

*C.W.M.*  
P. 17/10 Q

## The Transvaal Registration Act and the Immigration Bill

Mr. Gandhi's Suggestions

General Smuts' Reply

Illuminating Correspondence

The Editor, INDIAN OPINION

Sir,—I beg to enclose herewith for publication copy of the correspondence that has passed between General Smuts and myself regarding the Asiatic Law Amendment Act. The question, in my humble opinion, has assumed more than parochial importance. Up to the last moment, I shall continue to believe that the humanity of the Colonists will get the upper hand of their prejudice and that, if my countrymen undergo the suffering they seem to have resolved upon doing, the justice of their claims will be recognised. But, whether this is so or not, I can only give one advice, and that is to prefer fearlessly the fulfilment of their solemn declaration to serving their self-interest.

It is, therefore, necessary that my countrymen should know the emphatic warning given by General Smuts in his letter. It is also, perhaps, necessary for the public, in whose name the Act has been passed and is being administered, to know that the alternative I have boldly ventured to offer completely meets the difficulty. It identifies every Asiatic resident in the Colony, and, unlike the Asiatic Act, it determines once for all the number of Asiatics who (except those few who may be able to take advantage of the educational clause of the Immigration Bill) will be entitled to remain in the Colony. The bed-rock question, therefore, so far as I am in a position to see, is not one of finger-prints or other details, but it is broadly whether the Government should at all meet Indian sentiment, unrepresented though Indians are at the polls, or, whether, if the Government do not, Indians, to be true to their God and themselves, will sacrifice all.

I am etc.,

M. K. GANDHI.

Johannesburg,

17th August, 1907.

(Copy)

Johannesburg 28th August, 1907.

The Private Secretary to  
General Smuts,

Pretoria.

Sir,—I have heard from more sources than one that, in the opinion of General Smuts, I am responsible for the agitation against the Asiatic Law Amendment Act, and that my action is strongly disapproved of by him. If the imputation means that my countrymen do not resent the Act at all but that I unnecessarily inflame them, I venture to repudiate it altogether. On the other hand, if it

means that I have voiced their sentiments and that I have endeavoured, to the best of my ability, to place before them accurately what the Law means, I beg to accept the entire responsibility. I feel that, my parents having given me a liberal education, and having studied to a certain extent modern history, I should be false to myself and my country if I did less.

Relying upon past professional connection with Mr. De Villiers, I sought a private interview with him, and requested his unofficial intervention with a view to finding a solution of the difficulty. He promised to see General Smuts and let me know. He did so. I was, however, unable to see him personally again. He left a message with his Secretary 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 very serious and Imperial importance. I, therefore, venture to enclose herewith a hurriedly drawn draft amendment to the Immigration Restriction Bill. In my humble opinion, it meets the view of the Government entirely, and it removes the stigma which, rightly or wrongly, my countrymen think attaches to them by submission to the Asiatic Law Amendment Act.

I have seen a cabled summary of General Smuts' reply to the South Africa British Indian Committee. He has been pleased to remark that co-operation with the leaders of the Indian community is not possible, as they have taken up an attitude of defiance. With deference, I must say that there is hardly any defiance about the attitude, but complete resignation to the will of the Almighty, in whose Name they have sworn not to surrender their manliness and self-respect, which, in their opinion, are seriously attacked by the Registration Act.

I hope that the proposal submitted herewith will be received in the spirit in which it is offered.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) M. K. GANDHI.

### Proposal

to meet the difficulty regarding the Asiatic Registration Act.

It is submitted that the Immigration Restriction Bill, which can still be recalled and amended, can meet the whole difficulty, as follows:—

1. In Section 1 of the Bill, to omit from "provided" to "Act."
2. The following addition to be made to Section 2:—"The term 'prohibited immigrant' shall not include and mean male Asiatics falling under Clauses (a), (b), (c), and (d) hereof, notwithstanding that they cannot comply with the requirements of Sub-Section 1:—

(a) any Asiatic duly authorised to enter and reside in this Colony by a permit issued under the Indemnity and Peace Preservation Ordinance 1902 or any amendment thereof, or issued between the 1st day of September, 1900, and the date of the passing of the said Ordinance, unless such permit shall have been fraudulently obtained, provided that any such permit expressed to authorise any Asiatic to remain in this Colony for a limited time only shall not be deemed to be a permit within the amendment of this Sub-Section;

(b) any Asiatic resident and actually in this Colony on the 31st day of May, 1902;

(c) any Asiatic born in this Colony since the 31st day of May, 1902, not being the child of any labourer introduced into this Colony under the Labour Importation Ordinance 1904;

(d) any Asiatic who, before the 11th day of October, 1899, paid the sum of £3 in terms of Law 3 of 1885 as amended in 1886.

Provided that such Asiatic shall before a date to be fixed by the Colonial Secretary take out a domicile certificate as per form prescribed by regulation, and provided further that children up to the age of 16 years shall be exempt from the operation of this Clause, after attaining which they shall be obliged to take out certificates of domicile to enable them to claim the exemption before mentioned.

(3). The term "Asiatic" shall mean any such male person as described in Article 1 of Law 3 of 1885, not being a person introduced into the Colony under the Labour Importation Ordinance 1904.

4. Sub-Section (c) of Article 2 of Law 3 of 1885 as amended by Volksraad resolution Article 1419 of the 12th day of August, 1886, Article 128 of the 10th May, 1890, and the Asiatic Law Amendment Act are hereby repealed.

5. To add to Sub-Section 15. Also prescribing the form of certificates of domicile under Sub-Section and the manner of applying therefor and the period within which Asiatic children under the age of 16 shall make application for certificates of domicile on completing 16 years.

(Copy)

Colonial Secretary's Office,  
Pretoria,

12th August, 1907.

Sir,—In reply to your letter of the 8th August, I am instructed to inform you that Mr. Smuts is unable to entertain the amendments put forward by you to the Immigrants' Restriction Bill as such amendments of that Bill would, if they were possible, altogether