

Indian Opinion

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NOTES AND NEWS

THE "Areas Reservation and Immigration and Registration (Further Provision) Bill" which is familiarly known by Indians as the Asiatic Bill has actually come into the hands of the public only after the beginning of the present month although it is supposed to come into effect as from the 1st of the month. The Bill is contained in the *Government Gazette Extraordinary* of the 30th July but it was not obtainable until the beginning of the month. We note that a copy of the Bill was supplied to the European Press before the first reading took place in the Union Parliament but the Indian Press was excluded from that privilege although Indians were the only concerned party in the Bill. Having come into our hands very late we are unable to do more than presenting our readers with a copy of the Bill as a supplement to this issue with a rendering of it in the Gujarati columns. It requires to be studied very carefully before one can realise how venomous it is and how dangerously it affects the existence of Indians in this country. We propose to deal later with the Bill extensively.

Councillor H. H. Kemp, member of the Durban Town Council, has given notice of his intention to move at the meeting on August 11 :—

That a Special Committee, consisting of five members, with the Mayor as ex-officio member, be appointed to consider and report, in so far as the Borough of Durban is concerned, on the Bill recently introduced into the House of Assembly by the Hon. the Minister of the Interior, "to make provision for the reservation of residential and trading areas in the urban areas for certain persons having racial characteristics in common, etc!" and that such Special Committee consist of Councillors Burman, A. Eaton, F. H. Acutt, the Rev. A. Lamont, and the mover, with the Mayor as ex-officio member. Further, that copies of the Council's minutes of the 4th April, 1924, containing the report of the Council's Sub-Committee on the Class Areas Bill, and the decisions of the Council thereon be furnished to such Special Committee.

A Reuter's message from Calcutta dated Aug. 2, states :—
In the course of a letter to a newspaper *The Standard*, Mahatma Gandhi says he remains a confirmed supporter of the non-co-operation movement, and if he could carry educated India with him he would declare non-co-operation in its entirety to-day. He continues : "If I could secure the absolute co-operation of my revolutionary friends and secure an atmosphere of general non-violence I would declare mass civil resistance to-day, and thus prepare the ground for honourable co-operation."

It is a significant fact says the *Benjall* (Calcutta) that during Mahatma Gandhi's recent visit to Barisal the District Magistrate of Buckerganj should have asked the Reception Committee to arrange an interview between him and the Mahatma, and that a large number of non-official Europeans should also have signified their intention of meeting the Mahatma at a private interview. These interviews can do nothing but good, because they invariably lead to a frank interchange of views. It was his recognition of this fact that led the Mahatma, in the pre-Non-co-operation days, to see the highest local officials at any place he might visit.

There is no better or more effective way in which Europeans in India, whether official or non-official, can serve themselves, their own country as well as India which to so many of them is an adopted land than by doing everything in their power to facilitate this interchange of views between themselves and Indian leaders.

It was Lord Curzon who first publicly declared in a famous speech that in India the administrator and the exploiter were engaged in the same task says the *Hindu* (Madras). Sir George Lloyd seems to belong to exactly the same school of thought. Presiding at the Bombay dinner at the Hotel Cecil he said that whilst on the one hand "without a good supply of British recruits for the Services, India's own ideals and claims must fail and ours fail with them," on the other hand, "it depended largely on British commerce in India whether they took a broad and not a selfish view and it was on trade with India that her future rested." There is evidently no limit to the burden which the white man is called upon or bear in India. It is a highly significant fact that holding the view he did Sir George Lloyd was still constrained to condemn the imposition of the countervailing excise duty on cotton goods as a great mistake. The wonder is that even those Englishmen who look upon this iniquitous and utterly indefensible duty as a great mistake, which in politics is sometimes worse than a great crime, do not lift up their little finger to secure its withdrawal.

"A STUDIED INSULT"

The Bombay daily paper *Sany Vartman* writes the following interesting leading article on the late Colour-Bar Bill :—

South Africa wants to fight with India. It is a deliberate fight on the part of the former and the weapon she has chosen is the worst that could be levelled against another great nation, namely, a deliberate and a studied insult. We have occasion to write on this oft-repeated subject once again because according to a Reuter's telegram of June 26, the Colour Bar Bill passed the third reading in the Assembly last night after a renewed protest from the Opposition. This passage through the third reading does not mean that the Bill is now ready for final sanction by the Governor-General. It will have to pass through the Senate where General Smuts is supreme being the leader of a majority. It is pointed out that the Senate might justifiably reject the Bill on the ground that the Assembly refused to give the natives and the Indians a hearing, when they offered to give evidence before the Select Committee, that was appointed to consider the Bill. But this rejection will not kill the Bill. Even if the Bill is thrown out by the Senate it will have to pass the ordeal of a joint sitting of both the Houses, at which sitting the Government commands a majority. From this it will be seen that the evil day will only be postponed, that is the final sanction of the Bill will only be delayed for a short time, but the Senate's rejection will not kill the Bill downright. Commenting on the information received from Capetown, Mr. C. F. Andrews in a statement to the Associated Press says : "The news from South Africa that the Colour Bar Bill, which discriminated against the native Africans and the Asiatics, has passed its third reading will be received with the deepest regret by all those who were seeking for

some means of reconciliation between South Africa and India. There is no more sensitive point of honour at which India could be attacked than that of racial discrimination by name in a Parliamentary statute. It will be remembered that General Smuts urged in a remarkable speech a short time ago that at least the injured feelings of the Indians should be soothed, and a formula should be found whereby the word "Asiatic" might be omitted. The search for such a formula has evidently failed. Nothing is left to mitigate the blow, which has fallen, for, it has been studied and deliberate." But it seems the present rulers of South Africa have deliberately jettisoned all sense of honour, justice, obligation and fair play and chosen the path of war with a nation to whom in no small a measure they owe their present high position and prosperity. It was Asiatic labour, and Indian labour in particular that helped to thrive their industries and it was Indian blood poured unselfishly that won for the British an empire and crushed for ever the Krugerian Republic. But in a sad story of racial arrogance, if India cannot expect much from the dominating Boers, she could legitimately expect much from the British for whom, as we have pointed out above, the Indians by their valour and blood won an empire. Indeed, throughout this struggle, we are firmly convinced, the British Government have taken up a highly pusillanimous position. They have yielded where they ought to have commanded and as for the Indian Government, with the bright exception of the Government of Lord Hardinge, well to put it plainly it has simply played an abjectly subordinate part. The South African Government has simply ignored the Indian Government, and the latter had never a chance of appearing in the picture. If the British Government had not forsaken India and left it to the tender mercies of the colour-proud and colour-blind Boers and if the Indian Government had not been too weak-kneed in the words of General Smuts there would not have been created a situation when there was "the danger to a young nation like South Africa of openly insulting the great and ancient civilisation of the East inevitably coming true." But this madness of insulting the East is not confined amongst the South Africans. The present situation in South Africa, as pointed out by Mr. Andrews, is not likely the studied insult which was offered by America to Japan a year ago when, in spite of the most serious and emphatic warnings, Japan was discriminated against racially in the American Immigration Restriction Bill. Japan, of course, not without protest, pocketed the insult, but Japan has a long memory and she will not forget the insult in a hurry. America thus made, virtually by a stroke of the pen, a permanent enemy of Japan, as South Africa by constant and long-continued pin-pricks has made an equally permanent enemy of India. Thus two great Asiatic nations have been deliberately estranged by two differently situated Powers for no other great fault of the Asiatics than that of possessing a dark or a yellow skin. The present daily-growing ferment in China against the White oligarchy of Europe is highly significant. China has long served as a happy hunting ground for the European and American sharks. For ages past the latter have exploited the huge yellow continent and in return they have, in every step and word, insulted the "heathen China." But even a worm will turn, and at last, after generations of ill-treatment, China is now seeking to throw off the white halter that has crushed out of her, her wealth, her energy, her self-respect and even her own honour. But the present Chinese turmoil is but a part of the general awakening of the whole East. East now knows the West, and because former has now learnt a lesson or two taught through the supreme arrogance of the West, that it now aims at freeing herself from the incubus that has sucked her life-blood for ages and grown richer, prouder and overbearing. The Nemesis is marching. It may be slow-footed, but it is sure-footed. Who knows the curse from South Africa might ultimately prove a blessing in disguise and awaken India to the proper realisation of her high position as a country amongst the world's comity of nations.

ENGLAND'S DEBT TO INDIA

In a paper read at the East India Association and printed in the *Asiatic Review*, Mr. Stanley P. Rice says that England is mainly responsible for the network of railways, the network of canals, the cables and wires, the storage reservoirs of water, and the many other material advantages which India now possesses. These have of course generally contributed to an enormous expansion of trade, so that India is easily the most important customer of the United Kingdom.

The total trade, imports and exports, with the British Empire, as in the official accounts of seaborne trade, for the six months ending September, 1921, was £111,773,400 or in the same ratio for the year about £225,000,000, and of this total Great Britain claims £70,000,000 and £140,000,000 for the same periods. This result is doubtless due very largely to the existence of a stable Government, to expenditure on works of public utility by the British, and to the general development of the country by the world improvement in transport.

Referring to the decent career which India has offered to many thousands of English boys and hundreds of English girls Mr. Rice says —

A boy goes to India to earn his living. He may take service under Government; he may go out to an established firm, or he may enter a firm in England which has business in the East and which claims that its employees shall go where they are sent. But in every case he chooses his career because it is attractive, and when it loses its personal attraction it ceases to be attractive at all.

The full stature of India can only be attained by co-operation; and if the idea of Non-co-operation seems wrong-headed, a perversion of an ideal and a fantastic dream, let us all remember that England too cannot work the ship alone, clad against all storms in the outer wrapping of efficiency.

Spiritually each has something to give to the other. As long as India gives, so long is her vitality sure, as long as England gives, so long will her Empire endure in the land and in the hearts of her Indian people. Surely those who love India must admit that, if they have given her their life's work, they have received something from her, be it only the sense of an abiding affection and the memory of happy days.

THE INDIAN SITUATION

Mr. Harry F. Ward has contributed an article to the *New York Nation* on the present political situation in India. The article deals with the present transfer of political leadership of the Nationalist movement from Mr. Gandhi and his Non-co-operators to the Swarajya Party under the leadership of Mr. C. R. Das. Referring to the adoption of the recent repressive measures in Bengal in spite of popular protests, and the consequent loss of England's moral prestige among the Indian people the writer says:—

Formerly the word of an English official was a rock of refuge for the common people of India in the shifting currents of her unstable life. But to-day the masses of India have lost confidence in the integrity of Great Britain. This distrust was formerly confined to the intellectuals, but to-day it has spread through the whole of the population. The War took thousands of Indians to Europe and brought them back to their villages and cities after they had seen a new world and breathed a new air. Then the Gandhi movement put the consciousness of Swaraj into them. After that, the failure of the Non-co-operation movement to realise its promise of speedy independence became, as in part it truly was, the failure of England to fulfil the promise made in the stress of the War when she needed India's help. Hence to-day Great Britain has no

moral authority in India except with that section of the landlords and capitalists whose unjust privileges, with no intention of hers, are made more secure by her rule. It is common talk in India that the word of many of her present officials is not like the word of those who were there in earlier days.

It is time for England to realise that this loss of moral prestige added to the increasing capacity for sabotage on the part of India means not simply the death of the Reforms but the impossibility of the continuance of her control. Her situation is like that of a man who had the bear by the tail and could neither hold on nor afford to let go. Unless England will soon decide the time and manner of her leaving India, another Ireland is likely to develop in Bengal; and after Bengal there is the Punjab, with its more martial race, and that will be another story.

INDIA AND SHAKESPEARE

"Shakespeare is extremely popular among Indians, although few people think that his popularity is so great," writes Mr. R. J. Minney in the pages of the *Empire Review*. Mr. Minney asserts that the Indian, able to read and write English, is an ardent admirer of Shakespeare just in the same way as the greatest Shakespearean scholar in England. He says the Indian is peculiarly qualified to admire Shakespeare.

"The Indian mentality has a curious craving for poetry. The magic of Shakespeare's imagery that changed every garden and would into a wonderland of colour and fairies, stirs the Indian in a strange way so that his Shakespeare is a book that is as inseparable from his bedside as the pious Christian Bible. The Indian spends little time over his own scriptures. If he is learned at all he is learned in English, and English to him means little more than Shakespeare. That the Englishmen around him in the larger towns of India do not set their words after the order to be found in the plays of Shakespeare concerns him little. It causes him no hesitation through a fear that the Elizabethan tongue may have become archaic as Sanskrit has done. He knows Sanskrit to be the medium of utterance to the gods, and for that reason it is sacrosanct, to be spoken purely if it is spoken at all. The English of Shakespeare is accordingly the only English that matters, and the student strives, by dint of memorisations of the more mellifluous of Shakespeare's phrases, to speak as men did in the days of Drake and Raleigh, and this lends to the utterance, the characteristic sing-song of the Babu."

The Indian possesses an inordinate love for reciting Shakespeare. For every student of Shakespeare in India makes an effort to memorise as much as he can of the writings of the great dramatist Poet.

Original Correspondence

The Editor, INDIAN OPINION.

Sir,

A few days ago I read an article in "Indian Opinion" re the expatriation of Mr. Mattu and fourty other Indians from U. S. A. altho these gentlemen are naturalised Citizens of America, men whose business code and morals are worthy Citizenship.

Just see! Well let the Indian race wake up to facts, combine and strive to alter these unjust conditions, which leave an everlasting stigma of disgrace on the so-called open Western World. Let all Indians remember, or be taught that their conatry was once the greatest power in the world, with every essential product, a self-sufficient people, with riches beyond description, a power to be reckoned with. And the truth holds good to-day under even better conditions.

The avaricious eye of the West is focused upon the resources and wealth of Asia. Why do New York and London control the silk and cotton markets? It is obvious.

There are many European firms and individuals in India amassing huge fortunes for themselves if not for their countries. The kindly courteous Hindu, holds out the hand of welcome and help to these 'far-seeing' ones, but the same policy is missing in the Western world as applied to them.

America is boycotting the Indian, boycotting clever decent citizens, probably combining with another great power in its far-reaching greedy policy.

Very well then. Let India and Indians the world over boycott American goods—American people. Fight them with their own weapons, retaliate in their own coin, but *fight* they must.

The resources of the East—I surmise that brains are included—nay I am *sure* they are—can consolidate and build up again a powerful people, a race, or races to be reckoned with, would they throw aside lethargy and realise and combat that which is anialating them?

Let the people choose men of worth—in the best sense of the word—to represent them in Congress, men who love and strive for their conatry's welfare, who have *done* something to prove this—not mere words spoken. Men who cannot be bought.

Let India send out teachers to teach her history, as we of the West send ours there to teach one-sidedly. Believe me. The Exchange would be beneficial, enlightening and ennobling. The so-called "Knowledge Box" of the world would have its view broadened, have a clearer and more tolerant vision.

Subtlety and cunning, allied to the 'iron hand' in the 'padded glove' is a good card to play. Learn to know and recognise the signs of the times. Always remember a King is a powerful card, but an Ace can beat it every time.

The colour bar in South Africa is fit, proper and necessary, applied only to Natives—Kaffirs. These races have *never* been civilised members of society neither have they shown any aptitude for such or stepped out in the right direction. The scream of the colour bar is a farce in their case at present and can only be removed by uprooting the whole rotten structure of their learning, at its foundation. The 'teachers' of 'religion' began the mischief long ago by beginning with the last stages, instead of teaching a clean, pure, moral hygiene of person home and code. The want and longing for a religion, is only felt in sensitive refined beings. The ancient races were all exercised with this longing for *truth and life*. Not so the Kaffir. And I claim that the rotten foundation of their learnings will have to be purged—uprooted. What you will, before their goal can be won and the colour bar removed.

The following true and pathetic story will—in a measure—prove my assertions.

I was returning to my home one evening about 9.30 when two Kaffir girls of very tender years attracted my attention and sympathy. They were evidently in argument. Said the stronger looking of the two to her companion: "Ough! Kathleen, you must buck up, the gents don't like you sick, what for you always cry"—at the same time shaking the poor sick one roughly.

This poor child—she was about eleven years old—collapsed on the steps of a store in the centre of the town. There was rough on her poor little wasted face, her dress was tawdry and flashy and death looked out from the poor sick eyes. It was a *sight* to make the "uplifts" and teachers hide their faces and their teachings for ever.

The Indian, Chinese, Japanese &c, artistic, educated, races with a deep love and reverence for their beautiful religions should *not* be paragraphed in the native propaganda and colour bar question. There are Eastern gentle people here, in America, and in various other parts of the world who would soon to perpetrate the disgusting dogma of the whites. These refined artistic gentle folk, are not allowed to build a home in a 'select

part of the town here or to hold freehold property, or admittance to the stalls of a theatre. All they get are the husks not the sunshine of life. To try and prove their just claim would be called a felony.

And yet, Americans, French, German, Italians &c are allowed these emoluments whilst the *British Indian* is barred his just rights. In fact, they take from him even that which he hath.

There is a common saying that "The Sun never sets on British Domains." I am not so sure that this will always read so. History has a way of repeating itself in its own good time.

To those of your readers who lack ambition, I say *strive* for it, *get* it and then strive again and keep on striving, always for something better, higher, and step by step you will be strengthened and energised for your needs. You will cast aside the life of lethargy and *lotus* eating indifference, and become a power in the world to be reckoned with, not mere puppets dancing to a tune you do not know, do not like and do not want.

Stretch out your hands higher, and grasp firmly your star of life, and in due course will follow, all you have stretched, striven and grasped for.

AMBER MAYO.

S'ENVOY.

"Awake! you soulless irreligious western world.

See fate of India knocking at thy gate.

Lest, like the foolish virgins, lamps unlit

Destruction waits you. *Wake, ere it be too late.*

AMBER MAYO.

30-7-25. Johannesburg.

OUR LONDON LETTER

[FROM OUR OWN CORRESPONDENT]

9th July, 1925.

For some time past there has been considerable agitation in the country for the exclusion from the Press of prurient facts disclosed in divorce and other judicial proceedings which has now taken practical form in the Judicial Proceedings (Regulation of Reports) Bill, the text of which was issued to-day. Lord Darling is the father of the Bill, and has introduced it in the House of Lords, as "an Act to regulate the publication of reports of judicial proceedings in such manner as to prevent injury to public morals."

The chief provisions of the Bill are, that, it shall not be lawful to print, circulate or publish, or cause or procure to be printed circulated or published.

(a) in relation to any judicial proceedings, any indecent matter, or medical, surgical, or physiological details being matter or details the publication of which would be calculated to injure public morals, or otherwise be to the public mischief;

(b) in relation to any judicial proceedings for dissolution of marriage, for nullity of marriage, or for judicial separation or proceedings before a court of summary jurisdiction, in which an order for judicial separation is made or applied for any particulars other than the following, that is to say:—

(1) The names, addresses and description, of the parties and witnesses;

(2) The grounds on which the proceedings are brought and resisted, as set forth in the petition and answer and particulars thereof;

(3) Submission of any point of law arising in the course of the proceedings and the decision of the court thereon;

(4) The summing up of the judge and the finding of the jury (if any) and the judgment of the court and observations made by the judge in giving judgment. Provided that nothing in this part of this sub-section shall be held to permit the publication of anything contrary to the provisions of paragraph (a) of this sub-section.

The penalty for contravention of the provisions of this Act is imprisonment not exceeding three months or a fine not exceeding £500 or both—the measure does not apply to the publishing of any matter in any separate volume, or part of any bona fide series of law reports which consist solely of reports of proceedings in courts of law, or in any publication of a technical character bona fide or intended for circulation amongst members of the legal or medical professions.

It has yet to be seen what reception the bill will receive from both Houses of Parliament. But there is no doubt that Lord Darling has taken a step in the right direction, and if the Bill is passed as it is hoped it would be, it would certainly purge the newspapers of much that is putrid in its reports of certain kinds of legal cases.

One of the most talked of young men in cricket circles to-day is undoubtedly K. S. Duleepsinhji, the brilliant young Cambridge University player, and in interviews with him published in the press, he attributes his success as a batsman, to the coaching he received as a boy from his uncle, the great "Ranji" who undoubtedly laid the foundations of that technique which has enabled him to develop into a run-getting cricketer. Ranji used to stand behind his wickets, and correct his strokes, and show him how the different balls should be placed.

A. Relf the famous Sussex player coached him for a month at the end of last season, and for 3 weeks at the beginning of this season. Duleepsinhji admits that he derived a great deal of benefit from this coaching and that it has given "polish" to his batting. He expects to be at Cambridge for three or four years, and is at present qualifying for Sussex the county for which his uncle played, in order to play for them next season.

Ranji interviewed by the Press has with a smile acknowledged that he coached him for some years when he was between nine and twelve years of age, and he thought he had put him on the right lines.

The Gaekwar of Baroda owns "Aldworth" on the Surrey Hills in England.

This was the home of the Poet Laureate Tennyson, and from its terraces one of the finest views is to be obtained, across the Sussex Downs to the sea.

The Gaekwar has thrown open the gardens to the public, and last summer over five thousand people visited the place, during mail week the Gaekwar was entertaining the society of English Poets including the Poet Laureate and Mr. Alfred Noyes.

Natal Indian Congress

The Annual General Meeting of the Natal Indian Congress will be held at Mr. Rawat's Bio, Victoria Street, Durban, on Sunday the 6th September, 1925, at 11 a.m. for the transaction of the following business:

Report and Financial Statement.

Election of Officials.

AMOD BAYAT,

President.

SORABJEE RUSTOMJEE,

V. S. C. PATHER,

Hon. Secretaries.

N.B.—Your subscription of 2s. 6d. for the year 1925 will require to be paid before 24 hours of the meeting to enable you to vote at the meeting.

UNION OF SOUTH AFRICA.

**Areas Reservation and Immigration and Registration
(Further Provision) Bill.**

(To be read a Second Time on Monday, 27th July, 1925.)

BILL

TO

Make Provisions for the reservation of residential and trading areas in urban areas for certain persons having racial characteristics in common; to amend the Immigrants Regulation Act, 1913 (No. 22 of 1913), the Indians Relief Act, 1914 (No. 22 of 1914), and the Asiatic Registration Amendment Act (Transvaal) 1908 (No. 36 of 1908); and to amend or repeal certain laws.

(Introduced by the MINISTER OF THE INTERIOR.)

UNIE VAN ZUID-AFRIKA.

**Terzijdezetting van wijken en verdere voorziening voor
immigratie en registratie Wetsontwerp.**

(Ten Tweede Maal te worden gelezen op Maandag, 27 Julie,
1925.)

WETSONTWERP

OM

Voorziening te maken voor detersizdezetting van woon- en bezigheidswijken in stadsgebieden voor zekere personen, die gemeenschappelijke raseigenschappen hebben; om de wet tot regeling van Immigratie, 1913 (No. 22 van 1913), de Indiers Verlichting Wet, 1914 (No. 22 van 1914), en de Aziaten Registratie Wijzigings Wet (Transvaal) 1908 (No. 36 van 1908) te wijzigen; en om zekere wetten te wijzigen of te herroepen

(Introduced door de MINISTER VAN BINNENLANDSE
ZAKEN.)

(To be read a Second Time on Monday, 27th July, 1925.)

BILL

To make provision for the reservation of residential and trading areas in urban areas for certain persons having racial characteristics in common; to amend the Immigrants Regulation Act, 1913 (No. 22 of 1913), the Indians Relief Act, 1914 (No. 22 of 1914), and the Asiatic Registration Amendment Act (Transvaal) 1908 (No. 36 of 1908); and to amend or repeal certain laws.

(Introduced by the MINISTER OF THE INTERIOR.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

CHAPTER I.

5

RESERVATION OF AREAS.

1. (1) Whenever an urban local authority shall intimate to the Minister—

Request by urban local authority for application of Chapter I

(a) that any area within its limits is wholly or for the greater part occupied for residential or trading purposes or both such purposes by a particular class of persons;

(b) That it is desirable that the provisions of this Chapter should be applied in respect of such area, the Minister may appoint a commission consisting of not more than three persons (hereinafter called the Commission) to investigate and report upon the desirability of applying to such area and to the urban area within which it is situated the provisions of this Chapter.

(2) One of the members of the commission shall be designated by the Minister as the chairman thereof, and the Minister may make rules for the conduct of the business of the commission and governing the tenure of office of the members. In the event of the commission consisting of three members, two members shall form a quorum.

2. (1) It shall be the duty of the commission to enquire and report to the Minister upon the following matters:—

Duty and powers of commission

(a) The extent and nature of the area which was the subject of intimation under section one;

(b) the number, dimensions, situation and nature of sites occupied in such area for residential or trading purposes or both such purposes as the case may be;

(c) whether there would be afforded by such area a proper and adequate facilities for residences or trading sites or both as the case may be for the particular class of persons concerned;

(d) whether due and proper provision exists or is assured for water, lighting, sanitary and other necessary services within such area;

(e) whether it is desirable that the provisions of this Chapter should be applied in respect of such area;

(f) whether there is, within the limits of the urban local authority concerned, any other area which is wholly or for the greater part occupied for residential or trading purposes or both such purposes by the particular class of persons concerned, and if there be such other area, the extent and nature thereof, and the number, dimensions, situation and nature of sites occupied in such other area for residential or trading purposes or for both such purposes as the case may be;

*50

- (g) whether any other area within the limits of the urban local authority concerned is available for the exclusive occupation for residential or trading purposes or both such purposes by the particular class of persons concerned; and
- (h) any other matter which the Minister or the commission may deem necessary or desirable.

(2) The commission shall have all such powers, jurisdiction and privileges as were conferred upon the commission referred to in Ordinance No. 30 of 1902 of the Transvaal, and all and several the provisions of that Ordinance shall *mututis mutandis* apply in respect of the commission and its proceedings.

Proclamation
tion of class
areas

3. (1) At any time within six months after the receipt of the report of the commission, the Governor-General may by proclamation in the Gazette declare that, on and after a date to be mentioned in the proclamation, the area defined in the proclamation shall be a class residential area, or a class trading area or a class residential and trading area within the urban area.

(2) More than one area within the urban area may, by any such proclamation, be defined as class residential areas, or as class trading areas, or as class residential and trading areas as the case may be.

(3) Notwithstanding anything contained in the Precious and Base Minerals Act of the Transvaal (Act No. 35 of 1908) or any amendment thereof, or in any other law, a class trading area or a class residential and trading area may be established under this Chapter on land within an urban area which, in terms of the said Act No. 35 of 1908 or any amendment thereof, is proclaimed land or land held under mining title.

Acquisition of
immovable
property in
class areas

4. From and after the date mentioned in any proclamation issued under this Chapter establishing a class residential area or a class trading area, or a class residential and trading area, it shall not be lawful, save as provided in section ten—

- (a) for any person other than a person of the class concerned to acquire immovable property or a lease or renewal of lease of immovable property within any such area; or
- (b) for any person of the class concerned to acquire immovable property or a lease or renewal of lease of immovable property anywhere within the urban area save within the limits of the class residential area or of the class trading area or of the class residential and trading area, as the case may be:

Provided that nothing in this Chapter contained shall apply to the renewal of a lease of immovable property where the right to renewal was held under a written lease existing at the commencement of this Act.

Trading in
class trading
area or class
residential and
trading area

5. (1) From and after the date mentioned in any proclamation issued under this Chapter establishing a class trading area or a class residential and trading area within any urban area, it shall not be lawful for any licensing court, board or authority, or for any person authorized to grant or issue licences or permits to carry on any trade or business within that urban area—

- (a) to grant or issue to any person other than a person of the class concerned any licence, permit or other authority to carry on any trade or business within the class trading area or class residential and trading area as the case may be; or
- (b) to grant or issue to any person of the class concerned any licence or permit to carry on any trade or business within the urban area elsewhere than in the class trading area or class residential and trading area as the case may be:

Provided however, that if the Governor-General is satisfied that it is in the general interests of the public that it should be permitted to persons of the class concerned or any re-

stricted number of such persons to carry on any particular trade or business within the urban area elsewhere than in the class trading area or class residential and trading area, as the case may be, he may, by proclamation in the Gazette
 5 for such period as he may therein fix, exempt persons of the class concerned or a restricted number of such persons from the operation of paragraph (b) of this sub-section in respect of that particular trade or business.

(2) Nothing in this section contained shall be deemed to
 10 prohibit the grant to any person holding, at the date mentioned in any proclamation issued under this Chapter establishing a class trading area or a class residential and trading area within any urban area any licence, permit, or other authority to carry on any trade or business, which is
 15 actually being carried on, or a renewal of such licence, permit or other authority.

6. (1) Whenever, in the opinion of the urban local authority concerned, any area established under this Chapter as a class residential area or a class trading area or a
 20 class residential and trading area, proves inadequate or more than adequate for, or unsuitable either wholly or in part to, the requirements of the population of that class in the urban area, and the urban local authority deems it desirable to extend or reduce any such area or to alter the
 25 boundaries thereof, or to create a new class residential area or class trading area or class residential and trading area, the urban local authority may communicate its opinion to the Minister, who thereupon may take all such steps as he
 30 may take upon receipt of an intimation under section one.

(2) All and several the powers exercisable under this Chapter in respect of the establishment of a class residential area or a class trading area or a class residential and trading area shall be exercisable in respect of the creation
 35 of a new area or the extension or reduction of any existing area of a like character or the alteration of the boundaries thereof.

(3) Nothing in this section contained shall be deemed to affect in any manner whatever any right to the renewal of
 40 a lease of immovable property where such right was held under a written lease existing at the commencement of this Act or any right to the grant to any person holding at the date mentioned in any proclamation issued in pursuance of this section any licence, permit, or other authority to carry
 45 on any trade or business which is actually being carried on, or a renewal of such licence, permit or other authority.

7. (1) If at any time the Governor-General is satisfied that a class residential area or a class trading area or a class residential and trading area established under this Chapter
 50 is inadequate for or wholly or partly unsuitable to the requirements of the population of that class in the urban area concerned, and that, by reason of the delay which would necessarily take place in removing the causes of the inadequacy or unsuitability, serious prejudice would be suffered
 55 by that population unless the provisions of this Chapter in respect of such inadequate or unsuitable area be suspended, he may, by proclamation in the Gazette declare that, from and after a date to be therein mentioned, the provisions of this Chapter shall be suspended in respect of the class residential area or class trading area or class residential and trading area concerned.
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(2) From and after such date the provisions of this Chapter shall in all respects cease to apply to the area deemed to be inadequate or unsuitable, and, in respect of
 65 such inadequate or unsuitable area, to the other parts of the urban area within which it is situated.

(3) The Governor-General may, whenever he may deem fit, re-proclaim as a class residential area or a class trading area or a class residential and trading area, as the case may
 70 be, any area which has been the subject of a suspending proclamation under sub-section (1) of this section, or pro-

Extension or
reduction of
class areas

Suspension of
provisions of
Act.

claim as a class residential area or a class trading area or a class residential and trading area under this Chapter any area which wholly or partly includes any area which has been the subject of a suspending proclamation under sub-section (1) of this section. 5

Class area for Asiatics to be deemed to be area which under Law 3, 1885 (Transvaal), Asiatics may own fixed property 8. Any class residential area, or class trading area, or class residential and trading area established under this Chapter for any Asiatic race shall, for the purposes of section two (b) of Law No. 3 of 1885 of the Transvaal, be deemed to be an area within which, in terms of that law, fixed property may be acquired and owned by Asiatics. 10

Class advisory board 9. (1) For every class residential area, or class trading area, or class residential and trading area established under this Chapter there shall be an advisory board consisting of not less than three persons of the class concerned resident within the urban area, in addition to a chairman who in the case of a non-European class area may be a European. The mode of election or selection of members of any such board, the period and conditions of office of members, and the procedure of the board shall be defined by regulations made by the urban local authority and approved by the Minister. 15 20

(2) It shall be the function of an advisory board established under this section to advise the urban local authority in respect of any matter referred to it by such authority for advice, and no by-laws or regulations particularly affecting the interests of the class of persons concerned shall be made or withdrawn by an urban local authority unless the advice of such advisory board shall first have been obtained in respect of the making or withdrawal, as the case may be, of such by-law or regulation. 25 30

Acquisition of immovable property by certain persons in Natal except in class areas, prohibited 10. (1) The Governor-General may by proclamation in the Gazette declare that from and after a date to be specified therein no member of any race indicated therein shall acquire immovable property or the lease or renewal of lease of immovable property in the Province of Natal save in the coast belt as provided in sub-section (2) of this section: Provided that nothing in this section contained shall be deemed to prohibit a renewal of a lease of immovable property held under written lease at the commencement of this Act. 35 40

(2) A person who is a member of the race indicated in any proclamation issued under sub-section (1) of this section may acquire immovable property or the lease or renewal of lease of immovable property in the coast belt, from a person who is a member of the same race, but from no other person, except where the immovable property or the lease or renewal of lease of the immovable property acquired is within the limits of a class area established under this Chapter within the coast belt. 45

(3) From and after the date specified in any proclamation issued under sub-section (1) of this section, no member of any race indicated in such proclamation shall by testamentary disposition acquire any land or interest in land or the lease or occupation of any immovable property in the coast belt, except from a member of the same race. 50 55

(4) For the purpose of this section the coast belt means so much of the Province of Natal as lies between the coast line and a line to be defined by the Governor-General by proclamation in the Gazette corresponding as far as practicable with the coast line and drawn at an approximate distance of thirty miles therefrom. 60

(5) Nothing in this section contained shall be deemed to effect the operation within the coast belt of any other provision of this Chapter.

11. (1) Subject to the provisions of sub-section (3) of ^{Savings.} section three, section eight and sub-section (3) of section ten of this Chapter, nothing in this Chapter contained shall be deemed—

- 5 (a) to affect the operation of Law No. 3 of 1885 of the Transvaal or any amendment thereof; of section two of Act No. 18 of 1913; of Act No. 37 of 1919; of Chapter CXIII of the Orange Free State Law Book or any amendment thereof; or in any other law prohibiting, restricting, regulating, or in any way
10 affecting, the ownership or occupation of immovable property or trading by persons of non-European descent; or
- 15 (b) to prohibit the acquisition by the Government or any urban local authority for educational, municipal or any other public purpose of the ownership or occupation of any immovable property; or
- 20 (c) to prohibit the acquisition at any time of land or interests in land or the lease or occupation of any immovable property by devolution or succession on death whether under will or on intestacy from a person of the same race; or
- 25 (d) to prohibit any executor of a deceased estate or any trustee in insolvency from holding any immovable property or trading under any licence where power to do any such thing is conferred upon him by any law; or
- 30 (e) to invalidate or affect in any manner whatever any agreement or other transaction for the sale or purchase of land lawfully entered into prior to the date mentioned in any proclamation under this Chapter establishing a class residential area or a class trading area or a class residential and trading area or extending or reducing any existing area of like
35 character, or altering the boundaries thereof.

12. (1) The Governor-General may grant to any person ^{Exemptions.} a certificate exempting him wholly or for such period as he may therein specify from all or any of the provisions of this Chapter; and such person shall either wholly or for
40 such period, as the case may be, be so exempted.

(2) Nothing in this Chapter contained shall be deemed—

- 45 (a) to affect any person who is duly accredited to the Union by or under the authority of His Majesty or the Government of any foreign state, or the wife, family, staff or servants of any such person.
- (b) to refer to natives as that term is defined in section twenty-nine of the Native (Urban Areas) Act, 1923 (Act No. 21 of 1923);
- (c) to refer to—
- 50 (i) persons born in the Union and ordinarily resident in the Province of the Cape of Good Hope who are members of the class or race known as "Cape Coloured" or of the class or race known as "Cape Malays";
- 55 (ii) persons born in the Union and ordinarily resident in the Union elsewhere than in the Province of the Cape of Good Hope who would if resident in that Province, be regarded as members of either of the classes or races known as "Cape Coloured" or "Cape Malays" and
- 60 (iii) the people known as Mauritius Creoles or St. Helena persons or their descendants born in the Union.

Explanation of terms	13. In this Chapter unless inconsistent with the context "class or class of persons" includes any person having, in the opinion of the Minister, common racial characteristics, and all white persons shall be regarded as having common racial characteristics;	5
	"person of a class" or "member of a race" includes any company or association of persons whether registered under any law or not in which one or more persons of the class or members of the race referred to have a controlling interest;	10
	"Minister" means the Minister of the Interior or any other Minister to whom the Governor-General may assign the administration of this Act;	
	"urban area" means any area under the jurisdiction of an urban local authority;	15
	"urban local authority" means any municipal council, borough council, town council or village council, or any town board, village management board, local board or health board.	

CHAPTER II.

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IMMIGRANTS REGULATION.

Amendment of section two of Act No. 22 of 1913	14 Section two of the Immigrants Regulation Act, 1913 (hereinafter in this Chapter called the Principal Act) is hereby amended by the deletion from sub-section (7) of the words "sufficient in the opinion of the Minister" and the substitution thereof of the following words: "fixed by the immigration officer not exceeding one hundred pounds".	25
Amendment of section three of Act No. 22 of 1913	15 Section three of the principal Act is hereby amended (a) by the addition to sub-section (2) of the words: "From any such opinion there shall be an appeal to the Appellate Division of the Supreme Court"; (b) by the deletion from sub-section (3) thereof of the following words: "and 'a superior court having jurisdiction' shall mean the Provincial Division of the Supreme Court which has jurisdiction where the board was sitting or any judge of such division or the Eastern Districts Local Division having jurisdiction or any judge thereof".	30 35
Amendment of section four of Act No. 22 of 1913	16. Section four of the principal Act is hereby amended: (a) by the addition to paragraph (a) of sub-section (1) of the following words: "Provided that for the purpose of this section the Northern Districts of Natal, as described in section three of "The Northern Districts Annexation Act, 1902" (Act No. 1, 1903, Natal) shall be deemed to be included in the Province of the Transvaal"; and (b) by the addition to paragraph (f) of sub-section (1) after the words "have been stolen" of the following words: "incest, sodomy, bestiality, any offence involving fraudulent conduct in connection with any insolvency"; and (c) by the deletion of paragraph (a) of sub-section (2).	40 45 50
Amendment of section five of Act No. 22 of 1913	17. Section five of the principal Act as amended by section three of the Indians Relief Act, 1914, is hereby amended by the deletion of paragraphs (e) and (g) and the substitution thereof of the following new paragraphs— (e) Any person, other than an alien, who was born in any part of South Africa included in the Union and whose parents were at the time of his birth lawfully resident therein and were not at the time restricted to temporary or conditional residence therein by any law then in force: Provided that any person who, if he were a prohibited immigrant, would be included	55 60 65

- 5 within any class of persons which has, in terms of paragraph (a) of sub-section (1) of section four, been deemed by the Minister to be unsuited to the requirements of the Union or any Province thereof shall lose the protection accorded by this paragraph if he has acquired or shall acquire a domicile in a Province of the Union other than that in which he was born;
10. (g) any person who is proved to the satisfaction of an immigration officer or in the case of an appeal to the satisfaction of the board, to be the wife or child under the age of sixteen years of any person exempted by paragraph (f) of this section:

Provided:

- 15 (i) that the wife or child (as the case may be) is not such a person as is described in paragraphs (d), (e), (f), (g) or (h) of sub-section (1) of section four; and
- 20 (ii) that where exempted person belongs to one of the classes described in paragraph (a) of sub-section (1) of section four the wife or child (as the case may be) enters the Union within five years after the first day of August, 1925, or within ten years after the date of the first entry into the Union, whichever period may be the longer, of the person so exempted.
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In the interpretation of this paragraph "the wife" shall include any one woman between whom and the exempted person mentioned there exists a union recognised as a marriage under the tenets of an Indian religion notwithstanding that by those tenets the union of that exempted person with other women at the same time would also be recognised as a marriage: Provided that no woman shall be deemed to be the wife of such exempted person—

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- 35 (i) if such a union exists between him and any other woman who has under any law relating to immigration or to Asiatic registration been recognised within the Union as the wife of such person and has resided or resides or is domiciled in any Province; or
- 40 (ii) if such exempted person has offspring resident or domiciled in any Province by any woman who is still living;

and a union shall not, for the purposes of this section, be deemed to have ceased to exist by reason only of the fact

45 that according to the tenets of an Indian religion it has been dissolved.

"The child under the age of sixteen" shall mean a child who is the offspring of the exempted person and the wife as herein defined or the child of the exempted person and a

50 deceased woman who if she had been alive could have been recognised at the time of the birth of the child as the wife (as herein defined) or whose union with the exempted person could have been registered at the time of the birth of the child as a marriage under section two of the Indians

55 Relief Act, 1914.

18. Section ten of the principal Act is hereby amended by the addition of the following words:—

Amendment of section ten of Act No 22 of 1913.

Any such person may be declared to be a prohibited immigrant and dealt with in terms of section nineteen of this Act and if such person is in possession of a

60 Registration Certificate or a Certificate of Domicile or any other document authorising him to remain in the Union or any Province it shall be competent for any board to which he may appeal, if it be proved to

65 the satisfaction of the board that such certificate or other document was obtained by fraudulent representations by or on behalf of the holder, to order that such certificate or other document be cancelled and

the holder thereof be dealt with as a prohibited immigrant. Provided that if such person fails to appeal to a board the Principal Immigration Officer concerned may exercise all such powers as to the cancellation of any certificate or other document as are by this section conferred upon a board. 5

Amendment of section twenty-two of Act No 22 of 1913

19. Section twenty-two of the principal Act is hereby amended by the addition of the following paragraph:—

(d) for any offence under section twenty of this Act for which imprisonment is imposed without the option of a fine. 10

Amendment of section thirty of Act No 22 of 1913

20. Section thirty of the principal Act is hereby amended by the deletion of the definition of the term "domicile" and the substitution thereof of the following definition:—

"domicile" shall mean the place in which a person has his present permanent home, or present permanent residence or, to which he returns as his present permanent abode and not for a mere special or temporary purpose; and a person shall not be deemed to have a domicile within the Union or any Province (as the case may be) for the purposes of this Act unless he has lawfully resided therein for a continuous period of three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in prison, gaol, reformatory or mental hospital, and a person shall be deemed for the purposes of this Act to have lost his domicile within the Union or any Province (as the case may be) if he absents himself from the Union or that Province (as the case may be) and does not return to the Union or that Province (as the case may be) within three years from the date of departure therefrom or in the case of a person who absented himself from the Union or any Province (as the case may be) prior to the 1st August, 1925, does not return to the Union or that Province (as the case may be) before the 1st August, 1928: Provided that in cases where a person proceeds overseas for a special or temporary purpose the Minister may authorize the issue of a certificate of identity under the provisions of sub-section (2) of section twenty-five of this Act allowing the person concerned to return to, and resume his residence in the Province named within the period specified in such certificate or any extension thereof not exceeding ten years in all. 15
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Amendment of section six of Act No 22 of 1914.

21. Section six of the Indians Relief Act, 1914, is hereby amended by the addition after the words "any port in India" of the words "or elsewhere". 50

CHAPTER III.

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REGISTRATION OF ASIATICS.

Surrender of Asiatic registration certificate

22 A registration certificate issued under the provisions of the Asiatic Law Amendment Act, 1907, of the Transvaal (Act No 2 of 1907); or the Asiatics Registration Amendment Act, 1908, of the Transvaal (Act No. 36 of 1908) may be surrendered by the holder to the Registrar of Asiatics and such surrender shall be conclusive evidence that such Indian has abandoned any right of or incidental to entry, residence or domicile in the Transvaal Province. 55

Circumstances in which application for Asiatic registration certificate may be made

23. If an Asiatic who has failed to make application for registration in accordance with the provisions of paragraph (2) of section five of the Asiatics Registration Amendment Act, 1908, of the Transvaal, shall satisfy the Registrar of Asiatics that such failure was due to some good and sufficient cause, the Minister of the Interior may, in his discretion, authorize the Registrar to receive an application 60
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for registration from such Asiatic and the application shall be dealt with in all respects as if it had been made in accordance with the provisions of the said section and all the provisions of Act 36 of 1908 of the Transvaal as amended by this Act which would have applied if the application had been so made shall apply accordingly.

24. Section seven of the Asiatics Registration Amendment Act, 1908, of the Transvaal, is hereby amended by the deletion of the words "save as in the next succeeding section is provided".

Amendment of section seven of Act No 36 of 1908 of Transvaal

25. Section nine of the Asiatics Registration Amendment Act, 1908, of the Transvaal, is hereby amended by the deletion of the words:

Amendment of section nine of Act No 36 of 1908 of Transvaal

"Any Asiatic who fails upon lawful demand to produce such certificate shall, unless he is the lawful holder of a certificate of registration, be liable to be dealt with in manner mentioned in section eight".

CHAPTER IV. SUPPLEMENTARY.

26. The laws mentioned in the Schedule to this Act shall be and are hereby repealed to the extent set out in the fourth column of that Schedule.

Repeal of Laws.

27. This Act may be cited as the Areas Reservation and Immigration and Registration (Further Provision) Act, 1925, and shall come into force on the first day of August, 1925.

Short title and commencement of Act

SCHEDULE.

Province	No. and year of Law.	Title or Subject of Law.	Extent of Repeal.
Natal ..	Act No 28 of 1897.	To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants	The whole.
Cape	Act No 37 of 1904.	The Chinese Exclusion Act, 1904.	The whole.
Transvaal .	Act No. 36 of 1908.	The Asiatics Registration Amendment Act, 1908.	Sections three, four, five (paragraph one), six, eight, sixteen, seventeen, (paragraphs five and six).