

Indian Opinion

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MAGISTRATE SAYS "NONSENSE" TO INDIAN ADVOCATE'S CLAIM

By A
Special Correspondent

GOODWILL VISIT OFF

THE proposed goodwill visit to East Africa of Mrs. Indira Gandhi, daughter of Prime Minister Nehru has been cancelled. This follows the sad demise last week of her husband, Mr. Feroze Gandhi.

Mrs. Indira Gandhi was originally scheduled to arrive in Nairobi on September 19 on one week's goodwill tour of East Africa.

"DON'T talk nonsense. Mr. Naidoo is not allowed into Pondoland." These words were spoken by a Magistrate in reply to a claim that Mr. M. D. Naidoo the well-known member of the Natal Indian Congress, who qualified as a barrister in England, and is now an advocate of the Supreme Court of Natal, and was recently released from detention under the Emergency Regulations, was entitled by the Magistrate's Court Act to practice in the Magistrate's Court at Bizana during the week. Whatever may be the legal position Indian people generally are highly critical of the manner in which the Magistrate commented on an Advocate's claim that he was entitled to appear to defend his clients.

THE general consensus among Indian people is that the Magistrate should not have used the language he did. He could simply have stated that Mr. Naidoo did not have the right of free entry into Pondoland. From the Magistrate's words it would appear that he personally objected to any claim by Mr. Naidoo as an Indian to be in Pondoland. Magistrates should keep to the law and in their approach to a case should never create the impression that they appear to be attached

to some side or other. Their only side is justice—the emblem of justice is blindfolded so that she may not see what she is judging. The mind must judge.

The details are:

On Monday Mr. D M. Naidoo of Durban was held up on the Pondoland border when he tried to get to Bizana to defend some of the African people who have been involved in the recent Pondoland disturbances.

As an Indian Mr. Naidoo is prohibited from entering the Transkei and Pondoland. He must obtain permission from the Native Commissioner. On Monday Mr. Naidoo sought permission to enter Pondoland but this was refused.

Mr Rowley Arenstein who is engaged in the case then applied for an adjournment so that the

question of Mr. Naidoo's rights could be cleared up.

In supporting his application for the adjournment Mr. Arenstein told the Magistrate: "The position is that the accused have been told to have counsel available for two courts. I am now asking for an adjournment because counsel is ready and available for this court. Mr. Naidoo is entitled by the Magistrate's Court Act to practise in this Court. The accused have a right to choose their own counsel.

Mr. G. E. Malherbe (the Magistrate): "Don't talk nonsense. Mr. Naidoo is not allowed into Pondoland."

At the time of writing an application has been made to the Supreme Court to test Mr. Naidoo's right to appear in the Magistrate's Court at Bizana.

WAS CONNECTED WITH SURAT

THE LATE FEROZE GANDHI

THE late Feroze Gandhi was born in Bombay and when he passed away he was 48 years. He was the son of Mr Jehangir Gandhi. He was brought up by his aunt, and was educated in Allahabad. After completing his studies in Allahabad, he went to London for further studies in Economics.

Sri Feroze Gandhi joined the National Resistance Movement in a strange way. He was watching a Passive Resisters profession as a student in Allahabad. He had his bicycle with him. All of a sudden the police came rushing, and the next moment he found himself in jail.

While he was studying in Allahabad he came in contact with the Nehru family. And when he was in London, he met Indira Nehru there; and came to know her very well during Kamala

Nehru's illness.

Sri Feroze Gandhi married Indira Nehru in 1942. Gandhiji was closely connected with the marriage.

Sri Feroze Gandhi was for some time in the insurance business. He left this to join the "National Herald" newspaper which was founded by Mr. Nehru. Later on, he became the Managing Director of that paper, and stayed on for some years on it.

When he left there he joined the Express Newspapers Ltd, and became a Director in Delhi. He was there till 1958.

In 1952 he was elected a member of the Lok Sabha from Rambarali and Pratappur District. In 1957 he was again elected. He was a well known member in the House. When he used to stand up to speak, everyone listened with keen interest. When he

(Continued on page 291)

"Nothing Is Small"

In 1915 the Congress held its Conference in Bombay. At that time Acharya Kaka Kalelkar was also with Gandhiji. A small incident which took place at that time, is described by him, which points out that Gandhiji saw importance even in very little things.

"One day I saw that he was looking for something with eagerly."

I asked him, "Bapuji, what are you looking for?"

He answered, "My pencil, it's a small one."

I took out a pencil from my leather bag to give him.

Bapu said, "No, no. I must have the pencil I am looking for."

I replied, "Bapuji, use it at the moment. I will find your pencil later on."

He said, "Kaka, you don't understand. I can't afford to lose that small pencil. It was given to me in Madras by J. A. Natesan's small son. With what keen interest he ran and gave it to me; how can I lose it?"

Both of us started looking for that mischievous pencil: and Bapu only felt relieved when it was found.

The pencil was hardly an inch long.

Indian Opinion

FRIDAY, 16TH SEPTEMBER, 1960

Fight Against Group Areas

FOR many, many years now the Indian community has been in need of competent direction in some very vital matter affecting its very life. The leadership of the community has come to a stalemate and it consists these days largely in the issuing of public statements, so often in criticism of what somebody has already done or said. Neither the Natal Indian Organisation nor the Natal Indian Congress is, today, really up and doing and the most important problem which touches upon the life of the Indian people is left in the hands of ratepayers' organisations. Group Areas, we have said, before is not a municipal problem to be attended to by ratepayers' organisations. It is a national problem cutting into the very heart of Indian existence in this country and yet our leadership has so far completely failed to organise opposition to Group Areas on a national level.

For the last five months the Emergency not only prevented any call to action on this matter (but also had under detention many leaders of the Congress. Now that they are once more free it is time that some positive step was taken in the matter of the Group Areas. We realise that the only move which may precipitate matters in action of the type which the founder of this journal launched in the Transvaal against the Registration of Asiatics Law shortly after the Anglo-Boer War. We also realise that neither the Indian community nor the leaders of the Indian people are prepared to launch any form of "passive resistance" against the Group Areas Proclamations. But still some determined approach to what is being done by the Government can be made by our leaders—both in the Natal Indian Congress and the Natal Indian Organisation—in giving the widest publicity to the ruinous effect which the Group Areas Proclamations are having on Indian social and economic life all over the country—especially in the two provinces of Natal and the Transvaal.

We suggest that the Natal Indian Congress and the Natal Indian Organisation cast aside their differences of principles and political inspiration and get together on an *ad hoc* committee to organise propaganda and publicity about the effects of the Group Areas. We know, as every one else in the Indian community knows, what will happen under the Group Areas Proclamations but in spite of this, continuous and sustained propaganda against the details of what is happening in different parts of the country to Indians under the Group Areas is necessary both for local and overseas use. A report on the suffering undergone by individuals—with their names and the actual circumstances surrounding their particular case—is of far greater value in bringing home the wickedness of the Government's acts than a long-winded statement in general terms. To people names and details matter.

(Continued in next Column)

Gandhiji On The Vow Of Chastity

When Gandhiji was in the Yeravda Jail in 1930 he sent a series of weekly discourses to members of his ashram at Sabarmati. The first on "Truth," and the second on "Love" have already appeared in the columns. The third, on "Chastity", follows:

THE third among our observances is *brahmacharya*. As a matter of fact all observances are deducible from Truth, and are meant to subserve it. The man, who is wedded to Truth and worships Truth alone, proves unfaithful to her, if he applies his talents to anything else. How then can he minister to the senses? A man, whose activities are wholly consecrated to the realization of Truth, which requires utter selflessness, can have no time for the selfish purpose of begetting children and running a household. Realization of Truth through self-gratification should, after what has been said before, appear a contradiction in terms.

If we look at it from the standpoint of *ahimsa* (non-violence), we find that the fulfilment of *ahimsa* is impossible without utter selflessness. *Ahimsa* means Universal Love. If a man gives his love to one woman, or a woman to one man, what is there left for all the world besides? It simply means, "We too first, and the devil take all the rest of them." As a faithful wife must be prepared to sacrifice her all for the sake of her husband, and a faithful husband for the sake of his wife, it is clear that such persons cannot rise to the height of Universal Love, or look upon all mankind as kith and kin. For they have created a boundary wall round their love. The larger their family, the farther are they from Universal Love. Hence one who would obey the law of *ahimsa* cannot marry, not to speak of gratification outside the marital bond.

Then what about people who are already married? Will they never be able to realize Truth?

Can they never offer up their all at the altar of humanity? There is a way out for them. They can behave as if they were not married. Those who have enjoyed this happy condition will be able to bear me out. Many have to my knowledge successfully tried the experiment. If the married couple can think of each other as brother and sister, they are freed for universal service. The very thought that all the women in the world are his sisters, mothers or daughters will at once ennoble a man and snap his chains. The husband and wife do not lose anything here, but only add to their resources and even to their family. Their love becomes free from the impurity of lust and so grows stronger. With the disappearance of this impurity, they can serve each other better, and the occasions for quarrel become fewer. There are more occasions for quarrelling where the love is selfish and bounded.

If the foregoing argument is appreciated; a consideration of the physical benefits of chastity becomes a matter of secondary importance. How foolish it is intentionally to dissipate vital energy in sensual enjoyment! It is a grave misuse to fritter away for physical gratification that which is given to man and woman for the full development of their bodily and mental powers. Such misuse is the root cause of many a disease.

Brahmacharya, like all other observances, must be observed in thought, word and deed. We are told in the *Gita*, and experience will corroborate the statement, that the foolish man, who appears

(Continued on page 295)

(Continued from previous column)

not broad principles. In order to organise a campaign of this type it is necessary that our political organisations approach the fight against the Group Areas Act on a non-party basis. Possibly our social welfare agencies which handle the flotsam and jetsam of our community every day can convene a conference of Indian leaders in their private capacities with the object of suggesting to them that they should form a national committee to pool the energies of the community and organise propaganda against the Group Areas Act.

German Youth Wants A Non-White Friend

WE reproduce below a letter from a German boy of 16. The writer is:

Hans Ulrich Schwab,
14 a Ludwigsburg,
Sec-Str. 66,
West Germany.

We trust that he will find a suitable pen friend from South Africa.—Ed.

I hope you remember Mr Hans A de Boer, the young German who had visited you in your farm Phoenix about six years ago. The other day I read his book "Unterwegs natiert" in which he took down his adventures in these countries he visited. He wrote about the bad policy of the white in the South African Union and I am very sorry that white men, who say that they are Christians treat their coloured brothers so badly. Please excuse these bad things and do not think that all whites, all Christians do agree with the Apartheid policy.

I should be very glad to hear more about the situation of the coloured in the South African Union because the newspapers don't write down this. In Germany we hear very little about that thing. So I ask you to send me the address of a young boy or girl of 15-17. I am not interested in writing to a white, but to a coloured brother. I want to be his friend and to show him life in Germany and that a real Christian doesn't ask for the race. I am a boy of 16 and leader of a group of boys of the YMCA.

The Late Feroze Gandhi

(Continued from front page)

used to speak he expressed his views very clearly.

The corner in the Main Hall where he used to sit was known as 'Feroze's Corner'.

He played an important part as a mediator in the Government Officials' strike which took place recently. He was also very keen in appointing a tribunal for an inquiry into the excessive use of power by some officials. This was accepted by the Congress Working Committee and the President.

Sri Feroze Gandhi was originally from Surat. A little while ago when his mother passed away all the ceremonial rites were performed in Surat, though Sri Feroze never visited Surat.

RAMKRISHNA CLUB'S FESTIVAL

Great Assembly Of Children In Pretoria

THE greatest assembly of young children between the ages 4 to 16, was witnessed by hundreds of people in Pretoria when about seven hundred children gathered at the Orient Cinema, for the celebration of the Ramkrishna Children's Club third annual festival. To the chanting of "Rama, Rama, Rama" the children marched in a long procession through the streets of Pretoria, watched by a crowd of many hundreds of excited people.

Children travelled from as far away places as Standerton, Bethal and Nigel to participate in a wonderful programme of songs, kirtans, dances and sketches. Many were struck by the enthusiastic work of the branch leaders, and the efforts they had made to ensure the success of the day's programme. Judging by the costumes, stage decorations and other scenery one marvelled at the tireless efforts and work that had gone into making the festival the tremendous success it was. The judges were given a tremendous task, and it was only after much discussion that they finally awarded the trophy to the Ferreirstown branch.

Swami Nischalananda, spiritual head of the Ramkrishna movement, who travelled from Durban to attend the function, in an interesting address, spoke of the work of the Children's Club, and its aims in the spreading of the Hindu religious teachings among the children of South Africa.

"The birth of the Ramkrishna movement marks the birth of a spiritual force, that is to cover the length and breadth of Southern Africa; the birth of a force that will not be stopped until its goal is reached." My idea in the forming of the Children's Club, said Swamiji, "is to make the children understand, appreciate and to be proud of their religion, culture and civilisation."

In his welcome address, the chairman Dr. R. L. McKibbin spoke of the Ramkrishna movement in the Transvaal. Mr. Nathoobhai Mistry, who presented the floating trophy encouraged parents to take an interest in the Children's Club, and Mr. M. Naidoo acknowledged the help given by numerous people in making the festival the grand success it was.

The organisers are convinced that venues for future festivals are going to cause them concern,

judging by the enthusiasm of the children who look forward to bigger and better festivals in the future.

The Queen To Visit India In January

QUEEN ELIZABETH and the Duke of Edinburgh will be in India between January 21 and January 31, and again from February 17 to March 1.

Announcing this, and External Affairs Ministry Press Note dated August 2, say:

Her Majesty Queen Elizabeth and His Royal Highness the Duke of Edinburgh will leave London by air for India on Friday, January 20, 1961, arriving in Delhi on Saturday, January 21.

Her Majesty and His Royal Highness will visit Pakistan from Wednesday, February 1, until Thursday, February 16, after which they will return to India.

The Queen and the Duke of Edinburgh will finally leave Delhi on Wednesday, March 1, 1961.

HINDI NOT TO BE FORCED ON ANY-BODY

PRESIDENT DR. PRA-SAD declared in Hyderabad that Hindi would never be imposed on anyone.

Delivering the Convocation address of the Hindi Prachar Sabha of Hyderabad, Dr. Prasad referred to the difficulty that might be experienced in learning Hindi in some important regions in the country where Hindi was not the mother tongue of the people. This difficulty, he said, had been kept in view throughout while formulating the programme for switching over to Hindi for certain specific All-India purposes, as laid down in the Constitution.

The President said he was absolutely sure that whenever the language policy was reviewed or discussed in the future, the difficulties and feelings of our non-Hindi-speaking brethren would not be ignored.

At least I can say this much, as our Prime Minister has said so often in the Lok Sabha and in his public utterances, that Hindi will never be imposed on anyone.

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A PAGE OF NEWS FROM INDIA

ATOMIC POWER STATION TO BE AT TARAPORE

FUTURE OF INDIA OFFICE LIBRARY

THE Lok Sabha has been told that India would continue to press her claim jointly with Pakistan for the return of the India Office Library in London. The Minister for Scientific Research and Cultural Affairs, Dr. Kabir, said that he had discussed this matter with the British Minister concerned during his recent visit to London.

Dr. Kabir was asked about the meeting between Mr. Nehru, President Ayub Khan of Pakistan and Lord Home on this subject during the Commonwealth Conference. He replied that it was agreed that the nature of talks would not be made public for the present.

Dr. Kabir said that India and Pakistan were clear in their minds that as successor states to undivided India, they had definite title to the Library. He pointed out that the Library building was purchased with funds from India, and until 1947, had been maintained with Indian finances.

Asked if Pakistan had proposed a division of the Library, Dr. Kabir said that the only question now was to establish the ownership of India and Pakistan. It was not proposed to raise any other matter at this stage.

TAGORE MUSEUM

"Uttaran," where poet Rabindranath Tagore spent his last days, will be converted into a museum estate comprising a Tagore institute for the study of the life and work of Rabindranath, a museum of Tagore relics, a picture gallery for Tagore paintings and a lecture theatre for audio-visual exposition of Tagore works during the centenary celebrations of the poet commencing on August 7 next year.

The central committee of Visva Bharati, which held several sittings during the last few months, has drawn up a tentative programme for the centenary celebrations.

Among other important items, it is proposed to publish a series of publications in Bengali and English, which will include all the writings of the poet not issued in book form so far, and a compilation of Tagore's writings in their subject-wise order.

PRIME MINISTER NEHRU has announced in the Lok Sabha that the first atomic power station to be established on the west coast between Ahmedabad and Bombay would be located at Tarapore.

This place, in Maharashtra but near the border of Gujerat, had been chosen because of the facilities available there. Power would be supplied in equal measure to both Maharashtra and Gujerat, and the station would be controlled by consisting of representatives of the two States and the Atomic Energy Commission.

Tarapore, where India's first atomic power station is to be located, is a small coastal town, with a population of about 4,000. It is in the northernmost part of the coastal area of Maharashtra, the border of Gujerat State being only 25 miles away.

The power station, with a capacity of 300,000 kilowatts, will be the largest in Asia. It will have two reactors.

Other Stations

Mr. Nehru, who was speaking on the report of the Atomic Energy Department for 1959-60, which the House discussed for two hours on a motion by a Member, said that two other atomic power stations were under consideration, each with a capacity of 150 megawatts capable of being doubled later.

He also informed the House that there was a proposal in the Third Plan to have two inter-university atomic centres, one in North India and the other in the south. These centres would be accessible to all universities in the region.

Real Symbol

Describing atomic energy as the real symbol of the modern world, Mr. Nehru said that India was more or less among the advanced countries in this field. It was of the utmost importance to go ahead in order to gain a grip on the future. The Prime Minister said India was determined not to be left behind in atomic development. He said he was glad to report to the House that the country was making regular progress with a brilliant set of young scientists in the Atomic Department.

In the debate, all members spoke in praise of the work of the Atomic Energy Department and wanted a still faster pace of progress.

Apsara, India's first atomic reactor, designed and constructed entirely by Indian scientists and engineers at the Trombay Atomic Energy Establishment, near Bombay, completed four years of its working on August 4, after it attained "criticality" in 1956.

In the last few months, the reactor has been active round-the-clock. The swimming pool reactor produces radio-active isotopes required for medicinal, agricultural, biological, and research purposes by over 63 institutions spread over 23 cities in the country.

TOURISM SIXTH AS EXCHANGE EARNER

AS foreign exchange earner, Indian tourism moved up from the seventh position in 1958 to the sixth in 1959 reports the Press Trust of India. Foreign tourists spent Rs 191 million in India during 1959, representing an increase of 10.9 per cent over the figure in 1958, according to provisional data now available.

A total of 109,464 tourists, excluding Pakistan and Tibetan nationals, came to India during the last year, compared with 92,202 in 1958. Pakistani tourists, who came under "B" and "C" visas, numbered 396,268. Nationality wise, U.S.A.'s figure was the highest—21,704—representing an increase of 20.4 per cent over the 1958 figure.

INDIA'S DIPLOMATIC ASSIGNMENTS

THE Government of India have decided to raise the status of the mission at Lagos from a Commission to that of High Commission, with effect from October 1, 1961, on which date Nigeria becomes a sovereign independent State and a member of the Commonwealth.

It has also been decided to appoint Mr. Parmeshwari Narain Haksar, at present Joint Secretary in the Ministry of External Affairs, as India's first High Commissioner to Nigeria.

Rao Raja Ramchandra Ganpat Rajwade, at present Ambassador of India to Sudan, has been appointed as Ambassador of India to Ethiopia. He will take up his new post in October.

Mr. B. K. Kapur, the new Indian High Commissioner to Ceylon, on August 3, presented his credentials to the Governor-General, Sir Oliver Goonetilleke, at a brief official ceremony at the Queen's House.

India's Charge d'Affaires, Mr. Surendra Singh, of Alirajpur, was the first foreign diplomat to be received by the Lebanese Prime Minister and Deputy Prime Minister on August 4, after the formation of the new Government in Lebanon.

The Charge d'Affaires emphasized the cordial relations between the two countries and wished the Prime Minister and the people of Lebanon prosperity.

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THE CORRECT USE OF MONEY

By ACHARYA VINOBA

IT is a matter which deserves your serious consideration. You parted with Rs. 2 lacs out of fear within three hours. Would you have lost such a large sum in so short a time if you had been intelligent enough to utilise it in some other manner rather than store it in your homes? Saint Kabir has sung, "Water within the boat and money in home are both signs of danger. Therefore, the wise throw them out with both hands." Water is necessary for the boat, but not inside. Inside it is a danger. Similarly, we do need wealth, but not in the home. It should be in society. Money accumulated in the home is a danger. Hence, if we have excess money in the home, the wise course is to give it away with both the hands. The Vedas say, "If you have earned by a hundred hands give away by a thousand." We will be happy if we do this. Wealth should not be accumulated within the four walls of the house. It should be invested in society in various industries. Today it is invested in ornaments which are like a dead weight on our ladies. They have become cowards and slaves because of their ornaments. They do not consider them as fetters and chains only because they are made of gold. If you would have constructed wells and tanks with your money, the dacoits could not have carried them away. It is true that crops from the fields can also be looted but to carry away cash is a far easier job. One would require scores of carts to take away crops worth ten thousand rupees; but to run away with that much cash is very easy. Real wealth is associated with industry. Increase of wealth means affluence in milk and honey, fruits and vegetables, cereals and other grains. And then the dacoits should be invited to share the food and drink you have. They won't be able to rob you of your milk easily even if they wanted to do so.

A friend received a threatening letter from a dacoit. "You should pay three thousand rupees otherwise you will be murdered." He came to me with tears in his eyes and hands folded and exclaimed, "Recently I have given away my daughter in marriage and for this I had to spend seven to eight thousand rupees. Now I don't have anything left. The dacoits will now kill me." But why should one be afraid of death? I told the friend, "Do you think the dacoit

[On June 22, Vinobaji left the Agra-Bombay highway and entered a village of Rajasthan. The villagers had heard about the surrender of out-laws in Bhind Morana. Immediately on the arrival of Vinoba, the villagers narrated their tale of woe to him as to how sometime ago a gang of dacoits had raided the village in broad day light and within three hours, i.e., from 9 a.m. to 12 mid day, they had extorted and carried away two lacs of rupees in cash and ornaments. The following speech of Vinoba was his comment on that incident.—Ed.]

is more powerful than God?" I do not mourn the death of anybody. After all one dies only when God wills it—when he feels that you have no further work to do. With this faith in my heart I am trekking over India as fearless as ever. Even if anybody cuts me into two the two halves would continue to move about. I can only die when my work on this earth is finished. The moment that is complete, my life will end. No dacoit, tiger or serpent would then be necessary for bringing about my death. Until we give up the fear of death, the tyrants would continue to ride roughshod over us. This is the teaching of the Gita also. We believe in the immortality of the soul. India gave birth to Vedanta. But we must admit that this teaching has not become a part of our life. I am not interested in the work of protecting anybody from the dacoits or the dacoits from the gallows. I firmly believe that Death is in the hands of God. Hence, I am not interested in getting the death sentence of anybody commuted, although it is true that I am against capital punishment. I feel that he who has changed his ways, who repents genuinely, should not be sent to the gallows.

But that is a different context altogether. What I want to say is that Life and Death all depend

on God.

The fear of death must go. We may have fear of some other things, but not of Death. The residents of this village have witnessed the ferocity of the dacoits; but I have had the ennobling experience of their repentance. I told them also not to be afraid of death or other consequences but to follow the truth.

It is a matter for serious thought. We have accepted *Asteya* (non-stealing) and *Aparigraha* (non-possession) as religious duties. But so far we have only understood one aspect of this religion. But religion can never be one-sided or parochial. We praise those who accumulate wealth and send the dacoits to jail. This may be just in the eyes of the law. But it can never be just in the eyes of religion. Therefore, I am never tired of repeating that the miser is the father of the dacoit. We have made money the guiding star of our life. But its value fluctuates and hence, the exploiters find it an easy instrument for robbing others. Therefore, take a lesson from this incident. Keep your money in Bank which is society, employ it in the fields and in industries. It is the real wealth that is goods, which should be increased, and not money which should be accumulated.

RAJMOHAN GANDHI ON

INDIA PAKISTAN AND MRA

IN a year when numerous territories are merging into nationhood, it is significant that three longer-established countries of Asia celebrated their Independence Day at the World Assembly for Moral Re-Armament in Caux in token of the debt they feel they owe to Dr. Frank Buchman.

On 15th August, India and Korea shared the day; and in each case the occasion illustrated the new spirit which is healing the two most deeply rooted animosities in Asia, namely the relationship between India and Pakistan, and between Korea and Japan.

"Through MRA India and Pakistan will find their destiny together," affirmed Rajmohan Gandhi, grandson of the Mahatma. His remark was inspired by the raising of the Pakistan flag alongside that of India by Mr. Chandrasekharan Pillai, President of the Transport Workers of Kerala, representing a delegation drawn from the three Kerala communities of Catholics, Muslims and Hindus.

Underlining the essential need of Hindu-Muslim co-operation in the sub-continent, Mr. Mohamed Koya, leader of the Muslim League in the Kerala Legislature, stated, "Apart from the wrongs of the Hindus against my people, we Muslims owe a sincere apology to the Hindus. Here at Caux I have learnt to live as a true Muslim."

Trade Centre At Baghdad

INDIA'S Trade Centre was inaugurated at Baghdad recently by Iraq's Trade Minister, Mr. Sayid Abbul Latif Alshawf.

Speaking on the occasion, the Minister referred to General Kassim's appreciation of India's assistance and co-operation in the cause of Iraq's national welfare and said: "It is our belief that peaceful co-existence is vitally necessary for the attainment of social reconstruction and economic progress."

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FROM PANCHAYAT TO SUPREME COURT

By G. D. KHOSLA

THE judicial system of India generally follows the lines of the British pattern with one important exception. In Britain there are no Panchayats or village courts, and in India the institution has existed from time immemorial. When recently the powers of the panchayats were enlarged, doubts regarding the wisdom of the new measure were entertained in many quarters. I myself have never been a great protagonist of these elected courts, the members of which are untutored in legal matters, and who with the best of intentions in the world are apt to be swayed by local influences. But it must be confessed that general opinion in the country favours their continuation. It is argued that given the responsibility, these courts will soon begin to act wisely and conscientiously, and as provision has been made for correcting their errors, the experiment is well worth trying. Of course, there is nothing novel about giving judicial powers to panchayats; it is only a case of reviving and rehabilitating an ancient institution, completely in harmony with the genius and traditions of our people. The enthusiasts even go so far as to say that it is the regular courts of law and the way they function, which are unsuited to our way of thinking and behaving.

My experience in the judicial department, extending over a period of nearly thirty-five years, has convinced me that the best system will fail if the individuals entrusted with its working lack the necessary ability and strength of mind, and even a bad system will achieve a considerable measure of success in the hands of competent persons. Therefore, there is nothing fundamentally wrong with either the indigenous institution of village courts or the system of judicial administration introduced by the British and now being maintained by us.

I should like to say at the start that law courts in this country enjoy, on the whole, a reputation for competence and integrity. Complaints are sometimes made against the subordinate courts, and it is said that magistrates are under the influence of the executive and that some civil judges lack a high sense of duty. The High Courts and the Supreme Court, however, are held in the highest

esteem and inspire complete confidence in the public mind.

The panchayats occupy the lowest rung of the ladder of justice. Each village periodically elects its panchayat or council of elders. A panchayat literally means a council of five, but in practice the number often exceeds the figure five. These village courts are empowered to deal with a number of minor offences and petty civil crimes. They cannot send a man to jail and their pecuniary jurisdiction and civil matters does not exceed five hundred rupees. Their orders are liable to scrutiny and revision by the principal magistrate or civil judge in the district.

Next in order of importance are the civil judges and magistrates. These are divided into various classes according to the importance and magnitude of the cases they can deal with. For instance, a fourth-class civil judge is competent to hear suits involving claims up to five hundred rupees, whereas a first-class civil judge has unlimited pecuniary powers. Appeals from the orders of these civil or subordinate judges, as they are sometimes called, lie to the District Judge whose court is termed the court of principal civil jurisdiction in the district. On the criminal side there are in each district a number of magistrates exercising first, second or third class powers. A first-class magistrate is competent to award a prison sentence not exceeding two years and a fine upto one thousand rupees. The powers of a second-class magistrate are limited to a sentence of six months' imprisonment and a fine of five to fifty rupees. The Code of Criminal Procedure contains a schedule specifying the nature of cases triable by the various types of magistrates. The simpler and the less heinous offences are naturally entrusted to the magistrates exercising lower powers, while the more serious crimes are enquired into by first-class magistrates who possess greater experience.

There is a whole host of minor offences such as breaches of traffic and health laws and of local and municipal regulations, selling or exposing for sale adulterated foods, travelling without ticket on the railway, etc., which are tried summarily often at the spot by mobile magistrates.

Orders passed by magistrates are subject to appeal. In most cases the District Judge who, when exercising criminal powers, is called the Session Judge, hears these appeals. A further petition for revision lies to the High Court. The Sessions Judge also exercises original jurisdiction and tries all the more serious criminal cases like homicide, dacoity, burglary, arson, rape, grievous hurt, etc.

At the end of the judiciary in each state is the High Court consisting of a Chief Justice and puisne judges whose number varies according to size, population and volume of work in each state. The jurisdiction of the High Courts is chiefly appellate on the civil as well as the criminal side. In particular it may be mentioned that a sentence of death awarded by a Sessions Judge can only be carried out if it is confirmed by the High Court, even if no appeal is preferred by the convict. The High Courts of Calcutta, Bombay and Madras, the three erstwhile Presidencies, also do a good deal of original civil and criminal work. In other High Courts the original side is almost entirely confined to liquidation of companies and writs. Petitions for writs of various types are made in extraordinary cases where the liberty, or some other fundamental right, of the citizen has

been interfered with by executive action and where no remedy is available.

And, finally, at the top of this judicial pyramid lies the Supreme Court of India, the final court of appeal in matters, civil, criminal constitutional, though it also be approached where there has been a violation of some fundamental right. The Supreme Court may also be called upon to advise the President on a legal or constitutional matter.

The Supreme Court and High Court judges can be appointed only if an address of both Houses of Parliament is presented to the President. This ensures independence of the judiciary and enables them to perform their task without fear of any kind of retaliation if their decisions are not palatable to the authority or the government power. The control of the lower judiciary vests only in the High Courts. It is hoped that, in the not too distant future, a complete separation of the judiciary and executive will be effected. Only will the lower courts command the same measure of confidence as the High Courts and the Supreme Court enjoy.

—(A broadcast talk over AIR INDIA.)

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The Vow Of Chastity The Congo 59 Years Ago

(Continued from page 290)

to control his body, but is nursing evil thoughts in his mind, makes a vain effort. It may be harmful to suppress the body, if the mind is at the same time allowed to go astray. Where the mind wanders, the body must follow sooner or later.

It is necessary here to appreciate a distinction. It is one thing to allow the mind to harbour impure thoughts; it is a different thing altogether if it strays among them in spite of ourselves. Victory will be ours in the end, if we non-co-operate with the mind in its evil wanderings.

We experience every moment of our lives, that often while the body is subject to our control, the mind is not. This physical control should never be relaxed, and in addition we must put forth a constant endeavour to bring the mind under control. We can do nothing more, nothing less. If we give way to the mind, the body and the mind will pull different ways, and we shall be false to ourselves. Body and mind may be said to go together, so long as we continue to resist the approach of every evil thought.

The observance of *brahmacharya* has been believed to be very difficult, almost impossible. In trying to find a reason for this belief, we see that the term *brahmacharya* has been taken in a narrow sense. Mere control of animal passion has been thought to be tantamount to observing *brahmacharya*. I feel, that this conception is incomplete and wrong. *Brahmacharya* means control of all the organs of sense. He who attempts to control only one organ, and allows all the others free play, is bound to find his effort futile. To hear suggestive stories with the ears, to see suggestive sights with the eyes, to taste stimulating food with the tongue, to touch exciting things with the hands, and then at the same time expect to control the only remaining organ is like putting one's hands in a fire, and then expecting to escape being burnt. He therefore who is resolved to control the one must be likewise determined to control the rest. I have always felt, that much harm has been done by the narrow definition of *brahmacharya*. If we practise simultaneous self-control in all directions, the attempt will be scientific and possible of success. Perhaps the palate is the chief offender. That is why in the Ashram we have assigned to

control of the palate a separate place among our observances.

Let us remember to root meaning of *brahmacharya*. *Charya* means course of conduct; *brahma-charya* conduct adapted to the search of *Brahma*, i.e. Truth. From this etymological meaning arises the special meaning, viz., control of all the senses. We must entirely forget the incomplete definition which restricts itself to the sexual aspect only.

Indian Relics At Sandhurst

A WHOLE section of the new National Army Museum at the Royal Military Academy, Sandhurst, which has been officially opened by the Queen, is devoted to relics from India and Pakistan.

This section is named the Indian Army Memorial Home, and is housed in what was the Academy chapel from 1812 to 1873. The exhibits include relics of cavalry and infantry corps the coats-of-arms of Commanders-in-Chief from the former Commander-in-Chief's house in Simla, and plaques bearing the crests of regiments.

Along the corridors of the Academy are the colours of the Indian Army; original water-colour paintings by Major A. C. Lovett, who, in 1910, visited every regiment in turn and painted them on the spot, the illustrations being reproduced in a book by General Macmunn called *Armies of India*; 34 colour sketches by Lady Elizabeth Matheson, wife of General Sir Torquhil Matheson, formerly G.O.C.-in-C., Western Command India; and 12 sketches by Lt.-Col. C. G. Borrowman, of the 4th Gurkha Rifles.

Among the more important acquisitions from the sub-continent are the first Lord Kitchenier's medals and decorations, swords, silver cup, headdress of the Order of the Star of India, and albums; the Sutlej Gun, a beautiful brass gun with limber captured in the Sutlej campaign and presented to General Lord Hardinge of Lahore; the attar-dan given to the 35th Bengal Infantry after Jellalabad; and a bronze but of Field-Marshal Sir, Claude Auchinleck.

MARK Twain who is best known for works such as "Tom Sawyer" and "The Adventures of Huckleberry Finn" made some cogent observations of the African scene of his day that are timely almost 60 years later.

All the world, today, is aware of the problem in the Congo, but in Mark Twain's day, events in Africa got little or no attention.

According to the great author's autobiography published by Harper in 1959, Mark Twain in 1901 wrote the following about conditions in the Belgian Congo:

"The royal palace of Belgium is still what it has been for 14 years, the den of a wild beast, King Leopold II, who for money's sake mutilates, murders and starves half a million of friendless and helpless poor natives in the Congo state every year, and does it by the silent consent of all the Christian powers except England, none of them lifting a hand or a voice to stop those atrocities, although 13 of them are by solemn treaty pledged to the protecting and uplifting of those wretched natives. In 14 years Leopold has deliberately destroyed more lives than have suffered death

on all the battlefields of this planet for the past thousand years."

Mark Twain was the pen name of Samuel Clemens, one of America's topmost writers of fictions for children—particularly boys.

Foreigners In India

IN the last seven months, the number of registered foreigners in India went down by about 2,000 from 55,194 on October 31, 1959 to 53,079 on June 1, 1960.

The Chinese numbered 11,936; Afghans 7,939, Iranians 4,966; Americans 3,783; Germans 3227; Russians 1,925; Italians 1,118; Portuguese 1,037 & French 998. Registration is not required for Commonwealth citizens including those from Pakistan.

Foreigners coming to India for a stay of 30 days or less are not required to register themselves. Those holding visas valid for a stay of more than 30 days but less than 90 days are required to register themselves at a registration office either in Calcutta, Bombay, Madras and Delhi or at the place where they happen to be resident when they have stayed in India for 30 days

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Sept. 1910

THE TRUTH ABOUT DEPORTATIONS

(From "The Indian Opinion" September 17th 1910)

MR. POLAK addressed the following letter to the *Indian Patriot* (Madras), dated 30th of July last:—

Sir,—The telegraphic report of Lord Amptill's interpellation regarding the treatment of the Transvaal Indians, indicates that the Transvaal authorities are persisting in misinforming the Imperial authorities as to the real facts of the situation and that the Imperial Government themselves do not appear to be well acquainted with those facts in regard to whose manipulation the Transvaal administration have no control.

It has been represented that "every opportunity was afforded to Indians to prove domicile in South Africa, but many absolutely refused to give information. Admitting, for the moment the correctness of the statement, what of those who (it is implied) did not refuse, and who have nevertheless been deported to India? But the statement is untrue. In almost every instance where a South African born or domiciled Indian was ordered to be deported, he gave evidence that he was so born or domiciled. But the Transvaal administration in most instances, did not even take the trouble to investigate the facts brought to their notice, and in others, although they were quite satisfied as to the truth of the statement they nevertheless ordered the removal to India of men whom they knew to be born South Africans, in order to bring pressure upon them and cause them to accept the anti-Asiatic law; out of fear of the consequences to their unprotected families. Moreover, the laws does not require the production of complete legal proof of birth or domicile. The magistrate, who issues the order, does so, not in a magisterial, but in an administrative capacity. The moment a presumption is raised in favour of the person subject to the order, the onus is placed upon the authorities to satisfy themselves that the allegations are or are not sustained. But in some instances, men have been deported to India, whose cases were still to be investi-

gated. The best *prima facie* evidence that these Indians were born in South Africa is that they all speak English fluently, it being, practically, their mother-tongue. This is not the case with any other Indians of their class, and this fact is very well-known to the officials of the Asiatic Department. The Transvaal Government, or, as it is now, the Union Government, cannot lightly ride away on the pretence that no information was submitted to them; All such information has been systematically disregarded.

But another most important issue has been carefully avoided. The Transvaal Supreme Court has decided that a man who has been registered under the law is not liable to be deported. Yet almost everyone of the deportees was so registered. The mere fact of non-production of the registration certificate is not evidence of non-registration, for a duplicate may be obtained for a few shillings. The legality of the action of the Transvaal authorities in deporting these men is directly in issue. They cannot hide behind the pretence that they have no knowledge whether the men were registered or not, and that they cannot therefore identify them. For, in that case they were equally bound to deport Mr. Gandhi and several other equally prominent men who still are left unmolested in the Transvaal. Moreover, in the case of Mr. Quinn, the chairman of the Transvaal Chinese Association, who is one of the deportees, he is personally known to General Smuts and to every official connected with the administration of this legislation. He was one of the signatories, in 1908, on behalf of the Chinese community to the compromise then effected, and was the first Chinese to voluntarily register. Then, too, the Transvaal authorities are aware that at least nine out of every ten Asiatic residents of the Transvaal are registered, and the presumption is thus in favour of the deportees. Moreover, and this is the wickedest part of the whole business, it is within my knowledge that

these men are strictly urged, by the police, the magistrate who issues the order of deportation, and the officials of the Asiatic Department, to apply for duplicates of their registration certificates, which can only be issued to those who are known to be already registered, and who alone are entitled to receive them. By implication, therefore, the Transvaal authorities are well aware of the identity (additional evidence of which can be easily traced in the finger-impression records of the Transvaal gaols where most of these passive resisters have been incarcerated) of these deportees, and they have willfully committed a breach of the law, knowing that there is no appeal to the Courts against the injustice of an administrative order.

Then we are told that the "local by-law", under which the Portuguese authorities of Mozambique affect to act, applies to "all Asiatics alike." Now, as a matter of fact, it does not, for it exempts Asiatics of Portuguese nationality. Moreover, here, too, the question is begged. The Portuguese act at the instance of the Transvaal

authorities, who pay all charges. It is urged, too, that the local regulations provide for deportation by land as well as by sea, and the deportees claim the right to be deported back to the Transvaal as is allowed by the Natal law, especially in view of the fact that they were never willing entrants of Portuguese territory, but were forced over the border while the train conveying them was travelling at high speed. This excuse, therefore, is somewhat disingenuous.

All political comment in this issue by N. Dayaljee, "Indian Opinion," Private Bag, Durban.

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