them about it.

Gandhiji was also the chief cook and during the hours of the morning school, he often went to the kitchen to see that the bread was properly baked and the lunch was ready on time for the 25 to 30 students. He was like a father to every student whose father was not present there. He also received visitors and answered their questions while attending to all other work.

After the morning school, the students went back to dig in the fields for half an hour. They did not like to go out in the hot sun at 11.00 and asked if they could do an extra half-hour of digging in the morning. Gandhiji said, no, because he wanted them to get used to working in the hot sun. They would have to do it when they went to prison, he said. The warders would not let them rest in the shade. “There you will have to work like brave workers in the hot scorching sun. If you get tired or give up or lose courage there, it will be a grave insult to you and to me,” he said. [Prabhudas Gandhi: *op cit* p 114]



Tired out, the students went for their bath at 11.30, and then had their lunch. The elders went to work in the press after lunch, and the students had time for study by themselves. Gandhiji did most of his writing for *Indian Opinion* at that time. He never took a nap in the afternoon even though he had been up since 3 a.m. or even earlier.

At 3 p.m. the students went to the press for vocational training and learnt composing, the younger ones in their own language and the older ones in English. On the day *Indian Opinion* came out, the students worked with the elders in the press the whole day, folding, packing and getting the copies ready for despatch.

At 5.0 p.m. they again went to work in the fields till sunset and then went home tired and hungry but in a joyful mood. On Saturday they had their weekly examination. One week it was in languages (Gujarati, Hindi or Tamil), one week in arithmetic, one week in the *Gita* and one week in grammar. Thus all the four major subjects were covered every month. Gandhiji went over their answer books and when they gathered at his house for the evening prayer, he told them about their mistakes.

Gandhiji and Maganbhai Patel would sometimes give them the question papers and go away, recalls Prabhudas. No one ever cheated. They had the confidence that if they did not understand anything, Gandhiji would explain it to them. If they were not successful in any subject one month, they worked hard to make up for it in the following month. Nobody ever tried to show that he was cleverer than the others. [Prabhudas Gandhi: *op cit* pp 113-4]

Gandhiji watched every one closely and pointed out to each person where he or she needed correction. One day he told them, “I see that you waste a good deal of paper and notebooks here. But when we go back home, you cannot be



extravagant.” If they did not learn to be economical, he said, they would be a burden in India, wherever they went. They would have to learn to do without milk and fruit also, and face greater competition in studies from intelligent hard-working boys in India. [*Ibid*, p 122]

About this time Gandhiji lost his elder brother Karsandas. They had very different temperaments. Gandhiji could not fall in line with his brother’s wishes regarding family matters, and it hurt Karsandas. Gandhiji had hoped to apologise to the elder brother and explain to him the position when he went back to India and thus remove the mental distance between them. But “God evidently had willed differently.”

Wiping his tears he said, “It is wrong that I should be shedding tears. We have no right to indulge in sorrow. Our only duty is to remember the good qualities of those who die.” Crying over death was a sin, he added. Why should they consider God’s acts to be wrong? “Death claims all.” [*Ibid*, p 123]

All the students who came with Gandhiji from Tolstoy Farm to Phoenix had been brought on the clear understanding given to them and to their parents that if Satyagraha was restarted, they would all have to go to gaol. He now decided to give the boys a test. Mr West had a small house. Work to improve the facilities of this house had been going on for years. Gandhiji decided that this work should be finished in one week. In consultation with others it was decided to close the school and suspend work in the fields for one week. *Indian Opinion*, however, could not be suspended. The boys were to take it over from the elders and see that the paper came out on time.

The boys took the responsibility with great enthusiasm and refused to accept the help of even Kababhai who was too old for hard work in the sun and therefore was not required to work on West’s house. They did not wish to share



credit with him. They made Gandhiji promise that no grown-up will interfere in their work. The boys would face the difficulties, if any, and solve their problems themselves, they said.

Gandhiji took up carpenter's work. West, Maganlal and Gandhiji and some others had some experience of carpentry. All worked hard. The Phoenix Settlement resounded with the sound of tools. Gandhiji, hammer in hand, was at work like an expert craftsman the whole day in the sun. Their example made the boys work all the harder. They had the paper ready, and bundles prepared for despatch on Friday evening, whereas normally the bundles were made only on Saturday morning as the paper was mailed on Saturday afternoon. Gandhiji encouraged them by saying that he had known all the time that the boys would do better than the grown-ups.

The boys began to whisper among themselves that the experiment was made to make sure that if all the adults went to gaol, the paper would still be continued. [Prabhudas Gandhi: *op cit* p 124]

The classes restarted after a week, but the boys' heart was not in their studies. They asked that the school be suspended till they either went to gaol or to India. They looked forward to both alternatives with equal enthusiasm. But Gandhiji insisted that the school must continue. So they did attend the classes though half-heartedly. Most of the time they were talking about their future in India or about facing the hard gaol life in South Africa as satyagrahis.

Gandhiji was tolerant of everyone's shortcomings and failings if he or she did not try to hide them and made a serious effort to overcome them. If, however, anyone tried to hide his fault, Gandhiji took it very seriously.



One day late in April 1913, some of the students found some money on the road and picked it up. Along with a teacher they decided to go to Durban and buy some eatables with it. They carried out the plan and decided to keep it a secret. Gandhiji was away at Johannesburg at the time. The secret was out after a few days of his coming back. He talked with the students and the teacher. They told different stories. It pained him so much that he gave himself five hard slaps, and then decided not to take food or water till he had the truth. He announced this decision after the evening prayers. It stunned everyone.

The next evening he was again to go to Johannesburg. He started for the railway station on foot and did not take even a drop of water though he had to walk two and a half miles in the hot sun. The teacher and Chhaganlal Gandhi walked with him. Discussion continued all the way. The teacher confessed that she had lied. The train came and Gandhiji got in. Chhaganlal told him that now that he had the truth, he should take some food at Rustom Seth's place at Durban before proceeding further. Gandhiji replied, "Truth is like food to me. I shall fast today and only eat tomorrow." He told Chhaganlal to write to him and also ask the teacher to do so. [Prabhudas Gandhi: *op cit* p 117]

From Johannesburg he wrote a joint letter to the two brothers Maganlal and Chhaganlal, in which he said:

What right have I to receive so much love from you? The consideration you showed me when I was caught up in troubles was unbounded. I pray that you may develop your inner-selves through this affection for me. You should pray that my faith in the power of the spirit will grow through this experience. [Prabhudas Gandhi: *op cit* p 118]

He added that if an ordinary pledge, which was the beginning of a spiritual struggle, could achieve so much, there could be no limit to what could be



achieved through real penance (*tapasya*). If a pledge of giving up water and food till he had the truth had not been taken, he said, he would not have been able to experience true affection nor would the truth have come out so soon and the students proved innocent. [*Ibid*, p 118]

When Gandhiji returned to Phoenix eight or ten days later, those who received him at the railway station noticed that both he and Kallenbach had a grave expression on their faces. After the evening prayers Gandhiji informed them that the conduct of two young persons X and Y at Phoenix had pained him so much that he was going on a seven days' fast. He would take water during the fast. After seven days, he would take one meal a day for four months. If the two persons concerned had a second fall, he would fast for 14 days, and take one meal a day for one year, and if there was a third lapse, his fast would not be for less than three weeks' duration. He said X and Y and Ramdas and Kasturba had also expressed a wish to fast with him, but he had forbidden them all, except Y to fast with him. Y, he said, would be at peace only if he purified himself through fasting and repentance. "He will, I hope, be able to bear the seven days' fast, but if he dies in the process, it will not be a matter for regret." He said there was no need for anyone else to fast. But if any of them must do so, they should do it after his fast was over. Kallenbach was following Gandhiji in every respect, and he was allowed to fast with him.

Gandhiji was not able to work in the fields, kitchen and the cobbling unit during the fast, and asked the rest of the group to make up for his absence by putting in extra work. He said "I do not wish anyone to think that I am undertaking this fast to punish those who have done wrong. I am doing it to strengthen myself." Anyone who took upon himself the task of showing the right path to others, must first himself strive for perfection. "I have no such claims." Involved



as he had been in worldly matters, he said, he had no opportunity to live away from the world and practise austerities in order to attain self-realisation. [Prabhudas Gandhi: *op cit* p 119]

Addressing the boys, he said that it would be wrong to tease or run down those who had committed an error. “Being human, we are all liable to err. If anyone of us fails, we should take it as a warning.” It was their duty to be understanding and kind to one who had committed an error and was repentant. [*Ibid*, pp 119-20]

10

Gandhiji valued purity of character above everything else. He was able to spot the golden qualities of purity, honesty, dedication and a spotless character in the young and old and encouraged and nurtured the same in every way possible. He missed no opportunity to promote heart-felt unity among Indians — Hindus, Muslims, Christians and Parsis and others and to promote love for the motherland on every possible occasion, joyful or full of sorrow as was the passing away of Hoosen Dawad Mahomed on 22 September 1913 at the young age of 22. Hoosen had been a student at Phoenix. The obituary that Gandhiji wrote on Hoosen’s death was an epistle for Indian youth and a means of education for the Indians in South Africa in general. It is reproduced below:

The rose has withered in its bloom. Young Hoosen has died in the prime of life, leaving a nation in mourning. He was but twenty-two, but he carried on his shoulders a head that would sit well on a wise man of forty-two. Truly do the gods take away those they love best. Had Mr Hoosen Dawad lived to see the winter of life, I feel sure that he would have left a mark on the history of the Indian community in South Africa. Not that he has not, by the purity of his life, influenced it even now. But what he was



able to do was merely a shadow of what was to come. He was a young man of truth for which alone he lived. He was impatient of cant, hypocrisy and humbug even in those who were his elders. He stood up for truth against all odds. From his early age, he wanted his word to be as good as a bond. He was innocence personified. No evil company would influence him. He influenced his companions, no matter how depraved they might be. Once Mr Dawad Mahomed wrote to him, asking him to beware of snares that lured young men in London, and of bad companions. He was indignant and wrote almost in these words: ‘Father, you do not know your boy. Snares cannot affect Hoosen. Bad companions mislead those who do not know where they are. Your son knows where he is. He lives for truth and will die for it.’ To this sterling character, he added a burning enthusiasm for his country, India, which then existed only in his imagination. He had never seen it. But it was enough that it was the land of his forefathers. He had read about it, and he had learned to love it with a passion that could not be stifled. “O, Mr Rustomjee”, young Hoosen said to him when he went forward on the 16th ultimo as a passive resister, “If I rise from this sick bed, you will find me in gaol. What a glorious death, it would be to die in gaol for the sake of Truth and Justice!” He clung to life desperately. But his desire was unalloyed with selfishness. He wanted to live in order to serve his country and humanity.

When quite young, he began to hate trade, though Mr Dawad, his father, was and is a merchant prince. He scorned possession of wealth. He wanted to study. He was placed with me at Phoenix by Mr Dawad Mahomed, and the whole Settlement began to value the golden worth of the boy. He became a loved member of my family. But Phoenix was not



enough for him. He liked the life but he wanted scope for his literary and political tastes. He wanted to fight his country's battles. He felt a call. He thought (I think erroneously) that it was necessary for him to go to London and become a barrister, if he was to do any good. He was the idol of his father. He went to London amid the good wishes of all. In London he soon made himself loved wherever he went. He applied himself to study. And I know that he used to go to Hampstead Heath, sit on the damp grass, read his favourite poets, and lose himself in dreams. He used even to compose poems which, those who can judge tell me, were promising.

But it was ordained that Hoosen was not to live. The dread disease that destroyed his body began its operations upon it in London. He tried many cures. He was under the treatment of specialists. He rallied for a time but was never cured. He returned to Durban, and felt better. Dr Adams, who loved Hoosen, treated him with rare attention. He was better, but only better. He was longing to go back to England and study. He went to India and saw it with the eyes of reverence. He said in one of his many letters to me that he wanted not to see the stone work of India. He wanted to see its heart. He went with his father and a distinguished company to the Holy Shrine in Arabia. The pilgrimage made a lasting impression on him. In one of his letters, he broke into raptures over the powers of the Prophet who could summon millions, year after year, to pay their homage to the Creator in this special manner. Thence the party proceeded to Constantinople whilst the war with Italy was going on. Young Hoosen was really his father's guide and friend. The whole company leant on him during this visit. The highest in Turkey were seen by them. There too, in this strange land, Hoosen became the favourite of those who came in contact



with him. He parted company with his father there. His second Mecca was London. He must go there to finish his studies. But the fiend never let go the grip of him. He was suddenly taken ill. Mr Dawad Mahomed received a cable, saying that Hoosen was returning. It told its own tale. The father knew that the son was returning to die in his lap, and so he died, conscious to the last moment, in the lap of a father whose love was rare (I had almost said, supernatural). Mr Dawad Mahomed became Hoosen's exclusive nurse. For five months and more, this loving father never left the side of Hoosen's bed. It was a privilege to me to make a pilgrimage to Mr Dawad's house to see the young patient whenever I was in Durban, and it was a treat to see how Mr Dawad nursed the son, and how the latter relied entirely upon his nursing and no other. Dr MacKenzie, assisted by Dr Adams, treated him. But Hoosen never left the bed that he occupied on his return from Turkey.

The funeral procession was enormous. Thousands followed the hearse. Hindus from all provinces of India vied with the Mohammedans in paying their respects to the memory of this good youth. Colonial-born Indians mustered in strong force to pay their respects to the memory of one who, like themselves, was born in South Africa. Special trams emptied themselves at Congella (the suburb of Durban where Dawad Seth lived) during practically the whole of the Tuesday (23 September 1913) on which the funeral took place. All Indian shops in Durban were closed for two hours and so was the Indian market, by consent of the Corporation. No Indian has ever received the spontaneous tribute to his memory that this young man of brilliant promise received. His death made us all forget for the moment that we were Hindus, Mohammedans, Parsis or Christians.



He, even in his death, makes us realize that we are sons of India after all — we are kith and kin owning the same mother. I have loved to linger on Mr Hoosen's character. I knew him as few did. And it has not been my good fortune to meet many young men — aye, even old men — with a spotless character that Hoosen possessed. To me Hoosen is not dead. He lives in his character. May this humble tribute be accepted by Indian youths throughout South Africa in the spirit in which it has been offered, and may we all copy the example set to us by Mr Hajee Hoosen Dawad Mahomed.

[C.W.M.G., XII, pp 222-4]

11

Four months after Gokhale completed his goodwill and fact-finding mission to South Africa and left its shores, the Indian community was shocked by a judicial ruling of Mr Justice Searle invalidating all Hindu and Muslim marriages performed according to their religious rites. The Searle judgment came as a veritable bombshell.

Mr Hassan Esop, a South African Indian living at Port Elizabeth since 1902, had obtained a permit in 1912 to go to India. There he contracted a marriage by Mohammedan rites with one Bai Mariam and brought her to South Africa. The Immigration Officer stopped her entry. The reason given was that her marriage could not be recognized as legal. The point at issue was, whether or not a marriage solemnized according to the Muslim rites or under the rites of any religion other than Christianity, was legal.

Ever since the Indians had come and settled in South Africa, Indian marriages celebrated according to Indian religious customs had been recognized and the wives of Indians living in South Africa had not been stopped from immigrating into the country. Hassan Esop, husband of Bai Mariam, applied to



the Cape Supreme Court for an order restraining the Minister of the Interior from deporting her.

Mr Justice Searle giving his judgment on 14 March 1913 observed that the courts of South Africa had always set their faces against recognition of the so-called Mohammedan marriages as legal unions. Provision in the law of the Cape Colony had been made whereby marriage officers could register such marriages and thus give them validity. Unless so solemnized, these unions remained out of the pale of legal marriages. Such solemnization had not taken place in the case of Bai Mariam and there was no statement of any intention to effect this if Bai Mariam was permitted to land. The judge further said that it was not a case where mere ceremonial forms of the marriage celebration in a foreign country were different from those required in South Africa. It was a case wherein the very elements and essentials of legal union or marriage were by admission wanting. The judge was probably referring to polygamy. The application of Hassan Esop was therefore refused. [I.O., 22-3-1913, 21-6-1913; C.W.M.G., XII, pp 568-9]

A mass meeting was held at Johannesburg on 30 March 1913 by the British Indian Association, wherein resolutions condemning the judgment of Justice Searle were passed. One of these expressed deep distress and disappointment at the decision of the court whereby non-Christian Indian marriages, celebrated according to tenets of the great faiths prevailing in India, and which were recognized by the law in India, were invalidated in South Africa. The great religions of India had been insulted by the Searle judgment.

A second resolution asked the Union Government to introduce a remedial legislation recognizing the validity of marriages, performed according to Indian religious rites, throughout South Africa.



The third resolution affirmed that in case the requisite relief was not granted, it would become the bounden duty of the Indian community to adopt passive resistance for the protection of its womanhood and its honour. [C.W.M.G., XII, p 570]

Commenting on the judgment of the Cape Supreme Court in a letter to the Minister of the Interior on 1 April 1913, Gandhiji said that according to Justice Searle's decision, no Indian marriage whether celebrated in South Africa or elsewhere could be recognized unless it was validated in accordance with the marriage laws of the Cape Province. It meant that every Indian marriage that was not registered before a Marriage Officer or celebrated according to the Christian rites, was invalid. He pointed out that it was an intolerable position and disturbed the rights hitherto exercised by Indians. He added that marriages celebrated according to the Hindu, Mohammedan and Parsi rites were fully recognized in India by Indian laws. [*ibid*]

12

Another serious blow for Indians was the statement of the Immigration Officer of Natal, saying that no boys or girls claiming to be the children of resident Indians, would be admitted unless they or their parents produced their birth certificates. It created more serious problems. Referring to this statement Gandhiji stated in his letter of 1 April 1913 to the Minister of the Interior, that it was a well-known fact that very few births were registered in India and registration was not universally compulsory. It was therefore practically impossible for Indians to produce certificates of birth except in rare cases. [C.W.M.G., XII, p 1] He pleaded for legislation for remedying the situation created by both the Searle judgment and the statement of the Natal Immigration Officer.



The practical result of the decision of Justice Searle and the statement of the Immigration Officer of Natal was to almost completely prevent the entry of wives and minor children of Indians domiciled in South Africa. Gandhiji therefore suggested that the new Immigration Bill should be so framed as to restore the position as it existed before Justice Searle's judgment. He also asked the Minister to revoke the instructions regarding production of birth certificates for children. He suggested that it would be better if the leading members of the Indian community were consulted regarding the proof required by the Government with regard to marriages or the age or sonship of boys. [*Ibid*, p 2]

A reply to this communication was received from the Government on 10 April. It said that the law of the land had only recognized as a valid union, marriage by a recognized Marriage Officer, of one man to one woman, to the exclusion, while it lasted, of any other.

A very old established section of the Cape population was the Cape Malay community which was a large one in number and had always followed the Mohammedan faith. They had performed marriages according to the tenets of that religion. But such unions, unless solemnized before a Marriage Officer, were now not to be recognized under the Marriage Order-in-Council, nor were these marriages to be officially recorded in any way.

The law did not demand that unions before Marriage Officers should be performed in accordance with Christian rites in order to be duly recognized. But they had to be performed in the presence of Marriage Officers. The Government refused to accept the contention that as marriages performed according to Indian customs but not celebrated before a Marriage Officer, had hitherto been recognized as valid in South Africa, the practice should be continued. It also refused to consider the introduction of any law which would disturb the existing



position, so far as the Cape Malay or the Indian sections of the population was concerned.

The Government affirmed that it had no intention of departing from the existing practice in regard to the introduction of wives and minor children of British Indians lawfully resident in South Africa and that the Immigration Officers had been advised accordingly. [C.W.M.G., XII, p 2 fn] But this was not enough in the opinion of the Indian community and their apprehensions were confirmed by the case of Bai Janubai in Natal.

Bai Janubai was a Muslim lady whose husband had died and left his property to her by a will, but the Master of the Supreme Court refused to execute the will, stating that Bai Janubai's marriage could not be recognized as valid. [C.W.M.G., XI, pp 504-5 fn]

In a letter dated 15 April 1913 to the Secretary of the Interior, Gandhiji contended that the Searle judgment had laid down a 'definitely new principle'. Non-Christian Indian marriages had hitherto been recognized by both the Immigration Department and the Master of the Supreme Court. Issues of persons married according to the rites of their respective faiths, but not before Marriage Officers, had also been accepted in intestate estates as lawful heirs. But such issues could not, according to the Searle judgment, be now so recognized. The vast majority of non-Christian Indian marriages, he said, had never taken place before Marriage Officers. All these marriages and those celebrated and considered by the Indian law as legal in India, of Indians lawfully resident in South Africa, were adversely affected by the Searle judgment. The effect of the judgment had been to invalidate all Indian marriages. The Government might direct the Immigration Officers not to disturb the existing practice, but the relief that would thus be offered would not sufficiently meet the case. No



administrative action could deal with the legal consequences that were sure to arise from the Searle judgment. The issues raised by the judgment could be effectively dealt with only by amending the marriage laws of South Africa so as to legalise marriages celebrated according to the rites of non-Christian religions and performed by non-Christian priests. [C.W.M.G., XII, pp 29-30]

13

The 1911 Immigration Bill was withdrawn when its defects were pointed out to the Government. The next bill drafted in December 1911 and introduced in January 1912 was withdrawn in June 1912 because of strong objections raised by Gandhiji and the British Indian Association, supported by Gregorowski's legal opinion, and coupled with strong protests by Natal and Cape Indians. This and the conciliatory atmosphere created by Mr Gokhale's visit to South Africa in 1912 had led the Indians to hope that the Union Government's re-drafted Bill would, by and large, be such that it would be acceptable to the Indian community. But this hope was soon belied.

The new Bill was gazetted on 3 April 1913, and published in *Indian Opinion* of 12 April 1913. [I.O., 12-4-1913, pp 85-87] *Indian Opinion* commented, "We might say, at once, that it is disappointing, it is worse than its predecessor, and fails in material respects to give effect to the provisional settlement" of 1911. [I.O., 12-4-1913]

When a copy of the new Bill reached Gandhiji, he cabled to the Minister of Interior on 9 April 1913 that the new Bill was "open to serious objections". The vital point, he held, was that it "disturbs, contrary to the Provisional Settlement, several existing rights." He pointed out that Section 3 of the new Bill would take away the Supreme Court's jurisdiction with regard to the hearing of appeals against the decisions of Immigration Officers. Similarly, clause (a) Sub-section 1



of Section 4 seemed to take away the rights of free entry of educated Indians who had previously entered the Cape or Natal as they wished by virtue of their educational qualifications. The contemplated prohibition of their entry into the Free State, although the immigrants might have passed the education test, was also objectionable.

Sub-section 3 of Section 4 materially restricted the rights possessed by the Natal and the Cape Indians to re-enter at any port. Sub-section 1 of Section 5 deprived the Natal Indians of long residence therein, of rights presently possessed by them.

The proviso to Section 5 restricted the legal effect of the Transvaal Registration Certificates and the Natal residential certificates. The Bill did not appear to protect the rights of inter-migration to the Cape or Natal of educated Indians exercised by them under the existing legislation, and of South Africa-born Indians to enter the Cape, allowed under the existing Cape laws.

Lastly, the Searle judgment required amendment of the Bill for recognising Indian marriages celebrated according to Indian religious rites in order to protect the lawful wives and minor children of Indians. [C.W.M.G., XII, pp 7-8]

In another telegram on the same day, Gandhiji further pointed out that sub-section (g) of Section 5, unlike the previous Bill, did not protect the wives and minor children of educated entrants. The Bill was also not clear that no declarations would be required from educated entrants into the Free State, although they would be liable to restrictions as to trade, farming and ownership of land. [*Ibid*, p 8]

The Minister of Interior in his telegram dated 15 April did not give satisfaction. He merely replied that appeals against the Immigration Officer's decision would hereafter lie with the Boards of Appeal which would be



constituted for the purpose. According to him, prohibition of entry into the Free State was not a new proposal but had been contemplated in the previous Bill itself. The residential certificate of Natal did not confer any rights as indicated by Gandhiji. In the case of the Transvaal, Section 11 of Act 36 of 1908 gave rights which would of course be respected, but such rights could not be greater in the case of an Indian, than in the case of a European, who, by long absence, might lose his domicile in South Africa. As for inter-migration to the Cape and Natal of educated Indians, who could pass the education test, the position had already been clarified by him, namely that restrictions on inter-provincial movement of Asiatics in South Africa would not be made greater than they were at present, and there was no intention of departing from that policy. With reference to Searle judgment, the Government had already intimated that it had no intention of departing from the present practice with regard to wives and minor children.

In reply to Gandhiji's second telegram the Minister of Interior stated that the wife and minor children of selected educated entrants should either come with him and be admitted with him or they should arrive after he had acquired a domicile and thus would fall under the exemption provided. As for the declaration required by the Orange Free State, the sworn declaration was not an immigration provision. There was no settled Asiatic community in the Free State, and it could not be conceived that any of the educated entrants who would be admitted in the interests of the Indian community as a whole, would ever seek to settle in that province. Casual visits were however provided for without formality.

In conclusion the reply stated that the Minister strongly deprecated references to threats of passive resistance contained in Gandhiji's telegram and other communications and added that these threats might "very possibly" lead



“to results far different from those anticipated by the representatives of the Indian community.” [C.W.M.G., XII, pp 571-2]

Gandhiji sent a cable in reply on 15 April from Phoenix acknowledging the Government’s reply, and followed it up by a letter on the same day explaining the need for changes in the law with regard to recognition of Indian marriages. As to the question of recognition of plurality of wives being not permissible under the South African laws, he drew the attention of the Minister to Act 2 of 1907 (Natal) which countenanced this practice among indentured Indians. He denied that reference to passive resistance was intended as a threat and pointed out that it was just “a clean, legitimate method of demonstrating the intensity of feeling” among the unrepresented Indian community. [*Ibid*, pp 29-30]

On 27 April 1913 the British Indian Association held a mass meeting in Hamidia Hall at Vrededorp. The following resolution was proposed by Joseph Royeppen, and seconded by Imam Saheb Abdul Cadir Bawazeer, Chairman, Hamidia Islamic Society. It was supported by P. K. Naidoo (Secretary, Tamil Benefit Society), Dadoo of Krugersdorp, Dharman Naicker, E. Coovadia (Treasurer, Hamidia Islamic Society), Bhikhabhai Patel (Secretary, Patidars’ Association), M. P. Fancy (Secretary, Hamidia Islamic Society), Jeevan Premji (Chairman, Patidars’ Association), Tekchand, E. M. Salooji and Kalikasingh (Germiston). It was carried unanimously. It said:

This mass meeting of British Indians hereby endorses the action of the Committee of the British Indian Association in forwarding to the Government its objections against the Immigration Bill and, inasmuch as it affects the honour, the religious sentiment and the very existence of the Indian community in South Africa, solemnly resolves that, in the event of the Government not conceding the request, Passive Resistance, which has



remained under suspense since 1911, be revived and continued until the sufferings of the Passive Resisters shall have proved to the Government and the Europeans of South Africa, the earnestness of the community and, therefore, the necessity of granting relief. [I.O., 3-5-1913, p 104]

After the passing of the resolution, Ritch was invited to speak. He said, he knew that if he, as an Englishman, was subjected to the disabilities that the British Indians were to be subjected to under the proposed Bill, he would fight against it as hard as he could. He had studied the Bill carefully and he agreed that, in its present form, it was totally unacceptable. The Searle judgment reduced Indians' wives to the status of concubines and their children to that of bastards. If he knew his Indian brethren, he knew that they would present a united front against the insult.

Kallenbach was next asked to speak. He said if the struggle was revived, he would be sorry that he could not share their sufferings in gaol, but he would certainly endeavour to visit them in gaol; and he would try to enlist European sympathy for their cause, which he knew to be just. He had reserved a portion of Tolstoy Farm for such a contingency. It would be, as before, at the disposal of the passive resisters' families. He would deem it a privilege to look after them and to contribute towards their maintenance. He would not hesitate to go about begging from door to door for food, clothing or money, for such families. He sincerely hoped that the Government would grant their just demands, carry out the terms of the settlement, and thus render a revival of the struggle quite unnecessary.

On 30 April Gandhiji forwarded to the Private Secretary to the Governor-General the text of the resolution unanimously passed by the mass meeting of Indians at Vrededorp.



The new Bill introduced in the Parliament in April 1913 [C.W.M.G., XII, p 32] was piloted by A. Fischer, the Interior Minister who was anything but sympathetic to the Indian cause.

As a result of many representations to the Union and Imperial Governments and seeing the possibility of the revival of passive resistance when the government was faced with serious labour troubles, the Government appeared to relent and was willing to amend the Immigration Bill in some respects but it would not change its position with regard to Indian marriages.

Morris Alexander was friendly to Gandhiji and sympathised with all the oppressed. He tried to help with the support of another sympathetic member Drummond Chaplin, to remedy the anomalous position of British Indian wives by moving an amendment. Fischer misled him by saying that Indians had declined to accept the suggestion of Marriage Officer being appointed to certify Indian marriages. He said they demanded polygamy to be recognized in the Union. This was completely wrong. Indians had merely pointed out that appointment of Marriage Officers would not help as the Searle judgment had invalidated all Indian marriages which had been solemnised according to religious rites in India or in South Africa. A Marriage Officer could not make them valid, unless the law was suitably amended. Indians were willing to have Marriage Officers for the future.

Alexander with the help of Chaplin succeeded in moving an amendment to the Bill, providing for the registration of Indian Marriages. Gandhiji in a telegram to Alexander on 29 May explained that registration in South Africa of Indian marriages already celebrated in India with due publicity and solemnity was superfluous. He assured him and Chaplin and Senator Schreiner that there had



not been a single case of entry of undesirable Indian women as wives under the earlier practice of accepting marriages celebrated according to Indian rites in India. Alexander's amendment moreover had a fatal flaw. It required registration at the place of celebration of the marriage, and Indian law did not provide for such registrations.

Gandhiji wanted the Marriage Law to be so amended as to validate all past marriages celebrated in India or in South Africa, according to Indian rites of the various religions (Muslim, Hindu and Parsi), and also those performed in South Africa as per Indian rites.

In the Senate Schreiner succeeded after strenuous effort in moving another amendment, to improve the position. [I.O., 14-6-1913, p 145] The amendment still did not solve the problem. As finally passed, the clause in the Bill did not insist on registration of marriages in India, since marriages in India were not registered but celebrated with due solemnity according to age-old customs and given much advance publicity. But the flaw remained as a similar marriage performed in the Union would not be recognized. Apart from civil marriage, the Union law did not facilitate marriages performed according to traditional rites. Thus, the wives of hundreds of Indians who had been married in South Africa were still to be considered concubines and their offsprings illegitimate children. [I.O., 14-6-1913, p 144, 28-6-1913, p 159]

Gandhiji met the Secretary of Interior on 2 June in the morning and wrote to him later the same day, requesting a meeting with General Smuts to discuss and plead for the amendment of the Marriage Law to "legalize all Indian marriages (already) celebrated or to be celebrated, within the Union."

He further pointed out that unlike the previous Bill the new Bill in the final form had not given protection to wives and minor children of educated entrants.



He added that he had never asked for recognition of polygamy by the Union Government. On the same day (2 June 1913) Gandhiji declared in a statement from Durban that passive resistance was inevitable if the Government failed to meet the Indian demands. [C.W.M.G., XII, p 99]

The Union Government did appear to view the possibility of resumption of Satyagraha with serious concern. Lord Gladstone, the Governor-General of South Africa, had in the course of a confidential cable on 29 May urged the Colonial Office in London to represent to the Indian Government the gravity of the situation and to ask them “to use such influence as they may possess with Gandhi and others” to avoid a crisis. He had also said that in the contemplated legislation “women and children will almost all certainly be exempted from the Natal £3 tax”, and he was doing his best “to secure total abolition of the tax.” [C.W.M.G., XII, p 575] On 4 June he sent a copy of Gandhiji’s statement of 2 June regarding resumption of Satyagraha to the Secretary of State for the Colonies. [*Ibid*, p 99 fn]

15

The Union Government decided early in June to exempt only women from the £ 3 tax in spite of strong Indian sentiments on the subject. [*Ibid*, p 106] Gandhiji pointed out that the promise of repeal made to Professor Gokhale contemplated no discrimination against men. [*Ibid*, p 107] In a telegram to the Minister of Interior and Members of Parliament, soon after 5 June, he urged the exemption of men, in addition to women, from the payment of the tax. [*Ibid*, p 648]

By 11 June, the Immigration Bill had been passed by both the Assembly and the Senate of the Union Parliament. On 13 June, Gandhiji declared that unless Royal Assent was withheld and the assurance in terms of the Provisional Settlement of 1911 was implemented, passive resistance by men and women would commence. [*Ibid*, p 108] The Chairman of the British Indian Association, A.



M. Cachhalia, sent a telegram to the Governor-General on 16 June asking him to withhold sanction to the Bill on the ground that it deprived Indians of rights hitherto enjoyed by them. [*Ibid*, p 112]

In a last-minute bid to avert the impending crisis, Gandhiji went to Pretoria and presented the Indian case to the Private Secretary of the Minister of Interior in the form of a letter dated 28 June. [*Ibid*, pp 120-22] He explained therein how the new Immigrants Regulation Act failed to carry out the provisional settlement of 1911 in the following important particulars:

1. According to the definition of the term ‘domicile’ in the new Act, those indentured Indians who arrived after the Indian Immigration Law Amendment Act of 1885 and their descendants appeared to become prohibited immigrants.
2. The descendants of this class although born in South Africa would, if the above interpretation was correct, be unable henceforth to enter the Cape Province.
3. Women married in South Africa according to the rites of Indian religions, and going to India, and returning with their husbands would not be on the same footing as those married in India. Nor are the hundreds of women married according to non-Christian faiths provided for by the amendment. [C.W.M.G., XII, p 120]

Gandhiji added that both the first and second points were of the highest importance to the Indian community. According to the judgment of the Natal Courts, these men, if they were paying the annual tax of £3, had a right to remain in Natal as permanent residents.



Gandhiji had also an interview with the Secretary for Interior on 2 July. In a letter of the same date, he again dealt with the marriage question and said that in view of the Searle judgment, it was absolutely necessary to legalize Indian marriages celebrated or to be celebrated within the Union of South Africa. This could be done by amending the new Act or by amending the Marriage Laws of different Provinces authorising the Government to appoint Marriage Officers for different denominations, whose certificates as to the celebration of marriages according to the rites of the respective religions of parties, would be recognized as proper proof of marriage. [*Ibid*, p 124] He further pointed out that as the law would recognise monogamous marriages only, an assurance should be given by the Government that the present practice of admitting one wife of an Indian immigrant, so long as she was the only one in South Africa, irrespective of the number of wives he might have in India, would be continued. [*Ibid*, p 124]

There were not many cases of polygamous marriages, he said, but it was necessary to admit or re-admit plural wives of Indians who were already resident in South Africa. He agreed that no new polygamous unions were to be administratively recognized. A list could easily be prepared of those who had more than one wife, either in South Africa or outside it. In July 1911, he said, General Smuts had given an assurance that special cases of polygamy would be considered by the Government. This was necessary from the point of view of the welfare of the children of these unions. [C.W.M.G., XII, p 124]

Gandhiji suggested that in case the solution proposed by him was acceptable to General Smuts, he might be informed on the telephone so that he could come over to Pretoria and a final letter setting forth terms of the settlement might be given to him. [*Ibid*, p 125]



On 4 July a big strike by the white workers in the gold mines in and near Johannesburg broke out and it soon spread to workmen in the coal mines and railways. There was widespread incendiarism and violence causing bloodshed and insecurity of life and property. The Government had to resort to stern measures including firing by the police, but the riots by the strikers could not be quelled. The Government were not prepared and were not capable of meeting the challenge. The situation became so serious that both Generals Smuts and Botha had to come down from Pretoria to Johannesburg to conclude an agreement with the leaders of the strike to save the mines. They carried no arms and agreed to the terms dictated to them by union leaders and signed a document to that effect, “one of the hardest things I have ever had to do”, Smuts said in the House subsequently. It took the Government two months and more to re-establish law and order. [Crafford F. S : *op cit* p 91; C.W.M.G., XII, pp 132-4]

When the strike was at its height, the leaders of the white workers’ union approached Indians and suggested that the latter should also start their Satyagraha so that the two movements could help and strengthen each other. But Gandhiji refused to join them. He said that a satvagrahi should not take advantage of the adversary’s difficulties. A satyagrahi would never hit below the belt. The Indians therefore did not resort to Satyagraha during the strike period. P. S. Joshi writes in his memoirs that there was no doubt that

the embarrassment of the Union Government would have been considerably greater if Gandhi had timed the resumption of the passive resistance struggle simultaneously with the declaration of the strike. But Gandhi, a noble adversary, would never take an undue advantage of the difficulties of the Government. Not only did he keep away from the political



revolt and the industrial discontent in the country, but he allowed during that period even his press campaign to lapse to a point of total disappearance. [P. S. Joshi: *Mahatma Gandhi in South Africa*, p 222]

Fully preoccupied with the unrest caused by the strikers, General Smuts sent a message on 2 July to Gandhiji in reply to his letter that “the current agitation by the white railway workers” left him “no time for anything else, and he will, therefore, think about the Indian question when conditions become a little more peaceful.” [C.W.M.G., XII, p 141]

On 26 July *Indian Opinion* reported that Gandhiji “in accordance with Gen Smuts’ wish, refrained from taking any action, because of the unexpected troubles of the Government.” [I.O., 26-7-1913]

After the railway strike was over, Gandhiji picked up the threads of the Indian question. He wrote to the Secretary for Interior on 11 August asking him to ascertain “whether General Smuts could now deal with the Indian problem” and added, “will wait on him if required.” [C.W.M.G., XII, p 161] The reply he received was that his proposals were receiving the Minister’s “careful consideration” and he would be informed “a little later” what the Minister’s views were, as the Minister “wishes first to consult his colleagues.” [*Ibid*, p 161]

Actually, Smuts and the Union Government, having settled the strike, had now become confident that they would be able to deal with the Indians in their own way and hence they paid no attention to Gandhiji’s letters and telegrams. [Raojibhai Patel: *Gandhiji Ki Sadhana*, p 186]

The passing of the Immigration Bill by the Union Parliament in June 1913 led to a chorus of protests from all sections of the Indian community in South



Africa and in India. In England also it had its repercussions. Many messages were received by the Imperial Government urging the Crown to intervene. The Indian Press was unanimous in urging retaliation. It maintained that the Union Government had broken faith with Mr Gokhale. [P. S. Joshi: *op cit* p 249]

On 18 June Lord Ampthill, Chairman of the South Africa British Indian Association in London, deplored the passage of the Immigration Bill and hoped that the British Parliament would have a chance to discuss it before it received the Royal Assent. On 20 June, Oandhiji wrote to Professor Gokhale who was then in London explaining the implications of the Bill as passed by the South African Parliament and expressed readiness to drop Satyagraha if the Union Government promised redress of grievances. On Gokhale's advice, Polak was sent on 10 July to London to assist him in representing the South African Indians' case to the Imperial Government.

On the initiative of Lord Ampthill, the House of Lords debated the Immigration Bill on 30 July. Lord Ampthill requested the Imperial Government to ask the Union of South Africa to suspend the operation of the Act, till it was amended in a manner more satisfactory to the Indian community in South Africa. He urged the Imperial Government to telegraph to the Union Government "frankly, freely and firmly" the conditions which were acceptable and which were of Imperial importance. Supporting Lord Ampthill, Lord Curzon said that Indians did not claim more rights than they "at present enjoyed." [P. S. Joshi: *op cit* pp 232-33]

The next day on 31 July the London *Times* said in an editorial that there seemed no reason why a practical compromise could not be arranged in time. It was important in the interests of the Union and the Empire to prevent the resumption of the passive resistance struggle. [P. S. Joshi: *op cit* p 233]



But all these pleadings and Mr Gokhale's best efforts to press the Indian point of view on Whitehall, were of no avail. The Union Government refused to accept the Indian demands and conveyed its resolve to the British Government that it would not budge from its position notwithstanding the latter's efforts to make them see reason in the interests of the Empire.

18

On 19 August 1913, E. M. Gorges, Secretary for the Interior, wrote to Gandhiji and said that the point regarding the right of indentured Indians and their descendants to enter the Cape Province, was entirely a new one, "not raised by you when all the matters at issue between the Indians and the Government were dealt with by you in your correspondence with General Smuts in January and February 1912." The South African Government had all along regarded it "as impossible to allow Indians born in Natal to migrate freely to the Cape" and until the matter was raised for the first time by him in April 1913, "the Minister was not aware that your community had any views on the subject at all." Further, throughout the time the Cape Act was in force, hardly any South Africa-horn Indians, not belonging to the Cape, had endeavoured to migrate to that province, as there was no scope for them there. In view of this, the Government could not conceive that the Indian community would now wish to make a grievance of the fact that provincial boundaries had been maintained in the new Act. [C.W.M.G., XII, p 588]

"As regards the marriage question," Gorges continued. General Smuts was prepared when some suitable occasion presented itself, to make provision for the appointment of special Marriage Officers for denominations other than Mahomedan, if it was shown that there was a demand by the members of such denominations for such appointments and that there were suitable persons in



the different communities on whom the appointment could be conferred. The existing practice of admitting one wife of an Indian now entitled to reside in any province or who might in future be permitted to enter the Union, irrespective of the fact that his marriage to such wife might have been solemnised according to tenets which recognized polygamy or that she was one of several wives married abroad, would be continued so long as she was his only wife in South Africa. But it would not be possible to go further and admit plural wives of Indians who were already resident in South Africa. [*Ibid*, p 589]

Acknowledging this letter, Gandhiji admitted on 24 August that it was perfectly true that he had not raised in his correspondence of 1912 the point regarding the right of the indentured Indians to enter the Cape. “It had entirely escaped me until a friend drew my attention to it. But I assured the friend that no difficulty need be anticipated as correspondence setting forth the provisional settlement of 1911 protected all existing rights of British Indians.” The fact that very few South Africa-born Indians had availed themselves of their right to enter the Cape, showed that the Government had no need to fear any sudden influx of such Indians into that province if the right was retained. From the Indian standpoint, they were only “fighting for the sentiment, namely, that the liberal and reasonable view taken by the old Cape legislators should be left untouched.” “I must press that view again on General Smuts’ attention,” he added.

On the question of Indian marriages, Gandhiji said that a definite assurance was necessary that a legislation would be introduced in the “next session”. As regards the plurality of wives, he had not asked for a general recognition of polygamy. He only wanted that in continuation of the practice hitherto followed, existing plural wives of domiciled residents should be allowed to enter. This assurance had been given by General Smuts in July 1911. The number of such



wives could easily be ascertained at the present moment, and the toleration might be restricted only to the number so ascertained. [C.W.M.G., XII, pp 183-4]

Writing again on 3 September, Gandhiji explained that his moderation and restraint in framing the demands were intended to facilitate a settlement and to show that the Indians were not “pining” for a revival of the struggle. He added, “If the negotiations now going on prove abortive, the struggle will be revived on a wider issue.” [*Ibid*, p 180]

On 10 September, Gandhiji received a telegram from Gorges saying that he could add nothing to the statements already made in the Government’s letter of 19 August with regard to the rights of indentured Indians to enter the Cape Province. As for the marriage question, no assurance could be given that a marriage law would be introduced in the “next session” on the lines asked for by Gandhiji. The Government could hold out no promise to alter the basis of the existing marriage law by a Parliamentary measure even during the following year. [C.W.M.G., XII, p 175 fn]

The Government’s reply to Gandhiji’s entreaties was thus totally negative. He therefore sent the following telegram to the Secretary for the Interior on the same day, 10 September 1913:

Thanks for wire. Fear Reply makes revival struggle imperative notwithstanding every effort minimize points of difference. [*Ibid*, p 182]

All efforts to arrive at a negotiated settlement with the Government having thus proved futile, Gandhiji decided to resume the Satyagraha which had been in suspension since April 1911.



On 12 September 1913 Cachhalia, Chairman of the British Indian Association, wrote a detailed letter to the Secretary for the Interior, stating that “it has been most reluctantly and with utmost regret decided to revive passive resistance, owing to the inability or unwillingness of the Government to concede the points submitted by Mr Gandhi in his letters.” He gave the background of the entire struggle of Indians in South Africa up to the visit of Mr Gokhale to the African continent. He said that high hopes had been raised during Mr Gokhale’s visit and

declarations made by responsible statesmen raising expectation that a satisfactory Bill would be passed during the ensuing session and that the iniquitous and admittedly unjust tax of £3 on certain ex-indentured men and women would be withdrawn. The Hon’ble Mr Gokhale declared at public meetings that he had every confidence that the tax would be abolished both for men and women.

But all hopes had been dashed to the ground, he said. The draft Immigration Bill had broken almost every condition of the settlement of 1911. It had shown that the community was to expect nothing from the Government. The attempt of the Government to remit £3 tax only on women, showed that they were not prepared to remove it from men.

Notwithstanding such gloomy indications of the hostile spirit of the Government, he added, Mr Gandhi was authorised to enter into negotiations for a settlement by submitting proposals which, if accepted, would have only just sufficed to fulfil the letter of the provisional settlement of 1911. The Indian community had hoped that if even such a settlement was effected, the terrible



passive resistance could be avoided, and that other grievances could be pressed on the attention of the Government by means involving less personal sacrifice and suffering by the community. Cachhalia continued:

But the Government evidently thought otherwise. They have not only, rejected most of Mr Gandhi's proposals, but they are showing by their administration of the new Act in Natal and by regulations under the Act, some of which are harsh and unjust, that it is their desire not only to keep out new immigrants, but also to keep out domiciled residents who, before the new Act, found no difficulty in re-entering, and to put obstacles in the way of wives of domiciled Indians entering the respective provinces.

In the circumstances, he affirmed, there was no course left open to the Indian community but to take up passive resistance again, "which now naturally will not be confined to the Transvaal, and which, on this occasion, will be taken up by women as well as men."

In conclusion, Cachhalia said that the passive resistance struggle would be continued so long as:

1. There was a racial bar that disfigured the Immigration Act;
2. The rights existing prior to the passing of the Act were not restored and maintained;
3. £3 tax upon ex-indentured men, women and children was not removed;
4. The status of women married in South Africa was not secured; and
5. Generally, so long as a spirit of generosity and justice did not pervade the administration of the existing laws referred to.



He also mentioned that a smooth and just working of the laws was not possible until the Government consulted the leaders of the community in the different provinces. [C.W.M.G., XII, pp 183-4]

Writing in *Indian Opinion* on 13 September 1913, Gandhiji said of the impending struggle : “The campaign this time has no programme or plan of action. The plan will unfold itself as we proceed. This is a fight for bringing about a change in the Government’s hostile attitude to us.” The obnoxious £3 tax must go at any cost. That was a debt which they owed to the defenceless Indians and to Mr Gokhale. The Government had broken a promise made to them. “We hope that many Indians will utilize this golden opportunity and that God will give the requisite strength and faith to those who join the fight.” [C.W.M.G., XII, p 187]

The die was cast. Resumption of the third and final Satyagraha as the next step had become inevitable.



PART FIVE
THE FINAL ORDEAL AND VICTORY



CHAPTER XXIII: THE STORM BURSTS

1

By the middle of September 1913 all was set in South Africa for the resumption of Satyagraha by the Indian community. Gandhiji had been at Phoenix most of the time since his return with the students from Tolstoy Farm in January 1913. He had been guiding the community through his writings in *Indian Opinion*. Phoenix had become the training centre for satyagrahis and played a pivotal role in the final phase of Satyagraha in South Africa.

The compositors in the press were not professionals. They were students or settlers in Phoenix for the most part. As they composed the articles for *Indian Opinion*, they absorbed the message. They were all satyagrahi soldiers. The young compositors were inspired by the call to high ideals and courage conveyed in those articles, before the weekly issue came into the hands of the public.

After the day's work, at the end of the evening prayers, there was a lively discussion on current events. Gandhiji explained the basic issues underlying the resumption of Satyagraha and answered questions. The hardships of prison life, training and education in gaol, how the satyagrahis should behave in gaol, how they should face difficulties and problems that might arise there — these and similar topics came up during this hour of post-prayer discussions. Gandhiji clarified doubts and provided information as well as inspiration. [Raojibhai Patel: *Gandhiji Ki Sadhana*, pp 174-6 (Raojibhai's memoirs of South Africa) Hindi, Navajivan Publication, 1959]

One Sunday, Raojibhai Patel, one of the close associates of Gandhiji in South Africa and later in India, was in Durban in connection with the press work. In every Indian shop or house that he visited, he was asked: "What is to be done



now ?” Behind this question was curiosity on the part of some, enthusiasm for the struggle and faith in Satyagraha in some others, and the lack of it in many more. The last group was in the majority. Raojibhai had also sensed some estrangement between the Hindus and the Muslims. There was no serious problem, but there seemed to be a lack of mutual understanding and of candidness which is generally born out of oneness of heart. [Raojibhai Patel: *op cit* pp 174-6]

On his return to Phoenix Raojibhai told Gandhiji after the evening prayers that he had gone round and met a large number of Indians in Durban and was struck by the lack of enthusiasm for Satyagraha on their part. Some had gone to the extent of telling him that Gandhibhai was unnecessarily inviting trouble for himself and for them. Instead of talking about principles and preservation of self-respect, it would be better to let them make a living as best as they could. “Would it not be better to keep what they had, instead of picking up a quarrel with the whites which would lead to vindictiveness on their part?”, they asked him. They came to South Africa to make money and not to go to gaol in order to preserve their self-respect, they said. [*Ibid*, pp 177-8]

After narrating this, Raojibhai asked Gandhiji, “What is our strength to give a fight to the Union Government? Satyagraha has been going on for seven years. How much strength have we gained? How many men do we have to fight the Government? Have you calculated that?” Gandhiji replied, “I have been doing it day and night. But why don’t you do the count yourself? The satyagrahis are not unknown to you.” Raojibhai started with Phoenix and counted on his finger-tips the names of satyagrahis who would fight till the end. When he could not recollect any more new names, he said, “Bapuji, I have counted forty.” Gandhiji’s face had a grave expression. He asked him in all seriousness, “What do you think



of the quality of these forty soldiers?” Raojibhai replied that the forty would stand steadfast till the end. “They will win in life or in death.” Gandhiji’s face lit up. He was excited by this reply. He declared, “Forty men, steadfast till death! That is enough for me, you will see that the forty will become forty thousand.” Then he added, “Even if these forty were not there, I would fight the insult to Gokhale alone. How can I be a silent witness to it?” The Union Government’s breach of faith with Gokhale was in his opinion a serious insult. [Raojibhai Patel: *op cit* p 179]

Raojibhai has recorded in his memoirs, “We heard him in silence. Whatever doubts we might have harboured, they were burnt to ashes in the face of his burning faith.” And before the Satyagraha had its successful end, Raojibhai’s record tells us that 40,000 had participated in the struggle. [*Ibid*, p 179]

2

At Phoenix, some time before 19 April 1913, Raojibhai came to the kitchen to help Kasturba in making *chapatis*. Gandhiji was also in the kitchen. He asked Kasturba, “Have you heard something?”

“What is it?”, she asked.

“You have been my wedded wife till now. But you are no longer so,” he said.

Kasturba became angry. “Who says that? You seem to pick up new problems every day,” she retorted.

Gandhiji laughed and said, “It is not I, but General Smuts who creates the problems. Because our marriage was not registered like the Christian marriages, he says it is not legal and therefore you, instead of being my wedded wife, will be regarded as a keep, hereafter.”



Kasturba was very angry. “From where does this useless man think of such stupidities?”

Gandhiji asked, “What are you women going to do?”

“What shall we do?”

“You too can get ready to go to gaol to protect your honour,” he said.

Kasturba was surprised. “Can women go to gaol?” she asked.

“Why not?” replied Gandhiji, “Surely they can share the joys and sufferings with their men-folk. Did not Sita follow Rama in his exile? And Tara had followed Harishchandra and Damayanti followed Nala in his exile.” *

Raojibhai was holding his breath, waiting to hear her reply.

“So you wish to send me to gaol”, she said. “But will the gaol diet suit me?”

“I do not wish to send you to gaol.” Gandhi replied, “If you are keen to do so for the sake of your honour, you may go to gaol. If the gaol diet does not suit you, you may live on fruit.”

“Will the Government provide fruits?”

“If they do not give fruits, you can go on fast,” he replied.

Kasturba laughed. “So you are telling me how to die. I think I shall die in gaol.”

Gandhiji burst out laughing, “If you die in gaol, I shall worship you as the Mother of the universe.”

“All right. I am ready to go to prison,” was her firm reply.

But later when Gandhiji asked Kashibehn and Santokbehn, wives of Chhaganlal and Maganlal, if they were ready to go to prison, he did not ask Kasturba. She was not in good health, and he did not wish to embarrass her. She



was angry when she learnt about it and insisted on being the first woman satyagrahi. [Raojibhai Patel: *op cit* pp 181-5; I.O., 1-10-1913, p 241]

The other ladies, closely related and living on the settlement, insisted that apart from their own conviction which was just as strong as that of Kasturba, they could not possibly remain out and allow Kasturba to go to jail. The proposal thus to let women join the passive resistance movement was seriously posed and accepted. It caused considerable anxiety.-The step was a momentous one. [C.W.M.G., XII, p 31]

* These are eminent figures in Hindu mythology.

3

It was decided that the three ladies should court imprisonment along with Chhaganlal, while Maganlal was to stay behind to look after *Indian Opinion* and the children. Jaikunwarbehn (Jekibehn), daughter of Dr Pranjiwan Mehta, also decided to join the women.

Over 40 Indian ladies of Johannesburg, professing Hindu, Mohammedan and Christian faiths, decided that a telegram should be sent to Government to inform them of their feelings. Most of the ladies emphatically declared their intention of braving imprisonment, should the Government decline to grant their prayer. [C.W.M.G., XII, p 65]

On 4 May 1913 the following telegram was addressed by Sonja Schlesin, honorary secretary of the Transvaal Indian Women's Association, to the Minister of Interior:



Committee Transvaal Indian Womens' Association has carefully considered position, in the light of the Searle judgment, of Indian women resident in South Africa or entitled to enter therein with their husbands possessing rights of residence in the Union, and has come to the conclusion that the honour of Indian womanhood is affected by that judgment. Committee therefore respectfully trusts that the Government will be pleased to amend the law so as to recognize the validity of Indian marriages which have been duly consecrated according to the religious customs of the parties and are recognized as legal in India.

I am also to inform the Government that the earnestness of the members of the Association is such that, if the Government cannot see its way to comply with the request, they would offer passive resistance and in common with the male members of the community suffer imprisonment rather than suffer the indignity to which in their opinion the Searle judgment subjects them.

The decision of the Indian women of Johannesburg to go to gaol on the marriage question marked an important and far-reaching development in the course of the passive resistance campaign. [*Ibid*, p 66]

In his correspondence with the Ministry of Interior during this period, including letters and telegrams, Gandhiji stressed that the anomalous situation created by the Searle judgment could be remedied only by modifying the Union Marriage laws; that the Immigration Bill should be amended to restore existing rights of Indians; that the £3 tax should be abolished on men and women and that the racial taint in the Transvaal laws should be removed. In case the Government failed to meet these demands, the Indian community would have to resort to passive resistance. This time the campaign would embrace the whole of



South Africa, and for the first time it would include women among passive resisters. [*Ibid*, p 71]

4

One day Prabhudas went to Phoenix railway station to hand over the *Indian Opinion* mail to the station master. The station master asked him to wait for the train because a three-hundred word telegraphic message had come for Gandhiji from General Smuts, which he could not take down. The original telegram would be coming by the train in about an hour's time and Prabhudas could take it with him. Prabhudas stayed on and brought the message to Gandhiji. It was a most disappointing reply to the proposals he had sent to General Smuts. After reading it Gandhiji said that the struggle had to be resumed.

Gandhiji had received General Smuts' cable before the evening prayer meeting. In the post-prayer talk he told the settlers: "The time for gaol-going has come. Gaol is no play. One has to break stones all day and lie on hard floor at night. The food will not be very good." It would be a great thing if even boiled rice and *dal* served to prisoners were clean. There would be occasions when they would have to fast, but even while fasting work would have to be done. They would have to be ready to continue working until they fell down unconscious. "You still have time to make up your mind." It would be better not to join the Satyagraha than to desert the field, he told them.

Sixteen people in Phoenix had volunteered to court arrest. Gandhiji said that if even ten out of them went to gaol, he would be satisfied. "But once one has gone to gaol there is no turning back even if the struggle were to continue for years." [Prabhudas Gandhi: *My Childhood with Gandhiji*, p 126]

There was complete silence for several minutes after this speech. Gandhiji then began to interrogate each satyagrahi volunteer, one after another. He



offered them temptations to stay back. He made them all laugh with his light-hearted talk. But not one out of the sixteen would withdraw.

Finally, he spoke to the women. “Returning from prison after one term, you will not be able to refuse courting gaol again, even if you find that your children have nobody to look after them.” God was there to look after every one including the children, he said. He was all powerful. If He so willed, the children could fall sick even when the mothers were with them. On the other hand, the children might gain in some ways in their mothers’ absence. “Your love for your children should not make you swerve from the path of duty.” He asked them to think over again and again and then decide whether to join the struggle or not. “Do not jump in for the mere excitement of it,” he cautioned. [*Ibid*, p 127]

Gandhiji then gave the satyagrahis detailed instructions as to what they should carry with them. He told them that no one should take pen-knives and watches, which would be taken away at the gate of the gaol and not returned later. Discussions continued until midnight. [*Ibid*, p 127]

Next day, Monday, 15 September 1913, by daybreak the whole atmosphere of Phoenix had been transformed. Work both in the school and in the fields had been suspended for the day. The sixteen satyagrahis were busy preparing for the journey. Others were getting ready to take over the responsibilities of the Settlement. Gandhiji was busy working at a table in the kitchen. Without Kasturba and Kashibehn the kitchen looked empty. Gandhiji with the help of Maganlal had already prepared *chapaties*. The work of kneading flour for leavened bread required strong hands and was given to Devadas. Prabhudas cooked the vegetables. Gandhiji, while working with his hands, was giving detailed answers to those who came to ask him questions of various kinds. [*Ibid*, p 127]



This was to be their last meal together with the satyagrahis. By the time the lunch bell rang, Gandhiji had prepared, besides *chapaties* and spiced vegetables, curry, chutney of tomatoes and a sweet dish made of dates and rice. The food was better than at festivals in Phoenix. Gandhiji himself went round serving everyone. [*Ibid*, p 127]

The train was to leave from Phoenix railway station at 4 p.m. The Government had of late tried to frustrate the satyagrahis by not arresting well-known persons. Gandhiji had repeatedly mentioned the difficulties the satyagrahis might have to face. The plan of action decided on was:

1. The Satyagraha movement would continue until the repressive laws against Indians in South Africa were withdrawn, whatever the suffering involved.
2. Gaol-going would continue until the ruinous £3 levy per capita (on ex-indentured labourers & their wives & children) was removed.
3. The struggle would be continued whether the indentured labourers, on whom the burden of the £3 levy fell, cooperated or not.
4. The sixteen satyagrahis would not turn back even if their colleagues and other Indians did not approve of the Satyagraha and did not support it.
5. The satyagrahis were not to give their names. [*Ibid*, p 128]

As long as Phoenix Settlement was there, there would be no defeatism. This resolve was the basis of the struggle.

There was grimness in the air and a determination to do or die.



By 2 p.m. on 15 September the bedrolls had been loaded on the cart and sent away to the station. Then everyone gathered in the prayer hall. Gandhiji addressed them in a quiet, serious tone.

“It is a fight for your honour. Whatever the suffering, you must maintain your present cheerfulness and enthusiasm.” He said that even if they were facing death, their zeal must not leave them. A three months’ sentence was nothing. It would give them a period of peace and rest. They would have clothes to wear and regular meals. Of course hard labour would also be there. But that should not worry anyone except the lazy. Did they not work hard at Phoenix? In fact they worked much harder. “If you work honestly and do not idle, no warder will have to keep watch on you.”

Then he turned to the youth. “I know you are young and will not be able to tolerate what the warders might say to you. Your blood will boil but even then I would advise you to have patience and tolerance.” That would be their penance, *tapasya*, he said. They should not give way to anger. Anger had no place in Satyagraha. They should never try to bribe the gaol officials for anything. People who showed weakness over trifles, could not be expected to face all hardships, even death, with equanimity. [*Ibid*, p 128]

Addressing the older satyagrahis, he said, “Truth is our royal road. We must not stray from this path. There will be storms, but they will clear.” Just as happiness could not last for ever, misery also must come to an end. If they kept their minds in control and did not stray from the straight path of truth, they could be sure of success. “It is better not to look too far ahead and be miserable about the distant future. If our steps are firm and true, we can cover the journey, however long.” [*Ibid*, p 129]



He said they might have to fast for days on end to secure justice in gaol. Doubts might assail them at times. They might think that the £3 levy did not affect them. They did not have to enter the Transvaal. They were happy in Natal. Why should they trouble themselves about the £3 tax or the problems in the Transvaal? These doubts should not be entertained even for a minute. Narsimha Mehta had sung, “Good men did not feel puffed up when they helped others. They shared their sufferings.” It was their duty to understand and share the sufferings of their brethern even though they could not remove them. Removal of suffering rested with God and only God could remove suffering. [*Ibid*, p 129]

Addressing Kasturba and other women he said that they should not worry about the children. They were leaving them in the hands of God. Their children would be happy in their absence.

Prabhudas’ mother Kashibehn then sang a hymn in which 25 or 30 people joined. But nobody’s voice was steady. Everyone was choked with emotion. [*Ibid*, p 129]

After the hymn silence prevailed for a few minutes. The march to the station began soon after. Among those who were not joining the first batch of satyagrahis were Gandhiji and Maganlal. The women in the batch of sixteen were Kasturba, Kashibehn, Santokbehn and Jaikunwarbehn. The male satyagrahis included Parsi Rustomji the well-known businessman of Durban and a close friend and associate of Gandhiji. (Sorabji, Rustomji’s son, had also come to Phoenix and wanted to join the group, but the father told him that his turn would come later.) Then there were Chhaganlal Gandhi, Raojibhai Patel, Maganbhai Haribhai Patel, Solomon and Govindaswami Raju, head jobber of the press. There were two young men. Shivpujan Sahai Badri and Rajugovindu. Four boys, Gandhiji’s third



son Ramdas, Revashankar Ratanshi Sodha, Kuppuswami Mudaliar and Gokuldas Hansraj, all below the age of 18 were also there. [*Ibid*, pp 129-30]

Gandhiji emphasized that the satyagrahis should do nothing which might hurt the susceptibilities of the white population. Although the words “civil disobedience” were not used in South Africa, the spirit was implied. Gandhiji wanted the satyagrahis to give a demonstration of such strong opposition that the Government could not remain at rest. But this was to be done without the satyagrahis losing their equanimity, goodness and politeness.

6

The Government did not want public opinion in India, England and the rest of the world to be roused over the Satyagraha movement in South Africa. The Government had therefore decided not to arrest Gandhiji, Seth Rustomji and other prominent persons in order to break the spirit of the satyagrahis. They realized that their treatment of Indians was not fair or just, but they hoped that their clever tactics would help them to continue their policy based on racialism. [*Ibid*, p 130]

It was a legal offence under the new laws for any Indian to cross the border between the Transvaal and Natal and vice versa, without a permit. Anyone who did so was liable to be sentenced to three to six months’ imprisonment. The Phoenix satyagrahis proposed to cross the border and get arrested. The question facing them was how they would continue their Satyagraha if they were not arrested on entering the Transvaal. [*Ibid*, p 130]

Gandhiji wanted the movement to be really strong. He hoped the batch of sixteen would be arrested. He had therefore given no publicity to the Satyagraha plans and had informed just a few workers of Durban and Johannesburg about it.



Except for those resident at Phoenix, hardly three or four persons knew how and when the new struggle would begin.

The Satyagrahis from Phoenix had been instructed by Gandhiji not to disclose their identities on entering the Transvaal. He wanted them to be taken for and treated like any other average Indian. Kasturba was Kasturibehn instead of Mrs Gandhi. Parsi Rustomji was to declare himself as Rustom, Chhaganlal Gandhi was to give his name as Chhaganlal. Ramdas was not to mention his father's name or surname. Revashankar Sodha was not to mention his surname as his father Ratanshi Sodha was a well known satyagrahi of the Transvaal. Thus all the satyagrahis were to try to keep their identity undisclosed until they were sentenced. [Prabhudas Gandhi: *op cit* p 131]

More batches from Phoenix were to be sent later. But the first batch, it was then felt, would be the largest in the whole of South Africa. This first batch of sixteen satyagrahis, it was believed, would have to shoulder the main responsibility of the third satyagraha that was being started by them. No one knew then that the group of sixteen was laying the foundation of the mighty movement. [*Ibid*, p 130]

The batch of sixteen satyagrahis consisting of four women and twelve men with Kasturba at its head walked the two and a half miles from the Phoenix Settlement to the Phoenix railway station on 15 September 1913. The trains had normally separate second class compartments for Indians. On this line, the train had only one such compartment which could seat eight while the group of satyagrahis consisted of sixteen persons. They just got into the first compartment they could see and the train whistled off at 4 p.m. They bowed to Gandhiji who, dressed in black cotton pant and white shirt, had come to see them off. The train



picked up speed, and he was soon out of sight. The satyagrahis settled down for the fourteen-mile journey to Durban.

The inspector came at the next station and asked them to get down because the compartment they had occupied was meant for Whites. The satyagrahis replied that there was no compartment which could take all the sixteen of them. The inspector said that he would seat them in another compartment and put a label on it.

“Then why don’t you put a label on this compartment?” asked Raojibhai.

The inspector did not agree to the suggestion. He did not want the non-whites to think that they could just sit in a train anywhere they liked.

The satyagrahis, however, refused to get down. The inspector called the station-master who recognised the satyagrahis and advised the inspector to put a reserve label on the compartment they had occupied. But the arrogant inspector still insisted that they should obey his order. He called the police and told them to remove the satyagrahis from the compartment.

The satyagrahis said that the police would have to arrest them or bodily throw them out of the compartment. They would not get down on their own as free persons. Neither alternative was within the inspector’s power.

He picked up the same quarrel with them at the third station also. The satyagrahis welcomed the idea of being arrested closer to their homes than at the far away Natal/ Transvaal border and repeated that the police could arrest them. The inspector was tired out at last and put the label on their compartment.

[Raojibhai Patel: *op cit* pp 187-8]

Kasturba was pleased. “Raojibhai, this is a good omen.” she said.



From Durban the group took the train to Johannesburg. Kallenbach came to meet them at Charlestown, the last station in Natal and went back to Volksrust, the first station in the Transvaal where he was camping to make necessary arrangements for the satyagrahis, in case they were taken off the train there. A small river separated the two provinces – Natal and the Transvaal.

At Volksrust an immigration officer came to the compartment occupied by the Indians and questioned them. He asked them for their permits. They made Chhaganlal their spokesman. They had decided that the rest would only speak in Gujarati. They also decided to give only their first names so that they would not be recognised.

Chhaganlal told the immigration officer that they were bound for Johannesburg and none of them had a permit.

“How can I let you proceed in that case?”, the officer asked and told them to get down from the train. Chhaganlal said, “We have no permits, but you will have to arrest us in order to make us get down from the train.”

This put the immigration officer on the alert. He looked at them carefully and noticed that they all appeared to be respectable persons. He again asked them, “Won’t you please get down from the train?” Chhaganlal repeated that they would do so if he arrested them.

“I arrest you all,” he said and they came down from the train. [*Ibid*, pp 189-90]

A crowd of Indians and whites had collected at the railway station. They began to wonder whether Satyagraha had been resumed. The immigration officer took down the names of the group he had arrested from Chhaganlal and



told them politely to make their own arrangements as he had no place to keep them. Chhaganlal smiled and said that he would not promise they would not run away. The officer just smiled back and asked them to report to him at 10 a.m. the next day. [*Ibid*, p 190]

They went to the immigration officer at 10 a.m. on the following morning, but he said that they would have to wait for a couple of days more. He was awaiting Government orders. They had in fact to wait for more than two days. The Government could not make up its mind. The Phoenix friends were enquiring from the satyagrahis every day as to what was happening.

Smuts had had a taste of Satyagraha. He was not eager to repeat it. Nor could he let the Indians break the laws of the land with impunity. He could not decide what course to take. After careful thinking for five days the Government told the immigration officer to deport the sixteen to Natal and if they still did not obey him, to present them before the Magistrate for punishment.

On Sunday (21 September) morning, two police officers came to the satyagrahis with their deportation warrants. The satyagrahis were ready to go with them. “Why don’t you take your luggage with you?”, one of the police officers asked. “Why are you harassing us?” replied Chhaganlal. “You will be bringing us back by this very route. We will pick up our things when we pass by this place.” The police officer laughed and agreed.

The newspapers carried big headlines “Passive Resisters collect at Volksrust”. Many white people came to see what the passive resisters looked like.

The police took them to the river, a mile from the town. On the bridge over this river is a white line which demarcates the boundary between Natal and the Transvaal. The satyagrahis were asked to stand on this line and the police officers read out the deportation order in the name of the Emperor. They then gently



pushed the satyagrahis across the line into Natal. The satyagrahis immediately turned back and came into the Transvaal. The police officers then said, “You have disobeyed the Government orders. We arrest you.” It was like a children’s game.

They all came back, picked up their luggage on the way and were taken to a bungalow. They were told that the hearing of their cases was fixed for 23 September. [Raojibhai Patel: *op cit* pp 191-2]

8

On 23 September each of the 16 satyagrahis was tried and sentenced to three months’ imprisonment with hard labour.

On arrival in Volksrust gaol, the satyagrahis again repeated that their language was Hindi or Gujarati. Chhaganlal was asked to function as their interpreter.

The jail official wanted Chhaganlal to ask Kasturba her name. He asked her in Gujarati how she and the other ladies had spent the previous night in gaol. She replied that soon after darkness they had quietly gone to bed after their prayers. To the jailer he said her name was Kasturbai and wrote it for him for his convenience.

The jail official asked, “Is she married?” Chhaganlal asked her in Gujarati if they had any food at night. Kasturba replied that she wanted fruits which were not available. The other ladies also hardly touched the food supplied to them. It was of poor quality and served in very dirty plates.

To the jail official Chhaganlal said, she was married and her husband’s name was Mohandas Karamchand.

All the four ladies were asked questions about their age, nationality and so on. Chhaganlal made use of the opportunity to find out how they had fared and



to tell Kasturba that Hanumanji (Hermann Kallenbach) was in Volksrust and was trying to arrange the supply of fruits for her. [Prabhudas Gandhi: *op cit* p 135]

Kasturba and the other satyagrahis, who were arrested at Volksrust, were comfortable in Volksrust jail. The jailer was a good man. They could get food from outside. Bread baked at Phoenix and cakes were available. The women were kept in a separate section.

The satyagrahis were at Volksrust for six days only. On the seventh day they were taken to the central jail at Maritzburg. As soon as they entered the Maritzburg gaol, the women were separated. They met their male co-satyagrahis again only on their release after completing their term of three months. [Raojibhai Patel: *op cit* p 198]

When they were in Volksrust gaol, Kallenbach was able to send news about them regularly to Phoenix. From Maritzburg gaol Phoenix settlers could get only scrappy bits of news. The main news was that the gaol authorities had refused to supply fruits to Kasturba and she in accordance with her pledge, had refused to eat anything else. After three days of starvation, the matron, who had been very harsh at first, melted a little and gently tried to persuade Kasturba to eat whatever was available. But Kasturba kept her pledge. It was only on the fifth day of the fast that the gaol authorities agreed to supply fruits to her. But even after that the supply was inadequate. She was on semi-starvation diet for the three months. The gaol authorities did not supply her with nuts or raisins which could be a good source of nourishment. They gave her not more than six bananas, a quarter pound of dried plums and four lemons a day. The result was that when she was released from prison at the end of her three months' sentence, she had been reduced to skin and bone. She was also very ill. It was with great difficulty that her life could be saved. [Prabhudas Gandhi: *op cit* pp 135-6]



Raojibhai has reported in his memoirs how roughly the male satyagrahis were treated in Maritzburg jail. This was their first experience of Natal prisons. They were all searched on arrival. The jail officials did not know them and were harsh in their behaviour. Seth Rustomji had been allowed to keep his religious symbols of *sadri* (a jacket) and *kasti* (sacred thread) in the Transvaal gaol but at Maritzburg the doctor ordered him to remove them. When he objected and explained that he was allowed to keep them in the Transvaal gaol, the doctor was annoyed and said that now he was in Natal. He ordered the warders to remove them forcibly “if the old man did not agree to do it on his own”. This was done and Rustomji went on a protest fast. He said he could not eat or drink without his *sadri* and *kasti*. The other satyagrahis joined him in the fast. [Raojibhai Patel: *op cit* pp 194-5]

Parsi Rustomji and Chhaganlal Gandhi were removed to Durban central gaol the same night. The others came to know of it the next morning. At 9 p.m. the Governor (gaol superintendent) came. He asked the satyagrahis to take food. They said they could not do so when Rustom Seth was fasting. The Governor said that the matter was referred to the Minister and with his permission Rustom Seth was given back his *sadri* and *kasti*. He must have broken his fast, he said. Raojibhai and others wanted some proof before breaking their fast. The Governor showed them the Minister’s telegram and the satyagrahis broke their fast. [Raojibhai Patel: *op cit* p 195]

The gaol was clean but did not have enough light and air. It was a double storey building. The rooms faced one another and there was a gallery in between. The back wall had windows with wire netting, which looked into an open yard. The front door opened in the gallery but was kept closed. So there was no cross



ventilation. The rooms were big enough for five persons. Generally there were only three prisoners in each room. [*Ibid*, p 195]

There was no watch and ward. The prisoners were watched by the paid police, which included white and black policemen. These policemen were called warders and the jamadar was called the head warder. Havaladar was called the yard warder. White policemen were called sergeant warders and black ones were just warders. There was a head jailer and a deputy jailer and the governor was the top official and functioned as the gaol superintendent. [*Ibid*, pp 195-6]

Breakfast was of salted maize flour cooked as thick gruel to be eaten with one's fingers. It was called Papu. The Indians had rice and vegetables at lunch. The rice was of very inferior quality and was full of stones. They put water in the plate and shook it so that the stones would settle at the bottom and they could eat the rice from the top. As for vegetables, there was just a piece of brinjal or of cauliflower or a cooked potato, boiled without salt or spices. A little salt was supplied for the rice. Thus the midday meal of rice was most unsatisfactory. In the evening they were given six ounces of bread and salted maize flour gruel. On Sunday they had peas, cooked properly with some spices and served with rice. It was the best meal of the week. [Raojibhai Patel: *op cit* p 196]

They spent the first day and night in their cells. They were not taken out till they had food after thirty-six hours of fasting. The governor came again after they had food. They requested him to let them have a bath. He ordered the warder to give them a towel each and let them bathe after their work, before their evening meal.

The excreta bucket kept in their room at night had to be cleaned by them. The lavatories were unsatisfactory and open. The black warders rushed people using the common lavatories and told them to hurry up when they were using



them. The satyagrahis hated it. They managed to ease themselves when they were out for work and avoided the use of prison lavatories as far as possible. [*Ibid*, p 197]

10

On the third day the satyagrahis were taken to work in the gaol garden outside the gaol. About 100 men were working there. There was a sweet water spring in one corner of the gaol garden. The stream formed by the spring water was about 25 feet wide. On the other side there were some huts and Indian girls sometimes came to fetch water from the spring. The prisoners had to go down and bring water from the spring to water the plants in the gaol garden. They used a part of the uneven land in the garden area as their latrine and generally had their wash and bath at the spring. [*Ibid*, p 197]

The days began to pass but the satyagrahis were restless. They longed to have news of what was happening outside. One day Raojibhai saw two young men with their bicycles on the other side of the spring. He went down with his water can to fetch water for the garden and asked them where they came from. They lived in Maritzburg, they said, “Do you know Mr Naik and V. M. Patel?” Raojibhai asked. “Yes” they replied, “they are Congress workers.” “We are satyagrahis, will you take a message to them?” he asked. They agreed to do so. He told them to throw him a pencil and a piece of paper. “Wrap the pencil in the paper, tie to it a small stone and throw it across.” The boys did as advised. Raojibhai wrote, “We are here, come where the bearer of this note tells you. Bring with you *Indian Opinion* and cuttings of newspapers bearing on the movement,” and threw it back to the young men. They left at once on their bicycles with it. [Raojibhai Patel: *op cit* p 199]



Within an hour Raojibhai saw four bicycles coming. Two men were the same who took the message and two others were the ones he had sent the message to. They stood across the stream and folded their hands in greetings. Raojibhai went with his watering can, greeted them and said, “If you have a cigarette pack please put six pence in it and throw it to me.” It must have surprised them, because everyone knew that Raojibhai did not smoke. They threw him the cigarette pack. He took it to the Negro warder and gave it to him saying, “You know I shall not run away.” He showed the warder a place where he could sit and smoke and keep a watch. If any white warder came, he should let Raojibhai know. The Zulu smiled and said, “You go and have a talk. I know you will not run away.” Raojibhai read the newspapers and talked with the visitors. The satyagrahis sometimes broke the gaol rules as in this case and had some innocent fun. They did not feel it was immoral on their part to do what they did. [*Ibid*, p 199]

11

Life and work at Phoenix had to be reorganised after the sixteen satyagrahis left. Mr West’s elder sister Devibehn learnt Indian cooking and cooked for the inmates in the common kitchen during the absence of Kasturba and other women. She made very good *chapaties*. Gandhiji had named her Devi (Goddess) while she was with him at Tolstoy Farm. She was like an angel with the children. She was never tired of helping them and doing things for them. She found it difficult to understand their broken English and would therefore make them repeat, what they said, again and again till she could make out the meaning. If there were any quarrels among them, she would give a patient hearing to the parties and bring about a reconciliation. After cooking the morning meal Devibehn went to work in the press. When the elders had gone to the press children were left by themselves. [Prabhudas Gandhi: *op cit* p 134]



Gandhiji had reorganised the work at Phoenix within a week of the departure of the first batch of satyagrahis. Albert West looked after *Indian Opinion* (English) and Maganlal took care of everything else including the children.

News of their mothers' imprisonment did not upset the children. Gandhiji was there to keep them happy. They began to talk and discuss among themselves the probability of Gandhiji also leaving Phoenix before long, in the context of the Satyagraha movement.

After Bapu's assassination in January 1948, Devadasbhai in a reminiscent mood one day narrated to me and my brother Pyarelalji his experiences after Gandhiji left Phoenix in September 1913. He said the children would feel very lonely and depressed in the evenings after Bapu had left. They missed their mothers in a way they had not done when Gandhiji was with them. The day he left, they became very depressed in the evening. Devadas as the oldest member of the group, though not yet 13, felt that it was his duty to cheer up the younger children. He made them all sit round the dining table in Gandhiji's house and began to sing a song which the other children soon picked up and joined in. The refrain of the song was :

शाम सबेरे चिड़ियाँ आ कर

चूँ चूँ चूँ चूँ करती हैं ।

(In the evening and morning every day,

The sparrows come and chirp away.)

There was thumping of the table as they sang, and they soon lost their blues. They used to sing this song thereafter whenever they felt lonely and depressed, he said.



On 18 September Gandhiji wrote to Manilal who was in Johannesburg, about the departure of Kasturba and others from Phoenix for offering Satyagraha. Manilal became impatient to offer Satyagraha himself.

On 20 September Cachalia wrote in *Indian Opinion*, “The irrevocable step has been taken.” The British world knew, he said, that a handful of Indians in South Africa had launched passive resistance, that this microscopic minority of men and women had pitted themselves against a mighty Government, against a European population overwhelming in numbers and enjoying privileges which could not belong to Indians in the sub-continent, perhaps for generations. “Indeed, this time passive resistance is not merely against the Government and the Europeans of South Africa, but it is equally against the Imperial Government.” [I.O., 20-9-1913]

Gandhiji went to Johannesburg soon after reorganising the work at Phoenix in the wake of the departure of the first batch of satyagrahis. From there he could organise the Satyagraha movement in the Transvaal. He gave detailed instructions through *Indian Opinion* as to how to organise and carry on the struggle and how to help it.

He wrote that passive resistance this time was to extend to all the provinces of the Union. It would not be difficult to find ways of going to gaol. As the campaign would embrace the whole of South Africa, there was now no need to court imprisonment by entering the Transvaal, although this was also one of the forms of resistance open to them. If in every town and every province, a few Indians at least took intelligent interest in the fight, they would be able to participate in it in some measure, however small, and help it. The easiest way was to take to hawking. Those who were hawkers by profession and others who



joined them could get arrested for hawking without licences. If there was such a movement in every town, it would become a mighty force. It would agitate the whole of South Africa and command serious attention from those in power. The hawkers and store keepers should remember that their interests were deeply involved in the struggle.

Those who had no pluck to go to gaol could look after the business of satyagrahis, take care of their families and see to the maintenance of satyagrahis' dependents. Financial assistance would not be asked for from India this time, he said. It was up to every Indian in South Africa to send contributions in cash or kind.

In every town of every province, meetings should be held, he added, and resolutions passed expressing approval of the struggle. These resolutions should be despatched to the provincial, Union and Imperial Governments, he advised. [C.W.M.G., XII, pp 195-7]

13

Bhawani Dayal, after winning his fight with the immigration officials, had settled at Germiston where he took a job in a laundry. His younger brother Devi Dayal worked as a hawker while he was also looking for a job. He was a strong young man and could undertake hard labour, while Bhawani Dayal had become soft by living in comfort in India. He now realised the value and importance of hard work.

An Indian Young Men's Association was set up at Germiston at that time and Bhawani Dayal was chosen as its president, R. Naidu as secretary and Ramaswami Mudaliar as treasurer. The object was to stimulate interest among



Indian youth in political and social problems of the community and in Indian literature and the religious and moral and ethical values of Indian culture.

It was a pathetic sight to see the Indian youth in South Africa, without any moorings in the cultural values of India, falling easy prey to wine and coloured women's charms. These women were both attractive and eager to marry young Indians. In a case that attracted much attention at that time, a Hindu youth fell in love with a coloured woman and threw out his own beautiful wife. Friends and relatives tried to retrieve the situation by arguing with him and by drawing his attention to the traditions of his family and his own duty. But it was of no avail. The young wife, when she found that there was no way of getting back her husband, left the Hindu fold and became the wife of a Muslim. Bhawani Dayal and his friends of the Indian Young Men's Association wanted to introduce Indian youth in South Africa to Indian culture and Indian ideals. But before they could make much progress, Gandhiji started the third and the final Satyagraha, which absorbed everyone's energies and attention. [Bhawani Dayal Sanyasi: *Sanyasi Ki Atmakatha* (Autobiography of a Sanyasi), pp 97-100]

Bhawani Dayal was now torn between his duty to his family and his desire to serve his country by joining the Satyagraha struggle. He was still under debt and his wife was new to South Africa. How would she fend for herself if he went to gaol ? It was a difficult question. In the end however the pull of Satyagraha proved stronger and he decided to join as a satyagrahi and go to gaol, come what may. His wife asked him to take her also along with him. He was taken aback by the request and tried to dissuade her. But she would not be put off. He decided to consult Gandhiji.

On 30 September 1913 Bhawani Dayal and his wife Jagrani went to Johannesburg to meet Gandhiji. Gandhiji questioned Jagrani closely and in detail.



She proved equal to the test. Gandhiji explained to her the hardships of gaol life. She was not scared. He then asked her why she wanted to go to gaol and she replied by asking him what else could she do to protest against laws which treated Indian married women as keeps. How else could she protest against the £3 tax which forced women to sell themselves and men to commit antisocial acts to pay it? How could one live at home in comfort under such conditions?

Gandhiji was satisfied. He gave her permission to join the Satyagraha struggle and blessed her. Everyone should fight for his or her rights, he said, and be ready to suffer for the removal of oppression on oneself and one's countrymen. "Men who do not stand up to protect that human rights are cowards," they were not men but beasts, he said. He had questioned her so closely, he explained, because he did not want anyone to court imprisonment in excitement without the full understanding of the issue involved and what they were going in for. He was satisfied with her replies, he said, and told Bhawani Dayal to take her to Mrs Thambi Naidu and others who were getting ready for Satyagraha. Bhawani Dayal left her with the Johannesburg women satyagrahis and went back to Germiston. [Bhawani Dayal Sanyasi: *op cit* pp 107-9]

14

Bhawani Dayal resigned from his job and decided to do something for the struggle at Germiston. He organised a batch of six women and ten men there and they started hawking without licences. There was a crowd to see them, but the police would not take notice of them. They then went to the railway station and started shouting slogans. The station master was upset. He came with the police and explained the law to them which prohibited them from doing so. He tried to scold them and to persuade them to go away. He



threatened to hand them over to the police. They were ready for it. The station master then understood the situation and became very polite.

Bhawani Dayal telephoned to Gandhiji at Johannesburg to find out whether they were right in offering Satyagraha at the railway station. Gandhiji told him to continue and force the authorities to arrest them. The station master had to call the police in the end and get them all arrested. They were brought to the police lockup. After the formalities of filling up the forms, they were locked up in a large cell where several others were already sitting in dead silence. The new batch was boisterous and shouted slogans. Their joy of success at being arrested, however, was short-lived. By five o'clock in the evening, they were all pushed out of the cell and the door was locked. The police officer, who had earlier shouted at them, was now laughing and told them to go away as there was no room for them in the Germiston gaol, he said. [*Ibid*, pp 110-11]

15

News of Kasturba's arrest and imprisonment alongwith fifteen others from Phoenix and three months' sentence with hard labour, passed on each of them on 23 September, sent shock waves everywhere. It generated a great deal of enthusiasm in South Africa. Several South Indian ladies including the wife of Thambi Naidoo, her mother and sister, Mrs P. K. Naidu, young Valliamma who later became a martyr, and a few other women got ready to offer Satyagraha.

Gandhiji had this time invited women to come into the fighting line along with men from the very start. The ladies who had lived at Tolstoy Farm were invited first. They were only too glad to join the struggle. Gandhiji explained to them the risks involved. They would have to put up with restraints in the matter of food, dress and personal movements. They might be given hard work in gaol. They might be made to wash clothes and even be subjected to insults by the



warders. But they were not the ones to get frightened by these difficulties. One of them was pregnant, while six others had young babies in their arms. All of them were eager to join the struggle. The names of this group are given below:

1. Mrs Thambi Naidoo
2. Mrs N. Pillay
3. Mrs K. Murugesu Pillay
4. Mrs A. Peruman Naidoo
5. Mrs P. K. Naidoo
6. Mrs K. Chinnaswamy Pillay
7. Mrs N. S. Pillay
8. Mrs R. A. Malingam
9. Mrs Bhawani Dayal
10. Miss Minachi Pillay
11. Miss Bakiam Murugesu Pillay and six infants in arms. [I.O., 22-10-1913,

p 264]

The Johannesburg group of women, lovingly called by Gandhiji as the “brave Transvaal Sisters”, left for Vereeniging along with Kallenbach on 2 October 1913, which was incidentally Gandhiji’s birthday. Kallenbach had taken them to Vereeniging hoping that on crossing the border of Free State without permits, they would be arrested. But the Government had become wiser after arresting Kasturba. They did not arrest them. The women spent the day under a tree on the veldt. They were cheerful as if they were on a picnic instead of being torn from their families in order to help their brethren, who suffered from the £3 tax.

The women then took to hawking without licences and still they were not arrested. They were in a fix as to how to go to gaol. [Bhawani Dayal Sanyasi: *op cit* pp 109-110]



The group having failed to get themselves arrested at Vereeniging, came back to Johannesburg to proceed to the Natal border. They stayed at the railway station at Johannesburg and did not go home to meet their kith and kin. Their relatives came to meet them at the railway station. Thambi Naidu went with them to the Natal border. When the train reached Germiston, Bhawani Dayal decided to join them with his six colleagues. This group of satyagrahis now had 11 women and 8 men.

16

The satyagrahis left Johannesburg on 10 October 1913 and the same evening they reached the border town of Volksrust. Police asked them for their permits, which no one had. They were asked to get down from the train and proceed to the police station. They readily followed them. Indian merchants had brought food for them but the satyagrahis did not accept it. They insisted on having Government's hospitality. The police officer had never thought that he would have to provide food for so many so late at night. After he had completed the formalities, filled in their names on the forms and allotted them rooms for sleeping, he got them some dried stale bread, which the satyagrahis found hard to swallow. [*Ibid*, pp 112-13]

It was a cold night and they spent it shivering. Early next morning when they expected to get tea and breakfast, the police officer told them to get out. The Government did not wish to keep them in prison. This was a big disappointment for them. How could they know what God had planned for them!

The satyagrahis took the evening train for Charlestown, hoping that they would be arrested on crossing the Transvaal border and entering Natal. As luck would have it, Gandhiji and Kallenbach were going to Durban by the same train. Thambi Naidu along with Bhawani Dayal got into the third class compartment in



which they were travelling. The ten minutes' interval between the two stations was used to plan their strategy. Gandhiji advised them to proceed to Newcastle if they were not arrested at Charlestown and persuade the coal miners to go on strike. [Bhawani Dayal Sanyasi: *op cit* p 114] The miners were Indian indentured labourers. They had no organisation, no awareness of their rights and no will to fight for the same. The strike, therefore, might not materialise, it was felt, but they would be arrested for inciting the miners to go on strike. No one then knew that a struggle which would shake the foundation of the British Empire had been planned in those ten minutes which the train took to travel from Volksrust to Charlestown.

17

At Charlestown the satyagrahis challenged the police to arrest them, but the police did not oblige. How could they go against the Government policy which was to tire out the satyagrahis?

The satyagrahis spent the night at Charlestown and went to Newcastle the next day. There they stayed at the house of Mr David Lazarus, a Christian householder, whose wife and her sister Miss Thomas looked after them with great affection and rare devotion. The satyagrahis held a public meeting in the evening at St Oswald's School premises. Ismail Seedat a local Muslim merchant presided. [*Ibid*, pp 114-15]

Some Muslim merchants, who had been active satyagrahis earlier, had turned hostile at this time. Habib Motan and Essop Mian were prominent among them. They had written in the *Transvaal Leader* that this time Gandhi would be lucky if he could find 50 men to join his Satyagraha. The Muslim merchants of the Transvaal, they said, had no connection with the Satyagraha. But other Muslim merchants like Ahmad Mohammad Cachhalia were fully with Gandhiji. They



wrote to the *Transvaal Leader* and contradicted the statement of Habib Motan and Essop Mian. They also questioned their authority to speak in the name of Muslim merchants. [Bhawani Dayal Sanyasi: *op cit* p 106] Mr Seedat, a Muslim merchant, belonged to this group of sympathisers.

Gandhiji was unaffected by expressions of hostility or support. He had made it clear that he would fight till the end for what he held to be the truth, and for justice even if he had to fight all alone. [*Ibid*, p 107]

The satyagrahis first went to the railway barracks at Newcastle, where there were a large number of Indian labourers. Thambi Naidu was a powerful speaker. He addressed them in Tamil and Bhawani Dayal in Hindi. The station master came with the police. He noticed Bhawani Dayal's fair complexion and asked him if he was a European. On learning that he was a pure Indian, the station master was angry. He asked them who was the leader of the group. Every one, including the miners, claimed the leadership. But the station master picked up Thambi Naidu and Bhawani Dayal and handed them over to the police. Ram Narayan another member of the group had also come and stood by their side. He too was arrested. The three men were taken to gaol. The rest of them also wanted to be arrested. They followed them to the gaol gate, but the authorities took the three men in and closed the gate. The rest of the group had to come back disappointed.

The three men were first searched and then locked up in a cell with two blankets each. In one corner of it there was the bucket for excreta. The place was dirty, dingy and dark. There were innumerable bedbugs which made sleep difficult. The foul smell was unbearable. Thambi Naidu, by now an old hand at gaol-going, slept soundly in spite of the bedbugs and the foul smell. The other two



somehow spent the night. They prayed to God to give them strength to be able to put up with all hardships and not become weak.

In the morning they were given some breakfast and then taken to the jailer's office where they were made to give their ten finger-impressions. Handcuffs were then put on their wrists. All the handcuffs proved too big for Bhawani Dayal's slender wrist. So he was taken without handcuffs, along with the other two, to the magistrate.

There was a crowd of Indians in and around the court room. The three were charged with entering prohibited areas and inciting the labourers. They pleaded guilty. The magistrate imposed a fine of £2 on each of them. They said that they were not going to pay the fine and that they should be sent to gaol. But the magistrate said he knew how to recover the fine. They had to leave the court room disappointed.

18

It was 15 October. The satyagrahis decided to go to the coal mines near Newcastle the same day. There were many Indian indentured labourers working in those mines. The satyagrahis were shocked to see the barracks and the miserable living conditions of their Indian brethren, the indentured coalminers. Men, women and children presented a most depressing spectacle of abject poverty and hopelessness. They were utterly suppressed and were virtual slaves.

Each family had been given a small unpaved dirty dingy room of 10 x 12 ft. In one corner of this room was a smoky cooking stove, in another lay a broken cot, in the third corner was a tin or a wooden box which contained all their earthly possessions, and in the fourth corner there might be a couple of chickens for supply of eggs or a goat for supplying milk. Thus the little room was packed full. There was not adequate light and ventilation.



The women were dressed in dirty rags. The children were mostly in rags or naked. There was no brightness on any face. This spectacle saddened the satyagrahis and made them all the more determined to end this sad state of affairs. [Bhawani Dayal Sanyasi: *op cit* p 116]

The satyagrahis addressed the miners. The women's speeches moved the labourers deeply and they decided to go on strike. How could they stay back when these sisters were suffering for their sake?

Gandhiji had planned that the strike should begin after he had come to Newcastle. But there was no holding back the miners once they had been roused. Hundreds of them decided to go on strike straightaway. It was a dangerous step, but there was no escape from it.

The satyagrahis spent the day with the miners. They were full of enthusiasm. They knew that now they would be arrested before long and wanted to get as much work done as possible, before they were taken away and locked up. They learnt that there was a big coal-mine near Ballenguich where a thousand Indians were employed. They decided to go there the same night. Thambi Naidu, Kallenbach and Bhawani Dayal reached Ballenguich by the midnight train, and started walking towards the coal-mine. There was a small stream on the way. On the other bank of the stream stood the white mine manager with his bayonet along with his black hirelings who were armed with heavy sticks. There were some white employees of the mine owner with them. The whites each carried a whip in one hand and a double barrel gun in the other.

They had learnt from Newcastle on telephone as to what had happened there and were determined to prevent the satyagrahis from creating trouble in their mine. They shouted at the satyagrahi leaders and told them to beware and not to cross the stream. If they stepped on their soil on the other side of the



stream, they would not go back alive, they threatened. Kallenbach shouted back, “Brother, we are not afraid of losing our lives, but we are not keen on crossing the stream at this time of the night. We will go now and come back in the morning when we will be glad to accept your challenge.” [Bhawani Dayal Sanyasi: *op cit* p 120]

The three men came back to Newcastle and went to sleep. When they woke up in the morning they saw a scene which made them wonder whether they were awake or still asleep and dreaming. There was a crowd of miners from Ballenguich all around their place. Men with injuries, women who had been insulted, and frightened children were crowding the whole place. They narrated their story thus: [Bhawani Dayal Sanyasi: *op cit* pp 120-21]

It was past midnight last night when we got the news that some of our leaders were coming to meet us, but they had to go back because of the mischief of the manager. It caused great resentment and excitement in the barracks. It was unanimously decided on the spot to immediately start for Newcastle. No one stopped to change or pick up a bedding or anything else. Leaving our all behind, we set out on our pilgrimage. Women and children also insisted on coming. They refused to stay behind.

The manager was shocked to see this. He lost his head. He called out his human Negro dogs to attack us and joined them himself with his whip and bayonet. They beat the unarmed innocent men, women and children like demons with their heavy sticks. Some victims had a broken face, some a broken leg or arm. Some had the blows on their backs. The injured are in front of you. The manager and his men behaved like brutes.

They were not content to beat up the men. They did not spare even the women and children. They pulled women by their hair, they tore up



their clothes and made them half-naked. They used filthy abuse and held out all kinds of threats.

The manager was jumping about like a monkey, now using his whip to beat us and then using his bayonet to fire at the labourers. One of our men got a bullet in his chest and died on the spot. But with all this cruelty, he could not take us back to the barracks. We did not cow down before his violence. We left in the name of Gandhi Baba and we did not stop till we reached this place.

This was a heart-rending tale. When Gokhale heard that the indentured labourers were being beaten and even facing bullets he was deeply disturbed. He gave a call to the Indians in India saying “The coal coming from South Africa hereafter is soaked in the blood of Indians.”

He had asked Gandhiji earlier as to how many satyagrahis were expected to join the struggle so that he could raise funds for them in India. Gandhiji had replied that he had calculated a minimum of 16, and the number may go up to 60. He did not need any financial help from India for such a small number. But now Gokhale could not rest. He went from place to place, in spite of his poor health, addressed meetings, mobilised public opinion and raising funds for the Satyagraha struggle in South Africa. This strain probably shortened his life by a few years. [Bhawani Dayal Sanyasi: *op cit* pp 120-23]

The Lazarus family were wonderful. The Transvaal sisters had taken up their quarters with them. They did their best to feed as many people as they could. The kitchen fire was burning all the twenty-four hours. The local merchants sent rice and dal. On 18 October Polak arrived with money and rations sent by Gandhiji. Congratulating them on the success of the strike, Polak advised that



Bhawani Dayal and others should leave Newcastle immediately as their arrest was now imminent. They should go to other mines and rouse the miners there. [*Ibid*, p 127]

Bhawani Dayal decided to leave the same night by train. To his colleagues as well as to the strikers, he sent a message saying:

The day smoke stops coming from the chimneys of coalmines and the steamers at Durban harbour cannot get coal, the day workers in sugarcane fields and tea gardens strike work, the day the White masters are not able to get cooks and bearers and other domestic help to serve them, that day the blood-soaked £3 tax will come to an end and thousands of our brethren will be able to get their human rights. [*Ibid*, pp 127-8]

Taking leave from his colleagues, he left for the station. As he reached the road, he found police superintendent Macdonald facing him with his policemen. The officer was angry and shouted “I have been looking for you. I arrest you.” Thus Bhawani Dayal was at last arrested and given a sentence of three months with hard labour or a fine of £5. He preferred to go to gaol.

Bhawani Dayal was taken to Newcastle gaol. He was shaved and after a cold bath given the gaol dress, a half-pant, shirt and cap (which later in India got the name of Gandhi cap) and a pair of chappals. He refused to sleep in the room where earlier he had spent a sleepless night because of bedbugs and threatened to complain to higher authorities. The jailer gave him another room and told him not to create problems as after two days he would be taken elsewhere — “God knows where”. Two days later Bhawani Dayal was put in handcuffs and taken to Maritzburg central gaol. The jailer there took away his *Gita* and said, “You have come to a prison and not to a temple.” Little did the jailer know that for the satyagrahis gaol was a temple.



Four days later Bhawani Dayal's wife Jagrani and other women satyagrahis from the Transvaal were also arrested at Newcastle on charges of vagrancy and given three months' imprisonment each with hard labour. The magistrate lost all discretion and balance of mind as he pronounced his judgment on the women. Shamelessly he told them the poor labourers had been misled by them to go on strike. When they realized it, they would rape them and teach them a lesson. [Bhawani Dayal Sanyasi: *op cit* pp 127-8]

The disgraceful statement of the magistrate caused great resentment all over South Africa. Polak took an objection to it in the court itself. There were meetings all over the country and protest resolutions were passed and sent to the Minister of Justice.

The women too were later taken to Maritzburg gaol and there Jagrani had the rare privilege to serve Kasturba.

In addition to these two groups of satyagrahis, several other men and women were also offering passive resistance and going to jail. By the middle of October 1913, thirty five satyagrahis had entered the prison palace. The women's bravery was beyond words. They were all greatly harassed in gaol. Their food was of the worst quality and they were given laundry work as their task. No food was permitted to be brought from outside till nearly the end of their term. Jagrani was happy to have the opportunity to be with Kasturba in gaol and serve her to some extent.

Another 16 year old girl of Johannesburg, Valliamma R. Munusami Mudaliar by name, returned from jail with fatal fever to which she succumbed on 22 February 1914 within a few days of her release. Gandhiji went to see her when she was confined to bed. He asked her if she repented for having gone to jail. She replied, "Repent? I am even now ready to go to jail again if I am arrested."



Gandhiji persisted, “But what if it results in your death?” The brave girl calmly replied, “I do not mind it. Who would not love to die for one’s motherland?”

Valliamma was no more a few days after this conversation. Gandhiji recorded in his memoirs:

It was an absolutely pure sacrifice that was offered by these sisters, who were innocent of legal technicalities and many of whom had no idea of their country, their patriotism being based only upon faith. Some of them were illiterate and could not read the papers. But they knew that a mortal blow was being aimed at the Indians’ honour and their going to jail was a cry of agony and the prayer offered from the bottom of their heart. It was in fact the purest of all sacrifices. [M. K. Gandhi *op cit* pp 283-4]

Referring to the heroic role played by Indian women from Phoenix and Johannesburg, Millie Graham Polak wrote:

The last phase of the fight was practically led in the early stages by a small band of women from Natal, who challenged prison to vindicate their right to the legal recognition of their wifehood, and a similar band of women from Johannesburg I think it may be safely said that but for the early work of these brave women during the middle of last year (1913) the wonderful response to the call of honour and country might never have taken place. India has many things to be proud of, but of none more than the part the Indian women of South Africa took in the uplifting and recognition of a people here displaced. [Article in the Souvenir of the Passive Resistance Movement]



CHAPTER XXIV: THE GREAT MARCH

1

The mine workers had been dissatisfied with their lot for a long time. When the leaders came, especially the women and addressed them, they were ready to respond and go on a strike. When these sisters were undergoing suffering for their emancipation, how could they lag behind, they asked themselves. The strike which had first started at Newcastle on 15 October 1913 rapidly spread to all the collieries in Newcastle and Dundee districts, affecting Burnside Collieries, Wallsend Melangen Colliery, Natal Navigation Colliery, Glencoe Colliery, St George's Colliery, Hattingspruit Colliery and Ballenguich Colliery. [P. S. Joshi, *Mahatma Gandhi in South Africa* (Published by the Author, 11, Jagnath Plot, Rajkot, Gujarat), p 250]

On 16 October a press note said that Mr Gandhi had pulled out all Indians employed in Newcastle. He was reported to have told the Assistant Protector of Immigrants at Newcastle that the strike would spread to the coast affecting sugar, tea and other industries which employed Indian labour, unless the £ 3 tax was removed as had been promised to Mr Gokhale. [*Ibid*, p 251]

Gandhiji had assured the authorities that the indentured labourers would not be involved in Satyagraha for pressing the other demands of the Indians. The indentured and the ex-indentured Indians were the people who were affected by and suffered from the iniquitous £ 3 tax. Once the leadership was provided, they had developed the courage to stand up for their rights. There was no holding them back now. Gandhiji said, as soon as this tax was repealed they would go back to work. [I.O., 29-10-1913]



The news of the strike brought Gandhiji to Newcastle on 17 October. Soon after he had arrived there, a mighty force of striking passive resisters took a pledge before him to sacrifice their all in the pursuit of their human rights. It was a hazardous adventure, Gandhiji explained to them. He could offer them only sweat and tears, hunger and thirst, beatings and bullets, sufferings and hardships of all kinds. But he gave them a solemn promise that he would be with them to share their joys and sorrows. The men as well as women were ready for the supreme sacrifice. [*Ibid*]

The mine-owners were worried. They called Gandhiji to a conference of representatives of the Coal-owners' Association, the Natal Agricultural Union and the Natal Sugar Mills on 25 October 1913 at Durban. Gandhiji was ever ready to seek an honourable settlement. He went to Durban. The conference leaders were angry. They told him that he was responsible for the strike and asked him to send the miners back to work. Gandhiji replied that they had no quarrel with the mine-owners and did not wish to hurt their interests. The strikers were undergoing suffering only to have the £ 3 tax removed. He asked the conference leaders to take up the main grievance of the miners with the Government and help them to get the oppressive £ 3 tax repealed as promised to Professor Gokhale. He assured them that the miners would then go back to work. He added that there could not be a greater loss to a man than the loss of his self-respect and it was a matter of satisfaction that the labourers had realized this fundamental principle. [M. K. Gandhi, S.S.A., pp 291-2]

When he reported this conversation to the striking miners, their enthusiasm increased and more miners went on strike. The strike was spreading very fast.



During his journey to Durban and back, Gandhiji saw that the strike and the peaceful behaviour of the strikers had produced an excellent impression upon the railway guards and others. He travelled third class as usual, but even there the guards and other officers would surround him, make diligent enquiries and wish him success. They would provide him with various minor facilities. He wrote in his memoirs:

I was delighted if they were courteous of their own free will, but no attempt was made to purchase courtesy. These officers were astonished to find that poor ignorant and illiterate labourers made such a splendid display of firmness. Firmness and courage are qualities which are bound to leave their impress even upon the adversary. [*Ibid*, p 292]

The same day October 25 the mine-owners cabled to General Smuts, asking him whether he had promised Mr Gokhale repeal of the £ 3 tax. General Smuts took his own sweet time to reply. In a telegram on 28 October he said, “Government never gave such a promise as Mr Gandhi alleges, either to Mr Gokhale or anybody else. It said that the tax was unimportant from the point of view of revenue, but was imposed as a matter of policy in Natal. Government promised to consult Natal members of Parliament.” The Minister claimed that the members were consulted, but the majority of them objected to repeal of the tax otherwise than as affecting women and children. He continued : “With Mr Gandhi the repeal of the tax is an after-thought and is intended to influence Natal Indians, to whom the real grounds on which he has started his passive resistance movement and which never included this tax do not appeal.” [I.O., 5-11-1913]

This telegram led to a raging controversy everywhere. Gokhale challenged it in India and Gandhiji in South Africa. No member of the Cabinet had till then repudiated the solemn pledge. The sincerity of the Botha Government was now



questioned. Major Silburn, Member for Durban, said that Mr A Fischer, Minister of the Interior, had himself told him at Pretoria that he had informed Mr Gokhale that the £ 3 tax would be repealed. [P. S. Joshi: *op cit* pp 255-6]

Both Major Silburn and Mr Thomas Boydell, another M.P. who had been in favour of abolition of the tax, said that they were not consulted by General Smuts. Major Silburn said that General Smuts met him in the lobby of the House and asked for his opinion. “I said that I was always opposed to it (tax) because there was no principle in it.” Smuts told him that he proposed to invite Natal Members to meet him in order to discuss the question fully, but he received no invitation to attend the meeting. Silburn found out afterwards that only the Natal Members known to be in sympathy with the tax were invited to the meeting. He questioned whether at all a majority of the Natal Members were present. “No one is more desirous than I of seeing South Africa free of Indians”, he said, “but I want the question to be discussed on constitutional lines, and with justice to the Indians.” [I.O., 5-11-1913]

Mr Boydell, Labour M.P., said the tax question was never referred to him. Had he been consulted he would certainly have spoken in favour of its abolition. He also objected to the poll tax of £ 1. He said that he had protested against the two taxes, as he considered any such measure “an injustice to a section of the community.” The tax could not be defended on principles of justice or equity, he said. “It was not really imposed with a view to making these people return to India, but to make them re-indenture.” Had it been imposed with a view to making them return to India, it would have been enforced more strictly than it was. He also alleged that the Natal members whom General Smuts consulted were of Smuts’ own party, toeing his line. Moreover they represented sugar and tea interests and “would naturally be against repeal of the tax, because it would



interfere with re-indenture.” He added: “I do not know of any Natal members outside that party who were consulted.” [I.O., 5-11-1913]

Mr. H. Meyler, another M.P. said: “True to the principles of the present Government, the Minister has only told half the truth.” The meeting was of a private nature and even if the majority of those present were in favour of retention of the tax, the voting was evenly divided, and numbers for or against the tax were not announced. [*Ibid*, 5-11-1913]

He further added that the select members who were called to the meeting were never informed that the meeting with them was the result of a promise made to Mr Gokhale.

Senator F.O.F. Churchill, who was present at the meeting, said that he was surprised to hear from the press that “Messrs Silburn, Boydell and Fawcus were never asked to attend.” “This,” he declared, “took away the idea” that it was a representative meeting of Natal members.

Senator Churchill was for the tax, provided it succeeded in forcing Indians after their indenture to return to India as Harry Escombe had had in mind when he imposed the tax. “But the tax had failed in this purpose. It should be removed”, he said.

The Natal Indian Association cabled to Gokhale: “Government deny having given you undertaking repeal tax. Please cable.” Gokhale’s cable in reply said:

I was assured that the Government realized the iniquity of the £ 3 licence tax and that from a financial point of view its proceeds were negligible, and that the earliest opportunity will be taken of abolishing it. On my asking for the authority to announce this, I was told that it was necessary for the Ministers to mention the matter to Natal members, and



I should, therefore, merely announce in general terms that the Ministers had promised their most favourable consideration to my representations in the matter and that I had every confidence that the tax would be repealed in the new Parliament. [*Ibid*, 5-11-1913]

Gokhale went on to give his own explanation of the ensuing anticlimax : the Government he believed, would have taken prompt action to repeal the tax, had it not felt compelled to refute the accusations of General Hertzog, a powerful opponent of Botha and Smuts, who was denouncing it for truckling to the Indians and for submitting to Imperial dictation.

On receiving Gokhale's reply, the Natal Indian Association in a resolution adopted on 29 October called it "a breach of faith" and said that the Government had acted in bad faith both towards Mr Gokhale and the Indian community and called upon the Ministers to redeem their pledge. [I.O., 5-11-1913]

Gandhiji sent an exhaustive telegram to General Smuts before 28 October 1913 saying:

Have read the Government reply to Natal Collieries Association. I beg to draw the Minister's attention to the fact that the promise to Mr Gokhale was mentioned in Mr Cachhalia's letter, also in my letter of 28 September. No refutation was made at the time. The repeal of £ 3 tax made a matter for passive resistance is certainly not an afterthought, as could be proved from documentary evidence in possession of the Government. I have repeatedly stated that the Indians employed under indenture are not being brought out for other points of passive resistance. Independent Natal Indians are certainly fighting on general grounds. Marriages, South Africa-born Indians' right to enter the Cape, the Immigration Act, and the Licensing Act are the questions which affect Natal



infinitely more than the other provinces. The Government cannot complain of the strike, seeing ample notice was given. In any case I respectfully ask the Minister not to treat the strike as a threat, but as an emphatic expression of intense feeling against the tax. Hundreds of poor, helpless and comparatively ignorant people will not listen to unfelt grievance or grievances serious in themselves but based upon theory. [*Ibid*, 5-11-1913; C.W.M.G., XII, pp 254-5]

When approached for clarification General Smuts refused to throw more light on the subject. Minister of the Interior A. Fischer and Minister of Posts and Telegraph Sir Thomas Watt, his colleague in the cabinet, sidetracked the issue. At Kimberley Sir Thomas told a public meeting that Gandhi's Passive resistance having failed in connection with other issues, he had picked up the £ 3 tax, which had been imposed to induce Indians to return to India after completion of their indentures. No Government could submit to dictation. Any yielding on the Indian issue might lead to Africans demanding abolition of all taxes such as poll tax, hut tax, pass fees, etc. The Parliament too, he added would not tolerate any weakness on the part of the Government.

Fischer called the Indian attitude in fighting for theoretical right of equality "foolish". [P. S. Joshi: *op cit* pp 257-8]

2

The Government was obviously adamant. It was clear to Gandhiji that the challenge had to be accepted. Gandhiji studied the situation on arrival at Newcastle. He learnt that the "Transvaal Sisters" most of whom were Tamilians, had taken up their residence at Newcastle with Mr David Lazarus, a middle class Christian TAMILIAN who owned a small plot of land and a house consisting of three rooms. The sisters had lived and worked from there till they were arrested.



Lazarus belonged to a family of indentured labourers. He therefore knew the difficulties and sufferings of these people. Gandhiji also decided to put up with Lazarus in his small house. It soon became a caravanserai in view of the large stream of people coming to meet him. All sorts of men would come and go. An ocean of heads was seen on the premises at all times. The kitchen fire burnt the whole day and night. Mrs Lazarus and her husband and her sister Miss Thomas served the guests always with a smile. But Lazarus could not cope with feeding such large numbers, as were coming, for long. [M. K. Gandhi, S.S.A., p 286]

Gandhiji's study revealed that the miners had no houses of their own. The mine-owners had built huts for them, put up lights along the roads and supplied them water, so that the labourers were in a state of utter dependence on their masters. Gandhiji started receiving complaints from the strikers that the mine-owners had stopped their light and water, or that their household effects had been thrown out from their quarters. Some cases of severe thrashing also were brought to his notice. [*Ibid*, p 286] He saw that from the point of view of the strike, it was not right that the miners should continue to live in the barracks where they could be pressurised to go back to work by the mine-owners and their agents. It was moreover, ethically not right for them to be eating the mine-owners' rations when they were not working for them. Gandhiji therefore advised the strikers to leave their masters' quarters and to "fare forth in fact like pilgrims." [*Ibid*, p 287]

Gandhiji suggested to them that they should take it that their strike would last for all time. They should leave the quarters provided by their masters. He advised them to sell such of their goods as could find a purchaser. The rest they should leave in their quarters. The mine-owners might throw their belongings out on the streets, as a revenge. The labourers should take that risk and come to Gandhiji with nothing except their wearing apparel and blankets. Gandhiji



promised to live and have his meals with them as long as the strike lasted and so long as they were outside gaol. He advised that those, who could not follow this line of action, should go back to work. But none of them was ready to go back.

From the very day Gandhiji made the above announcement, “there was a continuous stream of pilgrims, who retired from the ‘householder’s life and took to a houseless one,’ along with their wives and children, with bundles of clothes upon their heads.” [M. K. Gandhi, S.S.A., p 288]

By October end, the number of strikers had swelled from 5,000 to 6,000 of whom 4,000, including 300 women and 60 children, had to be fed. The miners were content with the two meals served to them, even though in South Africa every one was used to three meals a day. They were law-abiding and docile, gentle beings, happy to breathe the air of freedom for the time being.

The mayor of Newcastle was worried though he had made arrangements for water and sanitation for the newcomers as best as he could. He wanted them to leave as soon as possible.

The Indian residents of Newcastle were most helpful. They had thrown their houses open to the strikers but they could not possibly accommodate the numbers that were coming. All except old and infirm, therefore, had to sleep in the open on bare ground.

There was no shelter for them. The sky was the only roof over their heads, but the weather was mild and there was neither rain nor severe cold. The traders of Newcastle supplied cooking pots and bags of rice and dal. Contributions came from other places also. [*Ibid*, pp 289-90]

There was, however, another problem. Gandhiji realized that it was dangerous to leave men used to hard work doing nothing, for long. An idle mind



could become the devil's workshop. It was most encouraging that there had been no incidents of thieving and other minor anti-social acts in Newcastle in spite of the fact that about 5,000 striking miners had come there. But they could not be left there for long.

There was a large concourse of men and its strength was daily increasing. Gandhiji felt that it was a dangerous, if not an impossible, task to keep them in one place and look after them while they had no work. He thought out a solution of the problem. He would take this army of peace to the Transvaal to Tolstoy Farm. They might be arrested en route and taken to gaol like the Phoenix party.

Three hundred of the strikers were already in gaol and 200 more had been arrested. There were 1500 of them in Charlestown and large numbers were gathering at Newcastle. Gandhiji's plan was to shift all the miners from the collieries in Newcastle and Dundee districts to Newcastle in the first instance, and from there to lead them to Volksrust, the first town in the Transvaal. If they were not arrested there, they would then march to Tolstoy Farm [P. S. Joshi: *op cit* p 262] where they could all be put to some work.

The Town Council of Newcastle was alarmed by the unending stream of miners coming into the town. The mayor wrote to Mr Kallenbach who as Gandhiji's lieutenant was looking after the strikers' camp and told him that the Town Council had decided not to allow the Indian passive resisters to stay in Newcastle for more than twenty-four hours after arrival. [M. K. Gandhi, S.S.A., p 294] They were not to go outside the sports ground and Kallenbach would be held responsible if sanitary regulations were not observed. Kallenbach assured the Town Council of all help within his power, but he said that he could not accept the responsibility which lay squarely with the Government.



There was no money to take the army to the Transvaal by rail. Moreover, if they were taken by rail, their morale would not be put to test. So Gandhiji had decided to march them on foot. The Transvaal border was 36 miles from Newcastle. The strikers had agreed that all the able-bodied would walk to Charlestown and the old and the infirm only would be taken there by train. [*Ibid*, p 290]

They were expected to be disciplined soldiers, Gandhiji told them. They were to adhere to truth and be prepared to face hardships and lead an austere life. Some of the miners had asked for cigarettes on the first day. Gandhiji had explained to them that as soldiers of a non-violent army, they had to give up smoking, drinking and all luxuries. They accepted all the conditions laid down by Gandhiji and were ready to march on foot. The Boers who had themselves been the Voortrekkers and had opened up the vast interior of South Africa for their people should have appreciated what the Indians were doing in order to preserve their self-respect and give a fight to the Government in a peaceful manner. But the Boers were now in power. How could those in power understand the problems of the powerless Indians who were evolving a new and revolutionary method of resisting oppression by bringing about a change of heart in the oppressor through voluntary self suffering?

3

The call having been given, the miners were pouring into Newcastle adding to the numbers already there. Hungry men came marching at all hours and they had to be fed. There was great enthusiasm among the workers over the impending march to Tolstoy Farm.

On 27 October 1913, the labourers were informed that they were to commence the march from Newcastle early next morning. The rules to be



observed on the march were read out to them. It was repeated that none of the ‘army’ was to keep any more clothes than were necessary and none was to touch anybody else’s property on the way. They were to bear it patiently if any official or non-official European abused or even flogged them. They were to allow themselves to be arrested if the police arrested them. The march was to continue even if Gandhiji was arrested. The names of those who would successively lead the ‘army’ in case of the leaders’ arrest were also announced.

On 29 October Gandhiji started the historic march with a batch of 200 men, women and children from Ballenguich Colliery. A few were sent by train. The first destination of the army was Charlestown, the last town in Natal which was about three and half miles from Volksrust, the first town in the Transvaal. Charlestown was a small town with a population of about 1,000. It was 36 miles from Newcastle. The marchers were to stop on the way either on the veldt or at an appropriate place in a town or a village. [P. S. Joshi: *op cit* p 260]

Gandhiji wrote in the special number of *Indian Opinion* later that he led 500 satyagrahis including women and children. “I can never forget the sight of strikers marching, from Newcastle to Charlestown. The slogans they shouted were “*Dwarkanath ki jai**”, “*Ramchandrajai ki jai***” and “*Vande Mataram****”. They carried two days’ food with them and also carried their little baggages as they walked. [I.O. Special Number, 22-10-1913] The *Sunday Post* wrote:

The pilgrims whom Gandhi is guiding are exceedingly picturesque crew. To the eye they appear most meagre, indeed emaciated; their legs are mere sticks but the way they are marching on starvation rations shows them to be particularly hardy. [B. R. Nanda: *Mahatma Gandhi: A Biography*, p 114]

The army safely reached Charlestown, where the Indian traders extended every help to them. They gave them use of their houses and also supplied rice



and dal as well as cooking pots. Women and children were lodged in houses while the rest camped in the open. Gandhiji stayed with the campers although he was offered better accommodation.

Kallenbach, Miss Schlesin, P. K. Naidoo and Albert Christopher were already in Charlestown to make arrangements and guide the marchers.

A moving incident happened during the march from Newcastle to Charlestown. Two women among the marchers had their babies with them. One of these two babies died of exposure during the march, the other fell from the arms of its mother while she was crossing a spruit and was carried away by the current. It was drowned. The brave mothers refused to give way to grief and continued their march. One of them said, “We must not pine for the dead who will not come back to us for all our sorrow. It is the living for whom we must work.” [M. K. Gandhi, S.S.A., p 297]

Some of the passive resisters marching to Charlestown were arrested on the way. But as the police had to transport to take them away, Gandhiji suggested and the police agreed that the arrested men might be allowed to march with him and reach Charlestown. The police would take them into custody there after making the necessary arrangements.

When the ‘army’ reached Charlestown the District Health Officer, Dr Briscoe, was rather alarmed at the sudden and phenomenal increase in the population of the small town. He decided to meet the situation with Gandhiji’s cooperation. He made some suggestions to Gandhiji and offered free medical aid for the marchers. He asked Gandhiji to see that no water was thrown on the roads and to prevent the marchers from dirtying the place or throwing refuse promiscuously. He further suggested that the marchers should be confined to the area assigned to them and that Gandhiji should hold himself responsible for



keeping it clean. Gandhiji thankfully accepted his suggestions. He later wrote in his memoirs:

Europeans are careful and we Indians are careless about three things; the purity of the water supply and keeping roads and sanitary conveniences clean. [M. K. Gandhi, S.S.A., p 294]

He added:

It was very difficult to have our people observe these rules. But the pilgrims and co-workers lightened my task. It has been my constant experience that much can be done if the servant actually serves and does not dictate to the people. My co-workers and I never hesitated to do sweeping, scavenging and similar work with the result that others also took it up enthusiastically. Where the leader himself becomes a servant there are no rival claimants for leadership. [*Ibid*, p 295]

Among Gandhiji's co-workers at that time were Kallenbach and Miss Schlesin whose industry, accuracy and honesty were beyond all praise. Among the Indians, P. K. Naidoo, Albert Christopher and some others worked very hard. The food supplied to all the marchers was rice and dal. Vegetables were put in the dal while it was cooked to save time and cooking vessels. The kitchen worked twenty-four hours of the day as hungry men came at any time direct to Charlestown after leaving the mines. [*Ibid*, p 295]

Gandhiji wrote about the cooking and serving of food to his army:

As I think of the patience and endurance of these men, I am overpowered by a sense of greatness of God. I was leader among cooks. Sometimes there was too much water in the dal, at other times it was undercooked. The vegetable and even rice were at times badly cooked. I



have not seen many people in the world who would cheerfully gulp down such food. On the other hand I have observed in South African jails that even those who pass as well-educated men lose their temper if they are given food somewhat less than sufficient or ill-cooked or even if they get it a little late. Serving the food was even more difficult than cooking it and it was in my sole charge. [Raojibhai Patel: *op cit* p 215]

Gandhiji shouldered the responsibility for food being well or ill-cooked. He had to cut down the ration at times to satisfy all when there was insufficient food and more than the expected number had to be fed. “I can never forget the angry look which some sisters gave me for a moment, when I gave them insufficient food, and which at once transformed into a smile as they understood the thanklessness of my self-chosen task. ‘I am helpless’, I said, ‘the quantity cooked is small and as I have to feed many, I must divide it equally among them.’ This would enable them to see my difficulties and go away smiling, saying that they were content.” [M. K. Gandhi, S.S.A., pp 295-6]

As for unpleasant experiences, Gandhiji narrates that when men had a little leisure they occupied it with internal squabbles. What was worse, there were cases of adultery. There was terrible overcrowding and men and women had to be kept together. “Animal passion knows no shame” Gandhiji wrote. As soon as the cases occurred, Gandhiji arrived on the scene. The guilty parties were abashed and they were segregated. “But who can say how many such cases occurred, which never came to my notice.” Thus everything was not in perfect order. When some one did go wrong, there was no exhibition of insolence. “On many similar occasions I have seen how well behaved people become in a good atmosphere even when they are originally semi-barbarous and not over-



observant of the dictates of morality, and it is more essential and profitable to realize this truth”, he added. [*Ibid*, p 296]

* Victory to the Lord of Dwarika (Lord Krishna)

** Victory to Lord Ramachandra

*** Obeisance to Motherland

4

The stop at Charlestown was much longer than anticipated. From Charlestown Gandhiji tried to get in touch with the Government in order to try to find a solution if it was at all possible.

He wrote a letter to the Secretary for Justice on 31 October, 1913 pointing out that large numbers of Indians had surrendered themselves for arrest, and as the Government had no accommodation for them nor facility for feeding them, they were being fed and housed by the Indian Committee there at Government expense. Gandhiji suggested that all the people should be arrested, but if not, he stated, they would proceed with their march into the Transvaal – an event which he was anxious to avoid. [I.O., 12-11-1913]

To the Chief Immigration Officer he wrote on the same day that it was not the object of the march to enter the Transvaal in order to settle down there, except in the case of those who might be entitled to live in the colony. He suggested that the satyagrahis should be arrested and housed and fed by the Government pending their trial. A large number would be crossing the border and he was anxious to avoid any of them stealing into the Transvaal. [P. S. Joshi, *op cit* p 262]



He warned the Government against allowing Indians to remain free on the border. He stated that it was the desire of the passive resisters to guard, in every way they could, against the surreptitious entry of a single Indian. [I.O., 12-11-1913]

Gandhiji pointed out that all passive resisters received three days' notice to appeal at the Transvaal border, although they had declared that they did not wish to appeal. This could result in some of them surreptitiously entering the Transvaal. In his opinion, the Act did not require the three days' notice to be given in all circumstances. He wished that it would not be served on the satyagrahis. [*Ibid*, p 277]

It was decided to leave Charlestown and enter the Transvaal if the Government did not send a reply within a reasonable time and did not put the marchers under arrest. If they were not arrested on the way, the 'army' of peace would march about 25 miles a day for eight days and reach the Tolstoy Farm where they would stop till the struggle was over. There the 'army' was to try to maintain itself by working on the Farm. Kallenbach had made all the arrangements. The idea was to construct mud huts with the help of the 'army'. So long as the huts were under construction, the old and the infirm were to be accommodated in small tents and the able-bodied were to camp in the open. [M. K. Gandhi, S.S.A., p 298]

By 1 November the press was full of news from Charlestown. Reuter reported that 1500 passive resisters were already in Charlestown and 2,000 were coming from Newcastle. Indian merchants had thrown open their premises to them and provided rations. Food was cooked in the interior of the mosque. They were all in the sole charge of Mr Gandhi and were very orderly.

Gandhiji was interviewed and he told the pressmen on 3 November that he would be leading the 1500 into the Transvaal to court arrest. If they were not



arrested, they would proceed further and would probably settle down in Mr Kallenbach's farm the Tolstoy Farm, near Lawley.

The special correspondent of the *Natal Mercury* reported:

I visited Charlestown twice on the 5th. The town was crowded with Indians. No sanitary arrangements were made at first, and the position from a health point of view was awful; but later Mr Gandhi assisted the Municipal Officials and the position was greatly improved. I found Mr Gandhi at the back of an Indian store in the yard, serving out curry and rice to his followers, who marched up and each man received his quota. [P. S. Joshi: *op cit* pp 262-3]

5

Preparations for the great march had all been made. A small improvised medical chest was provided by Dr Briscoe, which had to be carried by hand as there was no conveyance with the pilgrims. He also gave some instruments which even a layman could handle. As the medical chest could contain only the least possible quantity of medicines, not sufficient even for a hundred patients at a time, it was proposed to encamp every day near some village, where the required drugs could be replenished and where the disabled and sick who were unable to continue the march further could be left in the care of the villagers. [M. K. Gandhi, S.S.A., p 299]

It was also arranged with a large European baker at Volksrust to supply bread every day for the marching peace army of pilgrims. It was to be sent by rail to the appointed stations. The European baker did not take advantage of the marchers' plight to charge a higher rate than the market price and supplied bread made of excellent flour. He sent it in time by rail, and the railway officials, also Europeans, not only honestly delivered it to the marching army but took good



care of it in transit and even gave some special facilities. They knew that the army of pilgrims harboured no enmity in their hearts. It intended no harm to any living soul and sought redress of their grievances through self-suffering.

Referring to this action of Europeans, Gandhiji wrote in his memoirs:

The feeling of love which is dormant though present in all mankind, was roused into activity. Everyone realized that we are all brothers whether we are ourselves Christians, Jews, Hindus, Musalmans or anything else. [M. K. Gandhi, S.S.A., p 300]

The following rules laid down by Gandhiji were explained to the marchers:

1. If he was arrested on the way, the whole party would continue the march until they were arrested. Attempts would be made on the way to provide them with meals, but they should not be restless if they had to go without food on any day.
2. As long as the struggle lasted they would not indulge in drinking or smoking or taking other intoxicants.
3. They would not turn back even in the face of death.
4. At night during the journey they would be prepared to sleep in the open.
5. They would not damage plants or trees on their way nor would they touch anybody's property.
6. They would allow themselves to be arrested without resistance.
7. No effort would be made to fight with the police or others. If they were attacked, they should not hit back even in self-defence.



8. They would suffer the hardships of jail life without any complaint.

[Prabhudas Gandhi: *op cit* pp 144-5]

The marchers included Hindus, Muslims and people of all castes. They came from different provinces of India. Some Pathans and Sindhis of North India did not like the condition about not hitting back even in self-defence, but they accepted it. They did not defend themselves when the occasion came. [*Ibid*, p 145]

They were to halt at Palmford, Kromdraai, Holmedene, Greylingstad, Ballour, Theunis Kraal, Mapleton and Germiston. Marching roughly 25 miles a day, they expected to reach Tolstoy Farm on 14 November. [P. S. Joshi: *op cit* p 263]

When all the preparations for the march in the Transvaal were completed, Gandhiji made one last effort to effect a settlement. Apart from the letters and telegrams which he had already sent, he now decided to telephone to the Government even at the risk of his overtures being answered by an insult. From Charlestown, he telephoned to the Secretary of General Smuts in Pretoria on 5 November to which he received the curt reply, “General Smuts will have nothing to do with you. You may do as you please.” The curtness and the incivility of the reply did not unnerve Gandhiji or the satyagrahis. They decided to enter the Transvaal the next day. [M. K. Gandhi, S.S.A., p 300]

6

On 6 November 1913 at 6.30 a.m. at the stroke of the appointed hour, the satyagrahis offered prayers and commenced the march in the name of God. The pilgrim band was composed of 2,037 men, 127 women and 57 children. The procession was a mile long. Gandhiji and Kallenbach were in the rear. [*Ibid*, p 300]

There was a small spruit one mile from Charlestown which served as the border between Natal and the Transvaal. A small patrol of mounted policemen



was on duty at the border. Gandhiji went up to them, leaving instructions with the 'army' to cross over when he signalled to them. But while he was still talking with the police, the pilgrims made a sudden rush and crossed the border. The police surrounded them, but the surging multitude was not easy to control. The police had no intention of arresting the 'army'. Gandhiji pacified his men and got them to arrange themselves into columns. Everything was in order in a few minutes. They had crossed the border. The great march had begun. [*Ibid*, p 301]

By 8.30 a.m. the 'army' crossed the historic border bridge under police escort. They were not arrested. Their destination was now Tolstoy Farm. The long march into the Transvaal covering a distance of 200 miles from the border to Tolstoy Farm was to be covered in eight days. During the March the trekkers were to get bread one and half pound and one ounce of sugar per head per day for food, for the supply of which arrangements had been made.

Two days earlier the Europeans of Volksrust had held a meeting where they had held out all manner of threats to the Indians. Some said that they would shoot the Indians if they entered the Transvaal. Kallenbach attended this meeting to reason with the Europeans who were however not prepared to listen to him. Some even stood up to assault him. One of them challenged him to a duel. Kallenbach, an accomplished athlete himself, answered:

As I have accepted the religion of peace, I may not accept the challenge. Let him who will, come and do his worst with me. But I will continue to claim a hearing at this meeting. You have publicly invited all Europeans to attend, and I am here to inform you that not all Europeans are ready as you are to lay violent hands upon innocent men. There is (at least) one European who would like to inform you that the charges you level at the Indians are false. The Indians do not want what you imagine



them to do. The Indians are not out to challenge your position as rulers. They do not wish to fight with you or to fill the country. They only seek justice pure and simple. They propose to enter the Transvaal not with a view to settling there, but only as an effective demonstration against the unjust tax which is levied on them. They are brave men. They will not injure you in person or in property, they will not fight with you, but enter the Transvaal they will, even in the face of your gunfire. They are not the men to beat a retreat from fear of your bullets or your spears. They propose to melt, and I know they will melt your hearts by self-suffering. This is all I have to say, I have had my say and I believe that I have thus rendered you a service. Beware and save yourselves from perpetrating a wrong.

With these words Kallenbach resumed his seat. The audience was rather abashed. The pugilist who had invited Kallenbach to duel later became his friend. [M. K. Gandhi, S.S.A., pp 301-2]

The police on the border, it seems, had been sent because of this meeting and the threats held out there and not to arrest the marchers on entering the Transvaal. [M. K. Gandhi, S.S.A., p 302; P. S. Joshi: *op cit* p 264]

Kallenbach wired to A. M. Cachhalia, Chairman of the Transvaal British Indian Association, that Gandhiji had marched with 2,600 persons from Charlestown. Six hundred from Burnside were arrested before reaching the Transvaal border. The rest, including 120 women and 50 children, had crossed the Volksrust border unmolested under police escort and expected to reach Tolstoy Farm on 14 November. Food and other essentials should be sent to the Farm.

The newspapers complimented the Indian resisters' army. Almost all of them said that it was a well-conducted, orderly and disciplined army. They



marched in the prescribed order and showed great powers of endurance. They carried very few provisions and almost no other luggage.

7

On the first day the pilgrims reached Palmford — about eight miles from Volksrust at about 5 p.m. The pilgrims had their ration of bread and sugar and spread themselves in the open. Some were talking while others were singing *bhajans*. Some of the women were exhausted by the march. They had dared to carry their children in their arms, but it was impossible for them to proceed further. Gandhiji, in accordance with his previous warning, had kept them as lodgers with a good Indian shopkeeper who promised to send them to Tolstoy Farm if the pilgrims were permitted to go there, or to their homes if the pilgrims were arrested. [M. K. Gandhi, S.S.A., p 303]

The marchers were pilgrims in every sense. The first night they spent in the jungle. Gandhiji was offered special accommodation but he refused it with thanks. He was the General and he was the last to sleep after seeing to everyone's comfort as best as possible. He was the first one to get up in the morning and when the army marched he was always at the rear to see that everything was going on as planned.

The sounds of singing and talking ceased at about 8 p.m. As Gandhiji got ready to retire, he heard footsteps. They were coming to arrest him. [*Ibid*, p 303]

The enterprising correspondent of the *Natal Mercury* at Volksrust described the events of that night:

I heard that the Superintendent of Police was going to Palmford to arrest the Indian passive resisters there, so I wished to be present. I offered to take them there in my motor car. The offer was accepted, and we left



at 7.15 p.m. We did not get back until midnight, owing to tyre trouble over fearful roads. We burst one tube and cover, and injured one lamp. We arrived at Palmford at about 8.30 p.m. and found them all sleeping on the veldt, just below the station. Many of the passive resisters were feeling the cold severely. [I.O., 12-11-1913, p 279]

Gandhiji has narrated that as the night advanced and he was preparing to retire, he heard footsteps. He saw a European coming with a lantern in his hand and understood what it meant. He had no preparations to make. The police officer said, "I have a warrant of arrest for you; I want to arrest you." "When," asked Gandhiji. "Immediately," he replied. "Where will you take me?" asked Gandhiji. "To the adjoining railway station now, and to Volksrust when we get the train for it," he said.

"I will go with you, without informing anyone," Gandhiji replied, "but I shall leave some instructions with one of my co-workers." "You may do so," said the police officer. Gandhiji roused P. K. Naidoo who was sleeping near him and informed him of his arrest. He told him not to awaken the pilgrims before the morning. At daybreak they must resume the march which would begin before sunrise. When it was time for them to halt and get their rations, Naidoo should break the news of his arrest to them. If anyone enquired about him earlier, Naidoo should give correct information. If the pilgrims were arrested, they should allow themselves to be taken in custody. If not they should continue their march according to the set programme. Naidoo had no fears. Gandhiji told him what to do in case he himself was arrested. Kallenbach was at Volksrust at that time. [M. K. Gandhi, S.S.A., p 303]

A message from Pretoria had said that Government had no intention of arresting the rank and file of the Indians following Gandhi. Their policy was to



arrest the leaders, “which is not to say that the others will be treated as exempt from the Pass Laws.” [*Ibid*, p 303]

Before the magistrate of Volksrust the next morning 7 November Gandhiji was charged with having brought unauthorised persons into the Transvaal. The public prosecutor asked for remand till the 14th as he was not ready with the evidence. Gandhiji applied for bail, which the public prosecutor opposed. The magistrate agreed to grant bail. Every prisoner not charged with a capital offence, was entitled to bail, he said. Thus Gandhiji was released on bail of £ 50 which was paid by local leaders present in the court.

Kallenbach had a car ready to take him back to rejoin the ‘invaders’. The special reporter of the *Transvaal Leader* wanted to go with them. They took him in the car and he published a vivid description of the case, the journey and the meeting with the pilgrims, who received Gandhiji with enthusiasm and were transported with joy to see him back in their midst. Kallenbach at once went back to Charlestown. He had to look after the Indians who had been left at Charlestown, as well as the fresh arrivals from the mines. [*Ibid*, pp 303-4]

8

Gandhiji was not afraid of going to gaol, but he felt that it was unfair on the Government’s part to separate him from the marchers who solely depended on him. It was a dangerous step to leave them unarrested and arrest him alone and take him away. He wired to the Minister of Interior saying, “Whilst I appreciate the fact of Government having at last arrested the prime mover in the passive resistance struggle, I cannot help remarking that from the point of view of humanity, the moment chosen is most unfortunate.” The Government must have, he said, known that the marchers included 122 women, 50 children of tender age, all voluntarily marching on starvation rations, without provision for



shelter during stages. Tearing him away from them under such circumstances was a violation of all considerations of justice. “When arrested last night, I left men without informing them. They might have become infuriated. I therefore ask either that I may be allowed to continue to march with them, or the Government send them by rail to the Tolstoy Farm and provide full rations for them. Leaving them without one in whom they have confidence and without Government making provision for them, is, in my opinion, an act from which I hope, on reconsideration, the Government will recoil.” He added that if untoward incidents happened during further progress of the march and if death occurred “especially amongst women with babies in arms, the responsibility would be the Government’s.” [C.W.M.G., XII, p 260]

The Government however did not arrest the pilgrims. More and more batches came to Volksrust after Gandhiji had marched on. They too were not interfered with.

To the whites of Volksrust, it was a source of irritation and they held a meeting on 11 November at Abernathy Hall, which was crowded. It was addressed by the Mayor. Kallenbach attended the meeting as a citizen of South Africa. His presence attracted attention and the whites hooted and booed him and pushed him out from the front door. He protested, but the Mayor ruled that the meeting was meant only for citizens of Volksrust. Kallenbach’s comment was, “such is the fair dealing of a section of South Africans who club together, shutting out persons who may hold different views.” [*Ibid*, p 260]

On 8 November Gandhiji and the ‘army’ reached Standerton which was comparatively a bigger place. Gandhiji was distributing bread to the pilgrims. The Indian store-keepers at Standerton had presented them with some tins of marmalade and the distribution took longer than usual. The magistrate in the



meantime came and stood by Gandhiji's side. He waited till the distribution of rations was over and then called Gandhiji aside. Gandhiji knew the gentleman and thought he wanted to have a talk with him. The magistrate laughed and said, "You are my prisoner." "It would seem I have received promotion in rank," said Gandhiji, "as magistrates take the trouble to arrest me instead of mere policemen. But will you try me just now?"

"Come with me," replied the magistrate, "the courts are still in session."

[M. K. Gandhi, S.S.A., p 304]

Gandhiji asked the pilgrims to continue the march and went with the magistrate. As soon as he reached the court room, he saw that some of his co-workers had also been arrested. There were P. K. Naidoo, Biharilal Maharaj, Ram Narayan Sinha, Raghu Narsu and Rahim Khan. Before Gandhiji and the 'army' had reached Standerton, the managers of compounds of different collieries were already there and had called the police. They had a number of the striking miners arrested by the police. When Gandhiji was arrested under the same charge as before and when he appeared before the magistrate for trial the same day, hundreds of miners demonstrated in the court precincts demanding that their leader be released.

Gandhiji applied for remand and bail. The application was strongly opposed by the public prosecutor. The magistrate however released him on his own recognizance of £ 50 and the case was remanded till 21 November. The Indian traders had kept a carriage ready for him and he rejoined the pilgrims again when they had hardly proceeded three miles. It was not a small thing that they were getting used to their leader being arrested. The five arrested co-workers however remained in gaol. [*Ibid*, p 304]



The pilgrims were now nearing Johannesburg. Their march had gone according to plan. In a few more days they would reach Tolstoy Farm. Their spirits rose from day to day and Government became more and more worried as to how to deal with the Indian ‘invasion’. They had seen that Gandhiji’s arrest had not disheartened or frightened the pilgrims, nor had it led them to break the peace. If they had taken to rioting, Smuts would have opened gunfire on them. Their firmness coupled with peacefulness was not disconcerting to Smuts. He said as much. [M. K. Gandhi S.S.A., p 304]

9

Gokhale had wired that Polak should go to India and help him in placing facts of the situation in South Africa before the Indian and the Imperial Governments. Polak’s temperament was such that he would make himself useful wherever he went. He got totally absorbed in whatever he undertook.

Gandhiji wrote to Polak that he should go. Polak, however, would not leave without meeting Gandhiji in person and taking full instructions from him. He offered to come and meet Gandhiji during the march. Gandhiji wired to him that he could come, but in so doing he would be running the risk of arrest. Fighter as he was, Polak did not hesitate to take the risk.

On 9 November Polak joined the pilgrims at Teakworth between Standerton and Greylingstad. He saw them spread on the road for about three miles and led by “a small, limping, bent but dogged man, coarsely dressed, using a staff, with a serene and peaceful countenance and look of sureness and content, Gandhi”. Polak joined him. He and Gandhiji had their consultation as they walked on and were nearly done. It was about 3 p.m. Polak and Gandhiji were walking at the head of the pilgrims’ band. Some of the co-workers were



listening to their conversation. Polak was to take the evening train back to Durban and from there sail for India. But God had different plans.

As they were walking and talking, a Cape cart came and stopped in front of them and out of it stepped Mr Chamney, the Principal Immigration Officer of the Transvaal, and a police officer. They took Gandhiji aside and one of them said, “I arrest you.” This was his third arrest in four days. This time it was for breaking the Natal Indenture Law. “What about the marchers” asked Gandhiji. “We shall see to that,” came the reply.

Gandhiji asked Polak to assume charge and go with the pilgrims. The police officer permitted Gandhiji to inform the marchers of his arrest, but as he proceeded to tell them to maintain peace and give other instructions he interrupted him and said, “You are now a prisoner and cannot make any speeches.”

The officer knew that for the time being Gandhiji was the master of the situation. Trusting to their non-violence, the police officer had come alone on the desolate veldt. He was confronted by over 2,000 Indians. He also knew that Gandhiji would have surrendered even if he had just sent him summons in writing. It was hardly necessary for him to remind him that he was a prisoner. The advice Gandhiji was giving to the pilgrims would have served the Government’s interests as well as the satyagrahis. But how could an officer forego an opportunity of exercising his brief authority?

Many officers however did understand the satyagrahis better than this gentleman. They knew that not only arrest had no terror for the satyagrahis; they “hailed it as the gateway of liberty.” They therefore allowed the satyagrahis all legitimate freedom and thankfully sought and made use of their aid in conveniently and expeditiously effecting arrests, Gandhiji later observed. [M. K.



Gandhi, S.S.A., p 308] Chamney and the police officer took Gandhiji in the cart and off they went at full speed. The pilgrims were soon out of sight. Gandhiji was taken to Greylingstad and from there via Balfour to Heidelberg where he spent the night.

10

Gandhiji was tried at Dundee on 11 November 1913 in the court of Magistrate Cross. There were three charges against him. Under Section 100 of the Natal Indenture Law he was charged with inciting and inducing indentured labourers to go on strike, leave their employers and leave the province.

The court was crowded with Indians and Europeans. Mr W. Dalzell Turnbull was specially instructed by the Attorney-General to appear for the prosecution. Mr Advocate J. W. Godfrey appeared for Gandhiji, who pleaded guilty to the charges and asked for maximum punishment. [I.O., 19-11-1913]

Mr Turnbull read the section under which Gandhiji was charged and left the matter in the hands of the magistrate.

Mr Godfrey stated that he was under an obligation to the defendant not to plead for mitigation of punishment in any way whatsoever. The circumstances which had brought Mr Gandhi before the magistrate were well known. He was only expressing the desire of the defendant when he stated that the magistrate had a duty to perform, and that he was expected to perform that duty fearlessly. He should therefore not hesitate to impose the highest sentence upon the prisoner if he felt that the circumstances in the case justified it.

With the permission of the court, Gandhiji made a statement in which he said that as a member of the profession and being an old resident of Natal, he thought that in justice to himself and to the public, he should plead guilty to the



counts against him. He took the responsibility for the strike. He believed that the demonstration for which these people were taken out of the colony was for a worthy object. He had nothing against the employers, and regretted that in this campaign serious losses were being caused to them. He appealed to the employers also to help the labourers in getting the £ 3 tax repealed. It weighed heavily upon his countrymen. It should be removed. Moreover, he was in honour bound, in view of what had passed between Mr Smuts and Professor Gokhale, to produce a striking demonstration. He was aware of the suffering and miseries caused to the strikers, especially to women with babies in their arms. On the whole he felt he had not gone beyond the principles and honour of the profession of which he was a member. He had only done his duty in advising his countrymen to leave work and subsist upon charity. He was certain that without suffering it was not possible for them to get their grievances remedied. [I.O., 19-11-1913]

The magistrate said that the accused having admitted the charges, he was liable to a fine of £ 20 for each immigrant he attempted to induce to leave the province. It was a painful duty to pass sentence upon the conduct of a gentleman like Mr Gandhi, upon his deliberate contravention of the law, but he had a duty to perform, and Mr Godfrey, the defendant's counsel had asked him fearlessly to perform that duty. He therefore passed a sentence of £ 20 fine on each charge, or three months in gaol in lieu thereof with hard labour, the period of sentence on each charge to run consecutively. Gandhiji in a clear and calm voice said: "I elect to go to gaol." [I.O., 19-11-1913; C.W.M.G., XII, pp 263-5]

A large crowd of friends was waiting outside to see Gandhiji come out. But for some unaccountable reason the police took the greatest pains to ensure secrecy and no one knew how he was taken away from the court. [I.O., 19-11-1913] His counsel visited him later in gaol. Through him, Gandhiji conveyed that he was



cheerful and confident. He sent a message to the strikers saying: “No cessation of the strike without the repeal of the £ 3 tax. The Government, having imprisoned me, can gracefully make a declaration regarding the repeal.” [*Ibid*, 19-11-1913]

Three days later, on 14 November, Gandhiji was tried at Volksrust on the charge of aiding and abetting prohibited immigrants to enter the Transvaal. He again pleaded guilty. Addressing the court he said that he had advised hundreds of Indians to cross the border, knowing full well that they were prohibited immigrants. He knew the dangers of the step taken by him. He was aware of the intense suffering involved for the Indians, especially women with babies in their arms, in following his advice. But after an experience of South Africa for twenty years and after mature consideration, he had come to the conclusion that only such intense suffering on the part of Indians would move the government and the conscience of the white majority in South Africa. In spite of deliberate breaking of the statutory laws of the Union, he claimed to be a sane and law-abiding citizen of South Africa.

The magistrate sentenced him to three months’ imprisonment, which together with nine months’ sentence at Dundee, made one full year.

The sentence of one year of imprisonment thus started and Gandhiji could hope for the much-needed respite and rest in gaol. [C.W.M.G., pp 266-8; I.O., 26-11-1913]

Before leaving the marchers on 9 November Gandhiji had asked Polak to lead the strikers. Polak’s passage to India had been booked, but he could not now go. Gandhiji was convinced that he would be arrested soon and his going to gaol



would do more than his going to India, to mobilize the sympathy and support of the mother country. [*Ibid*]

Polak however thought that after discharging the responsibility of seeing his charges off to Tolstoy Farm he would be able to go to Durban and leave for India after all. But the Government, it seems, did not want him to be left free to go to India. [M. K. Gandhi, S.S.A., p 309]

The pilgrims resumed the march under Polak's leadership and spent the night at Greylingstad. Sheth Ahmed Mohammad Cachhalia and Sheth Amod Bhayat met them there and gave them the news that arrangements had been made for arresting the whole body of marchers. The pilgrims shivered under the sky during the night as the weather had become very cold. They wondered what lay in store for them on the following day. [*Ibid*, p 308]

On the 10th the pilgrims under Polak's leadership reached Balfour at about 9 a.m. There they saw three special trains standing ready at the station to deport them to Natal. They were asked to get into the trains, but they said that Gandhiji should be called. They would enter the trains if he advised them to do so. It was no doubt a wrong attitude on their part as satyagrahis. But there it was. [M. K. Gandhi, S.S.A., p 309]

Chamney, who was present with the police, asked Polak and Cachhalia to help him. Polak hardly knew any of the strikers and was not sure that they would listen to him. But he did try to persuade them to get into the trains. Cachhalia Sheth too had some difficulty in making them understand the situation. Both Sheth Cachhalia and Polak explained to the pilgrims that gaol was the pilgrims' goal. They should therefore be glad that the Government was at last ready to arrest them. They must now show their quality as satyagrahis and bring the struggle to a triumphant end. Gandhiji could not approve of any other course of



action on their part. This resulted in most of them peacefully getting into the trains. Force had to be used in the case of a few who still resisted. [*Ibid*, p 309]

Polak was thanked for the assistance that he had given. Chamney said that the Government had no intention to arrest him. But these were probably his own views. The Government had no intention to leave him free to go to India. However, in those days, the Government was rather confused and changed its mind from time to time. Be that as it may, Polak was arrested at Charlestown while waiting for the corridor train to go to Durban. [*Ibid*, p 310]

Kallenbach too was arrested at Volksrust under Section 20 of Act 22 of the Immigration Restriction Law, soon after. Both Polak and Kallenbach were taken to Volksrust prison where Gandhiji was delighted to meet them when he was brought there from Dundee on 13 November for his second trial the next day, after being sentenced to nine months' hard labour. [*Ibid*, p 310]

Gandhiji's help was sought as a witness against Kallenbach and Polak. The courts in Natal did not convict a prisoner merely because he pleaded guilty. The police could have brought other witnesses with some difficulty, but that would have taken time. Gandhiji and his friends were interested in quick disposal of the cases. In order to prevent the cases from being protracted, Gandhiji agreed to provide the evidence for the Crown against Kallenbach. Kallenbach had intended to plead guilty as he wanted to be in gaol with the pilgrims. Although Polak wanted to go to India, Gandhiji appeared as a witness against him too.

Proceedings against Gandhiji were completed on 14 November, against Kallenbach on the 15th and against Polak on the 17th. During the trial the magistrate asked Polak and Kallenbach to dissociate themselves from the passive resistance movement, but they refused to give any such undertaking. The magistrate then passed a sentence of three months on each of them as in the



case of Gandhiji. [M. K. Gandhi, S.S.A., p 310] They were happy at the thought that they would have some happy time together in gaol, but the Government had no intention of letting them have that pleasure.

During the few days that they were at Volksrust gaol, new prisoners came every day. They brought news of what was happening outside. Among them was one Harbat Singh, about 75 years old. He was not working in the mines. He had completed his indenture several years earlier. He was therefore not a striker. But in the enthusiasm generated after Gandhiji's arrest, many had got themselves arrested by crossing the border from Natal into the Transvaal. Harbat Singh was one of them.

Gandhiji asked him why he had come to gaol. "I have not invited old men like you to court arrest," he said. Harbat Singh replied, "How could I help it when you, your wife and even your boys went to gaol for our sake?"

Gandhiji told him that he would not be able to face the hardships of gaol life and offered to arrange for his release. But Harbat Singh would not agree to it. "No, please. I will never leave gaol. I must die one day. How happy I would be to die in gaol!"

Gandhiji was silenced and bowed in reverence before the illiterate sage. Harbat Singh died in Durban gaol on 5 January, 1914. He was buried but when the Indian community came to know of it, they demanded his body and got it. He was cremated according to Hindu rites in great honour in the presence of hundreds of Indians.

There were many martyrs in the course of the Satyagraha struggle, but the honour of dying in gaol was reserved for Harbat Singh only. He became entitled to honourable mention in the history of Satyagraha in South Africa. [M. K. Gandhi, S.S.A., p 311]



Government did not want Gandhiji to be able to influence any Indians. Nor did they wish to give any opportunity for men being released from gaol to be able to take his message outside. On 18 November he was therefore transferred to Maritzburg gaol where he was treated worse than he had ever been treated before. He was at first made to dig stones and sweep the compound. Later he was confined in a cell just ten feet by eight feet, which at night was lit only when the guard came on his periodic rounds. He was not allowed to have even a bench in his cell, nor was he allowed to take any exercise. He was in general harassed, and all efforts were made to humiliate him. When he was summoned to give evidence in another case, he was marched to court handcuffed and legs manacled.

Later he was sent to gaol in Bloemfontein, the capital of the Orange Free State. There were not more than 50 Indians in that province, all working as waiters in hotels. There was therefore no chance of any Indian coming in contact with him.

He was the only Indian prisoner in the gaol, the rest being all Europeans or Negroes. Gandhiji welcomed the opportunity of having a period of one year for quiet studies. He had not been able to do much reading ever since 1893 and he looked forward to making use of this God given opportunity for this purpose. He was also glad to have the novel experience of being all by himself. The prospect of solitary confinement did not unnerve him.

In the Bloemfontein gaol, Gandhiji had as much solitude as he could wish. The discomforts were many, but they were not unbearable. He was given books of his choice to read. He got some Tamil books and began to learn Tamil. He could work and take exercise.



The medical officer became his friend. Gandhiji was purely on fruit diet at that time. He lived on bananas, groundnuts, limes and olive oil, and if these were insufficient or poor in quality, it meant starvation for him. He had lost a great deal of weight as he had taken a vow of taking only one meal a day for six months after his one week's fast at Phoenix as penance against the moral lapse of one of his wards. During the hectic days before his arrest, he did not have the time to have even one proper and leisurely meal every day.

The doctor was worried. He examined everything supplied to Gandhiji himself and made sure that quality and quantity of the fruit supplied was satisfactory. He pleaded with Gandhiji to add milk and butter to his diet, but Gandhiji did not agree to do so. He, however, accepted at the doctor's insistence, the addition of walnuts, hazel nuts and almonds to his diet.

There was insufficient ventilation in his cell. The doctor did what he could to persuade the jailer to let the cell door remain open, but the jailer did not agree. He threatened to resign if it was done. He could not discriminate between one prisoner and another he said. The doctor thought of his duty to his patients. The jailer had to abide by the gaol Manual.

Kallenbach was taken to Pretoria and Polak to Germiston,* but the whereabouts of the three of them were kept secret. [M. K. Gandhi, S.S.A., p 313]

* According to CWMG (XII p.658) Kallenbach was sent to Krugersdorp and Polak to Boksburg jails on 18 November. Whether correct and if so, when they were transferred from these jails to Pretoria and Germiston prisons is not clear.

At Phoenix Maganlal gave the children the news of Gandhiji's arrest at Volksrust on 10 November. Gandhiji sent him a letter: "I was tried today."



There was sufficient scope to get a release, but how could he want to be released, he asked. “I did not say a word in my defence and took the entire blame on myself.” Local businessmen were ready to bail him out, but he did not think it was necessary. “It would be conceit on my part to believe that the struggle can be conducted properly only when I am out of gaol. There is God’s protecting hand over us and He will carry us through,” he wrote.

Another letter was received a little later when Gandhiji was in Dundee gaol. “I have been sentenced to nine months’ imprisonment,” he wrote. If at the other two places the sentence was six months each, he said, he would have 21 months and he would consider himself a very lucky man. He added, “It is for the first time today that I feel a little free since the start of the strike.” [Prabhudas Gandhi: *op cit* p 150]

Maganlal wrote to Indian merchants in various places where Gandhiji and the other two could possibly have been taken, in order to find out their whereabouts. Gandhiji, he found, was neither in the Transvaal nor in Natal. Later they found out that he was lodged in the gaol at Bloemfontein.

The arrest of Gandhiji and 200 Indians caused a storm in England. The newspapers severely criticized the Union Government’s action. *Westminster Gazette* was a strong advocate of the Indian cause. It applauded the services of “Mr Gandhi, a highly respected and loyal gentleman.” It said that millions of eyes had been watching South Africa with regard to their treatment of Indians.

Pall Mall Gazette on 9 November wrote that the Union Government had taken a serious step in arresting Mr Gandhi. “The question of the status of the coloured people is a most delicate one and must be solved one day with the consent of the whole Empire. It would be disastrous if it were exacerbated by harsh treatment of the trekkers.”



A majority of the South African whites, by and large, however held a different view. *Rand Daily Mail* wrote on 11 November 1913 that the “resisters’ march was somewhat pathetic.” The Government’s motto of ‘hasten slowly’ was the best. The Indians were “quiet and orderly and under wonderfully good control,” but the fact remained that they were deliberately defying the Government. It added, “no administration would give way to threats of passive resistance.” [P. S. Joshi: *op cit* pp 270-71]

14

Among Indians there were demonstrations and protest meetings. Resolutions of congratulations were passed in several places. The press was full of news of the Satyagraha and the sentences passed on the satyagrahis.

On 12 November the British Indian Association held a meeting at Johannesburg to consider the developments. The old Gaiety Theatre in Fort Street was packed. Black ties, black rosettes and black flags were seen everywhere inside and outside the theatre. The secretary of the Federation of Traders Mr J. T. Bains, sat on the platform with the Indian leaders. The Indians were proud of Gandhiji, their leader, and of the sacrifices made by him and other satyagrahis. The President, A. M. Cachhalia, gave a call for still more defiance. “The struggle has not ended,” he said, “it has just begun. We will go forward to certain victory because our cause is righteous and a righteous cause has never failed.” [P. S. Joshi: *op cit* pp 272-3]

Mr Bains, a trade union leader, in his speech called the indenture system, slavery glossed over and disguised by law. He addressed the Indians as “fellow citizens” and said that an injury done to the most humble of our race was an injury done to humanity. They must fight for human rights for the coloured and the whites. Race and colour made no difference. [*Ibid*, p 273]



The Indians in Johannesburg and many other places observed a day of prayers and mourning. There was no sale in the municipal market.

The Blacks too were becoming keenly interested in and sympathetic towards the Indians' struggle. The Durban branch of the A.P.O. (African People's Organization) openly gave expression to their sympathy and support for the Indians. One of their leaders offered to go to gaol if need be and urged the coloured races of South Africa to fight unitedly for their rights.

The British Indian Association of the Transvaal received assurance of support from all sections of Asiatics including the Cantonese Club of Johannesburg.

On 14 November a mass meeting was held at Pietermaritzburg. Mr L. H. Green, a white socialist labour leader, addressed it and gave a call to the Indians to unite and protest against the treatment being given to them in South Africa. He condemned the use of uniformed forces in industrial disputes.

Mohammad Bhayat and V. C. Naidoo in their speeches congratulated Gandhiji and other passive resisters on their cheerful acceptance of imprisonment. The meeting ended with "three cheers to Mr Gandhi." [*Ibid*, p 275]

Englishmen and other Europeans in the Unionist Party looked at the problem from the point of view of the Empire. They were highly appreciative of Mr Gokhale's statesmanship. The character of the Indian struggle had won their approbation. They did not want Indians to immigrate to South Africa, they said, but they stood for fair treatment of Indians already settled in the country.

The Society of Bristolians held a banquet on 13 November at Cape Town. Speaking at the banquet John X. Merriman took strong objection to a man like Mr Bains, the "stormy petrel" who had been a prominent figure in the July



disturbances in Johannesburg, emerging as a patron of Indians. He was afraid that the ill-treatment of Indians in South Africa would be used by Indians hostile to British rule in India, as a weapon against the Empire. [P. S. Joshi: *op cit* p 274]

The Midland British Indian Association reminded the Archbishop of Canterbury of Queen Victoria's pledge to India in 1858 of equal treatment in the Empire. In their cable they urged the Archbishop to try to awaken the Christian spirit among members of the British and Union Parliaments to ensure justice for the Indians. [*Ibid*, p 275]

The Kimberley Indians resolved to send a batch of satyagrahis to join the struggle.

The Indians at Mombasa, 1500 miles away from the scene of Satyagraha in South Africa, held a meeting on 15 November at which they protested against Gandhiji's arrest. They also protested against the court ruling about Indian marriages and appealed for the Viceroy's intervention. [*Ibid*, p 275]

The Union Government, however, had still not realised the magnitude and the implications of the Indian movement and the futility of their efforts to suppress it. They were hopeful of crushing it by putting all the leaders in gaol.



CHAPTER XXV: BAPTISM OF FIRE AND WORLD REACTIONS

1

Indian satyagrahis in gaol were extremely ill-treated. Some of them were kicked, roughly handled and insulted as ‘coolies’. Some were deprived of their sandals. The gaol library books were not issued to them. Food of very inferior quality was served to them. Ghee was adulterated, beans under-cooked. Cockroaches and maggots were found in the food. Several prisoners suffered from dysentery and others from stomach upset. Passive resisters had to go on hunger strike in gaol for the redress of their grievances regarding food and clothes and the insulting behaviour of the gaol authorities. [P. S. Joshi: *op cit* p 289]

The first batch of sixteen satyagrahis in Maritzburg gaol did not know of the strike in the mining area or developments outside. The gaol authorities were harsh and tried to harass the satyagrahis in various ways.

They were called coolies by the warders, in the evening before being locked up they were searched. They had to take off all their clothes and stand naked in a line waiting for the warder to come for the search. To make sure that nothing was hidden by anyone, the warder would make them spread out their arms, jump up and down and open their mouths. He tried to humiliate them in every way. [Raojibhai Patel: *op cit* p 202]

The satyagrahis, both Hindus and Muslims, were all vegetarians. Meat was served twice a week. Beef and ham were taboo even for meat eaters among the satayagrahis. Meat supplied certain nutritive needs of the body, such as proteins, fats and calories. The satyagrahis asked the doctor to allow them ghee instead of meat to supplement their nutrition, but he was most unsympathetic. He taunted



the satyagrahis for their demand, “Who invited you to come here? This is not your grandfather’s house. You want ghee today. Tomorrow you will demand sugar and butter,” he said. He was not going to concede their demand. Something had to be done about it, felt the satyagrahis. [Prabhudas Gandhi: *op cit* p 156]

The prisoners were shut up separately at night but they could meet during the day. They discussed and decided that after the Sunday night meal of rice and beans, which was their only satisfying meal in the week, they would go on a fast till their demands were met. [Raojibhai Patel: *op cit* p 202]

2

On Monday morning the bell rang as usual at 6 a.m. and the prisoners came in the yard for their maize gruel breakfast. The Indians informed the yard warder of their resolve and told him to inform the Governor that they would not eat till their demands were met. The warder asked them to stand on one side while he went to inform the officer. The Governor had to get up at 6 a.m. instead of 7 and he was off mood when he came. He was a rotund man, very conscious of his authority and given to shouting. He was a bit of a show-off but he was not hard-hearted. As soon as he saw Raojibhai who had been there for about a month, he shouted: “So you are up to mischief. You have incited these newcomers to create trouble.” Raojibhai replied, “Sir, we are not creating any trouble. We have vowed that till ghee is added to our diet and the insulting behaviour of gaol authorities towards us is changed for the better, we shall not take any food.” [*Ibid*, p 203]

“Oh, you want ghee, I shall certainly feed you on ghee! I shall set you right. I shall straighten you out,” he shouted. Then he advised in a more conciliatory tone, “Do not be foolish. Go and take your breakfast.” Raojibhai calmly replied, “We shall not eat till we get ghee. This is our resolve, our determination.” [*Ibid*, p 203]



The governor became angry. He ordered them to take their breakfast to their cells. It was to lie in front of them for an hour as per the gaol rules. The satyagrahis obeyed the order.

The bell rang at 7 a.m. The cell doors were opened. The prisoners came out and were assigned various jobs for the day. The governor came. He was a big man in the prison world and went about in military style. He ordered those who had not eaten their breakfast to stand in a separate row. Seventy two Indians stood apart from the others. The governor ordered that the young boys be sent to work in the garden as usual and the rest should be taken to the hillside and made to break stones. “They must be made to work hard so that they understand how foolish it is to go on a fast in gaol and create trouble,” he shouted and left.

They were taken to the hill. They were prepared to face hardships and were not frightened. At the hill they saw a hammock and learnt with surprise that orders had been given to remove in the hammock to the hospital any prisoner who might faint or feel giddy while at work. [Raojibhai Patel: *op cit* p 204]

The boys who had been sent to work in the garden saw the two young men on the other side of the spring who had carried Raojibhai’s message to local congress workers earlier, and told them how the starving stayagrahis had been sent to the hill to break stones. The satyagrahis were fasting against the bad quality of food and insulting behaviour of the jail authorities towards them, they said. The two young men ran and informed the Indian traders. There was a strike and a big public meeting was held. Telegrams of protest were sent to the Ministers. The news spread fast. Protest meetings were held everywhere. The Ministers were flooded with telegrams. The news reached India also and protest meetings were held there too and telegrams were sent to the South African Government. The jail authorities were taken aback by this reaction. [*Ibid*, p 204]



After the prisoners returned from work, the leaders including Pragji Desai, Pandit Bhawani Dayal, Surendra Medh, Manilal Gandhi and Raojibhai Patel were separated and sent to the dark Zulu section of the prison and put in cells reserved for murderers condemned to death. It was so dark there that none of them could see each other's face. They were given some work in the same yard.

The city magistrate came to enquire after the health of the fasting satyagrahis and threatened them a little. Revashankar Sodha and Ramdas Gandhi, both aged 16, were the youngest members of this group of fasting satyagrahis. The magistrate asked Sodha, "What is this mischief you are creating? Why don't you eat?" Sodha replied that they were not creating any mischief. They wanted ghee. "If you arrange for the supply of ghee, we shall end the hunger strike."

The magistrate said that they would not get ghee. "Don't you realise that you are in gaol? You cannot ask for whatever you like."

Sodha: "If you cannot give us ghee, we cannot give up our hunger strike."

Magistrate: "If you do not get ghee, how long will you continue the hunger strike?"

Sodha: "Until we die."

The magistrate was obviously annoyed by young Sodha's sharp replies. He said, "If you die, there is no shortage of land to bury you."

Sodha retorted, "As long as you do not give us ghee, there will be no shortage of satyagrahis ready to die." [Prabhudas Gandhi: *op cit* p 157]

Thus passed the second day of the fast.

The third day was a Wednesday. There was a compounder named Deek in the hospital who had become friendly with Raojibhai. He came and told him, "You



are being foolish, you are putting the gaol governor also in a difficult position. It is not in his power to give you ghee. The Union parliament has decided the diet scale. How are you going to get it changed? Why would they change it even if you were to die of starvation? You should understand your limitations. I advise you to give up your fast if your other demands are met.” Raojibhai replied:

It may be a hard test for us, but in the end the government will have to concede our demands. You will then call us not foolish, but wise men. We thank you for your concern for us.

The five leaders, Raojibhai, Bhawani Dayal, Manilal Gandhi, Pragji Desai and Surendra Medh were separated from the rest at the very start of the fast. They were on that account pleased in a way. They felt that even if some of the other satyagrahis weakened, as long as the five of them remained firm, it would be a victory for them. Bhawani Dayal unfortunately fell seriously ill on the next day and was sent to the hospital. Six or seven others had also fainted while at work and were removed to the hospital. [Raojibhai Patel: *op cit* pp 205-6]

Ramdas was always gentle and polite. His simplicity and sincerity coupled with his firmness rendered the efforts of the officials to make him break his fast fruitless. He had impressed everyone with his looks as well as behaviour. The warders never had to ask him to work. He worked steadily and meticulously and observed all the gaol rules. He would never rest or slacken while digging. In his cell he would sit reading quietly and never cause anyone any inconvenience. The gaol officials became anxious that he might die of starvation. [Raojibhai Patel: *op cit* p 206]

Revashankar Sodha and Maganbhai Patel fainted while digging in the hot sun, but Ramdas was able to stand up to the test. In order not to faint at work, he and some others used the one and a half hour kept for lunch to take rest.



Revashankar was taken to the hospital after he fainted. He was forcibly fed with milk which he vomited. They then used a long gastric tube to feed him and he was helpless. [*Ibid*, pp 206-7]

On the third day Ramdas Gandhi along with the other boys was sitting in a row. He had a headache and lay down on the ground. Bowls full of food were lying in front of the boys. The head jailer passed by and enquired why he was lying down. Ramdas said that he was feeling giddy. The jailer rushed to the governor and told him that he must do something about the satyagrahi prisoners. “They have been without food for 52 hours. If my wife delays my morning tea by five minutes, I become unsteady on my feet and begin to feel giddy. These men have been starving for fifty-two hours! That Gandhi boy is feeling giddy. If something happens to him, what will be mine or your position? I beg of you, do please find a solution. If something happens, if one of these boys dies, it will not be my responsibility,” he pleaded. [*Ibid*, pp 205-6]

The governor consulted others and then went to the barrack where the prisoners were shut up along with bowls of food. The prisoners stood up to salute him. The governor told Raojibhai, “You know it is not in my hands to give you ghee. It may take time for me to get Government orders. I believe the Government will never concede your demand and you will get tired and break your fast in the end. But why have you incited these boys, mere children, to go on fast?” Pointing to Ramdas with young fair skin and pink cheeks, he said “Have some pity on this rose bud at least. Do please tell them to eat.” Raojibhai replied that he was wrong in thinking that he had incited the boys to go on fast. The boys would insult him if he went and told them to break their fast and would turn him out. “They have taken the vow with full realisation of the risks involved. They will



not listen to me or anybody else in this regard.” He added, “And even if they are prepared to listen, it is not my duty to advise them to break their vow.”

The last sentence irritated the governor. “Yes, I understand the game,” he shouted. “You are deceiving me. This is a conspiracy hatched by you grown-ups. If any of these boys dies, the responsibility will be yours.” [Raojibhai Patel: *op cit* pp 206-7]

Raojibhai quietly replied, “No sir, none of us will be responsible for any one’s death here. It will be the responsibility of the Government and as representative of the Government here, it will be your responsibility.”

“All right, don’t listen to me if you do not wish to.” And he went away. The cell doors were closed. Ramdas was shifted to the hospital. Thus passed Wednesday, the third day of the fast. [*Ibid*, p 207]

The sun rose on Thursday, the fourth day of the fast. On enquiry it was learnt that out of the 72 who had gone on fast, 41 were still sticking to it. In reality there were only 30. The jail authorities only counted the unconsumed bowls of food. Some of the fasting men ate by turn at night. It was morally and ethically wrong on their part to do so and it was contrary to the spirit of Satyagraha and their own vow.

On the fourth day of the fast, when they were put to work, which was just nominal, a black sergeant warder came and sat in front of Raojibhai. He told him, “I have orders that if you talk to anyone, I should shoot you down.” [Raojibhai Patel: *op cit* p 207] He said this in a manner which indicated that he was making fun of the governor’s orders.

A little later Mr Deek came and sat in front of Raojibhai. He said, “I really sympathise with you. You have been wonderful.” Raojibhai could not understand



how this man who had called him foolish two days earlier, had changed his views. Deek got up a little later and said as he left, “Mr Gandhi is taking a big risk. To march with 5000 men including 150 women with babies in arms! It is a big risk from the medical point of view.” Raojibhai then understood that something big was happening outside and serious disturbance was taking place. [*Ibid*, p 207]

A little later the hospital’s Zulu warder came. Raojibhai wanted to visit the lavatory. He asked the sergeant warder for permission to go with the Zulu warder and use the clean hospital lavatory. Permission was given and Raojibhai went with the Zulu warder. The Zulu warder was clever. He took Raojibhai and asked him to stand near a lavatory while he went to the office. He brought the day’s English newspaper *Natal Witness*, put it in one lavatory and then showed Raojibhai into it. Raojibhai was surprised at this spontaneous gesture of sympathy on the part of the Zulu warder. He closed the lavatory door, took full 45 minutes and read the newspaper through and through. It carried photographs of Gandhiji, Polak, Kallenbach and thousands of striking marchers. There was a full write-up on the march, arrests of the marchers and of the three leaders, and the sentences passed. Raojibhai avidly read the news and came out. He issued a news bulletin in the gaol which was clandestinely circulated. The news cheered up the satyagrahis and made them forget the weakness resulting from four days of fasting. [*Ibid*, p 208]

The fast on the fourth day weighed heavily on the doctor and the jail governor. There were 18 fasting satyagrahis lying in the hospital. The governor came every ten minutes to enquire about the health of the fasting satyagrahis. The doctor anxiously examined everyone. “Four days of fasting,” he said, “the weakened heart can stop beating any time. It is a dangerous situation.” How he wished that young Gandhi boy would take some milk. “There is inflammation in



his throat. It will increase as the fast is prolonged and ultimately it will become difficult for him to swallow or even to breathe. These young boys have set an extraordinary record. They have been fasting now for 100 hours. How can they do it?" The doctor went on talking in this strain, and the governor became more and more nervous. [Raojibhai Patel: *op cit* pp 208-9]

The Zulu warder seeing this drama came to Raojibhai. He was 8 feet tall and over 250 pounds in weight. He seemed a twentieth century incarnation of Bhima, the legendary heavy weight warrior of the epic *Mahabharata*. He had a shining well-polished oak rod in his hand. The white sergeant warder was not near about. The Zulu sat in front of Raojibhai with a beaming smile on his face and patting Raojibhai's shoulder he said, "Madhota, Khooler Madhota" (A man, a real and true man). Raojibhai asked him, "What is it, Jamadar?" The Zulu warder looked around to see that no white was near by and then said, "You have straightened out these white officers. The big one (governor) hardly visits the gaol once a day. Now he is running round and coming again and again. He looks completely upset and totally lost. But do tell me, can one live for so many days without eating? You must know some magic which enables you to work peacefully after four days of fasting."

Raojibhai replied, "Jamadar, we know no magic. We have faith in God and He protects us."

"Yes, that is true," said the Zulu, "you are men of God." [*Ibid*, p 209]

Within half an hour after the Zulu warder had left, the governor was seen entering the yard. He had an anxious look as he moved in Raojibhai's direction. Raojibhai stood up as he came close, but the governor made him sit down, and himself sat down on his haunches stiffly in front of him. He pleaded, "Will you please do something for me? That Gandhi boy is in the hospital. The doctor says



that if he does not take a little milk, his throat passage will become so inflamed that he will not be able to breathe. It will have disastrous results. The boy does not listen to me. Please come with me and tell him to take a little milk. It will not be a breach of his vow. For my sake, for God's sake, do come with me," he entreated. From his tone and the way in which he spoke, Raojibhai could make out his deep anxiety. He did not have the heart to say 'no' to him. Nor did he have the courage to speak to Ramdas Gandhi to break his fast. He thought of a way out. Manilal Gandhi was sitting about fifty yards away from him. Pointing him out to the governor he said, "There is Manilal Gandhi, elder brother of Ramdas. If you take him with you instead of me, it is possible that Ramdas might listen to him."

[Raojibhai Patel: *op cit* p 210]

The governor got up and took Manilal by the hand to Ramdas. Manilal explained to Ramdas what the governor had said. Ramdas shouted angrily as he lay in bed, "What do you think of me that you have come here to give me this advice? Am I so weak that I will break my vow in order to escape death? Go back the way you have come." Manilal explained to the governor the reply of Ramdas. He was deeply disappointed. This incident took place at about 2.30 p.m. on the fifth day of the fast.

Two more hours passed. At about 4.30 p.m. or 5 p.m. the head warder came with the message that the governor wanted the leaders in the yard. The four of them (Bhawani Dayal was in the hospital) slowly walked to the yard. The other satyagrahis on fast were also brought there. The governor came and spoke to them in the same authoritarian tone as he had used on the first day and said, "I have just received a telegram. The Government has accepted your demand of supplying ghee as an additional item in your diet. You will get one ounce of ghee every day. Do not act foolishly in future." He added, "If you had done any



mischievous, if you had been unmannerly, I would have set you right and straightened you out. But you were just foolish and went on a fast. What could I punish you for?" [*Ibid*, p 210]

The governor's remarks made the satyagrahis laugh. They discussed all their grievances with him and cleared up every matter. The ghee was to be of good quality. The sample was to be approved by them. Their self-respect was not to be hurt in future. The white warders had been insulting them by calling them coolies. It should not be done thereafter. The governor rang the bell, called all the gaol staff and told them not to insult the satyagrahis in any way, nor give any other trouble to them. [Raojibhai Patel, *op cit* p 211]

Some of the prisoners had not been given pillows, mattresses and shoes. The jail staff brought everything that was in stock and promised to get the rest ready at the earliest. The last demand of the satyagrahis was that they all should be allowed to live together as they did before the fast. This too was conceded.

The head warder came to congratulate the satyagrahis on their victory. The Maritzburg jail, after four days of penance, seemed to have become a sort of temple for them, wrote Raojibhai in his memoirs. All fear was gone. The satyagrahis began to spend their days with self-respect and in peace. The cooking was still bad. By mutual agreement, one of the satyagrahis, Surendra Medh, was posted in the kitchen to supervise the preparation of food so that this problem too was solved. [*Ibid*, p 211]

The satyagrahis had been sentenced to three months' imprisonment with hard labour. About four weeks before the expiry of their term, one hundred of them were transferred to Durban Central Jail. The Superintendent of Durban Central Jail, Mr Dean, was reported to be a very cruel and difficult person to deal with. The satyagrahis again had to go on a fast. Pragji Desai was badly attacked



during the fast. He was dragged over the stones with his skin bare, so that it was peeled off from his back. He had to be in the hospital for one month. After four days of fasting Dean came to them for a compromise. He said, “I have had 2000 Dutch military men as prisoners under my charge. No one has ever dared to break my discipline. You are the first ones who have done so. You have given more trouble than any one else.” He implied that if the satyagrahis had abused him, if they had been rude and disobeyed his orders, he could have punished them and set them right in no time. But the politeness of the satyagrahis, coupled with their policy of self-suffering, had shut all doors of action for him. [Raojibhai Patel, *op cit* pp 211-2]

After 27 days, the old Durban Central Prison, which earlier could well be compared with “hell on earth”, also became a liveable place, recorded Raojibhai.

3

The Government’s efforts to suppress the movement were like trying to stem the rising tide of the ocean with a broomstick. The strike was spontaneously spreading beyond the mining area.

The pilgrims arrested on 10 November at Balfour were taken on special trains. They were the first ones to go in for a baptism of fire. The Government did not provide any food on the way, and on reaching Natal they were at once prosecuted and sent to gaol. They had been asking to be taken to gaol, but they were not taken to proper gaols. Government would have had to spend large sums of money on keeping thousands of men in gaols and feeding them. Moreover, without their labour the mines would have closed down. The consequent economic situation and the resulting pressure from mine owners would have forced the Government to come to terms with passive resisters and abolish the £ 3 tax. This did not suit the Government.



The gaols, moreover, did not have enough room for the numbers that had been arrested and sentenced. Government therefore found an ingenious way of killing two birds with one stone. The mine compounds were enclosed with wire netting, and under Section 13 of the Prisons and Reformatories Act No. 13 of 1911, declared as outstations of Dundee and Newcastle gaols. The mine-owners' European staff were appointed warders. They forced the miners to go underground and the mines began to work again. The indentured labourers were thus reduced to slavery, pure and simple. [M. K. Gandhi, S.S.A., p 314] The mine-owners could extract work from them without having to pay any wages.

Brave men as they were, many labourers refused to work in the mines. They were brutally whipped. The insolent warders, vested with brief authority, kicked and abused them and heaped upon them wrongs which have never been put on record. The poor labourers patiently put up with all the cruelties. Cables were sent to Gokhale about these outrages. Lying seriously ill, he broadcast the news from his sick-bed. He would make enquiries if he did not get a detailed cable from South Africa even for a day. In spite of his illness, he insisted on handling the South African question himself. It resulted in the whole of India being deeply stirred up. The South African question became the burning topic of the day in the whole country. [*Ibid*, p 315]

Many of the Strikers of Newcastle and Dundee districts were confined to their compound jails, persistently refused to resume work in the collieries until the £ 3 tax was repealed. The authorities resorted to the use of brute force against them. Albert Christopher, secretary of the Colonial Indian Association, reported on 16 November that the Indian trekkers who were sent back from the Transvaal to the mine compounds, were being flogged in order to compel them to work in the mines.



L. W. Ritch communicated to General Smuts that one young prisoner, Nagiah, had died as a result of flogging, and requested him to prevent the use of brute force. Smuts denied the charge. Gokhale asked for a commission of enquiry. He was supported by the Viceroy, Lord Hardinge. [P. S. Joshi, *Mahatma Gandhi in South Africa* pp 279-80]

4

The mines were situated in the northwest of Natal, but the largest number of Indians were employed on the north and the south Coasts. Gandhiji knew the labourers on the north coast in and about Phoenix, Verulam, Tongaat and other places. Some of them had served with him in the Boer War. But he had not met the labourers on the South Coast from Durban to Ispingo and Umzinto, at close quarters. But the news of the strike and arrests had spread everywhere. Thousands of workers spontaneously came out and went on strike on the north and south coasts. [M. K. Gandhi, S.S.A., p 321]

Gandhiji had warned his colleagues before going to gaol not to have any more men join the strike. He had hoped that the miners' strike in Newcastle area would suffice to win the battle. If all the labourers came out, and there were 60,000 of them, it would be difficult to maintain them, he had felt. They had neither the money to feed them nor the men to control them. With such a large body of men on strike, Gandhiji had feared that it would become impossible to prevent a breach of peace. Some of his fears had already come true. But when the floodgates are opened, there is no checking the "deluge". The labourers had struck work everywhere on their own. Volunteers also had come forward on their own and posted themselves in various places to look after them. [M. K. Gandhi, S.S.A., p 316]



The coal miners' strike soon became a general strike. There were many acts of violence and cruelty on the part of the authorities to suppress it. In spite of ample use of force, industry in Natal was paralysed for three weeks. One heard of bloodshed from various places as a result of the atrocities committed by the police and military and the irate masters. [P. S. Joshi: *op cit* p 277]

Indians working in the sugar industry on farm lands joined the strike and did even better than the coal miners. The men of the Umhloti Valley Sugar Company struck work on 7 November and marched in a body to Verulam the next morning. Mr Dickinson, a local solicitor, addressed the crowd and they returned to the estate in the evening. On the 10th morning twelve men were arrested for being absent from roll call and put in gaol. Later they appeared before the court and were sentenced to seven days' hard labour. The result was that all the men from the Umhloti Valley, Lavoipierre's, Arde's and Garland's refused to work and proceeded to Verulam. Others from Tongaat came and joined them in the morning. Nobody had asked them to go on strike. There was no one to organize them or to lead them. [Raojibhai Patel: *op cit* p 223]

The planters met and discussed the situation. In view of some alleged intimidation on the part of the strikers, they obtained the magistrate's concurrence and wired for immediate mobilization of the defence forces. Troops were called in to prevent the strikers from intimidating any more of the workers on the estates and swelling the strikers' ranks.

On the same day the men of four estates at Tongaat struck work. *Indian Opinion* stated that they were firm in their resolve not to work until the £ 3 tax was repealed. They did not rely on food being provided for them by the community. Some of them sold their belongings to support themselves during the strike. [I.O., 19-11-1913 p 284]



On 11 November there were 1500 strikers at Verulam. They were quite orderly and were encamped out in the open on the other side of the river. Bread was sent by the Indian Association from Durban. The workers were emphatic in their resolve to stand out until the promise which they sincerely believed to have been made to Mr Gokhale, was redeemed and £ 3 tax removed.

General Lukin was present on the scene at Verulam with his soldiers and was about to order his men to open fire. A volunteer saved the situation. Writing about this incident in *Satyagraha in South Africa*, Gandhiji has recorded:

Brave Sorabji, son of the late Parsee Rustomjee, then hardly 18 years of age, had reached there from Durban. He seized the reins of the General's horse and exclaimed, "You must not order firing. I undertake to induce my people to peacefully return to work." General Lukin was charmed with the young man's courage and gave him time to try his method of love. Sorabji reasoned with the labourers who came round and returned to their work. Thus a number of murders were prevented by the presence of mind, valour and loving kindness of one young man. [Prabhudas Gandhi: *op cit* p 159; M. K. Gandhi, S.S.A., p 317]

But all the labourers did not return to work. Some of them hid themselves out of fear but they would not go back. [*Ibid*, pp 317-8]

The neighbouring districts of Tongaat and Mount Edgecombe experienced an identical situation. Three thousand men ceased work, followed by a clash with the police. Mr Van Heerden of the South African Military Rifles, resorted to fright-firing.

On 17 November, the Indian strikers in Durban dislocated all business and industry. No less than 6,000 Indians struck work. In one of the most remarkable



industrial upheavals in South Africa, the Indian cooks and waiters in Durban took a holiday for a few days and left the guests to carry on as best as they could. The municipal cartdrivers ceased to drive and the Indian saddlers', tailors' and printers' assistants were conspicuous by their absence in the workshops. The gardeners and vegetable growers did not market their produce. The Indian nurses did not attend to the patients in hospitals. They were however soon persuaded to go back on duty by the Indians.

At the South Coast Junction all sugar refineries and other factories closed down, and at the Point the dockyard labourers refused to unload the ships.

At Ladysmith 600 workers of the Elandslaagte Mine struck work. Ninety six strikers marched into town and were arrested.

At Pietermaritzburg all the workers on the railway construction work at Hilton Road downed tools. A mass meeting resolved to commence a fresh march to the Transvaal if the Government did not keep the promise to repeal the £ 3 tax.

Alarmed at the consequences, *The Natal Mercury* called upon the Union Government to proclaim martial law. [P. S. Joshi: *op cit* p 279]

5

The plight of the strikers was terrible. It was impossible for any organization to feed such large numbers. There was a possibility of still more hardship to follow with loss of life. The Union Government assumed the role of indifference and arrogance, and things took an ugly turn.

On 18 November a riot started at Ladysmith when 1,000 Indian employees of the Elandslaagte Colliery had congregated in the court house yard for their trial. They were soon joined by 150 more strikers. In the ensuing clash, African



police armed with heavy sticks assaulted the strikers, and European police with arms and ammunition fired at them. A number of Indians received bullet wounds and other injuries. [*Ibid*, p 281] The town was alarmed. The police force paraded in the streets and the Mayor enlisted volunteers to protect life and property.

The wave of agitation spread to the South Coast. The Indians at Ispingo and Kynoch and 50 workers at Reynolds Brothers's Ifafa estate downed tools at Umzinto.

The strikers would go to court houses and demand to be arrested. The magistrates at different places would tell them to go back to work. They had done no wrong to be arrested, the magistrates would say. The strikers retorted and asked what wrong had Gandhi Raja (king) done? What wrong had his Queen (Kasturba Gandhi) done? What wrong had their princes (sons) done for which they were arrested? "Release them or arrest us" they insisted. The magistrate would finally say, "All right, go to gaol for a week." "No, no," they shouted, send us to gaol for three months." The magistrate sent many of them to gaol for one month. [Raojibhai Patel: *op cit* p 222]

The strike had spread from the mining area to sugar factories and farms. Persuasion by the owners had failed to induce the workers to resume work. This led to more repression. The strong ones among the strikers were whipped and flogged. Women were roughly handled. Leaders were locked up in solitary confinement. And yet the strike continued to spread.

Mounted military and police were called out by the Government on many occasions. They opened fire at the slightest disturbance. The labourers were chased back to their places of work by the mounted men of the military and the police. A group of strikers resisted the attempts to take them back to work. Some



of them threw stones. Fire was opened, killing some and wounding many more. But the labourers refused to be cowed down. [M. K. Gandhi, S.S.A., p 316]

The mine-owners tried to use Zulu labour to pump out water for the mines so that the mines were not inundated. The Zulus, however, did not prove successful in working the pumps. This infuriated the mine-owners and led to still greater repression, which in turn resulted in the strike spreading further and faster.

More than 50,000 Indians had been slaving for the whites in Natal. They were not prepared to do it any more. [Prabhudas Gandhi: *op cit* p 151]

6

There were a number of cane-crushing factories near about Phoenix. The workers from these factories started pouring into the grounds of the Phoenix Settlement. On being questioned why they had gone on strike, they asked how could they continue to work when the Government had imprisoned their “king” (meaning, Gandhiji) and also their “queen” and their “princes” (Manilal and Ramdas). They came to Phoenix in large numbers because they knew it was the home of Gandhi Baba whom they revered and loved and who to them was their “king”.

Nobody had asked them to go on a strike. Nobody had gone round carrying on any propaganda. The workers had heard of this struggle to secure justice for them, and they had joined it of their own accord. There was no organization and there were no leaders to direct the strike. After Gandhiji’s arrest, there was no machinery for any publicity either. And yet the news had spread by word of mouth.

In his memoirs Gandhiji wrote [M. K. Gandhi, S.S.A., p 222]:



Like Newcastle in the mine area, Phoenix now became the centre of the strikers on the north coast, and was visited by hundreds of them who came there to seek advice as well as shelter. It therefore naturally attracted the attention of the Government, and the angry looks of the Europeans thereabout. It became somewhat risky to live in Phoenix, and yet even children there accomplished dangerous tasks with courage.

In this atmosphere, the prevailing temper of the Union Government did not permit the appointment of an Inquiry Commission demanded by Gokhale. More Indian blood had to flow and more atrocities were to be committed in the name of law and order before the demand for an inquiry was conceded.

The last week of November 1913 saw more tensions, more disturbances and more arrests. The Indian strike had spread to all parts of Natal including the estates and coal areas of Zululand. No less than 25,000 Indians actively participated in it. According to Raojibhai Patel 40,000 took part in the satyagraha before the end.

A thousand men, women, and children from the North Coast had peacefully assembled and settled at Phoenix in Gandhiji's Settlement.

At Harrison's Estate, Avoca, several Indian strikers clashed with Europeans and Africans, receiving injuries. On 24 November Captain Clark Kennedy, a staff officer of General Lukin, reported that the sugar estates were still in a disturbed condition. The Chief Magistrate of Durban addressed hundreds of Indian strikers at Reunion and Illovo on the futility of the strike. The Government, he said, was determined not to discuss their demands until the strike was called off. [P. S. Joshi: *op cit* p 287]



On 27 November thirty four strikers were arrested at Umgeni, while hundreds were reported to be in the Durban gaol. Fifty strikers were arrested at Verulam, Tongaat, North Illovo and Ispingo after scuffles with the police.

Pietermaritzburg Indians were incensed at the way the police effected the arrest of the stalwart passive resister, C. K. T. Naidoo and sent him to Durban gaol. As the town reached a boiling point, the Government sent a police force to control the situation.

Fifty Indian employees of the town's scavenging department were fined £ 10 each or ten days in gaol on a charge of desertion. Mr Clarence, chief Magistrate of Pietermaritzburg, lectured to them: "You will never achieve your purpose by revolt, rebellion or riot. Where will you be if the Africans decide to exterminate you? We will all help you if you behave as good citizens." It had no effect. [*Ibid*, p 288]

On 25 November the Indians on Hawkworth's Estates at Esperanza, South Coast, struck work and clashed with the police. They refused to return the cane knives in their possession and the police fired. The casualties were two Indians killed and ten wounded. [*Ibid*, p 288]

It may be noted that the firings and the barbarous treatment meted out to the strikers on the coasts were illegal. In respect of arrest of miners, there was at least a semblance of legality. They could not be arrested for going on strike but they could be legally held for entering the Transvaal without proper credentials. On the north and south coasts, however, the very act of strike had become an offence in the eyes of the Government. It was not correct. It could not be justified under any law. But the authority of the Government asserted itself, law or no law. In the last resort, authority, it is often seen, takes the place of law. The King can do no wrong, says a well-known maxim. This applies to all governments, Gandhiji



wrote later while commenting on the Government's reaction to the strike. He added that there might be rare occasions to justify laying ordinary laws on the shelf. For instance, "when the authority charged with and pledged to public good is threatened with destruction by the restraints imposed upon it, it is entitled in its discretion to disregard such restraints. But occasions of such a nature must always be rare. If the authority is in the habit of frequently exceeding the limits set upon it, it cannot be beneficial to the commonweal." [M. K. Gandhi, S.S.A., pp 317-18]

In the case under consideration, the authority had no reason at all to act in an arbitrary manner. The labourers had always enjoyed the right to strike. Government in South Africa knew that the Indian strikers did not mean any mischief. They were resorting to strike to get a serious wrong, heaped upon them, removed. The strike could at the most result in putting an end to the £ 3 tax. The Government had no right to use violence against the strikers. It should have realised that "only peaceful methods can be properly adopted against men of peace." [*Ibid*, pp 317-18]

Moreover, the authority in South Africa was not pledged to the public good. It existed for the exclusive benefit of Europeans. Therefore breach of all restraints on the part of such an authority could never be justified. There was thus sheer abuse of authority on the part of the Government. There might be momentary success, but a permanent solution could never be found by such questionable methods.

The pain of Indians in South Africa made itself heard everywhere. Gandhiji wrote:

Indeed, I believe, that as every part has its place in a machine, every feature has its place in a movement of men, and as a machine is clogged



by rust, dirt and the like, so is a movement hampered by a number of factors. We are merely the instruments of the Almighty Will and are therefore often ignorant of what helps us forward and what acts as an impediment. We must thus rest satisfied with a knowledge only of the means, and if these are pure, we can fearlessly leave the end to take care of itself.

I observed in this struggle, that its end drew nearer as the distress of the fighters became more intense, and as the innocence of the distressed grew clearer. I also saw that in such a pure, unarmed and non-violent struggle, the very kind of material required for its prosecution, be it men, [or] money ... is forthcoming at the right moment. Many volunteers rendered spontaneous help, whom I do not know even to this day. Such workers are generally selfless and put in a sort of invisible service even in spite of themselves. No one takes note of them, no one awards them a certificate of merit. Some of them do not even know that their nameless but priceless unremembered acts of love do not escape the sleepless vigilance of the recording angel. [*Ibid*, pp 318-19]

7

At Phoenix most of the workers with the exception of Maganlal Gandhi, Albert West and his sister Miss West, were in gaol. Cachhalia, Chairman of the British Indian Association, was still outside and exercised general supervision over the movement. Miss Schlesin kept all the Transvaal accounts and looked after those who crossed the border. Albert West was in charge of the English section of *Indian Opinion* and kept Gokhale informed by sending him cables every day. The situation kept changing so fast that correspondence through ordinary mail



could not serve any useful purpose. Cablegrams sent were as long as letters. It was for West to draft and despatch them.

Most of the passive resisters were poor and downtrodden, with no education. Not many could be expected to provide leadership. As more and more striking labourers came to Phoenix Settlement to seek advice and shelter, Phoenix Settlement began to irk the Government. It was no longer a safe place. [Prabhudas Gandhi: *op cit* p 153]

Miss Sonja Schlesin, niece of Kallenbach and Gandhiji's secretary, came to Phoenix to help Maganlal after Gandhiji's arrest. She had been with Gandhiji when he started the great march into the Transvaal from Charlestown and had stayed with the marchers after his arrest till they were all arrested and taken back to Natal in special trains. She now came to Phoenix as instructed by Gandhiji. She had bobbed hair and was dressed in a white blouse and a black skirt, recollects Prabhudas Gandhi. She looked impressive and proved a very effective and efficient helper. [*Ibid*, pp 153-4]

Miss Schlesin helped Maganlal with the English letters and also with the accounts and in general administration. Albert West would consult her about his writings and the seasoned merchants of Natal and the Transvaal would consult her about various matters connected with the movement and follow her advice. [*Ibid*, pp 152-3]

With Miss Schlesin came ten years old Fatima, daughter of Imam Abdul Kadir Bawazeer. Her father had gone to gaol and Fatima had been sent to Phoenix. Miss Schlesin said that Fatima knew household work and needle work quite well. She was to study with the other children at Phoenix. Fatima was in a veil when she came but within a few days she became one with the other children at Phoenix Settlement.



Fatima was very fair and looked like a white girl. She could speak English and Dutch well and knew a little Hindi. She talked to her parents in Dutch. She would sometimes sing pretty Dutch songs for the children. She liked to talk about her father. She said he had become rich like a “*Nawab*” with his own efforts. His business was buying and selling horses. It had suffered a severe set-back when he went to gaol. But he had again courted imprisonment even though Gandhiji and his friends had advised him not to do so. He had wound up his business and proposed to live at Phoenix Settlement when he came out of gaol, she said. [Prabhudas Gandhi: *op cit* p 154]

Gandhiji wrote to the children of Sabarmati Ashram a weekly letter from Yeravda prison in 1932. In three of these letters he wrote about Imam Abdul Kadir Bawazeer who had died by that time. On 21 March 1932 he wrote:

When the Imam Saheb told me that he would come and stay in Phoenix I was wonder-struck. How could a man who had never worked with his own hands and had lived a princely life turn a labourer all at once? Even if the Imam Saheb himself could put up with the life at Phoenix, what would happen to his wife Haji Sahiba and daughters Fatima and Amina? To all this the Imam Saheb had a simple answer: “I have put my faith in God. You do not know Haji Sahiba. She will, of course, be ready to live where I live. She will also be ready to share whatever is my life. I have, therefore, decided to go to Phoenix. Nobody can say when this Satyagraha struggle will end. But I can no longer return to my old business or any other. Like you, I have realized that a satyagrahi should give up love for money and wealth. ...”

When the Imam Saheb began to take part in the activities at Phoenix he was in a delicate health. But early morning he would be at the spring



and would be seen carrying water up a slope of fifty feet, slowly making his way to the top. Whenever the printing machinery in the press stopped, the Imam Saheb would be ready to give a hand in turning the wheel. Even at his ripe age he learnt composing and thus became a part of the life of Phoenix. He and his family were used to eating meat everyday. But I do not remember if they ever cooked meat in Phoenix. The whole family were regular with their daily prayers and with annual fasting during the Ramzan....

Day by day the Imam Saheb was making progress towards purity of hie. His faith in God was being strengthened and he was accepting all the disciplines of the Ashram. [*Ibid*, pp 154-5]

The burden of looking after the movement, especially around Phoenix, fell mainly on Maganlal. Albert West and Miss Schlesin helped him. Maganlal had a harder life outside gaol than he would have had inside gaol. He studied and directed the struggle through his writings in *Indian Opinion*. He had to be calm in the face of all the provocations, the atrocities and repression committed on Indians around him. There was no one to whom he could turn for advice and guidance. He had not only to write for *Indian Opinion* but also print and publish the weekly and mail it. He had also to look after the children and their education. On top of it all, when hundreds of strikers started coming to Phoenix, he had to look after them as well. [Prabhudas Gandhi: *op cit* p 152]

Maganlal would get up early every morning at 2 or 2.30 a.m., recalls Prabhudas Gandhi, and begin to write for *Indian Opinion*. Then he had his bath, etc. By 8.30 a.m. he was ready and went to the press without breakfast. He helped in composing and read the proofs. He had to attend to the heavy mail. At mid-day he took off forty-five minutes for his lunch and rest, and in the evening



spent an hour digging in the garden. He worked in the press until 9 or 9.30 p.m. Then he went home and did some more writing before going to bed at 11 or 11.30 p.m.

At Phoenix Settlement everyone was in good health as a general rule. But at this time when Maganlal was already under so much strain, five or six children went down with malaria. He nursed them with tender care. He himself also suffered from an attack of malaria. [*Ibid*, p 152-3]

Maganlal was a strong, well-built man, but all this strain told on his health. He lost a great deal of weight. He was like the legendary Bharat* of the *Ramayana* epic, who stayed in Ayodhya during his elder brother Rama's exile, looked after the affairs of the state in Rama's name, followed the same discipline in his personal life as Rama was doing as an ascetic in exile, until Rama came back and he could hand over the throne to him, his elder brother, and the rightful heir to the throne; Maganlal observed the vow of celibacy, took saltless diet and observed various austerities that Gandhiji had been practising at Tolstoy Farm and elsewhere. When Kasturba was released after completing her three months' sentence and came to Phoenix with Gandhiji, it was noticed that Maganlal, Kasturba and Gandhiji, all three, had lost so much weight that they had become mere skin and bones.

* Younger brother of Lord Rama whose mother was instrumental in Rama's exile so that her son could be the king, but who did not want to be the king.

Prabhudas Gandhi has narrated how one morning he was awakened by some noise. There was hustle and bustle in Phoenix Settlement. He came out and saw that the whole place was full of strangers. Strikers had come to Phoenix



Settlement to seek shelter. He learnt later that they had been coming in large numbers throughout the night. More were expected during the day. [Prabhudas Gandhi: *op cit* p 158] On hearing of the imprisonment of Gandhiji, Kasturba, and Manilal and Ramdas they had trekked to Gandhi Baba's home. They kept coming to Phoenix in larger and larger numbers.

Everyone in the Settlement was allotted different tasks to look after the guests — the strikers and their families — by Maganlal. Distribution of rations and ensuring the sanitation of the place were the most important and most difficult tasks. The major worry of Maganlal was supply of food, as the number of strikers was continuously increasing. The strikers were, however, a disciplined and noble lot and gave no trouble to anyone. Many had come from long distances on foot without any food but they did not make any demands, nor did they complain. Maganlal did his best to provide rations to feed them. [Prabhudas Gandhi: *op cit* p 159]

Fortunately Gandhiji had issued an appeal before his arrest. As a result of it, mass meetings were held at Durban and Maritzburg, and the merchants made arrangements for supplying large quantities of foodgrains. Sorabji, younger son of Rustom Seth, came with a mule train laden with foodgrains. He unloaded several bags at Phoenix and then moved on to other places where strikers had gathered. [*Ibid*, p 155]

Faquirabhai, a Gujarati peasant from Surat, had come to Phoenix about the same time as Miss Schlesin. He had been a satyagrahi and had been courting imprisonment again and again by hawking fruits and vegetables without a licence in Johannesburg. He had been sent to Phoenix to help the workers there, instead of going to gaol again. He did a wonderful job. The strikers were issued rations according to a set scale. They cooked for themselves in the open. Faquirabhai



loved to talk. He could sit and talk for hours at a stretch. But he had an equally great capacity for hard work. He would sit and weigh and distribute rations to the guests, the striking workers who had come to Phoenix, for twelve to fifteen hours at a stretch, without any complaint and remain perfectly calm. Sometimes he distributed rations to as many as a thousand persons in one day. [*Ibid*, p 158] The settlers at Phoenix did their best to look after the large numbers who had come and were still coming to Phoenix every day. The guests kept the place clean and observed the rules laid down for them. They never gave any trouble. [*Ibid*]

One day Prabhudas was sticking stamps on the outgoing mail when a boy came running to him and said that there was a man with his wife near his house, who could hardly walk by himself. His wife was helping him to slowly move along. Maganlal went to meet them. The man showed him his back which had nasty cuts and ugly whip marks and wounds resulting from whipping and flogging. His name was Surjhai. His wife wept as she narrated the story. Surjhai had been ill and had not been able to go to work for three or four days. The white master thought that he was on strike and was angry. He came with his whip and flogged Surjhai. He might have continued flogging him, but for the intervention of some others. [Prabhudas Gandhi: *op cit* p 159]

Surjhai was a simple man. He just remarked, “Why had the white man picked up a sick man like me to beat?” His wife was more bitter and said that her husband would have escaped flogging if he had been fit enough to run away. He had done no wrong, she cried. Maganlal tried his best to console them. He took them to the school building where he made arrangements for their stay. They were well looked after by the Phoenix settlers. [*Ibid*, p 160]



As more and more strikers came, the boys at Phoenix began to discuss the probability of Maganlal, Albert West and his sister, Devibehn, also being arrested. The police was often seen outside the Phoenix Settlement. Several days, however, passed without any new development. The settlers became used to the strikers on the Settlement grounds and the police outside.

A few days later, towards the evening, Prabhudas saw a number of mounted soldiers going towards the press. Their leader, as he approached the press, saw Prabhudas and asked him to take him to Mr Gandhi. Prabhudas replied that Mr Gandhi was in gaol. The officer said he wanted to meet Mr Maganlal Gandhi and told him to inform Mr Gandhi that a lieutenant had come to see him.

Maganlal met the officer and his men. They told him not to keep the strikers in Phoenix and not to feed them, but to send them back to work. Maganlal told the officer that he had not invited the strikers to Phoenix. They had come on their own. But having come there they were his guests. It was his duty to share with them what he had. He could not and would not push them out.

The officer then said that he would like to address the strikers and asked Maganlal to interpret his speech to them. Maganlal wanted to consult Albert West. He was then told that Mr West had already been arrested. Maganlal wanted to know why there was no warrant for his arrest. The lieutenant replied that the Government did not want to arrest him, but wanted his help and cooperation to send the strikers back. The officer said that he did not wish to use the services of his own interpreter, as it might cause some excitement. Maganlal agreed to interpret his speech but repeated that he would continue to feed and give shelter to those strikers who might like to stay on at Phoenix. [Prabhudas Gandhi: *op cit* p 161]



Maganlal then went with the officer and sent Prabhudas to look after the children who might have seen the soldiers, and might have been upset by the sight. Prabhudas went to see them. He found the children gathered around Fatima, Imam Saheb's daughter. They told him that they had seen Mr West being arrested and taken away in a car. When Prabhudas told them of the conversation uncle Maganlal had with the lieutenant, and why he had sent Prabhudas to be with them, Fatima said he should go back and tell uncle Maganlal that there was no need to worry about the children. [*Ibid*, p 161] They were neither upset nor frightened by the sight of the soldiers.

On his way back Prabhudas saw a great deal of excitement among women who had come with the strikers. They had heard of the arrival of mounted soldiers and they were terrified. One of the women asked Prabhudas whether they had come to shoot them. He, a boy of eleven years, tried to reassure them. Two of the younger women told the others that no one would harm them in Gandhi Baba's home. Another woman remarked that when children, like the boy before them, were not afraid, why should grown-up women like them have any fear?

Prabhudas came to the place where Maganlal was interpreting the officer's speech to the strikers, sentence by sentence. It went on for nearly an hour. The strikers were greatly disheartened by the advice given to them. The interpretation of the officer's speech by Maganlal had probably made them think that it was also Maganlal's advice to them. The officer had obviously hoped to produce that effect.

The lieutenant then left. He said to Maganlal that he would post a few soldiers around the place, to prevent more strikers from coming to Phoenix and expressed the hope that Maganlal would help in sending away those who were



already there. Maganlal replied that he would not stop them from going back if they wished to leave. But he would continue to look after and feed those who decided to stay on at Phoenix.

Early next morning the settlers saw an unending line of strikers on the roads going away from Phoenix. Surjhai and his wife, however, stayed on at Phoenix. [Prabhudas Gandhi: *op cit* p 162] They were lodged in the school building away from the others. The mounted army men and the police were not aware of their presence.

The whites tried to suppress the strike around Phoenix as they had been doing everywhere else. The Africans were watching this conflict between the Indians and the Europeans. Both were outsiders in Africa, which was the homeland of black Africans. They were looking towards Phoenix for inspiration and guidance with regard to their own problems. There was a large African school, the Inanda Institute near Phoenix. The teachers in the school were deeply interested and keenly watched the developments. [*Ibid*, p 163]

10

Two Europeans lived in Phoenix, one in the Settlement and the other outside. They were Mr West and Mr Todd. Both of them were Englishmen, but they were very different from one another. Mr West and his whole family had become members of the big Phoenix Settlement family. Mr Todd lived in the neighbourhood, probably alone. No one had ever seen his family. He was often seen by the settlers riding alone, going round his plantation with a whip in hand. Mr West, a godly man, led a simple, austere and selfless life, while Mr Todd was making himself rich by exploiting the labour of Africans and indentured Indians. He was a terror to the strikers. The Phoenix Settlement children took special care to keep out of his way. [Prabhudas Gandhi: *op cit* pp 163-4]



Gandhiji had desired that Albert West and Maganlal should not seek arrest. They had therefore given no ground to the Government to arrest them. Maganlal wondered why West should have been arrested while he himself was left free. He first thought that it might have been due to the fact that West was sending day-to-day reports of the strike and developments in South Africa to Gokhale. But the truth came out a little later. After the strikers had left Phoenix

Settlement, this matter was being discussed when Mrs West came and informed them that it was Mr Todd who had been instrumental in the arrest of her husband. Both she and her aged mother had a good deal to say against Mr Todd. [*Ibid*, p 163]

Mrs West narrated that her husband had just sat down for his evening tea when a motor car with three armed men stopped outside their house. There were four mounted men behind the car. Three of them were soldiers and the fourth was Mr Todd. He called out to Mr West. Mr West came out to meet them. He thought they were visitors. He was shown the warrant of his arrest. After signing it, he came in to dress. One of the soldiers followed him inside the house. He had hardly any time to speak to his family, and was rushed away in the car even before he could have his tea. After manipulating West's arrest, Todd rode away. He did not have the courage to go among the strikers. [*Ibid*, p 164]

Mrs West began to weep as she narrated the story. Her husband's arrest had been a big shock to her. The struggle concerned Indians and had been carried on by Indians. The Government was of the whites. The arrest of a white man was therefore unexpected.

Maganlal did his best to console her. It was decided that Devibehn should go to Durban and try to have an interview with Mr West. They could then decide



their future course of action in consultation with him. [Prabhudas Gandhi: *op cit* p 164]

There was no news of West for two days. On the night of the second day, they learnt that he was given no food on the day he was arrested. On the morning of the third day he was produced in the court and was released on bail for a week.

That evening Faquirabhai came running to Maganlal. He was breathless and said that Mr West was in danger. He was on his way to Phoenix Settlement but Mr Todd, who had a whip in his hand, had stopped him on the way. Maganlal and Devadas rushed out. About half an hour later West, his family, Maganlal and Devadas all came back to the Settlement. A mounted soldier was with them. What had happened was that as West, accompanied by his family arrived at the Phoenix station, Todd dared him to cross the station premises. He threatened to beat him up. Todd was in a ferocious mood and was flicking his whip. The station master wisely arranged on the telephone for a mounted soldier to come from the next station to escort West safely to Phoenix Settlement.

Early next morning the Wests locked up their house and left for Durban. Devibehn, however, stayed back and continued her work at Phoenix Settlement. [*Ibid*, pp 164-5]

A few soldiers stayed on in Phoenix outside the Settlement, even after the strikers had left. They would pounce upon any stray strikers they came across. Nobody, however, told them about the presence of Surjhai and his wife in the Settlement school for nearly a fortnight. Then one day someone showed them where Surjhai lived and both he and his wife were made to leave Phoenix Settlement. Surjhai was still sick. A few days later, news was received that he was dead. He was reported to have fallen to a bullet. The authorities were clearly responsible for his death. [*Ibid*, p 165]



All India flared up in protest when the news of the Union Government's oppression filtered through gaols and the mine compounds. Gokhale informed everyone that the mine compounds had been converted into gaols; men refusing to work had been sentenced to hard labour and were forced to work in the mines. In the event of their refusal, they were flogged and threatened with starvation. Attempts at escape were met with bullets.

Botha and Smuts sent rebuttals to Whitehall through Governor-General Gladstone, and said that the accusations against the Union Government were lies. Gokhale therefore repeated his suggestion of a full inquiry by a body which would be able to claim the confidence of the Indian people. Until this was done, he said, no ministerial statement would satisfy India.

The *Bombay Chronicle* on 17 November denounced the oppression and said that if such a state of affairs continued for a day more after it came to the notice of the Imperial Government, every self-respecting Indian would cease to regard British citizenship as an honourable thing. The paper started a relief fund.

The Indian press in the Bengal called upon the Government of India to subscribe to the passive resistance fund, and the Viceroy himself contributed to it.

In London a meeting was held on 5 November at Caxton Hall to protest against the treatment of Indians in South Africa. Reuter reported that Lord Sydenham, a former Governor of Bombay, and Lord Ampthill, who after his Governorship in Madras acted for some time as Viceroy and Governor General, could not attend but sent messages of sympathy. [I.O., 6-12-1913, p 314]



The press in South Africa reported the sharp reaction in England to what was going on in South Africa. The developments in South Africa were construed in England as a threat to the solidarity of the Empire. A few commentators had even questioned the wisdom of having granted self- government to South Africa. For instance *The Daily News* of London on 18 November condemned the Union's use of police as unjust and unwise and called upon the Raj to tell South Africa to stop the mishandling of the Indian problem.

The *Daily Graphic* feared that coercion in South Africa would set India ablaze with indignation. South Africa's record in dealing with Indians, it added, was utterly bad, and that of the Imperial Government hardly better.

A leading Liberal M.P. remarked that if the reports of flogging and other cruelties were confirmed, some of them would perhaps regret that they ever granted self-government to a people who were unfit for it.

The *London Times* regretted that the Union Government had continued to refuse to consider the Indians' reasonable demands, although Indians had shown public spirit by refusing to press their demands during the European miners' strike on the Rand.

The Standard said, "The best solution will be for the South African Government to recognise that the Indians are not niggers and to put the Asiatics on the same footing as the European and American immigrants."

Henry Polak's father, in a letter to the *Daily News* wrote: "Perhaps now the Government of India will send special representatives to the four provinces of the British South Africa to protect the interests of those unable to defend themselves."



Newspapers in the Union of South Africa, however, in most cases, were not prepared to accept the adverse criticism abroad as genuine. Most of them dismissed the gravity of the situation in Natal as propaganda to induce the British Government to exert pressure upon the Union Government for making concessions to the Indians in South Africa. They questioned the charges of flogging. [P. S. Joshi: *op cit* pp 283-4]

Some newspapers chided the Government for its indecision and for having become “mere pawns in the game as mad and cruel as has ever been devised by any group of fanatics or of notoriety-loving agitators”, while others openly sided with the Indians.

The *Natal Mercury* urged the Government “to purge the Immigration Act of those features which are incompatible with British notions of justice and are obnoxious to Indians and Europeans alike”, otherwise it could not “be credited with having kept faith with the Indians.” The paper added that the strike of the Indian labour force in Natal would come to an end if the £ 3 tax were revoked. It added:

The Government, it is not denied, promised Mr Gokhale that the tax would be repealed, and they have been urged by the Natal members of Parliament to fulfil that promise. As a matter of equity and of good faith, it behoves the Government to remove the obnoxious tax from the Statute Book. By delaying to do so they only compromised their own dignity and they cannot too soon put themselves right with the Home and local opinion by giving the undertaking that the repeal will be effected at the earliest available opportunity. [*Natal Mercury*, 3 October 1913, quoted by R. A. Huttenback: *Gandhi in South Africa*, pp. 319-20]



The *Rand Daily Mail* on 21 November had a dig at Natal for the introduction of indentured labour. A cartoon entitled “Passive” was published with a footnote: “Natal: I would have been better off with the old white horse after all.”

12

The sacrifices and sufferings of South African Indians had impressed India as never before and re-echoed in millions of Indian hearts. India applauded with pride Gandhiji, the hero of the struggle, and his satyagrahi martyrs. Their heroism and self-sacrifice evoked admiration. Every Indian felt that his own honour was at stake. Every city, town and village in India heard of these heroes of the struggle in South Africa, thanks to the untiring efforts of Gokhale. Rich and poor, men and women, students, workers and peasants subscribed to the passive resistance fund. Gokhale did not rest until the whole of India came to know of the ordeal of the Indians in South Africa.

The Government of India became perturbed. Some concrete action seemed necessary to the Viceroy, Lord Hardinge. He openly espoused the Indian cause. The Government cabled to Lord Crewe, Secretary of State for India urging an impartial enquiry into the allegations of oppression and strongly protesting against the inhuman treatment of a loyal section of His Majesty’s subjects.

Governor-General Gladstone, in his explanation to the Colonial Office, dismissed as “absolutely false” the allegations in the press of shooting, flogging and coercion of Indians to make them work. He said the mine compounds were outstations of gaols. No complaints of ill-treatment had been received except one from Mr Lazarus, Prisoner No 125. Nagiah, he added, had not died of flogging, but of tuberculosis. [P. S. Joshi: *op cit* p 285]

Neither any Indian nor any impartial White was prepared to believe Gladstone’s denial.



Albert West, editor of *Indian Opinion*, produced affidavits relating to flogging and injuries to men and women to counter the criticism. Even the Dundee magistrate, he said, had threatened to inflict flogging and starvation on strikers and had refused to listen to their complaints. The Union Government had refused a representative of the British Indian Association, permission to attend the inquiry conducted by the department in a shooting incident.

Viceroy Hardinge was not satisfied with Gladstone's denial. He reiterated his request for an impartial inquiry by a strong committee with Indian representation on it. Gokhale endorsed the move and in a letter to the *Times of India* on 21 November suggested the names of Mr Drummond Chaplin, Mr Patrick Duncan, Mr J. X. Merriman and Mr W. P. Schreiner for the membership of the commission of enquiry. [*Ibid*, pp 285-86]

Lord Amthill expressed the hope that some good should come out of the evil and a permanent settlement would be effected in the matter which was a disgrace to British statesmanship.

Botha, the Prime Minister of South Africa, did not relish this trend. He was in fact infuriated. He considered the British and Indian criticism mad. He believed everything in South Africa was fine. He criticised the opponents of his Government's Indian policy. At the South African Party Congress on 24 November he said:

We have one class of people here who are introducing a doctrine we cannot accept. We now find that in Natal another strike has arisen. There has been great excitement in England and India and in the press. False allegations made by irresponsible people will not do good to anyone. The English press in India and England, it seems, have lost their heads altogether. I did not expect a responsible statesman to go so far as to doubt



the good faith of the South African Government. The Government have so far exercised the greatest moderation and generosity to all people, even those who have declared war against the laws of South Africa. I deny in toto the accusations of ill treatment. [R. A. Huttenback: *Gandhi in South Africa*, pp 320-21]

13

The escalation of the conflict and the futility of representation to the Imperial Government made Lord Hardinge take the matter before the public. In a speech on 26 November 1913 at Madras he dealt with the South African situation in outspoken and unequivocal terms. He said:

The Union of South Africa Act has, in practice, the effect of putting an end to Asiatic immigration to South Africa, though it does not discriminate in so many words against Asiatics.... Recently your compatriots in South Africa have taken matters into their hands organising passive resistance against the laws which they consider invidious and unjust, an opinion which we, watching the struggle from afar, cannot but share. They violated these laws in the full knowledge of the penalties involved, being ready with all courage and patience to endure them. In all this they have the deep, burning sympathy of India, also of those who, like myself without being Indian, sympathise with the people of this country. But the most recent developments have taken a most serious turn. We have seen widest publicity given to the allegations that passive resistance has been dealt with by measures which would not be tolerated for a moment in any country claiming to be civilized. [I.O., 3-12-1913, p 302]



The Government of South Africa, the Viceroy added, had categorically denied the charges levelled against it, but in the process admitted practices which at best were neither wise nor discreet.

At the conclusion of his address, Lord Hardinge urged the appointment of an impartial enquiry committee to investigate and report on the Indian problem in South Africa in all its ramifications. [*The Times*, 27-11-1913]

The Madras speech almost overnight made Hardinge into perhaps the most popular British figure ever to serve in the sub-continent.

Even the usually hostile indigenous press had some kind comments to make about the Viceroy. *Kaiser-i-Hind*, a Bombay English weekly, claimed that “Lord Hardinge spoke at that very psychological moment when India’s feelings were at the boiling point. His words fell like oil on angry waves.” [Report of the Native Newspapers, Bombay, *Kaiser-i-Hind*, 9-12-1913]

The *Sind Journal* of Hyderabad (Sind) contended: “Lord Hardinge has, in fact, spoken as would an Indian patriot His speech will ever remain enshrined in the hearts of Indians.” [*Ibid*, the *Sind Journal* (English Language), 4-12-1913]

Hardinge himself was not blind to the effect his pronouncement had produced. He noted that the agitation in India before his appearance in Madras was “extremely serious”. Many people claimed there had been nothing like it since the Indian mutiny. “I am fully aware,” he admitted, “that my speech was very unusual in character.” But he contended that “it had an almost magic effect.”

The agitation calmed down instantly, because people had feeling of confidence in and solidarity with me and my Government, and I think this has been almost a unique occasion since the Government of India have had the whole of India behind them. It now remains for the Imperial



Government to do their share if they can, for I fully realise the difficulty of the situation with an obstinate Colonial Government, such as that of the Union, where the whole question is regarded from the standpoint of internal politics.

It is a great mistake to imagine that Indians want a great deal. They do not clamour at all for free immigration, but what they demand is the fair and proper treatment of domiciled Indians in South Africa who have been allowed to immigrate into that part of the Empire much to the advantage and profit of the planters, etc. [Hardinge Papers, V, 87 Hardinge to Sanderson, 11-12-1913]

Just a day after this memorable speech, the South African Police shot six Indians dead and wounded many more at Hillhead Estate Barracks, about two miles from the Phoenix Settlement. The chief crime of the strikers was that they had endeavoured to prevent the arrest of some twelve leaders.

According to press report they also threw stones and bricks at the police. The next day at Blackburn one Indian was shot dead and several injured, resulting in a protracted investigation. Many labourers were taken into custody. Three hundred and sixty-two arrests were made at Umhloti Valley on the north coast and one hundred in the Zululand coal area.

The shooting caused increased uneasiness in London. There was an expression of surprise that General Botha, an accredited loyal imperialist, should endanger the peace of India by pursuing a policy calculated to inflame the Indian people. The Viceroy's speech in Madras was interpreted as a step to placate the rapidly rising tide of anger in India. It had, in fact, soothed Indian feelings to a large extent.



The *Daily Graphic* said the Viceroy, knowing the uselessness of despatches to the Imperial Government, had taken the right course of publicly expressing his sympathies for the people over whom he had been appointed to rule.

The London *Times* on 28 November said the Viceroy's declaration of sympathy was necessary. It was borne out by the statement of some observers who said that "there has been nothing like the ferment over the affair in India since the Mutiny."

In an appeal for enquiry *The Times* called upon South Africa "to handle the problem wisely."

The *Morning Post* urged General Botha to abolish £ 3 tax and treat the Indians with some respect, justice and humanity.

The Indian press, in general, took a conciliatory tone after the Viceroy's speech. The *Times of India* asked General Botha where lay the fear of inquiry if there had been no ill-treatment of Indians.

The *Bombay Chronicle* maintained that the whole of General Botha's speech was inspired by a tone of lofty superiority, almost contempt, for the claims of Indians. [P. S. Joshi: *op cit* p 293]

Gokhale in a speech at Delhi on 30 November said that the position of Indians in South Africa was growing desperate. Unless the public men in England and South Africa realised the bitterness and fierceness of the resentment that was convulsing India, they would be unable to measure the magnitude of the service Lord Hardinge had rendered to the Empire by his speech at Madras.

In South Africa, Gladstone, Botha and Smuts were irate and pressed for Hardinge's recall. And the British Cabinet, on its part, seriously considered depriving Hardinge of his office, but abandoned the idea in consequence of the



high esteem which the Viceroy now enjoyed in India. [CO, 551/46, Min. Pap. 2677313/14, Pvt. gov.-gen. to sec. of State 11 December 1913]

There was strong criticism of the Viceroy's speech and attitude in the newspapers in South Africa. The *Cape Times* on 28 November questioned the statesmanship of the Viceroy who extended sympathy without calling a halt to "the carnival of intimidation, violence and riot" into which the Indians in Natal had been misled.

The Advertiser of Durban expressed vigorous resentment for the Viceroy's "violent and inflated language."

The *Rand Daily Mail* of Johannesburg differed from both the *Cape Times* and *The Advertiser* of Durban and rejected their criticism, in view of the awkward position in India. It counselled that there was need for not criticising the Viceroy too severely. It added that no investigation, however, could be made until the Indians abandoned the law-breaking campaign and peace reigned in Natal.

The Government of South Africa could not however continue to defy public opinion and criticism of their handling of the Indian problem in India and England and even in South Africa. Smuts saw that something had to be done.



CHAPTER XXVI: SEARCH FOR A SETTLEMENT

1

Gandhiji in gaol became a great force, more powerful than Gandhiji outside. His exhortation to the strikers to relentlessly continue the struggle, followed by his arrest, had electrified the Indian population in Natal. The strike was spreading fast from the coal mines to other industries. Every hour news of fresh upheavals was being received. There were demonstrations against the unjust laws everywhere. Indians in different centres seemed to be vying with each other in organising bigger and more vigorous protests. The great march had led to great enthusiasm among Indians and was attracting world attention.

Even the conservative *London Times* had to recognise the Indian passive resistance movement as “one of the most remarkable manifestations in history.” It was forced to acclaim the “dogged determination” and the “magnificent self-sacrifice” of the passive resisters. [P. S. Joshi: *Mahtma Gandhi in South Africa*, p 277]

The Government of South Africa was baffled. It could not halt the tide of the strike from spreading to all industries employing Indian labour. The indomitable will of the satyagrahis demonstrated the truth that a determined group of passive resisters can force a powerful and inflexible opponent to give up the ways of oppression and seek avenues of peaceful settlement.

There was a deadlock between the Indians on the one side and the Government of South Africa on the other. The Indians took the initiative to break it. A mass meeting of Indians in Johannesburg expressed their horror and dismay at the deterioration of the situation. Attributing it to the imprisonment of their



trusted leaders, it demanded the release of Gandhiji for negotiating an amicable settlement. [*Ibid*, p 280] The Government did not agree to it.

At another meeting, three thousand Indians gathered at the Indian Recreation Ground, Durban. They called upon the Imperial and Indian Governments to intervene in the conflict between the Indians and the Government in South Africa. [P. S. Joshi, *op cit* p 280]

The Transvaal British Indian Association took note of Government's unwillingness to release Gandhiji and wrote to the Union Government on 21 November asking for permission to meet Gandhiji in prison in order to consult him to find a way out. General Smuts did not give the permission. They then approached Major Silburn, M.P. and asked him to exert pressure on the Government. He telegraphed to General Smuts, but Smuts replied: "I cannot agree to the interview with Gandhi. The course you adopt is dangerous." [*Ibid*, p 284]

2

Lord Hardinge's Madras speech on 24 November 1913 openly sympathising with Indians in South Africa, was strongly supported in India. It was on the whole appreciated in England, but was criticised in South Africa. Indians in South Africa and in India heaved a sigh of relief at the turn of events and the advocacy of the Indian cause by the Viceroy. There was wide support for Mr Gokhale in his demand for the immediate appointment of a commission of inquiry with Indian representatives on it. All over the country meetings were held to sympathise with the relatives of those who had lost their lives during the demonstrations against the £3 tax. [I.O., 3-12-1913, 10-12-1913]

In Johannesburg, Indians denounced the use of violence against the unarmed, peaceful strikers. Thousands of Indian strikers had experienced a reign



of terror and oppression. They had suffered for the cause they held dear by many of them shedding their blood and some losing their lives.

Cachhalia, chairman of the Transvaal British Indian Association, announced in a public meeting that he preferred revolt to slavery: “Better a thousand times the revolt with all its terrible consequences than a continuance of the terrible system of indenture which was nothing better than veiled slavery, followed by the £3 tax.” [P. S. Joshi: *op cit* p 280]

Gladstone forwarded to the Colonial Office the following telegram from the Natal Congress:

Indian mass meeting, over 5000 present, strongly condemn Government of the Union of South Africa attitude, arrest and imprisonment of Gandhi, Kallenbach, Polak and others for striking demonstration of feeling against £ 3 tax. Strikers imprisoned, mines proclaimed temporary gaols. Brutally assaulted, flogged, some shot at, wounded. One died today result flogging. Strikers confined estates under police guard. Thousands continue to come out. Situation getting more serious every hour. Increasing difficulty feeding people and keeping order. Active, prompt, intervention by Imperial, Indian Governments necessary lest greater hardships ensue, even many lives may be lost. [Cd. 7111. gov.-gen. to sec. of state. 18 November 1913 (quoted by Huttenback *op cit* p. 322)]

Mr. T. A. Ward, of the Federation of Trades, welcomed the uprising of workers against the master class. Their brothers in Natal had been shot down in cold blood and murdered, he said. The agreements signed under compulsion, he contended, were invalid in law. He was surprised at the attitude of the Governor General of the Union and declared that the late W. E. Gladstone would disown



his son the Governor General Herbert Gladstone's actions in South Africa, were he alive. [P. S. Joshi: *op cit* pp 295-6]

3

The Union Government having refused permission to the British Indian Association leaders to meet Gandhiji in prison and hold consultation for finding a way out of the *impasse*, the South Africa British Indian Committee in London took the initiative on 1 December 1913 to find a way out. Sir M. M. Bhownaggee led a deputation to Lord Crewe. He urged the Secretary of State for India to advise the Union Government to release the passive resisters and the strikers, remove the racial bar from legislation and repeal the £3 tax. He narrated the terrible atrocities committed against the strikers and strongly pleaded for a thorough inquiry into the riots and measures adopted by the Union Government to deal with them. Sir Muncherji insisted that the right of citizenship for British Indians in any part of the Empire must be ensured as was promised under a solemn pledge of the sovereign. [I.O., 10-12-1913]

Lord Crewe conceded that there was a case for an enquiry into what had taken place in South Africa. He paid a tribute to Gandhiji personally and called him "a man of high ideals." But he was reluctant to believe stories of flogging of miners and other such acts or atrocities. Also, Lord Crewe doubted the advisability of allowing free immigration of Indians to South Africa in view of the European attitude there. Sir Muncherji said that it was the right of Indians to enter every part of the Empire without any racial discrimination. He also claimed the right of Indians to participate in any enquiry regarding them that might be set up. [I.O., 10-12-1913, p 306]

Similar views were expressed by the leaders and the press in India.



Bhownaggee did not find even the British press enthusiastic over the Indian claim to equality. The autonomy of the Dominions acted as a complication. The *Daily Chronicle* on 8 December declared that the ideal of equal rights for all citizens of the Empire was only possible if they abolished the autonomy of the Dominions.

India, on the other hand, took Lord Crewe to task for not accepting Bhownaggee's suggestion. She questioned the sincerity of the Imperial Government. The Aga Khan told a distinguished gathering in Bombay that the intensity of feeling to which Indians had been stirred by the treatment of Indians in South Africa was difficult to match in modern history. They could not believe that the Imperial Government was helpless in the matter. [I.O., 17-12-1913, p 312]

At Calcutta a mass meeting gave unqualified support to the passive resistance movement in South Africa and expressed strong indignation at the inhuman treatment of Indian strikers. One speaker bluntly asked if Britain was going to allow loyal Indians to be devoured by the "Afrikaner wolves." [*Ibid*, p 316]

The Karachi session of the Indian National Congress was held under the presidentship of Nawab Syed Mohammed on 26 December. The Congress took strong objection to the treatment of Indians in South Africa. The president said that the spectacle of a world-wide Empire being powerless to restrain an irresponsible colony was incomprehensible. [I.O., 31-12-1913, p 329]

Lala Lajpat Rai's speech at the session held the audience spellbound. He asked a straight question of the rulers of India whether there was such a thing as the citizenship of the Empire and if so whether the Indian subjects of the Emperor were entitled to it. He called upon the guardians of India to be true to their guardianship. Otherwise the Indians would charge them with criminal breach of trust.



These trends were naturally most distasteful to the whites in South Africa. The whites and the press in South Africa too were inclined to think that the Indians in South Africa were more realistic than their compatriots in India and England and it would be better and easier to deal with them than with their extremist representatives in London and India. Smuts also must have shared this view. It led him to appoint the Solomon Commission.

On 11 December 1913 a press note issued by the Union Government announced the appointment of a Commission with Sir William Solomon as Chairman and Mr Ewald Esselen and Mr J. S. Wylie, both known for their anti-Asiatic views and as friends of mine-owners and land owners, as its other members.

The Commission was to inquire into and report on:

1. The disturbances in connection with the recent strike of Indians in Natal;
2. The causes and circumstances which led to the strike and the disturbances thereafter;
3. The amount of force used in the suppression of the disturbances and the necessity for the use of such force;
4. Acts of violence alleged to have been committed on the prisoners sentenced in connection with the strike; and
5. To make recommendation with respect to all these matters. [I.O., 17-12-1913, p 313]



The appointment of the Commission was hailed as a good gesture in England and in India, but the Indian community in South Africa was not enthusiastic. Rejection of all the European names suggested by Professor Gokhale and non-inclusion of even a single Indian in the Commission caused deep disappointment.

The Solomon Commission began its work by recommending the release of key persons in the Satyagraha struggle. It hoped to win the cooperation of Indians in this way. The first to be released were Gandhiji, Polak and Kallenbach.

Gandhiji was brought from Bloemfontein to Pretoria and was set free on 18 December. On reaching Johannesburg, he found that Kallenbach and Polak had also been released and were already there. [I.O., 24-12-1913, p 317]

Gandhiji did not say a word until he had studied the situation and held talks with his colleagues and knew their reaction.

He was not enthusiastic or happy about his own release when thousands of Indians were still in prison. He wrote a letter of thanks to the Government in which he said that he would have preferred the “solitude and peace” of the prison.

Along with Polak and Kallenbach he left for Durban the same night to attend to work that awaited him there. He consulted his colleagues, the office-bearers of the British Indian Association and other organizations at Durban and decided on the boycott of the Commission on three major grounds:

1. The Indian claim to make nomination on the Commission was not accepted by the Government;
2. The spirit of the passive resistance struggle requiring consultation with Indians on matters affecting their interests was not respected; and



3. The well respected Europeans' names suggested by Professor Gokhale were rejected.

Appointment of Mr Esselen and Mr Wylie, who were known for their anti-Asiatic views, gave the Commission a partisan character. The Indian leaders did not ask for their removal, but suggested the names of Judge J. Rose-Innes and Mr W. P. Schreiner as additional members of the Commission. They also demanded release of all prisoners whether in gaol or in mine compounds.

These demands were announced in the public meeting at Durban the next evening 20 December and conveyed in an unequivocal manner to General Smuts in the letter of 21 December 1913, signed by Gandhiji, Polak and Kallenbach. The letter further said: "If these requests are met, we would advise the community to suspend the passive resistance. If not, there will be no course left open for us but to seek re-imprisonment." And they would boycott the Commission.

The letter reiterated that as a satyagrahi, Gandhiji did not have any use for violence. He had repeatedly advised the passive resisters to submit to violence even if it led to their death, but never resort to violence even in self-defence.

The letter also explained the position of the two European signatories - Polak and Kallenbach. They assured the Government that in throwing their lot with their Indian fellow South African subjects, they had rendered a service to the State and their fellow Europeans. [Raojibhai Patel: *op cit* pp 235-36]

Maganlal sent Devadas on 19th to Phoenix railway station, from where he could telephone to Gandhiji at Durban and find out when he would be coming to Phoenix. They were all anxious to meet him after his release. All the children



joined Devadas. They took the long jungle route to the Phoenix railway station in order to avoid the fearful Mr Todd.

To reach the platform they had to cross the railway line. A white soldier was guarding the track with a rifle on his shoulder. There were several similar guards further ahead. Devadas questioned one of the soldiers and asked him why they were there. The soldier replied that due to the railway strike there was danger of derailment. So martial law had been imposed in the area.

The children were allowed to cross over to reach the platform, but were advised to return before darkness. The railwaymen were mostly of English origin. The soldiers were Boers. One of them said that if the Government had to negotiate, they would rather do so with the peaceful Indians than with the troublesome Englishmen. The remark showed the continuing differences between Boers and Britons. [Prabhudas Gandhi: *My Childhood with Gandhiji*, p 169] It also highlighted the esteem in which the Indians were now held by the whites.

At the station everything was normal. The busy station master, a man of few words, was glad of Gandhiji's release and readily arranged for Devadas to speak to Gandhiji at Rustom Seth's place at Durban. Gandhiji told Devadas that he would be coming to Phoenix that very night with two or three guests, and they would return to Durban early next morning. [*Ibid*, p 167]

The boys were excited and ran to give the news to Maganlal. After making some arrangements for the evening, Maganlal and all the boys went back to the station to receive Gandhiji. He arrived with Thambi Naidoo and other guests. He gave them all a whacking pat on the back as they bowed to touch his feet.

They had thought that Gandhiji would have gained some weight in gaol which he had lost during the march. But they noticed that he looked even thinner. In a little over two months he had been reduced to half his former self.



Thambi Naidoo and the Phoenix community were meeting for the first time. At Phoenix they had often talked about him as the foremost South Indian satyagrahi. He was taller and stouter than Gandhiji and had a pointed nose. He had a rough, thick voice. To the boys he looked a very courageous man.

6

Gandhiji was deeply moved to hear the sad stories of those who had suffered and whose kith and kin had died during the strike. He was greatly shocked to hear of the bloodshed and loss of lives during the strike. His heart bled to witness the grief of the bereaved families. Harbat Singh was over 75 when Gandhiji met him. He had died in gaol. Antony Muthu's father had died of a bullet wound outside the gaol. Antony too had been wounded. He came to Phoenix with his widowed mother and younger brother. They were overwhelmed with grief. Gandhiji heard about Surjhai's case. He learnt this from his weeping widow that he had been killed by a bullet after he was taken away from Phoenix. Valliamma had been sick in gaol. She was released against her will and died three days after Gandhiji's release. Gandhiji had called on her before her death. He said her death was the purest sacrifice.

Gapdhiji did not want to cry with the grief-stricken relatives who had lost their near and dear ones, but he wanted to express his deep grief and feelings of closeness and sympathy for those who had suffered and sacrificed so much. He talked with Maganlal how he should do so. They discussed this and various other matters until midnight.

He asked Maganlal to get him a kurta and lungi without delay. He had decided to change his dress from the very next day and dress like the Tamil workers in order to share their sorrow. It required great courage to do so in South Africa. For carrying his papers, penknife, pencil and handkerchief, he decided to



carry a cloth shoulder bag. [Prabhudas Gandhi: *op cit* p 168] Next morning 20 December, he went back to Durban.

He announced at the mass meeting of about 5,000 Indians on 20 December at Durban, that he would dress in white, wearing kurta and lungi worn by the Tamil workers and go about with bare feet and bare head as a mark of mourning, as an act of sympathy with them, and to share their sorrow. He would take only one meal a day. This was being done as a gesture on his part to identify himself with the poverty-stricken, downtrodden indentured labourers.

The decision to boycott the Commission was also announced at this meeting.

In an interview after writing to General Smuts on 21 December, Gandhiji appealed that their letter should not be treated as an ultimatum or a strategy to confuse or confound the Government. He explained that in the earlier strike of white labourers in Johannesburg, in which workers had indulged in a great deal of arson and violence, they were consulted and their representatives were included in the Commission of Inquiry, whereas the Indians who had been non-violent were neither consulted nor was any Indian or European of their choice included in the Commission. The two members of the Commission besides the chairman, Sir Wm. Solomon, were known for their anti-Indian attitude. It was for these reasons that he had announced the boycott of the Commission by Indians in the mass meeting on 20 December at Durban. [C.W.M.G., XII, pp. 277-81]

Smuts refused to appoint any more members on the Commission. He replied on 24 December that the Commission was appointed for the satisfaction of the Government, and not of any party. This was disappointing.



Prabhudas records that when preparations for starting the Satyagraha were going at Phoenix. Gandhiji had never mentioned resort to strike as a method of Satyagraha. The strike, however, came and appeared to be the simplest and a most effective method. How fierce a strike can be, became clear when the railwaymen went on strike while the Indians' agitation was still going on. The two strikers were poles apart. The railwaymen made it impossible for the authorities to run trains without armed guards. They damaged railway tracks in several places and had burnt the Johannesburg railway station and attacked railway offices. The railway strike had started and spread to various places in the Transvaal, and it was now spreading into Natal. The main demand of the railwaymen was more money. The peaceful Indians were fighting for their human rights and self-respect and they were doing it through self-suffering. [Prabhudas Gandhi: *op cit* p 169]

Prabhudas saw the damage caused by the striking railwaymen when he went with the others to Durban to welcome the first batch of satyagrahis who were being released on 22 December, at the end of their three-months' sentence. A few men were at work for repairing the railway track. They had to be provided protection with armed guards. [*Ibid*, p 169]

The Phoenix party reached Durban railway station and rushed to the gaol where hundreds of Indians had gathered to welcome their leaders, especially Parsee Rustomjee, the well-known businessman and philanthropist of Durban. The jail doors opened. The first to come out was Chhaganlal Gandhi and the last was Parsee Rustomjee. The crowd was full of joy and shouted slogans to cheer them. All of them then rushed to the railway station where the train from Maritzburg was soon to arrive with Kasturba Gandhi and others. [Prabhudas Gandhi:



op cit p 170] The women were in Maritzburg gaol. Gandhiji had gone to Maritzburg with Kallenbach to receive Kasturba and the other three Phoenix ladies on their release on the same day, 22 December 1913.

Kasturba and the others were welcomed by a big crowd as they came out of the train. The boisterous joy seen at the Durban gaol was, however, absent at the railway station. They were all shocked to see Kasturba. She had been reduced to a mere shadow of herself. Gandhiji was also looking emaciated. The young people at the station wanted to take them in a procession in an open carriage, which they were to pull themselves, but Gandhiji dissuaded them in view of Kasturba's poor health. They both rode to Parsee Rustomjee's residence in an open carriage, followed by a crowd shouting *Bande Mataram*.* [*Ibid*, p 170]

It was about 5 p.m. when they reached Parsee Rustomjee's place. Rustom Seth's house was packed full. There was a big crowd of those who had lost their near and dear ones. They had been called there to meet Gandhiji. There was an open yard towards the back of the office in Rustom Seth's house. There they all sat in sorrow, remembering the departed ones and waiting for Gandhiji to come.

Gandhiji went to meet them with Mr Lazarus who was to interpret his speech. He had obtained Tamil books in gaol and had started learning Tamil, but had not learnt enough to be able to speak to them in Tamil.

Seeing the 'King' approaching them, they stood up to greet him with their lamentations. A woman whose husband had fallen to a bullet, fell at his feet and washed them with tears. He put both his hands on her shoulders, raised her to her feet and looked at her with deep compassion in his eyes filled with tears. Softly he spoke to her: "Sister, please do not cry. I am the culprit. I am responsible for making you a widow. I ask for your forgiveness with my head laid in your lap. Your husband has become a martyr. He has laid down his life for the community.



He will live for ever. Do be calm, sister. Do not shed tears. Your misery cannot end by crying. The end to your sufferings will come when many sisters, including my own wife, will become widows like you.” He stood silent for a moment, gently wiped the woman’s tears and turned to the others.

Raojibhai was an eye-witness to all this. He records: “I was dumbfounded. I turned my face the other side to wipe my tears. I did not know whether I was awake or in a dream.” [Raojibhai Patel: *op cit* pp 235-6]

* *Bande Mataram* literally means ‘I bow to the motherland’.

8

The boycott decision caused a great deal of misunderstanding everywhere. The South African newspapers called it a foolish and cheeky action on the part of Indians. Indian newspapers said Gandhi had been hasty in announcing the boycott of the Commission. It showed his obstinacy. It might be an appropriate step for a satyagrahi, but anyone with political wisdom would not have indulged in such ‘madness’. Sir Pherozeshah Mehta, the eminent jurist of Bombay and a top Congress leader, frowned and called it a thoughtless act of obstinacy on Gandhi’s part.

In England Lord Ampthill and his committee were upset. They cabled to say that the committee was sorry to learn of their boycott and that the Indians should accept the Commission. There was an equally firm reply from Gandhiji, “Indians stand firmly committed to India’s honour. Acceptance of Commission is insulting to India. We are grateful for your advice but regret we cannot accept it.” [C.W.M.G., XII, p 293 fn]

Gokhale was reported to have said, “Gandhi had no business to take a vow and tie himself up. This is politics and compromise is the essence.” A cable came



from Gakhale at 10 p.m. on 21 December after reading Reuter's summary of Gandhiji's interview to *Natal Mercury*. It had greatly upset him. Gokhale's cable said:

“After Solomon's speech fear boycotting inquiry will be grave mistake, alienating sympathy Government of India and many friends England. Engage best counsel and yourself Polak assist offering evidence. Inquiry does not concern general grievances passive resisters but it is most important, opportunity offered producing evidence support allegations cruelties should not be refused. I venture suggest draw up protest against Esselen and Wylie, explaining fully objection to both and appear under protest.” [C.W.M.G., XII, p 283]

Everyone at Phoenix was deeply moved by this telegram. Gokhale's distress at the boycott decision created a dilemma for the Indians, whether to honour their pledges or follow Gokhale's advice. Many were inclined to accept Gokhale's advice. But Gandhiji stood firm. “If the Emperor himself comes and assures me that if the Commission is accepted, India will be given Home Rule, I will tell him that I have no use for such useless and insulting Home Rule. The honour and self-respect of India comes before everything else.” The cable to Gokhale in reply sent the same day stated:

We were discharged unconditionally Thursday on recommendation commission stop have addressed joint letter government informing unable assist commission by evidence unless community right to be consulted matters affecting it recognized and partisan character commission counter-balanced by appointment Schreiner appellate judge Rose-Innes or others equally impartial approved by community and unless nearly four thousand passive resistance prisoners in ordinary and mine gaols



released.... Mass meeting today attended about six thousand confirmed above advice passed resolutions acclamations stop Transvaal other centres unanimous stop meeting informed in even unfavourable reply people must hold readiness march foot starvation rations from Durban to Pretoria seeking re-arrest. Anticipate taking in thousands en route new march stop meeting warned expect bullets and took declarations readiness under oath stop church counsels, influential individual Europeans have supported rejection present commission stop during travel from Pretoria to Durban we met representative Indians all principal stations. Enthusiasm great and disapproval present commission universal stop discovered our release people large numbers had shown unexpected powers endurance sufferings. We were staggered unlooked for ability indentured Indians without effective leadership acting perfect cooperation discipline determination stop ask India's immediate vigorous co-operation. [*Ibid*, pp 283-4 fn]

Gandhi, Kallenbach, Polak

In his memoirs Gandhiji writes that the cable further said:

We have commenced this struggle with God as our witness and His help as our sole support. We desire and bespeak the assistance of elders and big men, and are glad when we get it. But whether or not such assistance is forthcoming, we are humbly of opinion that pledges must ever be scrupulously kept. We desire your support and blessings in such observation. [M. K. Gandhi, S.S.A., p 325]

The cable had an adverse effect upon Gokhale's health. But he continued to help them with unabated and even greater zeal than before. He wired to Lord



Hardinge regarding the matter, “but not only did he not throw us overboard, but he on the other hand defended our standpoint. Lord Hardinge too remained unmoved,” recorded Gandhiji in his memoirs. [*Ibid*, p 325]

9

Albert West’s arrest, following the arrests of Polak and Kallenbach, had worried Gokhale in India. He looked round for a suitable person whom he could send to South Africa to help and encourage the satyagrahis. In the course of collecting funds for South Africa, he had come across a young English missionary, a teacher at Lahore, Charles Freer Andrews. Andrews was deeply touched by the sufferings of Indians in South Africa, particularly of “Those brave Hindu women daring even the horrors of a Transvaal prison.” He had saved £ 300 from his Cambridge fellowship. These he offered to Gokhale to be sent to South Africa. But Gokhale accepted Rs. 1000 (£ 75) only. Not content with giving money, Andrews told Gokhale “Anything I have to give in time, money, — everything — is at your disposal if you can use it.”

Gokhale remembered this young man and selected him to go to South Africa as his representative, along with another young English missionary, William Pearson, a close friend of Andrews. They both left for South Africa on 5 December 1913. [Hugh Tinker: *The Ordeal of Love*, pp 76-9]

C. F. Andrews and W. W. Pearson were to land at Durban on 28 December 1913 but their ship was actually sighted only on 2 January in the early hours. Gandhiji used to spend the night at Phoenix and go back to Durban in the morning. He went to the harbour to receive them.

Andrews and Pearson did not expect to meet Gandhiji when they had left India. He was in gaol at that time and they had no news on the ship of



developments in the meantime. Andrews was puzzled as to whom he should contact on arrival. He knew no one.

The steamer came to the point. Gandhiji, Polak and Kallenbach and several merchants and press representatives were present to welcome the two visitors. Andrews noticed Polak in the crowd. He had met him in India. He knew no one else. Gandhiji had greeted him before Polak, but seeing his dress, Andrews thought that in accordance with the Indian custom, the Indians in South Africa had pushed a holy man (a sadhu) to the forefront. He turned to Polak and said, “I never expected to meet you here. I am now free from worry. Please tell me in which gaol is Mr Gandhi and where and how I can meet him. I wish to meet him first of all.” [Raojibhai Patel: op cit p 237]

Polak laughed and said, “You have already met Mr Gandhi. He has been released. There he is.”

Andrews was agreeably surprised. He looked at the man who appeared to be renunciation incarnate. His eyes, full of wonder and reverence, glanced at the man in front of him, from head to foot. Then moving two steps back he fell on his knees and touched his feet. Pearson also warmly greeted him and everyone else in Indian style, with folded hands. It seemed as if long-lost friends had come together. They were full of joy and felt as if they were already close friends. [*Ibid*]

In his last few years in India I had joined Gandhiji at Sevagram. I was puzzled one day to hear Mahadevbhai telling my brother Pyarelalji about a telegram received from “Much Love”. I asked them what they were talking about. They laughed and explained that as Andrews closed all his communications to Bapu (Gandhiji) with ‘Much Love’, they often called him ‘Much Love’. The love between Mohan and Charlie had begun to flow freely very soon.



And Andrews was all love. I can never forget the warm welcome and affectionate treatment I received from him when my brother introduced me as a teenager to Andrews. CFA, as he was called, like Gandhiji, loved children and respected them.

They all went to Phoenix in the evening. The next morning's newspapers criticised Andrews for greeting Gandhiji as he had done. "Gandhiji may be a saint or a great man", the paper said, "but he is an Indian. Rev Andrews should know that he is not in India. He is in South Africa." The behaviour of Rev Andrews, an English gentleman, they said, had lowered the prestige of the Whites in South Africa.

Andrews gave them a befitting reply and silenced them by simply saying, he saw Christ in Gandhi. [Raojibhai Patel: *op cit* p 238]

At Phoenix Andrews and Gandhiji talked till late in the night. Andrews had so much to learn and so many questions to ask his new friend. At first he did not like the idea of Indian boycott of the Commission of enquiry, Gokhale had worked hard to win the Viceroy's sympathy for the Indian struggle in South Africa, he said. The Viceroy had put pressure on Whitehall. As a result of all these efforts the Botha Government had decided to take some action to solve the problem. Where was the harm in accepting the Commission appointed by them for this purpose, he asked. Boycott of such a commission could well have a bad effect on the Government of India, and His Majesty's Government in London, as well as on the political circles in India, felt Andrews. The thought oppressed him. But Gandhiji remained firm on boycott.

Andrews thought and thought over the matter. He then asked Gandhiji whether his opposition to the Commission was not just a question of Indians' honour. "Yes", Gandhiji replied vehemently, "that is it, that is it. That is the real



point at issue.” He explained to Andrews in detail the ethics of Satyagraha and the ways in which Satyagraha functions, as well as the reason which had led to the Indians taking the pledge not to accept the Commission unless their minimum demands were accepted. If they accepted it anyhow, it would amount to a terrible insult to India, said Gandhiji. “Then,” said Andrews, “I am sure that you are right to stand out. There must be no sacrifice of honour.”

The talk convinced Andrews and Pearson that the decision of boycott was right, so much so that they offered to join the proposed march to Pretoria. [Raojibhai Patel: *op cit* p 238; C.W.M.G., XII, p 315 fn]

Andrews and Gandhiji became bosom friends from then on and before long they were ‘Charlie’ and ‘Mohan’ to one another. [C.W.M.G., XII, p 315]

10

People as well as leaders in India were doing their best to help the Indian movement in South Africa. Meetings were held in many cities for expressing support and raising funds for the struggle. Students missed meals in order to save money for the South Africa Fund. Among the leaders who worked hard to mobilise resources and send help to South Africa, besides Gokhale from Poona, were Sir Pherozeshah Mehta of Bombay, K. Natarajan also from Bombay and Mahatma Munshiram from Punjab (he later became a sanyasi and was called Swami Shraddhanand), and Rabindranath Tagore from Santiniketan.

Gokhale and the Viceroy too were not happy over the boycott decision. They did not like Gandhiji’s attitude, but they continued to extend to him and the Indian cause all their help and support. [Prabhudas Gandhi: *op cit* p 176]

Gokhale cabled to Gandhiji and asked him to send him full information, which Gandhiji did in a long cable. On receipt of this cable Gokhale issued a



statement which was carried by all the newspapers and produced a good effect everywhere.

Gokhale reported receiving a cablegram on 18 December stating the strong feeling among South African Indians against accepting the Commission of Enquiry on account of the anti-Indian bias of two of its three members, and asking Gokhale's advice as to what should be done. He immediately consulted with some friends in Calcutta and cabled back to say that while they must decide for themselves, they must weigh carefully which course would do greater harm to the cause, abstention or participation under protest.

Then, after receiving more news from South Africa and after more than ten days of exchanging cables with Gandhiji, Gokhale concluded that the Union Government was desirous of arriving at an understanding, and that it would be “a tactical mistake” to boycott the Commission.

However, in his statement Gokhale reported that “Mr Gandhi ... finds himself unable to act on this view” unless the Government modified the constitution of the Commission and released all the passive resisters from gaol, as he and the community stood bound by a solemn oath. Gokhale then attached to his statement a long cable from Gandhiji which explained the background of the Commission and the reasons for the boycott. It concluded with a declaration of the readiness of the Indian community to renew passive resistance if necessary.

Without directly endorsing Gandhiji's position, Gokhale placed before the public both his own reservations and Gandhiji's determination to fight with the weapon of Satyagraha until a true victory was reached. The statement silenced the critics of the boycott decision. It explained the position of the Indians so well



that it is given in Appendix in full. [*The Times of India*, 1-1-1914 For the full text, see Appendix]

In all this crisis, I wish to say before concluding, two things have greatly sustained and comforted us. One is the splendid courage and staunch advocacy of our cause by His Excellency the Viceroy and the other is the hearty support which India has sent us. We shall do nothing now till Sir Benjamin Robertson arrives and we shall receive him with all honour and trust, both because you tell us we shall find in him a strong friend and also because he has been appointed by the Viceroy to whom we feel so profoundly grateful. But unless the commission is made in some way more acceptable to us, I do not see how renewal of passive resistance can be avoided. We know it will entail enormous suffering. I assure you we do not desire it, but neither shall we shrink from it, if it must be borne. [*The Times of India*, 1-1-1914]

This statement silenced the critics of the boycott decision.

11

Smuts had appointed the Solomon Enquiry Commission as a face-saving device. He had seen the injustice of the £ 3 tax and realized that it had to be abolished. But he had given the Europeans to understand that it would never be done. Similarly, the validation of Indian marriages and removal of other iniquities, he realized, was necessary. But how was he to do these things? He appointed the Commission as is usually done by governments under similar circumstances. The commission conducts a nominal inquiry. Its recommendations are a foregone conclusion, which are accepted by the government. In the name of implementing the recommendations of the commission the government gives justice which it had denied in the first instance.



The predicament in which Smuts was placed is clearly understood from Gladstone's despatch to the Colonial Office on 22 January 1914. The Governor-General remarked:

If a settlement which would be accepted by all parties as final was attainable, he (Smuts) would like to effect it without unnecessary delay by carrying the requisite legislation during the forthcoming session. He doubted whether he would be able to carry such legislation unless he was fortified by a recommendation of the Commission, and equally whether a recommendation would be obtainable in time if evidence were to be led on every Indian grievance which could conceivably be brought forward. From this point of view, matters would not be advanced by the acceptance of Mr Gandhi's second alternative, viz., the addition of Sir James Rose-Innes or Mr Schreiner to the Commission, even if there were no serious objections to such a course on other grounds. He was in favour of limiting the enquiry of the Commission on questions of policy to the four points specified by Mr Gandhi, if this could be done without making an overt bargain with him. [C.W.M.G., XII, p 610]

Smuts did not therefore reconstitute the Commission as demanded by Gandhiji, but he did order the release of prisoners. He also welcomed the suggestion of the Government of India to send Sir Benjamin Robertson as an official observer and he did not raise any official difficulty in the way of non-official advisers sent by Gokhale.

There was one sentence in Smuts' reply, which made an impression on Gandhiji. Smuts had written, "We have appointed an impartial and judicial commission, and if while appointing it we have not consulted the Indians, neither have we consulted the coal-owners and the sugar planters. [C.W.M.G., XII, p 599] It



prompted Gandhiji to write to him a private letter saying that if the Government really wanted to do justice, he would like to see him and place a few facts before him. Smuts agreed to meet him. [*Ibid*, p 294; M. K. Gandhi, S.S.A., pp 323-4] Gandhiji went to Pretoria with Andrews on 9 January 1914, but he met Smuts alone.

12

There was a big strike of the European employees of the Union Railways just at that time. It made the position of the Government difficult and delicate. Gandhiji had been invited by the leaders of the railway strike to start the march at this most opportune moment. But he refused to harass the government by doing so. The Indians' struggle was differently conceived, he explained. If they did start the march, they would do so when the railway strike had ended, because a satyagrahi did not take advantage of the opponent's difficulties. [I.O., 14-1-1914, p 346]

This decision Reuter wanted to cable to England. At first Gandhiji told the Reuter representative that he did not want it publicised. But Andrews persuaded him to agree to it. Reuter cabled it at once to London and the news was carried by all the newspapers. It made a deep impression in England and in South Africa. Lord Ampthill cabled his congratulations from England. English friends in South Africa highly appreciated the chivalry implied in this decision. One of Smuts' secretaries later jocularly told Gandhiji:

I do not like your people and I do not care to assist them at all. But what am I to do? You help us in our days of need. How can we lay hands upon you? I often wish you took to violence like the English strikers, and then we would know at once how to dispose of you. But you will not injure even the enemy, you desire victory by self-suffering alone, and never



transgress your self-imposed limits of courtesy and chivalry. And that is what reduces us to sheer helplessness. [M. K. Gandhi, S.S.A., pp 325-6]

General Smuts also gave expression to similar sentiments.

This was not the only case of chivalry on the part of the Indians. When Indian labourers on the north coast went on strike, the planters at Mount Edgecombe would have suffered heavy losses if all the sugarcane that had been cut was not brought to the mill and crushed. Twelve hundred Indians therefore returned to work just in order to finish this work and having done it, they went back and joined their brethren who were on strike. [*Ibid*, p 326]

Again, when Indian employees in Durban municipality struck work, those who were working in the sanitary department or were attending to patients in the hospitals, were sent back and they willingly returned to their duties. But for this, there might have been an outbreak of an epidemic in the city and the patients in the hospital would have suffered for lack of adequate nursing service, consequences which no satyagrahi could wish for. “A satyagrahi must consider the position of his adversary in every step that he takes”, [*Ibid*, p 326] advised Gandhiji.

Gandhiji announced the postponement of the new march from Durban which was to start on New Year’s Day, 1 January 1914, by fifteen days to give the government a chance to deal with the problem facing it. Miss Hobhouse had also sent him a cable requesting him to do so and he had agreed to it. [Prabhudas Gandhi: op cit p 176]

The announcement of postponement of the march was made in a public meeting on 27 December at Pietermaritzburg. Attired in his new dress with bare head and bare feet, Gandhiji addressed the public meeting and had tried to speak a few words in Tamil.



The atmosphere was thus becoming favourable for a settlement. Sir Benjamin Robertson was sent by Lord Hardinge in a special steamer which was arriving about the same time that Gandhiji and Andrews were to go to Pretoria. They therefore did not wait for him and went to Pretoria to keep the appointment with Smuts.

Gandhiji met Smuts alone on 9 January. Smuts was at that time pre-occupied with the railway strike. It was so serious that the Union Government had to declare martial law. The European workers on strike, not only wanted higher salary, they aimed at taking the reins of the government in their own hands.

Gandhiji's first interview with Smuts on 9 January was very short but he could see that Smuts did not ride the same high horse as he did earlier, when the great march had just begun. At that time Smuts would not so much as talk with Gandhiji on the phone. The threat of Satyagraha was the same in November 1913 as it was in January 1914. Yet while he had declined then to have anything to do with Gandhiji, now he was ready to confer with him. [M. K. Gandhi, S.S.A., p 326]

In his second meeting with Smuts on 16 January 1914 Gandhiji had a frank and cordial talk with Smuts. The Indians had demanded that at least one member should be co-opted in the Commission to represent Indian interests. But on this point Smuts would not give in. He said:

This cannot be done as it would be derogatory to the Government's prestige, and I would be unable to carry out the desired reforms. You must understand that Mr Easselen is our man, and would fall in with, not oppose, the government's wishes as regards reform. Colonel Wylie is a man of position in Natal and might even be considered anti-Indian. If



therefore even he agrees to a repeal of the £ 3 tax, the Government will have an easy task before them. Our troubles are manifold; we have not a moment to spare and therefore wish to set the Indian question at rest. We have decided to grant your demands, but for this we must have a recommendation from the Commission. I understand your position too. You have solemnly declared that you will not lead evidence before it as long as there is no representative of the Indians sitting on the Commission. I do not mind if you do not tender evidence, but you should not organise any active propaganda to prevent anyone who wishes to give evidence from doing so, and should suspend Satyagraha in the interval. I believe that by so doing you will be serving your own interests as well as giving me a respite. As you will not tender evidence, you will not be able to prove your allegations as regards ill-treatment accorded to the Indian strikers. But that is for you to think over. [M. K. Gandhi, S.S.A., p 328; C.W.M.G., XII, p 326 fn]

Gandhiji was inclined to receive the suggestions of Smuts on the whole favourably.

The Indians had made many complaints about ill-treatment of strikers by soldiers and warders, but the difficulty was that they were precluded by their boycott of the Commission from proving these allegations. There was a difference of opinion among Indians on this point. Some held that the charges levelled by the Indians against the soldiers must be proved, and therefore suggested that if the evidence could not be placed before the Commission, they should challenge the government to file libel proceedings against them, by publishing the authentic evidence in their possession.

Gandhiji disagreed with them on this point. There was little likelihood of the Commission giving a decision unfavourable to the Government who seemed



anxious to do justice at last. Challenging libel proceedings would land the community only in endless trouble, and the net result would be the barren satisfaction of having proved the charges of ill-treatment. As a barrister he was well aware of the difficulties of proving the truth of statements giving rise to libel proceedings.

His weightiest argument was that the satyagrahis were out to suffer. Even before Satyagraha was started, satyagrahis knew that they would have to suffer, even unto death, and they were ready to undergo such suffering. In view of this, there was no sense in proving now that they did undergo suffering. A spirit of revenge being alien to Satyagraha, it was best for a satyagrahi to hold his peace when he encountered extraordinary difficulties in proving the fact of his suffering. A satyagrahi fights only for essentials. The essential thing for them was that the obnoxious laws should be repealed or suitably amended, and when this was fairly within their reach they need not bother about other things. A satyagrahi's silence would at the time of settlement stand him in good stead.

With such arguments, Gandhiji was able to win over most of his friends who had differed from him. It was therefore decided to drop the idea of proving the allegations of ill-treatment. It proved to be a good decision on their part.

14

Gandhiji had several meetings with Smuts. [C.W.M.G., XII, p 322] In the interviews and correspondence between the two an agreement was arrived at. Gandhiji's letter dated 21 January 1914 said in summary that the Indians had conscientious scruples with regard to leading evidence before the Commission as constituted at present. General Smuts had appreciated these scruples and regarded them as honourable, but was unable to alter his decision. He continued:



As, however, you have accepted the principle of consultation with the Indians, I will advise my countrymen not to hamper the labours of the Commission by any active propaganda, and not to render the position of the Government difficult by reviving passive resistance pending the result of the Commission and the introduction of legislation during the forthcoming session. It would further be possible for Indians to assist Sir Benjamin Robertson who had been deputed by the Viceroy.

As to their allegations of ill-treatment during the progress of the Indian strike in Natal, the avenue of proving them through the Commission was closed to them he said by “our solemn declaration” to have nothing to do with the Commission. He added:

As satyagrahis we endeavour to avoid, as far as possible, any resentment of personal wrongs. But in order that our silence may not be mistaken, may I ask you to recognise our motive and reciprocate by not leading evidence of a negative character before the Commission on the allegations in question? Suspension of Satyagraha, moreover, carried with it a prayer for the release of (all) satyagrahi prisoners.

He recapitulated the points on which relief had been sought:

1. Repeal of the £ 3 tax;
2. Legalization of the marriages celebrated according to the rites of Hinduism, Islam, etc.;
3. The entry of educated Indians;
4. Alteration in the assurance as regards the Orange Free State; and
5. An assurance that the existing laws especially affecting Indians will be administered justly, with due regards to vested rights.



Gandhiji ended the letter by saying:

If you view my submission with favour, I shall be prepared to advise my countrymen in accordance with the tenor of this letter. [C.W.M.G., XII, pp 328-9]

General Smuts' reply of the same date was to the effect that he regretted but understood their inability to appear before the Commission. He also recognised the motive which made him unwilling "to revive old sores by courting libel proceedings before another tribunal." The government repudiated the charges of harsh action against the Indian strikers. "But as you will not lead evidence in support of those allegations, it would be futile for the government to lead rebutting evidence in vindication of the conduct of its officers." As for the release of satyagrahi prisoners, the government had already issued the necessary orders "before your letter arrived." In regard to the grievances "summarised at the end of your letter" the government, he said, would await the recommendations of the Commission before any action was taken. [M. K. Gandhi, S.S.A., p 331]

Gandhiji and Smuts thus reached a provisional agreement. Many English friends were glad of this and promised their assistance in the final settlement.

It was rather difficult to get the Indians to endorse this agreement. No one could wish that the enthusiasm which had been generated, should be allowed to subside. They asked "whoever would trust General Smuts?" Some reminded Gandhiji of the fiasco in 1908 and said that General Smuts had more than once played them false. He had often charged Gandhiji with forcing fresh issues, and subjected the community to endless suffering. "And yet what a pity that you have not learnt the necessary lesson of declining to trust him! This man will betray you once again, and you will again propose to revive Satyagraha. But who will then



listen to you?” “Was it possible,” they asked, “that men should every now and then go to jail, and be ready to be faced with failure each time? With a man like General Smuts settlement was possible only if he actually delivered the goods. It is no use having his assurances. How can we any further trust a man who pledges his word and then breaks it?” [M. K. Gandhi, S.S.A., p 332]

Gandhiji wrote in his memoirs:

I knew such arguments would be brought forward and was not therefore surprised when they were. No matter how often a satyagrahi is betrayed, he will continue to repose his trust in the adversary, so long as there were no cogent grounds for distrust. Pain to a satyagrahi is the same as pleasure. He will not therefore be misled by the mere fear of suffering into groundless distrust.

On the other hand, he continued, “relying as he does upon his own strength,” he would not mind being betrayed by the adversary. He would continue to trust in spite of frequent betrayals, and “will believe that he thereby strengthens the forces of truth and brings victory nearer.” [*Ibid*, p 332]

Meetings were held by Indians in a number of places, and Gandhiji explained the position to them. He was able at last to persuade them to approve of the terms of the agreement. The Indians had by then come to a better understanding of the spirit of Satyagraha. Andrews was the mediator and the witness in the provisional agreement. Moreover, there was Sir Benjamin Robertson representing the Government of India. There was therefore very little likelihood of the agreement being subsequently repudiated.

Gandhiji was all the same most vigilant. He continued to get written clarifications from Smuts of his statements. Smuts was known for his ambiguities and Gandhiji was determined not to get caught in his verbal net again. Andrews



and Pearson played a big role in bringing about the provisional agreement. They first understood Gandhiji's point of view and then worked untiringly to explain it to the leaders of the whites, the ministers and the press representatives. They did not merely work as friends of the Indians. They worked as if it was their own battle. They worked as Indians.

During the last days of the negotiations, news reached Gandhiji that Kasturba was seriously ill in Phoenix. On 21 January, when the talks had reached a deadlock over a phrase which General Smuts had wanted to insert in the proposed agreement, an urgent telegram summoned Gandhiji to Phoenix. But Gandhiji refused to leave till the deadlock had been removed. Andrews has recorded what happened during that critical night in these words:

That night, we talked till 1 a.m. Finally an alternative phrase occurred to me. The difference seemed to be very slight, but Gandhi found it acceptable. "If Smuts" will accept your phrase, he said as we went to bed, "then every thing is finished." In the morning saying nothing to Gandhi, I went to Smuts and at eight o'clock found him alone. I told him Gandhi's personal anxiety and showed him the suggested wording. "I don't mind a bit" he said, "it makes no difference as far as I am concerned." "Would you make the change and sign on the spot?" "Certainly", he said. [*Charles Freer Andrews*, pp 96-7 (quoted by C.W.M.G., XII, pp 326-7)]

The sentence which was inserted as a result of Andrews' intervention and saved the situation, read "The government also recognise the motive which makes you unwilling to revive old sores by courting libel proceedings before another Tribunal." [Governor General's observations at the end of his despatch of 22 January 1914 (quoted by C.W.M.G., XII, p 327 fn)]



General Smuts had waited in his office till late on 21 January to receive the letter embodying the Indian demands delivered to him by Andrews. He sent back with him a prompt and sympathetic reply which said:

The Government is anxious that any recommendations that the Commission may make on the larger issue of Indian grievances should be received at a sufficiently early date to enable proposals to be submitted to Parliament during the forthcoming session. It is hoped that those proposals, if accepted by Parliament, would ensure a satisfactory and permanent settlement. [P. S. Joshi: *op cit* p 318]

The settlement reached, Gandhiji and Andrews left for Durban by the 11 o'clock train on 22 January.

The provisional agreement was endorsed by the Indians. On 24 January from Gandhiji's Johannesburg office was announced the suspension of the Satyagraha struggle to let the Government calmly consider the five points which had formed the basis of the struggle. This was widely welcomed in India and Britain. It must have led the Union Government also to heave a sigh of relief.

Kasturba's condition was serious. Gandhiji came in time and looked after her day and night. She was out of danger before long.

There is a later photograph of Bapu in India at Sevagram which shows Kasturba washing his feet. When Gandhiji saw it, he chuckled and said, "No one has taken my photograph attending on Ba."

The children at Phoenix were greatly impressed by Pearson and Andrews. Their Indian way of greeting them, instead of usual hand shake, made them feel close to them from the very start. As they walked together from the Railway



Station to Phoenix Settlement on their first arrival on 2 January 1914, the children lost their shyness and became free with them. After the evening prayers Andrews addressed them saying that he had come from Gurudev Tagore. He could tell them many things about Tagore’s “Shantiniketan”, but at the moment he would only give them Gurudev’s message. He stood up and in a soft tone began to recite the following Sanskrit *shloka* (verse):

सत्यं ज्ञानं अनन्तं ब्रह्मानंदरूपम् ।
अमृतं यद्विभाति शांतं शिवमद्वैतम् ॥

Gurudev Tagore, he said, had been greatly impressed by the Satyagraha in South Africa and the above *mantra* was his message to them. It said that whatever they did, should be done in pursuit of truth for the good of all, and with the consciousness of God’s presence.

Andrews had many things to discuss with Gandhiji and could not talk to the children for long that evening. [M. K. Gandhi, S.S.A., p 327]

Andrews left with Gandhiji for Pretoria. Pearson stayed back at Phoenix for some time. As is well known both Andrews and Pearson became good friends of Gandhiji, India and the Indians. One could even call them disciples of Gandhiji.

There was an institution for training Zulu young men and women “to enable them to fit themselves in modern progressive society.” It was named Inanda Institute and was at a distance of a mile and a half from the Phoenix Settlement. There the young Zulus were taught modern techniques in agriculture, carpentry, smithery and leatherwork, along with general education. The Institution was in charge of two graduate Zulus — Mr James Dube and Mr John L. Dube* who were both devoted workers. Both had been chairmen of the Supreme Council of Zulus in the past.



The American Negroes looked upon this institute as their own and extended all help to it. The workers at Inanda Institute had good relations with workers of Phoenix Settlement. An American Negro woman Miss Blackburn was Superintendent of the Students' Hostel. She often came to Phoenix. A weekly newspaper in Zulu and English languages was issued from the Institute on behalf of the Zulus.

Pearson expressed a desire to see this institution. Raojibhai and Pearson went there one morning. After seeing the various activities, they sat down with Mr John Dube to learn something about the social and economic condition of Zulus. Pearson enquired whether the Government had given them any political rights.

“Nothing at all”, replied John Dube. “We are worse than the Indians, there is no question of equality. How can one even think of political equality!”

Pearson frowned, “This is injustice. This country is yours. If you do not have adequate say in running it, it is gross injustice to you.”

“You talk of justice and injustice? The whites in this country have doubts if we belong to the human species! They do not treat us as human beings.”

Pearson became angry and excited. “Why don't you rebel against such attitude and organise an agitation? What good will mere knowledge do to your people?” he asked.

“What agitation can we organise?” asked John Dube helplessly.

Pearson said, “I see that Gandhi, in a very short time, has educated the illiterate, uncultured, ignorant, indentured labourers to fight for their rights and stand up against injustice. Satyagraha is the best way of educating the masses. If you do the same, your people will become prepared to fight for their birth-right.



You should make your people fearless by following the path of peaceful Satyagraha against the white government.”

Pearson uttered these words with deep love of mankind in his heart. It made John Dube sit up straight. He replied: “Yes, Mr Pearson, I understand what you say. I have thought about it a great deal. I have closely studied the struggle of Indians under Mr Gandhi’s leadership. My eyes have seen many incidents of Satyagraha. After that I cannot look down upon Indians as uncultured, illiterate, ignorant, wild people. I have great respect for them in my heart. Mr Pearson, we cannot do what the Indians have done. We do not have that divine power. I have been wonder-struck to see their capacity for self-suffering.”

He continued, “During the Satyagraha I was returning from Durban one day. I got down at Phoenix station and was on my way to this institute. I passed by an open space where I saw 500 Indians sitting. They had come there after declaring a strike in their place of work. White managers and white police surrounded them. I stood watching this scene for half an hour. The whites were whipping them and shouting at them to get up and go back to work. Their reply was that they will not do so, as long as their “king” Gandhi was in gaol.

“When whips did not work, they used the butt ends of their bayonets and beat up women and children along with men. Some cried out in pain, but no one got up. The mounted police was then called. They shouted at the strikers to get up or they would be crushed under horses’ feet. But they kept sitting. The mounted police rode through them taking off the skin from the legs and backs of some of the strikers. They cried out with pain, but they did not get up.

“The police then brought there an Indian supervisor, who was considered leader of the Indian striking labourers. His fearless replies so irritated the whites and invited such cruelties on him that I was thoroughly shaken. One policeman



ordered a black policeman, a countryman of mine, to pierce him with his spear. ‘This is all his doing,’ he shouted ‘What are you waiting for?’ The black policeman obeyed the order and pierced the labour leader with his spear. This excited the labourers, which gave the police an excuse for firing. The labour leader died, several others were wounded, but the men sat there with Himalayan firmness.

“Shaken by the cruelty of the whites and full of wonder and admiration at the courage and firmness shown by the Indians, I came back. Mr Pearson, if I lead my people along this dangerous path, we shall be destroyed. The Indian labourers may be illiterate, uneducated, ignorant and uncultured, but they come from an ancient culture. That culture is in their blood. A leader like Mr Gandhi could awaken their latent divinity, their capacity to follow that culture, and undergo self-suffering. The inherent divinity in human beings was activated by Mr Gandhi in the case of the Indians and they could demonstrate extraordinary capacity for self-suffering.

“Our Negro people will not be able to control their temper in a similar situation. They will hit back in self-defence and that is all the excuse the whites need to wipe us out. If my people kill one white man in their excitement, thousands of my countrymen will be killed with machine guns and we shall be ruined, totally destroyed. No, Mr Pearson, we do not have the capacity to take up a Satyagraha struggle. Indians alone are capable of it.”

“After this heart-rending account by Mr John Dube, Pearson and I got up” writes Raojibhai Patel. “We were deeply moved. The good Christian William Pearson closed his eyes and prayed for the Indians. We got up and came back to Phoenix Settlement after meeting the two gentlemen at Inanda Institute.”
[Raojibhai Patel: *op cit* pp 224-27]



- * John Langalibalele Dube (1871-1946) was a great black pioneer in South Africa. He had studied in the United States, and then established the Inanda Institute (also known as the Ghlange Institute). He was a founder and the first President of the African National Congress in 1912. His newspaper, *Ilanga Lase Natal* began publication in April 1903, two months before *Indian Opinion*. Like Gandhiji, he had also been on deputation to London (in 1909 and 1914). Dube, whose life span almost exactly matched that of Gandhiji, was a major figure in the movement for African rights.

16

Rev Andrews and Rev W. W. Pearson visited all important centres in South Africa investigating conditions of Indians and making speeches. On 1 February 1914 Andrews told an Indian meeting at Pietermaritzburg that he had resolved to sacrifice his life on the altar of 'truth and justice'.

Andrews preached in churches and addressed many meetings outside the churches as well. Through his speeches, he did a great deal to educate the whites in South Africa and helped them to understand that India was a highly civilized country. The first triumph of his career came when he addressed a distinguished gathering at Cape Town on Poet Rabindranath Tagore. Many prominent persons, including the Governor General Lord Gladstone, John X, Merriman and the Mayor, attended the meeting. Andrews gave them a glimpse of India, Indians and Indian culture in a speech which moved many of them to tears.

The Mayor presided and the Governor General proposed a vote of thanks. In his speech Gladstone paid compliments to the civilization of India which had produced a great poet like Rabindranath Tagore and suggested that more and more South Africans should visit India. It would help them in overcoming their prejudices.



In that colour-conscious country, Andrews was highly embarrassed when Gandhiji was not allowed to enter a church to hear him preach. Andrews said, he felt as if “Christ himself had been denied entrance into his own Church, where his name was worshipped.” [P. S. Joshi: *op cit* p 307]

Pearson lived for only four or five years after that, but Andrews lived to a ripe old age. He was a man of God and devoted himself to the service of the downtrodden and oppressed. He travelled a great deal in India and in Africa. In India he was given the name “Deenabandhu Andrews” (friend of the weak and oppressed).

Andrews and Pearson were at Phoenix for less than three weeks. Andrews won everybody’s respect by his clear expression of the high ideals of Satyagraha. Pearson won their hearts through his quiet simplicity and friendliness. The children considered him a very good teacher. He always had a smile and never indulged in sarcasm or light-hearted jokes. He had not come to Phoenix to teach. His object was to get first-hand knowledge of the Satyagraha struggle. But the children would surround him and he would tell them fascinating facts about plants, flowers and insects. He was a great lover of nature. “He made everything look new to us,” records Prabhudas Gandhi. [Prabhudas Gandhi: *op cit* p 178]

Andrews spent most of his time in talking with Gandhiji, while Pearson walked around and studied the life of Indian indentured labourers and the Africans living around Phoenix. Gandhiji had to go to Pretoria several times for talks with Smuts. The children had hoped that the two Englishmen would stay on at Phoenix. But they had to go touring to other cities in South Africa. Many whites were critical of Andrews’ speeches expressing admiration for Gandhiji and sympathy with the Indians. But he was able to change many hearts in his own



way. He was on this tour when he got the news of his mother's illness. He had to leave for England on 23 February and Pearson went with him.

Gandhiji accompanied Andrews down to Cape Town, where he set sail for England. It was only after they said farewell that Charlie realized all that Mohan had come to mean for him. Their goodbyes were hurried; there was so much to be done. 'It was so like you to be occupied in dear acts of service for my voyage', wrote Andrews (26 February), 'I didn't quite know how much you had learnt to love me till that morning when you put your hand on my shoulder and spoke of the loneliness that there would be to you when I was goneWhen I saw you on the wharf, standing with hands raised in benediction, I knew - as I had not known, even in Pretoria - how very, very dear you have become to me.'

Gandhi did not reply directly (writes Tinker), but in every speech and article and letter he introduced the name of Charlie Andrews as the inspiration of their cause. [Hugh Tinker: The Ordeal of Love, p 90]

Before his departure he paid a tribute to Gandhiji for his "chivalrous attitude" during the strike by refusing to take advantage of the government's difficulties during the strike. He complimented Smuts also for being 'most considerate' at a time when he was under 'overwhelming pressure'. He disclosed the fact that "Mr Gandhi would feel his work in South Africa ended" the moment a final settlement of the Indian question was arrived at.

The news of his mother's death had reached Andrews before he left South Africa. It upset him because he loved her very much. He transferred this love to Mother India. To Munshi Ram he wrote, "I was able to lay my sorrow at the feet of the Divine Mother and to know the peace of God which passes understanding. It was at that time, dearest, that you came to me also with your unspeakably precious love and comforted me. Ever since that time the *shanti* has remained....



There has come to me *ananda*, joy.... The conviction has come to me that India herself will be my Mother now in a deeper sense than ever and that I shall find my dearest Mother's spiritual presence and communion in and through my love for Bharat Mata I shall go home, to see my Father, and to place a flower wreath on my Mother's grave, but her spirit will not be there. It will be in India, and there she will welcome me."⁶³

17

Another English visitor came to Phoenix while Andrews and Pearson were at Phoenix. He was Sir Benjamin Robertson, sent from India as an official observer by the Viceroy. He came with his secretary Mr Slater and an Indian official, Rai Saheb Sirkar.

Sir Benjamin had been sent by the Viceroy Lord Hardinge by a special ship to make sure that he reached in time for the sittings of the Solomon Commission and to see that the Commission did justice to the Indians. He landed at Cape Town and went straight to Pretoria without stopping in Natal which was on the way and had been the storm centre of Satyagraha and the strike. He became the guest of the Union Government. He wanted to please them and also, as the representative of the Government of India, he wanted to make sure that some evidence was led to prove the charges of excesses and unjustified violence against the strikers.

True to the tradition of the Britishers in India, adopting a *divide et impera* policy. Sir Benjamin tried to create a rift among the Indians in South Africa. He met many Indians and tried to persuade them not to boycott the Commission. He told the Muslims that Gandhi had been leading the £ 3 tax removal campaign for the benefit of only the Hindus, who constituted the bulk of the indentured labourers. As the Muslims were mostly well-to-do businessmen, it would be to



their advantage to remain on the right side of the Union Government, he advised. He wanted them therefore to cooperate with the Commission. He could, however, hardly influence anyone. The few Muslims like Dada Osman who appeared before the Commission, had been opposed to Satyagraha and would have given evidence in any case. Sir Benjamin wanted to meet the man who had such a hold on the Indians, in his own surroundings and came to Phoenix in early February.

Sir Benjamin was very different from Pearson and Andrews. Gandhiji had sent one or two prominent workers along with five or six boys to receive Sir Benjamin and carry his luggage. Polak came with him from Durban. There were no crowds and no garlands for Sir Benjamin. He was surprised to find that there was no transport. Polak explained that they had no transport and they would have to walk to Phoenix Settlement. Young Revashankar Sodha stepped forward to shake hands with him but he did not respond. He exchanged a few words with Maganlal and Raojibhai Patel and then started walking the two and half miles to the Settlement followed by his two companions. They did not relish the walk, but they kept quiet and said nothing.

Raojibhai has recorded that Gandhiji received Sir Benjamin at the door of his cottage and offered him and his companions fruits, which he said had been grown in the Phoenix garden. They ate some fruits. Gandhiji then told Sir Benjamin that he would not be able to take him round the institution as Mrs Gandhi was ill. Sir Benjamin expressed a desire to see her. Gandhiji took him to Kasturba's bed which had been improvised by putting together two benches. The visitor could not but have been impressed by the simplicity of life at the Phoenix Settlement.



Polak showed them round. After that they walked back to the Phoenix railway station to return to Durban.

In his reminiscences of Sir Benjamin's visit Gandhiji has recorded in *Satyagraha in South Africa*:

“Sir Benjamin was looked upon as a popular official and he brought a letter of recommendation from Gokhale, but I observed that he was not entirely free from the usual weakness of the English official. He had no sooner come than he began to create factions among the Indians and to bully the satyagrahis. My first meeting in Pretoria did not prepossess me in his favour. I told him about the telegrams I had received informing of his bullying procedure. I dealt with him, as indeed with everyone else, in a frank and straightforward manner, and we therefore became friends. I have often seen that officials are apt to bully those who will tamely submit to them, and will be correct with those who are correct themselves and will not be cowed down....” ⁶⁴



CHAPTER XXVII: THE VICTORY OF SATYAGRAHA

1

The Commission had set to work in right earnest. Very few witnesses appeared before it on behalf of the Indians, furnishing a striking evidence of the great hold which Satyagraha had acquired over the community. The bulk of the Indians remained true to their boycott pledge. Even those who appeared before the Commission could not and did not say anything against the Indians' demands. Hindus and Muslims sent a joint statement saying that they were united with regard to the demand of the Indians.

Ramdas Gandhi wanted to see the Commission at work. But no one from the Phoenix Settlement was allowed to go near the Commission. Ramdas insisted and was allowed to go provided he did not disclose his identity. Prabhudas went with him. Surendra Medh, an experienced satyagrahi, accompanied them.

They watched the Commission at work from across the path where many Indians were standing. Three white men sat in a big room, records Prabhudas Gandhi. They could not hear what was talked in the Commission sitting, but they could see that witnesses were very few and they came out soon after they went in. They were happy to see the success of the boycott. [Prabhudas Gandhi: *op cit* p 184]

As a result of the boycott, no evidence came before the Commission with regard to flogging and other atrocities. The owners of factories did not therefore have to say anything in their defence. The result was that the Solomon Commission report was ready sooner than expected.



Smuts had learnt a lesson and was determined to find a solution. The Commission gave the report as he wanted. He displayed great vision in the course of his negotiations with Gandhiji. He told Gandhiji again and again that this time every thing must be clarified and settled once for all. If Gandhiji had any doubt about any phrase or wording of any clause, he must point it out. Satyagraha had obviously brought a change in his outlook. [M. K. Gandhi, S.S.A., pp 328-32]

At the very start of the negotiation, Smuts had conceded the right of Indians to be consulted about matters that concerned them. He had therefore shown the Commission's draft report to Gandhiji before it was published and certain changes were made as a result of this consultation. This was not lost on Sir Benjamin and he changed his attitude towards Gandhiji.

The Cape Town correspondent of the London *Times* stated on 14 March that the Indian Commission would recommend the abolition of the £ 3 licence in Natal, the settlement of the Indian marriage difficulty, and the removal of many administrative irritations under the Immigration Act. He had also predicted legislation on the matter, as the Union Government was most anxious to assist the Imperial and Indian Governments to obtain a final settlement.

A leading article in the paper said that a compromise along the lines anticipated to be followed in the report of the Commission, would be honourable to both the sides, and extremely advantageous to the prosperity of South Africa and the welfare of the Empire.

2

Sir Benjamin Robertson left for India on 17 March. The Commission's report was published on the 19th. It gave a pleasant surprise to the Indian community. Practically all their demands had been conceded. [C.W.M.G., XII, pp 335-36]



The report became available in the market for 9 d, a copy on 24 March. *Indian Opinion* carried large extracts in its issue of 25 March.

In its report the Commission criticised the Indians for withholding their assistance to it and dismissed the charges of misbehaviour levelled against the soldiers, but recommended compliance without delay with all the demands of the Indian community, for instance the repeal of the £ 3 tax, the validation of Indian marriages and the grant of some trifling concessions in addition. The report of the Commission was favourable to the Indians as predicted by General Smuts. [M. K. Gandhi, S.S.A., p 332]

Much of the report was concerned with the events leading up to the passive resistance campaign and an analysis of the various incidents during the strike. Its most significant sections, however, left to a few paragraphs at the end of some forty pages, contained the recommended changes both in the law and in administrative practice. These are given below in full: [C.W.M.G., XII, pp 614-21]

1. Section 5 (g) of the Immigration Regulation Act of 1913 should be altered to bring it into conformity with the practice of the immigration department, which was “to admit one wife and the minor children by her of an Indian now entitled to reside in any province or who may in future be permitted to enter the Union, irrespective of the fact that his marriage to such a wife may have been solemnised according to tenets that recognise polygamy, or that she is one of several wives married abroad, so long as she is the only wife in South Africa.”
2. Instructions should be given to the immigration officers to open registers in each province for the registration by Indians of, say, three or more years’ residence in South Africa, who have at present or have had in the past more than one wife living in South Africa or such wives, who are to be free



to travel to and from India with their minor children as long as the husband continued to reside in this country.

3. There should be legislation on the lines of Act 16 of 1860 of the Cape Colony making provision for the appointment of marriage officers from amongst Indian priests of different denominations for the purpose of solemnising marriages in accordance with the rites of the respective religions of the parties.
4. There should be legislation for the validation by means of registration of existing *de facto* monogamous marriages, by which were understood marriages of one man with one woman under a system which recognised the right of the husband to marry one or more other wives.
5. Section 6 of Natal Act 17 of 1895 — the £ 3 tax — should be repealed.
6. Certificates issued under the Immigration Act of 1913 should remain in effect for three years.
7. A full-time interpreter should be attached to the immigration department in Cape Town.
8. A clerk should fill in the application forms for immigrants who desire him to do so.
9. The practice in Cape Town of taking, in certain cases, all ten finger prints instead of just thumb prints should be discontinued.
10. The resident magistrate in districts having no immigration officer should have the power to issue temporary permits to Indians residing in his district who desire to travel from their home province within the Union.
11. The £ 1 fee for a temporary permit or identification certificate should be materially reduced and there should be no charge for its extension.



12. The present practice of the immigration officer of one province communicating with his counterpart in another province whenever an Indian made an application for a permit to travel should be discontinued.
13. Domicile certificates issued by the immigration officers in Natal which bear the thumb impression of the holder should be recognised as conclusive evidence of the right of the holder to enter the Union as soon as his identity has been established.
14. An agreement should be concluded with the Government of India whereby an official inquiry to determine the status of alleged wives and children of Indians domiciled in South Africa would be conducted by a magistrate or other government official. If the appropriate certificate were issued as a consequence of the investigation, it should be accepted as conclusive evidence by immigration officers. [N.A.I., July 1914, procs. 10-12, Viceroy to secy, of state 28 May 1914. (Also quoted by Huttenback: *op cit* p 327)]

3

The recommendation on the Indian marriage question did not satisfy a section of Muslims who considered polygamy up to four wives as a part of their religion, although they conceded that generally most of the Muslims had only one wife. Smuts was told that restriction to one wife was interference with their religion. A London branch of the All-India Muslim League urged the Colonial Office and Foreign Office in London to exert pressure on the Union Government of South Africa to respect the Islamic tradition.

The recommendation for the repeal of £ 3 tax did not please a section of the English political leaders who were in close touch with agricultural and mining interests in Natal. The Natal Agricultural Congress registered a protest on 22 April and demanded retention of the tax. A few diehards went so far as to demand



rejection of the whole report of the Commission. The Indians, they said, should never aspire to equal rights with the “civilized”. [P. S. Joshi: *op cit* p 319]

On 12 May 1914 Sir Aubrey Wools-Sampson denounced a motion introduced by John X. Merriman for the removal of colour bar from the mining regulation of the Transvaal. He said that if injustice had to be done to anyone, he would rather it was done to the blacks than to men of his own race and colour. [P. S. Joshi: *op cit* p 319]

John X. Merriman wisely replied, “The salvation of South Africa lay in the white men realising the dignity of work. A race that tries to live by others’ work, a race that tries to keep itself by artificial props must inevitably perish. That is the verdict of history.” [*Ibid*, p 320]

The Indians Relief Bill was published on 28 May 1914 in the South African press, as a bill “to make provision for the redress of certain grievances and the removal of certain disabilities.” The two major points of the Bill were repeal of £ 3 tax and validation of monogamous Indian marriages, the two issues on which the Satyagraha had been launched. If any Indian wished to abandon his right to reside in South Africa with regard to himself, his wife and minor children, the Bill empowered the Government to provide them free passage to any port of India. [*Ibid*, p 320]

One part of the Bill dealt with the question of Indian marriages and validation in South Africa of marriages which were held legal in India. This part was agreed to, provided that if a man had more wives than one, only one of them would at any time be recognised as his legal wife in South Africa.

The second part abolished the annual fee of £ 3 on a licence taken out by every indentured Indian labourer, who did not return to India and settled in the country as a free man on completion of his indenture.



The third part provided that the domicile certificates issued by the Government to Indians in Natal and bearing the thumb-impression of the holder of the permit, should be recognised as conclusive evidence of the right of the holder to enter the Union as soon as his identity was established. [P. S. Joshi: *op cit* p 321]

Those outstanding difficulties which were not covered by the Bill, were to be settled by administrative action on the basis of the agreement concluded between General Smuts and Gandhiji in their extensive correspondence. It was agreed that :

1. The Government would create no impediment to the entrance into the Union of existing plural wives of domiciled Indians.
2. A discharge certificate would be issued to all indentured or re-indentured Indians upon the completion of their period of service.
3. The entry of South Africa-born Indians into the Cape would continue on the same basis as before the passage of the Immigration Act of 1913. But the Government reserved the right to activate the provisions of the Act if the number of such entrants “sensibly increases.”
4. Gandhiji’s proposal to Gorges on the Free State question, (namely that the disabilities of Indians to hold property, to farm and to trade in the Free State should be notified to them in the general declaration to be made by them at the first port of entry at the coast), was to be implemented.
5. *Bona fide* passive resisters would not in future have their convictions used against them by the Government. [N.A.I., Sept. 1914, 5-12 paraphrase of telegram Gov. Genl. to Secy. of state 1 July 1914]



The Indians' Relief Bill received unqualified support from Gandhiji and his associates. Polak, in an interview to *The Star* on 26 May 1914 explained the Indian viewpoint. He said that certain points remained as these were within the jurisdiction of the administration. Indians looked forward to fair and equitable treatment in the future. If these requirements of passive resisters were met satisfactorily, the passive resistance struggle would be considered as ended. [I.O., 10-6-1914, p 180]

Not all, however, were agreed that the Bill solved the Indian problem. *The Star* on 9 June 1914 wrote that it was not likely that the Indians' Relief Bill would solve all the difficulties arising from the presence of many thousands of British Indians in the Union and secure permanent peace. The paper added that in the years to come, some factions of Asiatics might "discover or invent an entirely new set of grievances." But the Government of the Union and the people of South Africa, it added, will be in a stronger position to deal with the situation, because of General Smuts' Act which was based on "equity and common sense." [I.O., 17-6-1914, p 180] On the whole *The Star* supported the Indians' Relief Bill.

4

General Smuts moved the second reading of the Bill on 8 June 1914. In a lucid and straightforward manner, he reviewed the report of the Commission, the trend of past Indian legislation and the problems and aspirations of the Indian people in South Africa. The Bill, he said, implemented recommendations 1, 2, 3, 4, and 5 of the Solomon Commission. It was his resolve, he announced with striking candour, to redress Indian grievances as far as possible, "keeping always in view the traditional and political currents in the country." [P. S. Joshi: *op cit* p 322]

Accepting all the 14 recommendations of the Commission, Smuts said that most of them required merely administrative action in order to arrive at a lasting



settlement of the “thorny and difficult” problem. He was convinced that the Commission had made an honest effort to meet legally the Muslim difficulty while making its recommendations regarding Indian marriages. He accepted the Commission’s view that the Indian claim for the repeal of clause 6 of the 1895 Law regarding the £ 3 tax was “fair, just and politic.” [*Ibid*, p 323]

In conclusion he said that the matter affected the whole of the British Empire. The struggle had been long. At last they had reached a stage when the whole matter could be brought to a conclusion. He appealed to the honourable members, especially from Natal, to help the Government in getting the Bill passed during the session. [*Ibid*, p 323]

Mr F. D. Chaplin paid a deserving tribute to Mr Smuts for implementing the recommendations of the Commission. The Bill was a very fair attempt at meeting the difficulties regarding the Indian marriages question, he said. [P. S. Joshi: *op cit* p 323]

J. X. Merriman confessed that he had never approved of Indian immigration. In fact he was criticised in the old days when he opposed the demand in Cape Colony for importing “coolie” labour for the Western Province farmers. He, however, stood for justice and was in favour of fair and equitable treatment of Indians in South Africa. The owners of Natal coal mines and other industries, who employed Indian labour in farms, factories, and as domestic servants, opposed tooth and nail any attempt to ship the Indians back to India, he said. He warned his countrymen at the end of his speech : “If we sow an injustice, we will reap a retribution that will be very severe to this country.” [*Ibid*, p 324]

Mr Morris Alexander said that the Indian question affected the whole Union of South Africa and was not a provincial matter. If any injustice was done



anywhere, the whole of South Africa would have to suffer. Truth and justice, he said, were colour blind. Indians were not aliens but British subjects introduced in Natal, and Natal had reaped rich benefits from the work of Indian labour. The Indians' Relief Bill did not by any means meet all the needs of Indians. It was an attempt by the Government to give them justice as far as they thought was possible without detriment to South Africa. [*Ibid*, p 324]

The Prime Minister, General Botha, intervening in the debate said that he himself had done his best to keep Indians out of the country. But they must be fair towards them. It was the duty of the Government to work for fairness, justice and peace. The “Native argument” of certain members did not appeal to him. The Europeans, a small minority, had always governed the native majority without any difficulty. The Africans had never refused to pay their taxes. He ended with the exhortation, “We have introduced this Bill and we must stand by it.” [P. S. Joshi: *op cit* p 325]

A minority of members opposed the Bill mainly on racial grounds. They severely criticised the Indian leaders and disputed that the £ 3 tax was ineffective. W. F. Clayton and T. Boydell quoted statistics. They said from 1895 to 1913 as many as 34,828 Indians had left South Africa. They criticised the Government's hesitancy in applying the tax to all Indians, and laxity in collecting it. They said that Indians aimed at equality with white men. It was wrong to remove their disabilities. It was best to repatriate them to India. [*Ibid*, p 325] W. F. Clayton said their first duty was to protect their own race. [*Ibid*, p 326]

Sir Aubrey Wools-Sampson disputed the allegation of ill-treatment of Indians. He said the Indian strike had been engineered purely for political purposes. [*Ibid*, p 326]



W. M. Myburgh expressed the hope that the House would not be dictated to by Gandhi and his associates.

Van Niekerk demanded deportation of Indians.

Dr Haggar was a strong advocate of Indian repatriation. He said, “Let them take away the privileges from the sugar industry which it had enjoyed so long and sent the ‘coolies’ back with a nice little sum in them own pockets. In five years’ time they would empty the country at least of all undesirables.” [*Ibid*, p 326]

General Smuts replied to the debate briefly and said that they should not hesitate to do their duty. The Solomon Commission report, he said, went a long way in finding a solution of Indians’ difficulties. The Government of India was satisfied with the report and Gandhi’s organ *Indian Opinion* also considered the passive resistance struggle as honourably closed. The Government would do all in its power “to get Natal out of the mire.” [*Ibid*, p 326-7]

The Bill was next sent to the Senate for approval. The Senators were doubtful whether it would provide a lasting solution for the Indian problem. Senator Winter said that it would retard the future of the whites. Senator Schofield was afraid it would act as an incentive for the Africans to go on a strike. Senator Sangmeister did not believe that the passage of the Bill would result in ending the Indian trouble in Natal.

Senator Marshall Campbell struck a positive note and gave his whole-hearted support to the Bill. He considered the £ 3 tax to be very cruel and unjust. [P. S. Joshi: *op cit* pp 326-7]

Smuts in his reply reiterated his views regarding the settlement of the Indian question. The recommendations of the Solomon Commission, he said,



should be implemented. They could not contemplate continuance of the policy of shooting down citizens, thereby setting distant parts of the Empire in a blaze.

Constitutional and procedural work progressed at a quick pace thereafter. The Bill was put on the Statute Book on 1 July 1914. Lord Gladstone was retiring as Governor General of the Union of South Africa. On 2 July 1914 at a farewell banquet at Johannesburg, he expressed his deep gratitude to the Union Government and Parliament for passing the Indians' Relief Bill. It had relieved South Africa of what threatened to be a "dangerous, as also a chronic trouble. The Bill was an act of justice in South Africa. For the Empire it met an urgent necessity." [*Ibid*, p 328]

Gandhiji was greatly relieved to see the Indians' Relief Bill become a law of the Union.

There emerged some opposition among Indians about its interpretation which was disturbing. Some criticised the Bill saying that it created a sense of ill feeling and disappointment. [*Ibid*, p 328]

On top of it *Natal Mercury* on 20 June 1914 carried a story which deeply upset Indians. It said that the Indians, if they thought that they had become free on the removal of the £ 3 tax were labouring under a delusion. They would become prohibited immigrants under the Immigration Regulation Act of 1913. [*Ibid*, p 328]

Gandhiji had an important meeting with Senator Marshall Campbell on 27 June at Cape Town to discuss the matter. Campbell had been a friend of the Indians and the Indian cause. He assured Gandhiji that to his knowledge there was no agitation against the Indians' Relief Bill and there was nothing which made the affected Indians prohibited immigrants under the Immigrants Act. He



discussed the implications of the Bill with General Smuts and conveyed the substance of his talk to Natal by telegram to the effect:

The Bill does not interfere with such Indians who will, under the Bill, be free to return to India or remain in Natal as they wish. I am authorised by Gandhi to state that he is quite satisfied that the Bill does not make Indians affected by it prohibited immigrants, which, in Gandhi's opinion, would be a result never contemplated by the Imperial, Union or the Indian Governments, or the eminent lawyers who inquired into Indian grievances and made recommendations. [P. S. Joshi: *op cit* p 329]

5

Was the Indians' Relief Act really a victory of Satyagraha as it has been called? Did Indians get their problems solved at the end of all their suffering during the eight long years of the struggle? Yes and no, we might say. It was a complete victory with regard to the issues on which the 1913 Satyagraha was launched, namely repeal of £ 3 tax and validation of Indian marriages.

But many problems still remained. Indians had by no means become equal citizens. They did not have the right to vote. The disabilities imposed on them by Law 3 of 1885 with regard to owning land or property, except in specified locations, had not been removed. The Gold Law had created many disabilities which were still standing. But Gandhiji was confident that having achieved what they had, the remaining problems would be solved in due course in view of the new spirit of conciliation on the part of the Government of the Union, provided the Indian community would adhere to Satyagraha.

Gandhiji was an idealist. He looked at racial discrimination, injustice and exploitation of the weak by the strong as a sin, a blasphemy and an offence against God the Creator of all men. He had devoted all his energies to fight this



evil in South Africa. As in the case of Napoleon, the word ‘impossible’ did not exist for him. But there was a vital difference between him and Napoleon. In order to make possible what appeared to be impossible, Gandhiji would not make use of physical force in any shape or form. He discovered a novel method of overcoming evil by bringing about a change in the thinking of the evil-doer. He tried to do so by effecting a change of heart in his opponent through self- suffering.

Gandhiji often explained to us during our 21 months of detention in the Aga Khan Palace Detention Camp in the course of the Quit India Movement (1942 to 1944) that for a satyagrahi who was prepared to lay down his life in defence of what he held to be right, there was no defeat. A brave soldier, whether he uses physical force or soul force to defend what he holds to be right, must be always ready to die for it. If he is killed in the course of offering violent resistance, his opponent will feel the exultation of victory and go along his evil path with redoubled enthusiasm after getting him out of the way. If on the other hand a satyagrahi lays down his life in similar circumstances offering non-violent resistance, there will be no intoxication of victory on the part of the victor. Having killed him, the victor will pause to think, “What was it that this man was trying to say? Why and for what did he lay down his life?” The process of thinking and change of heart therefore will continue to operate even after the satyagrahi’s death.

We all who were old enough to understand these things in 1948, witnessed this phenomenon in India after Gandhiji’s assassination in Delhi on 30 January, 1948. His martyrdom put an end to the killings on either side of the Indo-Pakistan border at that time. It led to spontaneous heart searching on the part of all concerned.



But, to go back to story of the successful end of Satyagraha in South Africa in 1914, Gandhiji was both an idealist and a realist. He therefore concentrated on the substance and spirit of the settlement more than on its form and his own prestige. As a realist he saw that the process of education and enlightenment of the highly colour-conscious whites in South Africa, so that they would learn to overcome race prejudice, had necessarily to be a slow and gradual one. He stood for equality of races, but his twenty years' experience of South Africa had taught him to hasten slowly in order to reach the ultimate goal of complete elimination of racial inequality and discrimination.

He shunned the use of brute force of any kind and depended entirely on soul force or Satyagraha. Believing in the divine origin of all men and the essential goodness of human nature, he endeavoured to awaken the conscience of his opponents by defying their unjust laws and accepting the penalties of such defiance in a noble and gentlemanly manner which could not but make an impression upon the oppressors.

There were two important earlier issues, namely repeal of Law 2 of 1907 and removal of racial bar from the Immigrants Act besides the two new ones which formed the basis of 1913 Satyagraha. The first demand, namely repeal of Law 2 of 1907, had been fully conceded but the second was conceded only in letter and not in spirit. Gandhiji had accepted this when he agreed to restrict the number of educated Indians allowed to enter the Transvaal to six every year.

There were some Indians who criticised Gandhiji and even publicly insulted and condemned him for the settlement which they considered unsatisfactory, because it had not removed all their disabilities. He did not bear any grudge against them for this unfair treatment. He had tried to embody the most



important of the common grievances of the Indian community involving their honour, in the programme of passive resistance. Keeping in view the general atmosphere in South Africa and the policy of the Government of the country, some of the problems were left to the future. He had started by attempting first to change the outlook of the European leaders and the rulers, and then he had waited to see the reaction. His success in this regard we have already witnessed. He was able to move thousands of hearts among the whites by silent suffering on the part of the Indian satyagrahis. These whites included many leading clergymen, political leaders, businessmen and newspaper editors.

The historic struggle had put Smuts in a predicament. The arrogant Smuts who would have nothing to do with Gandhiji at the start of the great march and was not prepared even to listen to the same advice from Whitehall at that time, ultimately had to appoint the Solomon Inquiry Commission in response to the strong public opinion in India and England and even in South Africa as more and more whites were becoming sympathetic to the Indians' struggle. After releasing Gandhiji from prison, he was not only willing but even eager to confer with his arch adversary to come to a settlement. [P. S. Joshi: *op cit* p 332]

Gandhiji reacted to this change in Smuts in a positive manner without delay. He had no intention of embarrassing him or the Government. In his negotiations with Smuts, he therefore only put forward the most essential minimum demands of the Indian community. Every point, major or minor, came in for a close scrutiny by Smuts. It became evident to Gandhiji that he had the will at last to find a solution for the Indian problem. [*Ibid*, pp 332-3]

Gandhiji had desired that the Indian claim to elementary human rights be recognised and accepted by the Government and the Government should consult the Indian community with regard to measures affecting the Indians. This was



conceded by Smuts. On 27 June 1914 at the last of the several Gandhi- Smuts interviews, the two men arrived at a perfect understanding. This was followed by the drafting of the agreement in the form of two historic letters which were exchanged between the Government and Gandhiji. [C.W.M.G., XII, pp 438-9, 626]

Gandhiji received warm compliments from two sympathetic politicians, Senator Marshall Campbell and Mr M. Hugh Meyler M.L.A. on the same day for the enactment of the Indians' Relief Bill. [P. S. Joshi: *op cit* p 333] In his reply Gandhiji expressed the hope that the Indian community in South Africa would now have a period of peace. The Bill had settled all outstanding practical problems, he said, and he looked forward to a long period of peace. The Indians did not aspire to social equality with the Europeans. They were prepared to let the question of franchise and political equality wait till the Europeans were ready for it. He was however convinced that his countrymen would one day get the right of vote. He was pleased with the spirit of national and imperial responsibility displayed during the discussions on the Indians' Relief Bill and he felt that this spirit should be able to settle all problems which might arise in the future. [C.W.M.G., XII, p 439]

7

The Bill had 9 clauses. It conceded that marriages which were considered legal in India will be held to be legal in South Africa, but this will not cover polygamous marriages.

The indentured labourers who wished to stay on in South Africa after the completion of their indentures would not have to pay £ 3 tax.

The Bill also defined the benefits enjoyed by Indian holders of domicile certificates and the rights of educated Indians. Clarifications were sought by Gandhiji regarding the right of educated Indians in Cape Town, especially if they had come there before 1914. He also sought clarification with regard to



permission to bring one or the other of the polygamous wives into the colony, provided there was only one wife in South Africa at any one time.

Many Muslims were not satisfied. They felt that to deny polygamy was interference with their religion. They felt that the agreement had mainly benefited the indentured labourers by the removal of £ 3 annual tax who were largely Hindus. They forgot the sacrifices made by the indentured labourers and ex-indentured labourers, (the hawkers) who had borne the brunt of the final phase of the struggle.

The atmosphere was becoming increasingly vitiated and some anti-social elements began to air open threats and talk of assaulting and murdering Gandhiji who was at that time at Cape Town. The news reached Phoenix. Kallenbach was in Johannesburg and he said no one need worry about protecting Gandhiji. He could protect himself. But friends and relatives were anxious and wrote to Gandhiji to come straight to Natal and not to stop at Johannesburg on the way. But he decided that he must go to Johannesburg even to face an assault and possibly death. What could be a more befitting end for a satyagrahi? he asked.

He wrote a letter to Chhaganlal from Cape Town on 11 March which may well be considered his last will. In that letter he advised Chhaganlal as to what was to be done in case of his death, for the support of the five widows for whom he felt responsible (three widows of his three brothers and his widowed sister and her young widowed daughter-in-law). If they would all stay together, he said it would be best. But if they did not agree to it, they were to be paid one and a half time what they were each spending on themselves at Phoenix. Dr Pranjivan Mehta could be approached for funds for this purpose, he said. If the sons of some of them could take the responsibility for looking after their widowed



mothers, and that would apply to Manilal with regard to Kasturba he added, they should be encouraged to do so. Harilal should look after himself and his family.

He also advised the family to take to the Phoenix type of living and give up running after Government jobs. He advised finding such bridegrooms for the girls in the family, who would agree to simple marriages without incurring expenditure. They should remain unmarried till such bridegrooms were found. “It is not our duty to promote marriages and production of children. We should all work for ultimate *moksha* (salvation). All those who join us in this quest, will be our family,” he wrote.

He wrote that for the present Chhaganlal might share his letter with Raojibhai, Pragji and Jamnadas. “Manilal is not there, otherwise he would have included his name also,” he wrote. “A copy of the letter might be sent to him by registered post and got back.” But after his death, the letter could be shown to any body Chhaganlal wished. [C.W.M.G., XII, pp 380-83]

Gandhiji went to Johannesburg after that. He was received by many people and there were many meetings to honour him. On the second or third day he was invited to a Muslim meeting. He was warned against going there. But he said that his countrymen were his masters. “The servant must go when the master calls.” So he went. In the meeting he was asked to explain the agreement. There were questions which soon became unmannerly and the atmosphere began to deteriorate. A riot seemed imminent. Suddenly a tall angry Pathan came forward brandishing an open dagger in his hand. He shouted “Beware, there are some mischief makers in this meeting ready to attack Gandhibhai (brother Gandhi). If anyone harms him he will be victim of my dagger.” Shouting thus, the fearful Mir Alam came and stood right in front.



Gandhiji smiled as he turned to look at him. Laughing, he said “Mir Alam why are you so angry? Come near me. We are all brothers. No one is going to attack me.”

Mir Alam thundered, “You are a ‘faquir’, a man of God. You do not know, but I know everything. I am going to finish the man who raises his little finger against you.”

All the unrest disappeared. The mischief makers left the meeting one by one. Gandhiji, Seth Cachhalia and other friendly Muslims were left behind. The meeting was over. Mir Alam went with Gandhiji and left after seeing him safely back to the place where he was staying.

Thus the man who had made a murderous attack on him in 1908, was sent by God to protect him in 1914, proving the efficacy of the law of love. [Raojibhai Patel: *Gandhiji Ki Sadhana*, pp 263-9]

8

The Smuts-Gandhi final agreement was signed on 30 June 1914. It however came to the knowledge of the public on 7 July when the correspondence was released to the press. [P. S. Joshi: *op cit* p 334] The main points of negotiation centred round recognition of the Indians’ vested rights, discharge certificates for indentured Indians, admission of plural wives and their children, the Cape entry question for Indians born in South Africa, the status of exempted educated entrants, exoneration of *bona fide* passive resistance offenders and sympathetic administration of existing laws, over and above the relief extended by the Indians’ Relief Bill.

The two historic letters of June 30, which constitute the Gandhi-Smuts agreement of 1914, are given below:



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

Dear Mr Gandhi,

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

1. He sees no difficulty in arranging that the protector of Indian immigrants in Natal will in future issue to every Indian, who is subject to the provisions of Natal Act 17 of 1895, on completion of his period of indenture or reindenture, a certificate of discharge, free of charge, similar in form to that issued under the provisions of Section 106 of Natal Law No. 25 of 1891.
2. On the question of allowing existing plural wives and the children of such wives to join their husbands (or fathers) in South Africa, no difficulty will be raised by the Government if, on enquiry, it is found as you stated, that the number is a very limited one.
3. In administering the provisions of Section 4(1)(a) of the Union Immigrants' Regulation Act No. 22 of 1913, the practice hitherto



existing at the Cape will be continued in respect of South Africa born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in the past; the Government, however, reserve the right, as soon as the number of such entrants sensibly increases, to apply the provisions of the Immigration Act.

4. In the case of the “specially exempted educated entrants into the Union” (i.e. the limited number who will be allowed by the Government to enter the Union each year for some purpose connected with the general welfare of the Indian community), the declarations to be made by such persons will not be required at provincial borders, as the general declarations which are made in terms of Section 19 of the Immigrants’ Regulation Act at the port of entry are sufficient.
5. Those Indians who have been admitted within the last three years, either to the Cape Province or Natal, after passing the education tests imposed by the Immigration Laws which were in force therein prior to the coming into effect of Act 22 of 1913, but who, by reason of wording of Section 20 thereof, are not yet regarded as being ‘domiciled’ in the sense in which that term is defined in the Section in question, shall, in the event of their absenting themselves temporarily from the province in which they are lawfully resident, be treated, on their return, as if the term ‘domicile’ as so defined did apply to them.
6. He will submit to the Minister of Justice the cases of those persons who have been in the past convicted of "*bona fide* passive resistance



offences” (a term which is mutually understood) and that he anticipates no objection on Mr De Wet’s part, to the suggestion that convictions for such offences will not be used by the Government against such persons in the future.

7. A document will be issued to every “especially exempted educated entrant” who is passed by the Immigration officers under the instructions of the Minister issued under Section 25 Act No. 22 of 1913.
8. All the recommendations of the Indians’ Grievances Commission enumerated at the conclusion of their Report, which remain over and above the points dealt with in the Indians’ Relief Bill will be adopted by the Government; and subject to the stipulation contained in the last paragraph of this letter, the necessary (instructions for) further action in regard to those matters will be issued without delay.

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

In conclusion, General Smuts desires me to say that it is, of course, understood and he wishes no doubt on the subject to remain, that the placing of the Indians’ Relief Bill on the Statute Book of the Union, coupled with the fulfilment of the assurances he is giving in this letter in regard to the other matters referred to herein, touched upon at the recent interview, will constitute a complete and final settlement of the



controversy which has unfortunately existed for so long, and will be unreservedly accepted as such by the Indian community. [C.W.M.G., XII p 626]

I am etc.

M. K. Gandhi, Esq.
7 Buitensingel,
Cape Town.

Sd/- E. M. Gorges

7 Buitensingel,
Cape Town

30 June 1914

Dear Mr Gorges,

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

The passing of the Indians' Relief Bill and this correspondence finally closes the passive resistance struggle which commenced in the September of 1906 and which to the Indian community cost much physical suffering and pecuniary loss and to the Government much anxious thought and consideration.

As the Minister is aware, some of my countrymen have wished me to go further. They are dissatisfied that the Trade Licences laws of the different Provinces, the Transvaal Gold Law, the Transvaal Townships Act, the Transvaal Law 3 of 1885 have not been altered, so as to give them full rights of residence, trade and ownership of land. Some of them are dissatisfied that full inter-provincial migration is not permitted, and some are dissatisfied that on the



marriage question the Relief Bill goes no further than it does. They have asked me that all the above matters might be included in the Passive Resistance struggle. I have been unable to comply with their wishes. Whilst, therefore, they have not been included in the programme of passive resistance, it will not be denied that some day or other these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights have been conceded to the resident Indian population.

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

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

[C.W.M.G., XII, pp 438-9]

I am,

E. M. Gorges Esq.,
Department of the Interior
Cape Town.

Yours faithfully,

Sd/— M. K. Gandhi



The final Smuts-Gandhi Agreement was a great event for Indians in South Africa. It marked the triumph of righteousness and justice. It formulated the fundamental principles governing the status and rights of Indians. It recognised their dignity and worth. It settled the burning problems of the day, viz. validation of Indian marriages and repeal of £ 3 tax, and inspired hope for the future. It kept the door open for further negotiations in connection with unredressed grievances. Gandhiji described it as “The Magna Charta of Indian Liberty in this land (South Africa).” [*Ibid*, p 500] In a letter dated 18 July 1914 addressed to the Indian and European public just before his departure from South Africa he explained:

I give it the historic name, not because it gives us rights which we have never enjoyed and which are in themselves new or striking, but because it has come to us after eight years’ strenuous suffering, that has involved the loss of material possessions and of precious lives. I call it our Magna Charta because it marks a change in the policy of the Government towards us and establishes our right not only to be consulted in matters affecting us, but to have our reasonable wishes respected Above all, the Settlement may well be called our Magna Charta because it has vindicated passive resistance as a lawful, clean weapon, and has given in passive resistance a new strength to the community The Settlement finally disposes of all the points that were the subject matter of passive resistance, and in doing so it breathes the spirit of justice and fair play. If the same spirit guides the administration of the existing laws, my countrymen will have comparative peace, and South Africa will hear little of the Indian problem in an acute form. [C.W.M.G., XII, pp 500-1]



To those of his countrymen who had protested against the agreement, Gandhiji gave the advice to continue the agitation for the restoration of rights not embodied in the Indians' Relief Bill and his settlement with Smuts. He assured them that the present settlement did not preclude them from agitation for the removal of other disabilities, which the community was still suffering from under the Gold Law, Townships Act, Law 3 of 1885 of the Transvaal and the Trade Licences Laws of the different provinces. The promise made by Smuts to administer the existing laws justly and with due regard to vested rights gave the community breathing time but these laws, he agreed, were in themselves defective. These laws could not be and should not be turned into engines of oppression as they had been and used as instruments to drive away the resident Indian population from South Africa by indirect means. [*Ibid*, p 501]

He advised the Indian people to “nurse the settlement,” see to it that the promises made were carried out, and attend to their own development and progress from within. They should zealously remove all causes which might have given rise to, and led to the growth of anti-Indian prejudice and they should “patiently cultivate and inform European opinion so as to enable the Government of the day and the legislature to restore to us our rights.” [C.W.M.G., XII, p 502]

The South African press, in general, welcomed the Smuts-Gandhi agreement in a tone of gratification and joy.

The editorials paid tribute to the statesmanship of the two eminent leaders, Gandhiji and General Smuts. Some of them acclaimed Gandhiji for his staunch adherence to high principle and excellent strategy. The leading biographers of General Smuts did not grudge Gandhiji his victory. They had great admiration for Gandhiji's technique of passive resistance. Some of them,



however, questioned whether the achievement was commensurate with the great sacrifices that Indians had made. “What was Gandhi’s victory?” Gertrude Sarah Millin asked “For what had he striven for five (eight) years? For a few things, such as voluntary registration, the remission of the three pound tax in Natal, and the legitimization of the polygamous wives, which were granted by the Indians’ Relief Act, but chiefly for the deletion from the laws of the word ‘Asiatic’. Not the spirit. Not the fact. Merely the word.” [P. S. Joshi: *op cit* p 345]

Writes Hancock “Gandhi did not accept this settlement in final satisfaction of all the just demands of his people; on the contrary, he gave notice that they would have other objectives to strive for, including franchise rights at some future time. He did, however, agree that his own claims and those of the satyagrahis had been fully and fairly met. He felt that he had finished his work in South Africa.” [Hancock: *op cit* p 345]

F. S. Crafford, another biographer of Smuts, said Gandhi practised assiduously his doctrine of self-abnegation and his vows of chastity. “He tempered and burnished those spiritual weapons until they were bright and flawless like Toledo blades and far more dangerous.” Then acquiescing in the Indians’ Relief Act and expressing satisfaction with various promises given by Smuts concerning “vested rights”, Mohandas Karamchand Gandhi returned at last to India with a “profound distrust of Western civilization” and feeling that it represented nothing but a “triumph of gross materialism and brute-force.” [P. S. Joshi: *op cit* p 345]

The tribute of *The Friend* of Bloemfontein to Gandhiji’s personality was most eloquent of all the tributes in South Africa. It said “Few will grudge tribute to the character and work of Gandhi. An able man, he has never allowed any selfish motive a place or pay to dictate his course of action. He fought a long,



often a lone, but always a clean, straight fight for the cause for which he endured hardships and imprisonment, but never disgrace. It does a country good to have had as a citizen a man of Gandhi's rectitude of character and resoluteness. It is good to have such a man to disagree with, and we have differed and continue to differ fundamentally with him. He is probably thousands of years ahead of the world." [*Ibid*, p 346]

10

The gains of the Agreement as viewed by Gandhiji were later published in the Golden Number of *Indian Opinion* in 1914. The Editor surveyed the struggle and explained how the passive resistance struggle had succeeded more and more in bringing together the best representatives of the European and Indian sections of the population. With each new phase of Satyagraha "there were new triumphs" and "conquest of a few more friends." The universal distrust and contempt for the Indian community were replaced by trust and respect.

The Indian sentiment, it added, was completely ignored in the early stages. "But now the leaders of the Indian community were consulted" in matters affecting their interests. The passive resistance had given "the disfranchised ones far more than the vote could have won for them."

Racial legislation against Indians was not only threatened, but actually enacted in the earlier stages so as to drive them from the colony. The Smuts-Gandhi settlement had removed all possibility of racial legislation against Indians being enacted anywhere in the Empire in future. [I.O. Golden Number, 1914]

The system of indentured labour immigration from India which had earlier seemed to have almost become a permanent feature of South African economics, had been ended. "The hated £ 3 tax has been repealed putting an end to its attendant misery and insult." The vested rights of Indians had earlier



been showing a trend to disappear. These would now be maintained and protected. The bulk of Indian marriages, that had never previously received the sanction of South African Law, were to be fully recognised in law. [*Ibid*] The new spirit of conciliation, that had resulted from the hardships suffered and sacrifices made by the passive resisters, was the most valuable gain over and above everything else. “The flag of legal racial equality has been kept flying, and it is now recognised that Indians have rights and aspirations and ideals that cannot be ignored.” [*Ibid*]

The struggle had more than once proved the immense superiority of right over might, of soul force over brute force, of love and reason over hatred and passion. India had gone up in the scale of nations, her children in South Africa had been ennobled, and the way was now open to them to develop their capacities in peace and concord, and thus “contribute their quota to the building up of this great nation that is arising in the South African sub-continent.” [*Ibid*]

The Smuts-Gandhi Agreement did not materially go too far. Gandhiji had never claimed that the Indians had achieved equality. What the agreement mainly achieved was the community’s right to honourably reside to work, and trade and to enjoy the fruits of its labour in South Africa. It had defeated government’s machinations “to force them out of the country, lock stock and barrel,” by drastic discriminatory legislation. It had forced the Government to accept Indians as citizens of the land and removed the Damocles’ sword hanging over their heads. The foundation was well laid for their future entrenchment and prosperity.

Rev Chas Phillips and Rev John Howard assessed the achievement of the struggle from both material and spiritual angles. The struggle, observed Rev Phillips, had eminently preserved Indian manhood. All the inequalities, and



injustices resulting from legislation since 1908 had ended. The Government had pledged not to introduce any further harassing legislation in future. The struggle had created certain fundamental ideals and bound all the classes together. The Indian people had fought, suffered and conquered together. [P. S. Joshi: *op cit* p 348]

Rev John Howard said that “without votes, without weapons, and apparently without influence, they have overcome prejudice which seemed invincible, and wrung from their oppressors those elementary rights which, without question, every civilized man should enjoy.” The settlement, important as it was, was the least result of the splendid struggle, he added. “What those long years of brave and patient endurance will mean in the development of their own inner life, no man can say.” They had been tested as by fire, the dross had been destroyed, but “the gold remained.” Their character had been purified and their lives ennobled. “In the far future their childrens’ children,” he observed, “will look back on this heroic conflict as the beginning of a new era.” [*Ibid*, p 349]

11

The successful end of Satyagraha and the amicable settlement of the Indian question placed Gandhiji on the “pedestal of national and international glory.” Satyagraha under Gandhiji’s leadership had added a distinctive chapter to the history of South Africa, tarnished previously by events of aggression, exploitation and bloodshed. “Unegoistic, unassuming and humble by temperament,” Gandhiji did not claim credit for the victory for himself. He attributed it to the statesmanship of General Botha and General Smuts. [P. S. Joshi: *op cit* p 350]

As soon as the Agreement was concluded, he announced his decision to sail for India *via* England as Gokhale was in England and desired to meet him. His work in South Africa, he declared, had practically ended.



Having landed in Natal in 1893 as a junior counsel for a commercial firm on a salary of £ 105 per annum, he rose high in his profession within few short years earning over £ 5000 a year in legal fees. He contributed all this income to the cause in which he deeply believed. During his stay in South Africa he had emerged not only as a “skilled lawyer” respected throughout Natal and the Transvaal and later in the entire Union of South Africa, but also as a “political leader of great maturity, flexibility and imagination.” [Huttenback, R.A.: *op cit* p 329]

The announcement that Gandhiji would be leaving South Africa for good was followed by a series of farewell receptions, mass meetings and rallies. Smuts-Gandhi Agreement and the impending departure of Gandhiji were widely celebrated. Gandhiji was feted and praised. Speakers from various platforms alluded to his “saintly life”, his “novel non-violent struggle”, his “dedication to the cause”, his “experiments with truth and his abiding sense of public duty which disallowed all considerations of personal comfort and self-interest.” Rev. John Howard described his life as a “living commentary on the principles of the New Testament.” [P. S. Joshi: *op cit* p 351]

In all his speeches, Gandhiji spoke from his heart. He did not hide anything. He did not attack his critics, nor did he praise his supporters. He did not hesitate to say what he thought was the truth.

A large and enthusiastic meeting of Indians, attended by Europeans, was held in the Durban Town Hall to bid farewell to Gandhiji, Kasturba and Kallenbach on 11 July 1914. W. Holmes, the Mayor, presided. Gandhiji and Kasturba were garlanded and presented with bouquets. Kallenbach could not attend; a telegram from him expressing thanks was read at the meeting. Addresses on behalf of a number of organisations all over South Africa were read. Indians and European admirers of Gandhiji paid him glowing tributes.



Gandhiji then addressed the meeting. Referring to passive resistance, he claimed that it was a weapon of the purest type. It was not the weapon of the weak. It needed, in his opinion, far greater courage to be a passive resister than a physical resister. “It was the courage of a Jesus, a Daniel, a Cranmer, a Latimer and a Ridley who could go calmly to suffering and death, and the courage of a Tolstoy who dared to defy the Czars of Russia, that stood out as the greatest.”

He said he knew the Mayor had received some telegrams stating that the Indians’ Relief Bill was not satisfactory. It would be a singular thing if in this world they would be able to get anything that satisfied everybody, but, in the conditions prevailing in South Africa at that time, he was certain they could not have had a better measure.

“I do not claim the credit for it. It is rather due to the women and children and young people like Nagappan, Narayansamy, and Valliamma who have died for the cause and to those who quickened the conscience of South Africa. Our thanks are due also to the Union Government. I shall never forget that General Botha showed the greatest statesmanship when he said his Government would stand or fall by this measure (The Relief Bill). I followed the whole of that historic debate — historic to me, historic to my countrymen and possibly historic to South Africa and the world.”

Proceeding, Gandhiji said that it was well known to them how the Government had done justice, and how the opposition had come to their assistance. They had also received handsome help from both the Imperial and Indian Governments, backed by that generous Viceroy Lord Hardinge. (Cheers). The manner in which India, led by their great and distinguished countryman, Mr Gokhale, had responded to a cry which came from the hearts of thousands of



their countrymen in South Africa, was one of the results of the passive resistance movement, and left, he hoped, no bitter traces or bitter memories. (Applause).

“This assurance I wish to give. I go away with no ill will against a single European. I have received many hard knocks in my life, but here I admit that I have (also) received those most precious gifts from Europeans — love and sympathy.” (Cheers).

Referring to his stay in South Africa, Gandhiji said that he would retain the most sacred memories of the land where he had been fortunate enough in forming the happiest and most lasting friendship with both Europeans and Indians. He was now returning to India a “holy land, sanctified by the austerities of the ages.”

In conclusion, Gandhiji said, he hoped that the same love and sympathy which had been given to him in South Africa might be extended to him, no matter in what part of the world he might be. [C.W.M.G., XII, pp 445-7]

Three days later at a Drill Hall banquet in his honour, he declared that the question of equal status was bound to come up in the future as the Indian aspirations had been only partially fulfilled by the Bill. [*Ibid*, p 477]

On the morning of 12 July, Verulam staged an unforgettable demonstration in Gandhiji’s honour. No less than 3,000 indentured Indians assembled to pay homage to and receive blessing from their “saintly leader”, “their king”. A large number prostrated themselves before him. In a heart-to-heart talk, Gandhiji dealt with the forces responsible for bringing about the settlement, and warned his countrymen against the use of violence.

He wanted them to believe him that passive resistance, pure and simple, was an infinitely finer and more effective weapon than all the guns put together.



They might strike work, he explained to them, but they must not compel anybody else to go on strike. If, as a result of their strike, they were sentenced to be imprisoned or whipped or both, they must suffer silently even unto death. That was passive resistance, “nothing else,” he said. [C.W.M.G., XII, p 468]

To the European friends living in South Africa he addressed an appeal to look after the indentured and ex-indentured labourers. It would be well, he said, if the employers of indentured Indian labour considered their Indian employees not as mere cattle, but as human beings with the same fine feelings and the same fine sentiments as they had themselves. [*Ibid*, p 469]

12

A most cordial welcome awaited Gandhiji in Johannesburg, the city of his “holiest associations”. As soon as he arrived by train on 13 July he was accorded a tumultuous reception. The horses of the carriage wherein Gandhiji and Kasturba were seated, were unharnessed and a number of Indians drew the carriage in a long procession from Johannesburg station to his office in Anderson Street. [*Ibid*, p 473]

Thousands of Indians heard Gandhiji’s reply to the address of welcome at the mass meeting organised by the Transvaal British Indian Association at Gaiety Theatre. This was followed by one of the “most notable banquets” recorded in the annals of the Witwatersrand on 14 July at the Masonic Hall, Gappe. It was presided over by Mr H. Wyndham M.L.A. Gandhiji was profusely garlanded and so were the leaders of the struggle. It was a touching scene when the stalwart passive resister, C. K. T. Naidoo, offered the gift of his four sons for the service of their motherland, India. [*Ibid*, p 472]

The audience cheered when the chairman read the cablegram from Lord Hardinge, the Viceroy which stated that the settlement was greatly appreciated



in India and would be conducive to the happiness and prosperity of their fellow-subjects in South Africa. [C.W.M.G., XII, p 472]

Gandhiji was all humility in his reply to the valedictory speeches. He dedicated all the praise showered on him on the Almighty, the Divine Essence which pervaded everyone and everything in the universe. He spoke feelingly about Johannesburg which had given him the most precious friends and martyrs for the cause. He congratulated the Governments of South Africa, India and the United Kingdom and said that the value of the settlement did not consist merely in what they had been able to achieve, but in the long-drawn-out sufferings and sorrows which had made that achievement possible. [*Ibid*, pp 473-4]

Referring to the settlement, Gandhiji said that there was no question of a victory. It was a question of the establishment of the principle that, so far as the Union of South Africa was concerned, its legislation would never contain the racial taint hereafter and would never envisage colour disability. In practice, he added, all the whites might not observe these principles. There was, for instance, the Immigration Law. It recognised no racial distinction, but in practice they had arranged and given a promise that there would be no undue influx from India. That was a concession to the present prejudice. Whether it was right or wrong was not for him to discuss at this stage.

But it was the establishment of the principle of laws being kept free of colour bar, which made the struggle so important to the British Empire. It was the establishment of that principle which had made their sufferings perfectly justifiable and honourable. He was of the view that it would be a perfectly dignified thing for any gathering to congratulate itself upon such vindication of the principles of the British Constitution. [C.W.M.G., XII, pp 473-4]



Gandhiji advised his countrymen in South Africa to nurse the settlement and with the cooperation of their European friends, see to it that what was promised was fulfilled. They should ensure that the administration of the existing laws was just and that vested rights were respected by the administration. After they had nursed the settlement and cultivated European public opinion so that it became possible for the Government of the day to agree to restore their other rights, of which they had been deprived, there need be no fear about their future in their minds. He had full faith in his countrymen. If they were well treated, he told the whites, they would rise to the occasion and help the Government of the day to the best of their abilities. [C.W.M.G., XII, p 478]

13

On 15 July, Gandhiji addressed a crowded Muslim meeting at the Hamidia Islamic Society Hall, convened for the purpose of expressing Muslims' dissatisfaction over the Settlement. Essop Ismail Mia presided. Gandhiji answered the various questions put to him by the chairman and other speakers.

Before answering the questions, Gandhiji, who was applauded by a section, assured them that he appreciated it as a high honour that they had invited him, because he knew that some of them were opposed to the settlement and they had moved heaven and earth that the settlement should not become final. He had not despaired of pleasing even these countrymen of his.

The first question was on whose authority he had accepted the settlement with the Government. It was done, he said, on the authority of the general body of the Indians throughout South Africa. When the final letter of Mr Cachhalia was sent, it was sent in the name of the British Indian community and there was not a word of protest. He as the secretary had carried on the negotiations, and when he found that he could get all they had asked for, he did not consider it necessary



to delay the matter and he accepted the settlement. He did his duty when he carried out the full terms of that letter. Of course, General Smuts wanted this settlement accepted by the community in general — he did not want to leave any loophole. In the series of meetings so far there had been as much unanimity as possible.

The next question was what had they gained out of the settlement ? He suggested that they had gained everything they had fought for and had asked for.

The next question was what had he done with the hospital moneys? There was some misunderstanding about this. The origin of this fund was that the stands in the old location had been expropriated, and he acted on behalf of certain claimants against the Town Council. Seventy-five out of the ninety-nine had entrusted their claims to him. He received part payment from the Town Council and was authorised to charge attorney and client fees. He did not charge the full legal fees which would have come to £ 40 or £ 50. He agreed to charge so much per stand, and told them that £ 5 he would use for his own purposes, and set the balance aside as the nucleus of a hospital fund. He had ideas at the time of going to England, qualifying as a doctor, and coming out again to minister to their needs. But those were castles in the air. There were no public funds — no charity but simply his own fees. The funds were not used for a hospital. The whole of that fund had been used up in the course of the passive resistance movement for public purpose, and South African public purpose. He was unable to hold himself responsible to the public in connection with those funds; but even a child could come and look at his public dealings.

With regard to the accounts of the British Indian Association, every time they had held a committee meeting, he had submitted accounts of disbursements. Later on he had several funds — the anti-Indian law fund, the



passive resistance fund, and the funds from Bombay. All these he had accounted for, some in the columns of the press. He was not taking the books away, and at any time they could ask Mr Polak as to the disposal of the funds. So long as they were not unreasonable, they could certainly inspect what had been done.

The next question was how many points had been gained. The points in Mr Cachhalia's letter were the marriage question, the £ 3 tax, the Orange Free State and the Cape entry questions, and the administration of the existing legislation with due regard to the Indians' vested rights and feelings. They had got all these five points, and a little more.

What had the merchants gained? The merchants had gained everything that the community had gained, he said, and had gained probably most of all. The Indian community had raised its status in the estimation of Europeans throughout South Africa. They could no longer be classed as coolies by General Botha and others. The term had been removed as a term of reproach silently but effectively. If they had not fought for the past eight years, no trace would have been left of Indians in South Africa as a self-respecting community.

He explained what they had gained by the settlement in regard to marriages, abolition of £ 3 tax and end of the hated indentured labour system. He concluded by stating that he would continue to serve the community. That was his religion.

H. O. Ally, who had in 1906 accompanied Gandhiji on a deputation to England, raised a number of points : "It was only fair that Mr Gandhi should call a mass meeting and explain the settlement," he said. They had heard one thing from his speeches in Cape Town and another thing in Durban. In his speech at the Masonic Hall, Mr Gandhi had admitted that the Colonial-born question was not settled. Many things were not settled. With what right or face could any Indian



organisations apply to General Smuts in the future, and say there were certain disabilities and grievances that were killing their people, in the face of Mr Gandhi's expressions here of the 'final honourable settlement' ?

"Cables and congratulations had passed between Gokhale, the Imperial Government and India. How could they ask for more redress ? How were they going to live in future," he asked. They had trusted Mr Gandhi. He was one of his admirers. Mr Gandhi knew that it was his elder brother that was talking to him. It was not one who was jealous of him. Mr Gandhi had been a staunch patriot, and he had said so to his detractors. But he never knew that Mr Gokhale had cabled to Mr Gandhi that it was a mistake not to submit to the Commission the real grievances of the Indians throughout the Transvaal. He now understood that Mr Gandhi had received such a cable and had spent about £ 200 on sending a lengthy cable to Bombay about the oath to continue passive resistance until the four points were settled.

As for the settlement, no sensible man expected the Union Government to legalise polygamous marriages. But Mr Gandhi ought to know very well that it was impossible for Mussulmans to break one syllable out of the holy *Koran*. He was told, whatever he did with regard to the marriage question, not to bind the Mussulmans with regard to one man one wife, because they would be transgressing the law of God. Not a single Mussulman had accepted the Cape law of 1860. In fairness it was his duty to call a public meeting before talking of an honourable final settlement.

Gandhiji said that the settlement was final in the sense that passive resistance on the questions that were on the board was closed. It did not close anything else. It did not prevent them from holding mass meetings, passing resolutions and taking up new passive resistance. The inter-provincial



immigration was an open question yet. That was not in the terms of the settlement, and it was a fair matter for agitation on the part of the Indian community.

The settlement did not bind the Indian community not to restart passive resistance if they came to the conclusion that they had grievances which would justify it. Take the Free State question, the licensing laws, the gold laws, and the township laws. He had warned his countrymen, however, that they must first educate the Europeans on these matters.

On the marriage question the settlement did not violate one iota of the Holy *Koran*. Mr Ally had admitted that they did not expect a Christian community to legalise polygamy so that there was no point at issue.

Day and night his programme was so full that he was not allowed time even for meals; He was addressing meetings all the time — some twenty mass meetings in the last few days. If they wanted another mass meeting, it was their duty to call it and invite him.

With regard to the £ 1,200, spent on *Indian Opinion*, he pointed out that *Indian Opinion* was public property — it was only nominally registered in his name. The money was spent on behalf of the public, and he had rendered the accounts and had published them. They could go to Mr Polak and see what had been done with the money.

He eulogised Mr Polak for his work and self-sacrifice for the Indian cause. Mr Polak would be secretary of the British Indian Association. Mr Polak had certainly been receiving his living out of the passive resistance fund but he had contributed his all to their cause. [C.W.M.G., XII, pp 489-93]



The meeting ended peacefully. It is not known whether the critics were fully satisfied.

14

A meeting of the Transvaal Indian Women's Association was held on 15 July in the Ebenezer Church Hall to bid Gandhiji farewell. Mrs Rama Moodaley, President of the Association, was in the chair.

Addressing them Gandhiji said that they had referred to him as their Protector and Guru, but he felt he was undeserving of either title. If they would accept him as their devoted brother, it was the highest honour that he could have. It would be a precious privilege for him to think of them, wherever he might be, as his sisters. As their co-worker and fellow-passive resister, but with greater experience than they possessed, he could only tell them to continue the work they had commenced. The work that they had done was noble. They should hold together as one woman and, if the call to duty came again, they should not fail to respond and should not fail to do even as Valliamma had done. [C.W.M.G., XII, p 488]

Gandhiji attended at 11.30 a.m. the ceremonial unveiling of memorial tablets erected in honour of Nagappen and Valliamma in Braamfontein cemetery by Mrs Phillips. Kasturba, Miss Schlesin and Mrs Polak were among those present. Gandhiji spoke after Mrs Phillips, wife of Rev Charles Phillips, the Acting Chairman of the European Committee, had unveiled the memorials and addressed the gathering.

He said he thought that in Johannesburg among their intimate European friends, Mrs Phillips who was the oldest, was the mother of the family. They only gave her, her due in asking her to unveil those two monuments. Mrs Phillips had come there with a heart just as sore as any Indian's and he hoped that the noble



words that she had uttered would go down into the hearts of every one of them. He personally had never felt tired of repeating his sentiments again and again in connection with that dear sister Valliamma — a daughter to her, to him a sister — and that dear brother Nagappen. Whenever he thought of those two and of the neglected grave of Narayansamy, whose bones were now resting at Lourenco Marques, he had felt the littleness of the service rendered by all of them. Mrs Polak had just reminded him how lightly they had treated the sickness of the girl whose body lay under that cold stone. He recalled also a scene when he left Durban, and when he had paid a hurried visit with Mr Polak to see Valliamma. She was just coming out. Her mother, most loving and attentive, hurried her forward. Gandhiji had felt guilty that there was any hurry. She was brought out almost in a swoon. They, three of them, carried her in the best manner they could. There was no feather mattress, no stretcher in the room where she lay, simply the wooden floor. That was her lot inside and outside prison, that was her spirit. As passive resisters, they held the soul immortal, and body merely subject to the spirit. The body might be lost for the perfection of the soul. And so these martyrs had lost their bodies.

Nagappen's face he could not recall so vividly as Valliamma's, but he knew full well how that brave lad had suffered in that horrible camp prison, exposed to the most severe weather, and how unnecessary it had been to send him there. But the desire then had been to bend the spirit of the passive resisters. But today they recognized the steel of which Nagappen's heart was made. He came out of prison as a wreck, but he said: What did it matter? He had to die but once. He was ready to go to gaol again if necessary. They were not dead. They would live, and live for ever in the memory of every Indian. It was a matter for rejoicing that they had had amongst them such noble souls, Narayansamy, Nagappen and



Valliamma who had usefully lived out their lives for the sake of truth. They had lived for the truth, and for it they had died. They should erect in their own hearts, every one of them, imperishable memorials of the three martyrs, and, whenever they felt like succumbing to temptation remind themselves of the imperishable names of these three. [C.W.M.G., XII, pp 486-87]

Next Gandhiji spoke at a meeting of the Tamil community which, among others, was attended by Kasturba, Miss Schlesin and a number of ladies, Indian and European. Thambi Naidoo presided.

Gandhiji said that in coming to meet the Tamil brothers and sisters, he felt as if he came to meet his blood relations. The reason was that of all the different sections of the Indian community, the Tamils had borne the brunt of the struggle. They had that morning gone to the cemetery to perform the unveiling ceremony in connection with the two memorials to a dear sister and brother. Both of them had been Tamils. Narayansamy whose bones lay at Delagoa Bay too had been a Tamil. The deportees had been Tamils. The last to fight and come out of gaol had been Tamils. The ruined hawkers were all Tamils. The majority of the passive resisters at Tolstoy Farm had been Tamils. Tamils had shown themselves to be most typical of the best traditions of India. The majority of women to go to gaol were Tamils. The sisters who defied the authorities to arrest them and had gone from door to door, from barracks to barracks at Newcastle, to ask the men to lay down their tools and strike work were again Tamil sisters. Who marched and lived on a one pound loaf of bread and an ounce of sugar a day during the march? The majority were Tamils.

Here in Johannesburg they were a handful, and yet, even numerically, they would show, he thought, the largest number who had gone to gaol again and again. The Tamils had shown so much pluck, so much faith, so much devotion to



duty and such noble simplicity, and yet had been so self effacing. It had been a glorious and rich experience which he would treasure to the end of his life. How should he explain the settlement to them? He could only tell them all that they and theirs had fought for had been obtained largely through the force of character that they had shown. They had fought for the Cape entry right for Colonial-borns. That they had got. They had fought for the just administration of the laws. That they had got. They had fought for the removal of the racial taint in the law with reference to the Free State. That they had got. The £ 3 tax was now a matter of the past. And with reference to the marriage question, all those dear sisters would now be called the wives of their husbands. Truth was what they had been fighting for, and Truth had conquered.

They sometimes, as every other section of the community, had jealousies amongst themselves he said. All those petty jealousies and differences he hoped would go, and they would rise higher still in the estimation of themselves and of those who grew to know them and the depth of character which they had. He could not appeal to them too strongly that they of all sections should rid themselves of all those bickerings, petty jealousies and quarrels amongst themselves. They should remember that they were not high caste or low caste, but they were all Indians. They were all Tamils. [C.W.M.G., XII, pp 493-95]

What some of the actors involved in the drama thought of Gandhiji is also of some interest here. Governor General Gladstone wrote:

General Smuts has shown a most patient and conciliatory temper. In spite of conflicts extending over many years, he retains a sympathetic interest in Mr Gandhi as an unusual type of humanity whose peculiarities, however inconvenient they may be to the Minister, are not devoid of



attraction for the student.... It is no easy task for a European to conduct negotiations with Mr Gandhi. The workings of his conscience are inscrutable to the occidental mind and produce complications in wholly unexpected places. His ethical and intellectual attitude, based it appears on a curious compound of mysticism and astuteness, baffles the ordinary procession of thought. [N.A.I., May 1914, proc. I. Gov. General, to Secy. of State 22 January 1912]

Benjamin Robertson thought Gandhiji altogether a most extra-ordinary person.

“The saint has left our shores,” wrote Smuts to Sir Benjamin Robertson, “I sincerely hope for ever.” [Smuts Papers, Vol. 12 No. 139] And so it proved to be. Yet Gandhiji’s separation from South Africa did not involve a severance of the ties that had been so strangely and strongly knit between Smuts and himself. As the years went he found himself thinking of his old enemy with affection and he even used that word in his letters.

Gandhiji had never imputed racial prejudice to Smuts nor underrated the political pressures which limited his freedom of action. He might have learnt about the part Smuts had played in 1917 when the question of granting commissions to Indians came before the War Cabinet. Smuts recalled that episode two years later in Durban: “I strongly supported the proposals for granting commissions to Indians. When it was pointed out that this would create an anomalous position and that there might be a possibility of Europeans being placed under Indians, I replied ‘Why not, I would be proud to serve under an Indian officer, if he were able’.” [*Indian Review*, October 1919, p. 714]



A few years later when the grievances of the Indians were being ventilated in the Imperial Conference, Gandhiji received a letter from Smuts explaining, if not justifying, the line of argument which he felt compelled to follow:

When I was about the same time as you studying in England, I had no race prejudice or colour prejudice against your people. In fact, if we had known each other, we should have been friends. Why is it then that now we have become rivals, we have conflicting interests? It is not colour prejudice or race prejudice, though some of our people do ignorantly talk in those terms, but then there is one thing which I want you to recognise. It is this. I may have no racial legislation, but how will you solve the difficulty about the fundamental difference of our cultures? Let alone the question of superiority, there is no doubt that your civilization is different from ours. Ours must not be overwhelmed by yours. That is why we have to go in for legislation which must in effect put disabilities upon you. [Hancock, W.K., *Smuts: The Sanguine Years*, p 346]

Gandhiji's comment on this plea was characteristic of him: "I understood what he said If, therefore, we want to live in South Africa we must adopt their standard of life, so long as it is not against morality." [Tendulkar D.G., *Mahatma*, III, p 117]

There is an episode of the Gandhi-Irwin discussions of 1930 which casts retrospective light upon the eight years of conflict with Smuts in South Africa. Gandhiji had demanded drastic restrictions upon the activities of the police. The Viceroy was expecting trouble when he rejected the demand, as he felt bound to do, on the plain argument of public security. But Gandhiji surprised him. "Ah," he exclaimed, "now your Excellency treats me like General Smuts treated me in South Africa. You do not deny that I have an equitable claim, but you advance



unanswerable reasons from the point of view of Government why you cannot meet it. I drop the demand.” [*Fullness of Days*, by the Earl of Halifax (London, 1957), p 148]

“Smuts never quite learnt to take Gandhiji for granted nor to disentangle the feelings of fascination, admiration and irritation which Gandhiji’s words and actions aroused in him at different times,” writes Hancock. [Hancock, W.K.: *op cit* p 345]

The nearest he came to a studied estimate of Gandhiji was in 1939, when he contributed an essay on *Gandhi’s Political Method* to a commemorative volume celebrating the Mahatma’s seventieth birthday. [Mahatma Gandhi, *Essays and Reflections on his Life and work*, presented to him on his 70th birthday, 2 October 1939, ed. S. Radhakrishnan (London 1939)] The essay offers some penetrating observations upon the principle of suffering which lay at the root of Gandhiji’s technique. The following quotation is taken from the autobiographical passage with which it opens:

It was my fate to be the antagonist of a man for whom even then I had the highest respect I must frankly admit that his activities at that time were very trying to me. Together with other South African leaders I was then busily engaged on the task of welding the old Colonies into a united State It was a colossal work which took up every moment of my time. Suddenly in the midst of all those engrossing preoccupations Gandhi raised a most troublesome issue. We had a skeleton in our cupboard....

Smuts went on to describe the Indian grievances and the technique which Gandhiji had invented for getting them redressed. He told the story of their struggle and of the little personal touches that kept it sweet — for example he mentioned Gandhiji setting to work in prison to make him a pair of sandals which



he had worn ‘for many a summer since’. Those sandals Gandhi’s biographers like to tell Smuts returned to the Mahatma on the occasion of his seventieth birthday. This is not correct. All that he sent was a photograph of the sandals; they were still ‘a treasured relic’ in his possession on that day.

Nine years later, when he heard the news of Gandhiji’s death he exclaimed: “A prince of men has passed away and we grieve with India in her irreparable loss.” [Smuts Papers, Vol. 88 No. 217 (Henry Cooper to Mr C. Shukla, 11 December 1948), quoted by Hancock]

16

After the final settlement, Gandhiji spent some time at Phoenix before leaving South Africa for good. He had been at Cape Town after Andrews left. From there he had been writing letters to Gokhale, to his sons, Manilal in South Africa and Harilal in India, to Maganlal and others at Phoenix. He gave instructions regarding arrangements for his own voyage to India via England and the voyage of the party which was to go direct to India with Maganlal. It was to include about 20 to 25 students from Phoenix. He wrote to Chhaganlal regarding his duties and responsibilities, and to others regarding their personal problems. Chhaganlal and a few others were to stay at Phoenix after he left. Phoenix Settlement had been handed over to a trust.

His heart was heavy. His last brother Lakshmidas had passed away soon after Andrews and Pearson left in February 1914. He had been looking forward to meeting him on his return to India and to his reconciliation with him. Last letter of Lakshmidas to Gandhiji had been far more understanding than his earlier ones. But it was not to be.

Kasturba had been very ill and he had spent most of his time in looking after her. He had taken her with him to Cape Town where he nursed her with



loving care. She had finally turned the corner with nature care treatment and he had decided to take her and Kallenbach with him and had informed Gokhale about it.

He had asked Maganlal to get biscuits of banana flour made for their voyage in case they could not get fresh bananas on the ship.

He had sent away Manilal and Jamnadas from Cape Town because he felt that the living conditions there were not good for them. The young men were unhappy about it and he wrote letters to them to explain his position and to make them see his point of view. It was not easy.

He was unhappy about Harilal who had left in 1911 soon after his release after completing his last prison sentence and had gone back to India. In India he had tried to study but for various reasons had not been able to pass matriculation examination and had failed twice. He wanted to learn French. Gandhiji discouraged him and wrote letters to him which must have hurt Harilal. Harilal's wife had produced a third child and Gandhiji advised him to live away from her and await his return to India before he decided his future course. [C.W.M.G., XII, correspondence, pp 358-442]

Before leaving South Africa he went back to Phoenix. There were lively discussions after the evening prayers including questions and answers. India had become politically much more awake and active following the partition of Bengal. Bal, Pal and Lai were household names and were highly respected leaders. A programme of boycott of foreign goods and popularisation of Swadeshi had been taken up. There had been violence. The Bengal terrorists had inspired certain young men in the Punjab also. Arrest and trial of Khudiram Bose had excited the Indian youth everywhere. It was in the midst of this atmosphere that Gandhiji was to return to India with his message of truth and non-violence. How he and



his party would be received, he did not know. The leaders of the Indian National Congress were highly educated, prosperous men, many of whom stood high in the professions and many held titles like Khan Bahadur and Rai Bahadur and the like. Their speeches were learned and inspired awe among the Indians. How would they react to Gandhiji's ideas?

One of the party who was to accompany Maganlal to India asked Gandhiji one evening "Bapuji, where will we live when we go back to our country?" Gandhiji replied "Wherever it is convenient and where we can get a suitable place."

Q "There must be many places which are both convenient and suitable, but how shall we find such a place all of a sudden on reaching India?"

A "If no one offers us a place to live and if we do not have the money to buy such a place, we may think of Kaba Gandhi's old house. We shall appropriate that and settle down there."

Some one else asked "When we go to India, we will be utterly unknown. How shall we be able to take up service of our country?" Gandhiji replied, "Wherever we live, we shall take up some land, cultivate it and grow food, spin and weave to produce cloth, we shall clean up our surroundings, pray to God and thus try to make the atmosphere clean and pure."

Another person said, "Our countrymen will expect great things from us, you are returning after the victory of Satyagraha in South Africa. The expectations of our people will be high. You had said the other day that you will adopt Kathiawari peasant dress on return to India and you will expect us to do likewise. Our dress in itself will cause disappointment among our countrymen."



Gandhiji replied “Why should our dress disappoint them? Our educated brethren, by adopting western dress, have caused confusion. Our dressing like the common people will remove the distance between the educated and the uneducated. We will become one with the common people. The distance will disappear and we shall be able to better understand their problems.

Some one interrupted him “But Bapuji this is not what India expects from you. There are leaders like Sir Pherozeshah Mehta and Surendranath Bannerjee whose speeches ring in the Council Halls and deeply move the nation and the Viceroy too has to take note of what they say. You are going after winning a victory. The nation will expect you to give warriors to fight for winning the freedom of India.”

“There you are right,” said Gandhiji. “I shall present my warriors to the people of India and I shall introduce them saying here are my warriors who went to gaol again and again for the sake of the country and made it into their palace. Here are my warriors who have taken the vow of poverty and have decided to devote their whole life to the service of their motherland. Here are my soldiers who are willing to take any risks and face any dangers for their country. If need be they will serve the sick and they will not hesitate to remove even their excreta. They will give their own piece of bread to the hungry and go without food. They will be ready to go to the gaol or to the gallows in the service of India if necessary!”

“I will place such warriors at the feet of the motherland and I shall see what kind of warriors, those whose speeches echo in the halls of Councils and legislative assemblies have to offer. It is not the rajas and maharajas, the Khan Bahadurs and the Rai Bahadurs, sirs and knights or barristers who will bring about the deliverance of India. For the uplift of India, we need, not the legislators who



can make moving speeches, but men and women who are ready to lay down their lives for their country. India needs brave satyagrahis men and women of sterling character with a spirit of renunciation, who are fearless and ready to face bayonets with open chests, who will run up to the gallows with a smile, laughing I shall place at the feet of India the assets that I have. I shall also look around to find how much more capital the country has.”

In this way laughing, joking and talking in simple language he taught them many lessons. He would often say that a man who buys a spade and digs the soil for agriculture is rendering greater service than all the lawyers and barristers put together.

A party of about thirty was to go to India direct. A few were left behind at Phoenix so that *Indian Opinion* could continue to be published and Phoenix could continue to provide necessary help and guidance for the Indians in South Africa after Gandhiji, Kasturba and Kallenbach left for London en route to India. [Raojibhai Patel, *Gandhiji Ki Sadhana*, pp 270-72]

17

It was not easy for Gandhiji to leave South Africa. Next to India, it was to him and to Kasturba and the children the “holiest” land full of rich friendships and memories and a second home, where he had spent twenty years of his youth. There had been much sorrow and suffering and many bitter experiences, but with all that South Africa had given him life-long friends and companions. It had enabled him to discover and deploy the invaluable tool — Satyagraha. [P. S. Joshi: *op cit* p 356]

While pressing Gandhiji to return to India Gokhale had reminded him that India had become a strange land for him during the two decades that he had been away from it. Gandhiji realised that South Africa he knew, but not India. He



did not know what impelled him to go back to India, but he felt he had to go. He knew that the parting from his South African friends and colleagues was going to be most painful. But he had to face it. He could only say farewell and ask them to give him their blessings. He wrote to Gokhale accepting his advice to study Indian politics for one year and not to speak on anything except South Africa during that period. [C.W.M.G., XII, p 401]

Gokhale had asked Gandhiji to first come to London and meet him and then go to India. Gandhiji decided to follow that advice. Gurudev Tagore had invited him to come to Santiniketan. Those of his companions at Phoenix who had decided to go back to India with him, he decided to send directly to India. They were to await him and Kasturba at Santiniketan, Rabindranath Tagore's 'Abode of Peace'. He wrote to Gokhale asking him whether he wanted him and his party to stay at the Servants of India Society. He was keenly desirous of serving him and learning at his feet. [*Ibid*, p 360]

People were deeply moved by Gandhiji's banquet speech in Johannesburg. *The Star* on 15 July 1914 joined in the tribute editorially: "Gandhi has proved himself a singularly purposeful patriot and a strategist of considerable ability. He may well leave South Africa with the consciousness that he had performed a life work of the highest value to his compatriots and had left behind a reputation for great spiritedness and lofty ideals." [I.O., 22-7-1914]

After an interview with Gandhiji on 14 July 1914, the representative of the *Transvaal Leader* summed up his own estimate of Gandhiji thus: "So it is humanly certain that the most arresting figure in the Indian community in South Africa today is to say good-bye to a country in which he has spent many years, crowded with experience and exertion, his work on behalf of his countrymen at last crowned with success. When a man has been imprisoned so often that, were his



offences not merely political, he would have qualified as an ‘habitual’, when he has times without number endured fatigue, and fasted with a smile, when he has moved steadily on, over obstacles that might daunt the bravest, to the goal on which his eye has been fixed, you might picture him physically as an Apollo, and imagine his heart made of the fibre that belongs to martyrs. In the qualities of the heart and of the soul you may believe the best of Gandhi, but you would wonder, did you see him, that so frail a figure could house so vigorous a character.” [C.W.M.G., XII, p 481 fn]

On the eve of his departure from South Africa, Gandhi, says Enid Alexander in the biography of her husband Morris Alexander, spent his last night 17 July 1914 in Cape Town in their home. “During the evening, he spoke long and earnestly of his mission for his fellow men, and begged that his small band of supporters should continue to defend their interests.” When Gandhi was ready to go to bed, writes Enid Alexander, “Alex offered Gandhi the best bedroom in the house. He refused it and chose instead to sleep on the wooden floor of the front room. He refused a mattress, blankets, pillows, in fact everything which would make for his bodily comfort. He lay down in his robes and slept like a child all through the night.” [Enid Alexander, *Morris Alexander*, p 118]

He left South Africa on 18 July 1914 by s.s. *Kinfauns Castle* for London along with Kallenbach and Kasturba. [C.W.M.G., XII, p 669]

Gandhiji had gone to South Africa as a raw youth of 25 years and left it as a mature statesman at the age of 45. Having been associated with him in the last decade of his life in India and having studied the 20 years’ period that he spent in South Africa, in the course of writing this book, I can say with confidence that young Mohan had become a Mahatma in South Africa, although the name was given to him much later by Rabindranath Tagore. There is not a single new idea



that he was inspired with after leaving South Africa. He developed his ideas and his techniques further in India but he had formulated them all in South Africa. One wonders whether he would have been able to develop his potential but for his South African experience. We in India and the world owe a debt of gratitude to South Africa for giving us Mahatma Gandhi. May God inspire that country to learn from the life and message of the man, made great by South Africa, in their own and in the interests of humanity.



APPENDICES



APPENDIX I: TEXT OF THE SEARLE JUDGMENT*

Mr Justice Searle, in giving judgment, said : I should have been glad to have had a little more time in regard to giving judgment in this matter so as to have been able to go into it somewhat more fully, but on account of the departure of a steamer it is of urgency and thus requires to be disposed of at once. The facts are not in dispute. The applicant, an Indian who has been living at Port Elizabeth since 1902, obtained a permit last year to go to India, where he contracted a “marriage” by Mahommedan rites with one Bai Mariam, who now seeks admission to this country with him, as an immigrant under Act 30, 1906. It is admitted that she is unable to satisfy the qualifications of Section 3(a) of Act 30, 1906, and that unless she is to be regarded as the wife of applicant under Section 4(e) of that Act, she cannot claim admission. What appeared at first to me to be a difficulty in the way of the respondent was that a certificate from a magistrate in India was annexed to the petition in which it was stated that she was the wife of the applicant; but I understand that that document is only admitted as evidence subject to the admission made by the applicant that this so-called marriage was what is commonly known as polygamous one, in other words, that the applicant was free to enter any unions of a similar nature during the subsistence of the marriage with Bai Mariam. As a fact, however, he has not done so, and the question for discussion, it is agreed between the parties, is simply narrowed down to this “What is the meaning of the word ‘wife’ in Section 4(e) of the Act?” Does it mean a wife by a marriage recognised as legal by the laws of this country, or must the term be extended to embrace a so-called wife by a custom which recognises polygamy? The courts of this country have always set their faces against recognition of these so-called Mahommedan marriages as legal unions; although by Act 16 of 1860 of Cape Colony, provision was made whereby marriage officers could solemnise such and thus give them validity, until



so solemnised they remain out of the pale of legal marriages. It is clear, however, that such solemnisation has not taken place in this case, and there is no statement even of any intention to effect this if Bai Mariam is permitted to land. It was in consequence of the existence of that statute that Magistrate's case and the others quoted on the same lines were decided. The object of allowing the wife of an immigrant to land with him was no doubt because of the intimate legal relations existing between husband and wife, whereby they are partners in legal contemplation for many purposes and the husband is bound to maintain the wife until they are legally separated by the Court. If, however, persons are admitted as "wives" who might legally be repudiated the next day after the arrival by the husband entering into a lawful union in this country with someone else, or even without his doing so, it seems to me the object of the exemption in favour of the wife would not be carried into effect. The statute is in general term; it is not framed merely for Asiatics or, indeed, principally for them, though the word Asiatic is incidentally mentioned in the Act; not all Asiatics, however, contract unions of a polygamous character. It is said that at all events one "wife" should be admitted of a Mahomedan union, and I do not know whether it is to be the first that comes, or the first that is married; but it is said that otherwise there will be great hardships imposed and immorality presumably encouraged; these are matters for the legislature to consider, though I am not satisfied that such consequences would necessarily ensue by the interpretation of the Act contended for by the respondent. The matter has never been judicially decided in this province, but in the Transvaal a recent decision disclosed a difference of opinion on the Bench. The Transvaal Statute is in similar terms to Act 30 of 1906, and I agree with the decision of the majority of the Court. This is not a case where merely ceremonial forms of the marriage celebration in the foreign country by parties domiciled there are different from those required in this country; in such



cases it may well be that the marriage could not be impeached here, but this is a case where the very elements and essentials of a legal union of marriage are; by admission, wanting. As pointed out for respondent, when the legislature of this Colony did intend to put a wider interpretation on the word “wife” so as to include a reputed wife as in Act 15, 1865, the Act clearly said so; the onus here lies on the applicant and I am not satisfied, that he has discharged it. The Application must be refused. It was suggested that the Court should intimate that Bai Mariam might be allowed to land if applicant agreed to legalise his marriage under Act 16 of 1860, but that is not a matter for the Court to interfere with, though I can see no objection to such a course of the procedure if the Minister should direct it. I don’t even know if machinery for such legalisation at present exists. As costs are not pressed for, there will be no order as to costs.

Indian Opinion, 21-6-1913.

C.W.M.G., XII, Appendix I, pp 568-69.

* The judgment was delivered on 14 March 1913, in the Cape Supreme Court. Hassan Esop, husband of Bai Mariam, had applied for an order restraining the Minister of the Interior from deporting her.



APPENDIX II: STATEMENT ISSUED BY G. K. GOKHALE, 31 DECEMBER 1913

In view of the anxiety prevailing in the country as to the position of matters in South Africa and the inquiries that are being addressed to me on the subject, I think it necessary to publish the following statement:

On 18 December I received at Calcutta a cablegram from the Natal Indian Association stating that there was a strong feeling among Indians in South Africa not to accept the Commission of Inquiry appointed on account of two members out of three being known to be hostile to the community and asking for my advice as to what should be done. Mr Gandhi and other passive resistance leaders were then in jail and there was at that time no indication of the lines on which the Commission proposed to work. It was impossible for me in the circumstances to offer any definite advice and after hurriedly consulting two distinguished friends in Calcutta, who were within easy reach, I cabled back to say that the course to be adopted should depend on the strength of feeling of the community and the advice of friendly Europeans in South Africa; and I asked the Association to weigh carefully which course would do greater harm to the cause, viz., abstention from offering evidence or participation in the proceedings under protest, adding that I would cable again from Bombay after consulting Sir Pherozeshah Mehta. I left Calcutta that same day and arrived in Bombay on the 20th, when I read in the papers a summary of Sir William Solomon's opening statement, as also news about the release of Mr Gandhi and other passive resistance leaders. As Reuter had stated that the released leaders had proceeded to Pretoria to see the Ministers, I naturally concluded that the Union Government was desirous of arriving at some understanding with the community and that Mr Gandhi's reported visit to Pretoria was in connection with some negotiations that had already been started. I immediately put myself into telegraphic communication with Mr Gandhi and during the last ten days numerous cables have passed



between us. It is not possible to publish all these cables, but I think I may state that in the course of these communications every effort was made to press on Mr Gandhi the view which clearly is now gaining ground in this country, viz., that after Sir William Solomon's speech, the release of the leaders and the recognition given to the Commission by the Government of India by the deputation of Sir Benjamin Robertson, it would be a tactical mistake to boycott the Commission as forgoing an important opportunity secured after great difficulty to state the Indian case before the whole world and likely to alienate from the cause influential support both in this country and in England. Mr Gandhi, however, finds himself unable to act on this view unless the Union Government modify in some manner the constitution of the Commission and release all passive resisters at present in jail, as he and the Indian community stand bound by a solemn oath not to accept the Commission except on these terms. This is the situation at present. Meanwhile Sir Benjamin Robertson starts for South Africa on 1st January. As it is necessary that the country should clearly understand Mr Gandhi's position, I asked him to cable to me for publication a full statement of that position. This statement into which are incorporated some of his previous cables is as follows:

Mr Gandhi says: We were discharged unconditionally on 18th instant on the recommendation of the Commission. We were not told at the time of our release why we were being released. It is not true that after release we went to Pretoria to see the Ministers. Knowing what we do of the feelings of Mr Esselen and Col Wylie towards Indians, it is impossible for us not to feel strongly that the Commission has not been appointed to give us fair play, but it is a packed body intended to hoodwink the Government and the public both in England and in India. The Chairman's integrity and impartiality is undoubted, but Mr Esselen and Col Wylie are well-known and admitted generally to be amongst the strongest and most violent opponents of Indians in South Africa. Mr Esselen has



emphatically declared from public platforms on many occasions extreme anti-Asiatic views, and he is so intimately related politically to Union Ministers that he is regarded here practically as a non-official member of the Ministry. Only recently he expressed himself privately most offensively about the Indians to a member of the Union Parliament, named Mr Meyler, who has publicly protested against his appointment. Col Wylie has been our bitterest opponent in Natal for more than twenty years. So far back as 1896 he led a mob to demonstrate against the landing of Indians who had arrived at Durban in two vessels, advocated at a public meeting the sinking of the ships with all Indians on board and commending a remark made by another speaker that he would willingly put down one month's pay for one shot at the Indians, asked how many were prepared to put down similarly a month's pay on those terms. And he has consistently been our enemy all these years. Moreover he is colonel of the defence force whose acts are the subject of inquiry and he is also legal adviser of many estate owners and during present agitation he has openly said that the £3 tax ought not to be repealed. Commission is not merely judicial but also political, investigating not only facts as to ill-treatment, but also recommending policy for the future, and it is impossible that the Chairman will control the views of his colleagues in matters of policy. To appoint Messrs Esselen and Wylie to investigate our grievances and to stigmatize our protests against their appointment as an unwarranted reflection on their impartiality is to add insult to injury. Almost entire South African Press admits reasonableness of our suggestions as to additional members, and several influential ministers of religion and other European friends are working to remove present deadlock and secure us fair play. We would be prepared to lead evidence before Sir William Solomon alone if it was a question merely of inquiring into charges of flogging, acts of military and other ill-treatment, but this inquiry includes an examination of grievances also. Before our release public meetings



had been held at all Indian centres throughout South Africa protesting strongly against the personnel of the Commission and urging the appointment of Mr Schreiner and Judge Rose-Innes to counterbalance Messrs Esselen and Wylie. Immediately on our release as soon as we took the situation in, we addressed a letter to the Ministry asking for these additions to the Commission. Objection has been taken to the form in which this request was put forward by us, but we are confronted with a terrible crisis and it is not easy always to weigh carefully niceties of form at such a juncture. Indian position always has been to insist on the community being consulted at least informally regarding matters vitally affecting it since it is voteless. In constituting present Commission Indian sentiment not only was not consulted but was contemptuously trampled on. During recent deadlock in connection with European railwaymen's grievances the men were permitted to choose their nominee by a referendum. We merely asked for informal consultation. When we were released, we found that the indignation of our countrymen was at white heat owing to floggings which they had seen with their own eyes, shooting which they believed to be unjustified, and other acts of ill-treatment; and this indignation was further intensified by the harrowing accounts of prison treatment which passive resisters, including ladies, who were released at this time on the expiry of their sentences, gave to the community. In all our experience of prison treatment in this country, never have we been treated before with such unparalleled cruelty. Insults by warders, frequent assaults by Zulu warders, withholding of blankets and other necessary articles, food badly cooked by Zulus, all these necessitated a hunger-strike causing immense suffering. You have to know these things, to understand the frame of mind in which the community met in public meeting on Sunday 21st December to consider the position and resolve on future action. There was but one feeling at the meeting and that was that if we had any self-respect we must not accept



the Commission unless it was modified in some manner in favour of the Indians, and we must also ask for the release of all real passive resister-prisoners, in which term we do not include persons rightly convicted of actual violence. And we all took a solemn oath in God's name that unless these conditions were complied with, we would resume our passive resistance. Now this oath we mean to keep whatever happens. In this struggle we are fighting with spiritual weapons, and it is not open to us to go back on our solemn declarations. Moreover, in this matter it is not as though it is the leaders that are egging the community on. On the contrary, so determined is the community to keep the vow which it has solemnly taken that if any leaders ventured to advise the acceptance of the Commission without any modification on the lines asked for, they would beyond all doubt be killed, and I must add justly so. I believe we are gaining ground. Several influential Europeans, including some ministers of religion, recognizing the justice of our stand, are working to help us and we have not yet given up the hope that some way may be found out of the difficulty. In all this crisis, I wish to say before concluding, two things have greatly sustained and comforted us. One is the splendid courage and staunch advocacy of our cause by His Excellency the Viceroy and the other is the hearty support which India has sent us. We shall do nothing now till Sir Benjamin Robertson arrives and we shall receive him with all honour and trust, both because you tell us we shall find in him a strong friend and also because he has been appointed by the Viceroy to whom we feel so profoundly grateful. But unless the Commission is made in some way more acceptable to us, I do not see how renewal of passive resistance can be avoided. We know it will entail enormous suffering. I assure you we do not desire it, but neither shall we shrink from it, if it must be borne.

The Times of India, 1-1-1914.

C.W.M.G., Vol. XII, pp 606-609.



APPENDIX III: LETTER TO INDIANS IN SOUTH AFRICA

Johannesburg, before July 15, 1914

He wrote a letter to Indians in South Africa saying “On the eve of my departure from South Africa, I should like to leave a brief message in writing.

“There has been no limit to the love I have received from the Indians in this country. I am sure those who have given such love will always prosper. I hear it said that our community is ungrateful. My heart tells me that this is said in ignorance and impatience. Were the Indian people really so, I would have felt no pride in being called a son of India, nor could I recite with utter sincerity the sublime poem, *India, a refuge of all those that suffer*.

“Though I have had more than human love from Indians, I also know that there are some of them who believe themselves, and are taken by others, to be my enemies. For me, however, they are no enemies. Those who speak ill of us sometimes prove to be our true friends. I do not consider at the moment whether this is so in my case or not. I only want to show that I am not free from responsibility for their speaking ill of me. If I had perfect love for them, they would never have bitter things to say against me. Such love, however, is hardly possible for man. Whilst I lack it, I shall bear their hostility; I shall not regard them as my enemies.

“There are easy and effective measures which will enable Indians to live in peace in this country. All religious antagonism as that one is a Hindu, or a Muslim, a Christian or a Parsi, should be forgotten. Let there be no provincial distinctions such as Bengalis, Madrasis, Gujaratis, Punjabis, etc. All ideas of high and low which divide men into Brahmins, Kshatriyas, Vaishyas and Shudras should be



abandoned. Indians are all subject to the same laws; if so, how can we fight them disunited?

“We needs must observe truth. I know it is futile to expect, in this land, that everyone will be perfectly truthful; it should, however, be possible for us to adhere to truth, by and large. Otherwise, Indians cannot live on here as Indians, or human beings.

“Whenever there are hardships, they will have to be fought courageously. Should Indians refuse to fight them, blinded by self-interest or because of weakness, they will assuredly be overwhelmed by disaster.

“If the leaders are selfish, greedy, lazy, given to lying and licentious, the common people will make no progress. And so, should the latter remain backward, the responsibility will be that of the leaders and theirs, too, will be the guilt.

“Indians from Bombay are often rude to those hailing from Calcutta and Madras and indifferent to their feelings. The term *colcha** has still not gone out of use in our language. Such ways are fraught with danger and, if not abandoned, will assuredly bring the community to grief. The people from Bombay know very well that their compatriots from Calcutta and Madras are far more numerous than they. Even from the point of view of self-interest, therefore, it is necessary that we show them due regard.

“Even good Indians show contempt for colonial-born Indians. I have believed and still believe, that they are wrong in doing so. Colonial-born Indians do have some defects; but, then, who has not? They have also many fine qualities. It is worth noting that, if the Satyagraha campaign has been a glorious performance, it was because of the sacrifices of Indians born in this country. Large numbers of such Indians, and many women too, have gone to gaol. To help



forward any Colonial-born Indians, either educated or uneducated, will be an act of piety on the part of the community meriting a reward, and I am sure it will be duly rewarded, for such has been my experience.

“We are very dirty and some of us behave so abjectly, because of greed, that the whites feel disgusted, as they well might. If the leaders exert themselves, they can end all the filthiness that we notice around us. That there should be too many people sleeping in small rooms, that these should hold stores of foodgrains, fruit, etc., and never be washed, that lavatories should be kept unclean, that bedsteads should never be aired in the sun, that the windows should never be opened, that the place should never be dusted, that sleeping, cooking, bathing, relaxing, should all be done in one and the same room — this is pathetic indeed. This way we turn ourselves into denizens of hell in this very world. This state of affairs must change.

“Gold-smuggling by members of the community is on the increase. Some Indians want to get rich quick. They will get into trouble and disgrace the name of the community as a whole. I wish they would rein themselves in.

“As some Tamils and Calcuttamen have become slaves to the wicked habit of drink, so have some Gujaratis too. The Indian who weans them from this will be a man of noble soul indeed. Indian businessmen can exercise a good influence, if they mean to, over these helpless brethren whose state is so pitiable.

“As I understand it, the Settlement which has taken place is a charter of our freedom. We could not have accepted less than what it gives. More it is not possible to secure at present. It is my emphatic advice, therefore, that every effort should be made to preserve what has been obtained and to resist the Government if it seeks to take away anything from it. If it places upon the terms of the Settlement a construction different from ours, or mine, or if a court does



so and the Government then refuses to make any modifications, there will be cause for friction and the Government will again invite the charge of breach of promise.

“The main difficulty for the present will be regarding the Dealers’ Licenses Act. Even in this matter, however, redress will be easier wherever things are under the jurisdiction of the Union Government. Where, on the other hand, licences are granted by the municipalities, things will be very difficult. The remedy for this is to put up a fight whenever licences are taken away, apply to courts and petition the Government, hold meetings and pass resolutions. If, at the end of all this, there should be no redress, there will be nothing for it but to resort to Satyagraha. This is easy to offer in the matter of licences. If only the hawkers show courage, the struggle for licences could be won. It is possible that traders will have to suffer for some time. I hope they will not fail to do their duty at the critical moment. We must demand complete freedom to trade, and ought to get it. Everything depends on the traders.

“The Gold Law in the Transvaal is a very oppressive measure. The Settlement secures to all the right to carry on business wherever they are doing so at present. People can shift their business from one place to another in the same town, but they cannot go over to another town. So much can be taken as included in the clause on “existing rights”. If the Government permits less than this, that will be a breach of the terms of the Settlement. To secure more than this, independent efforts will be necessary, and I don’t think these can be made at present. Great care will have to be exercised to see that they do not keep us in the dark and pass complicated laws on these and related subjects. In regard to the Gold Law also, it should be easy to offer Satyagraha against it, if it is administered with excessive severity.



“As regards the Transvaal Law of 1885, I don’t see any possibility of our being able to touch it at present.

“On the issue of marriages, it is not possible to secure anything more for the present. To waste efforts on that will interfere with other important tasks. There is no better law elsewhere than the one which has been enacted.

“We need not fight for votes or for freedom of entry for fresh immigrants from India. I think we shall have to rest content at present with the removal of the taint (of racial discrimination) from the law.

“However, if the Indian community is strong and itself enterprising, if it maintains unity, truthfulness and courage, the following expectation may be realized in 15 years:

1. Complete freedom of trade
2. Full rights of ownership of land in all Provinces and
3. Freedom of movement from one Province to another.

“In order to bring all this about, it will be necessary to have the Licensing Acts, the Gold Laws, the Township Act, Law 3 of 1885 and the Immigration Act amended, for which purpose public opinion will have to be cultivated among the whites of South Africa. This is not difficult to do.

“The community need not be anxious on account of the indentured labourers. There is nothing in the new law which can be interpreted to mean that the Government may send them away.

“I appeal to all Indians to help Mr Polak and seek his help. No one is as well informed about our question as he. He has regard for the community, is honest, has ability and is full of enthusiasm. It is my earnest request to Indians in all provinces that they utilize Mr Polak’s services and follow his advice. Others will



not be able to draft petitions as well as he can. He will not accept money for any public work, which means that he will remain in South Africa only if he can pay his way by his professional work; otherwise, he will leave for England. I know that he still does not earn enough to meet his needs and, therefore, I earnestly appeal to the Transvaal Indians to entrust their legal affairs to Mr Polak.

“Indian Opinion is run only for the service of the community. So is Phoenix. Those who have settled there have not done so with the intention of making money. They draw only as much as they need for a simple and plain life. It will be so much of a loss to the community if it does not utilize the services of those who are working in this spirit. Mr Omar Hajee Jhaveri and Parsee Rustomjee are now the owners of the Phoenix lands and its managing trustees in South Africa. The community can get all information about Phoenix through them or even directly. I request every Indian to understand the objects of Phoenix. I cannot help saying that it is a great field for anyone aspiring to serve India. This, some may indeed feel, is rather improper of me to say in view of my close association with Phoenix; it is, however, my sincere belief.

“Though I am leaving for the motherland, I am not likely to forget South Africa. I should like friends who may have occasion to go to India to come and see me there. I do intend, of course, to work in India in regard to the disabilities here. And I shall be able to work better if the people in South Africa ask for my services. I think the expenses to be incurred in India on this work by way of stationery, postage, printing etc., should be met from here. The money I have been given I propose to use only for this purpose.

“Above all, I wish to say that it is up to the community to win its freedom and that its ultimate weapon, an irresistible one, is Satyagraha.



“If I have harmed any Indian, knowingly or unknowingly, if I have been the cause of pain to anyone, I crave God’s forgiveness and theirs.

“I am, of course, a satyagrahi and I hope always to remain one, but in December last I fell more under the spell of indenture. Since the term *girmityo* (indentured labourer) is already in use about me in Gujarati.

I am
as ever,
The community’s indentured
labourer,
MOHANDAS KARAMCHAND GANDHI”

C.W.M.G., Vol. XII, pp 481-86

* Probably, a corrupt form of ‘coolie’.

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