

Indian Opinion

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NOTES AND NEWS

THE seventh annual conference of the Natal Indian Teachers' Society was held last Monday at the Sastri College. The conference was opened by Mr. F. D. Hugo, Superintendent of Education in Natal. Prominent Europeans and Indians were present.

A year of satisfactory progress was recorded in the annual report presented by the general secretary. The report stated that the Society had not played an insignificant part in the teaching world last year, but it was urged that more Indian teachers should join the Society. The year's work had been done by six sub-committees dealing with statistics, literary and educational questions, pension provisions, provident fund, Boy Scouts and St. John Ambulance First Aid. Each of these sub-committees had given complete satisfaction. The Women's Auxiliary had also done good work. "Quite a large number of schools are still awaiting recognition. In some cases these schools have been conducted from private sources for a long period. It is only fair that the Administration should find the means to extend the grant-in-aid wherever there is need," said the report. "An impetus had been given to the Boy Scout movement in Indian schools by enlisting the assistance of Mr. H. Bristowe, formerly connected with the Transvaal Indian Boy Scout movement. During the year a camp was held at Westville, when a number of schools with their troops took part. It would be of great value if these camps were held periodically. But the recognition of their troops by the Scouts Association was still a difficult one. It was earnestly hoped that this problem would find a solution in the near future.

Among the many resolutions passed at the conference were:—

- A request to the Minister of the Interior that the Derelict Fund in possession of the Immigration Trust Board at Durban should be utilised for the expansion of Natal Indian education.
- An appeal to the Government for an enhanced subsidy for primary education, owing to the greater cost of secondary schooling, which now is paid for from this subsidy.
- An appeal to the Union Education Department for a special subsidy for training Indian teachers.
- A representation to the Joint Matriculation Board for the inclusion of Indian vernaculars into the Matriculation examination.
- A recommendation that fees from Standards VII to X do not exceed 5s. a month at Sastri College and Mitchell Crescent School.
- An appeal for a system of bursaries for poor girls attending the above schools.
- A request for the supply of free books to indigent children in Government-aided schools.
- An appeal that a provident fund scheme should be instituted to which teachers in "aided" schools and also the Provincial Administration should contribute.

The following were elected officers:—President Mr. N. Thumbadoo; hon. life vice-presidents, Messrs. A. Rai, T. M. Naicker, E. J. Choonoo; vice-presidents, Messrs. C. O. Naidoo, L. J. Harris, G. V. Naidoo, E. Thomas, N. N. Perumal, A. M. Ephraim; hon. general secretary, Mr. R. Rugnath, assistant secretary, Mr. V. S. Naidoo; hon. treasurer, K. R. Naci; hon. auditor, Mr. V. S. Naidoo.

By promulgation in last week's *Gazette* the maximum price of refined sugar for the retail trade in Durban, East London, Port Elizabeth, Mossel Bay and Capetown for consumption in the Union must not exceed 3½d. per lb. and the maximum retail price for mill white sugar must not exceed 3½d. per lb.

We have received the following for publication from the Imperial Indian Citizenship Association, Bombay:—

"It was reported to the Association that the Protector of Emigrants, Bombay, collected immigration deposit fees from emigrants on board the ships a few minutes before sailing, thus causing much hardship to passengers. The particular case of Mr. Bhatti, who was proceeding to Mombasa as a manager of a firm and who, with his family, was much inconvenienced by this practice of the Protector of Emigrants, was taken up by the Association and representations were made to the Government of India and the Local Government. The Association now understands from a letter received from Mombasa that under an order of the Government of Bombay the practice of taking deposits from emigrants at the last moment has since been discontinued and the Government have instructed the Protector of Emigrants, Bombay, not to enforce Emigration Regulations in the case of persons proceeding abroad as managers of firms. No reply, however, has been received to the representation of the Association."

The following letter from Khan Bahadur Sir Fazl-i-Hussain, leader of the Indian delegation to South Africa, dated Simla, 11th May 1932, was received by Mr. Mohamed Cassim "Muslim Bana" Samrodi of Durban:—

"Dear Sir,—Yours of the 13th April. I was extremely sorry not to have had time to pay a visit to Durban as originally contemplated and it was with very great regret that I left South Africa without having satisfied my keen desire to see Durban and all of you. However, final decisions are in the hands of Providence and our sense of duty compelled us to stay in Capetown to serve the best interest of Indians in South Africa rather than have the pleasure of meeting you all in Durban and enjoying your generous hospitality.—With best wishes, I remain, yours sincerely, (Signed) Fazl-i-Hussain."

At a well-attended meeting held at the premises of Messrs. Choonilal Bros., Wick Street, Verulam, on June 27, a club was formed known as the

Verulam Indian Tennis Club. The following officials were elected:—Patrons: Messrs. Choonilal, G. Rambarud, G. H. Maiter, J. S. Joshua and R. T. Singhs; President: Mr. S. Sham, Hon. Secretary: Mr. J. L. Joshua, Treasurer: Mr. V. Raghavjee, Auditor: Mr. M. Juggath, Vice-Presidents: Messrs. N. Raghavjee, M. Roopnarian, L. A. Maiter, L. Rajoomar, G. H. Kathraiz, S. R. Maharaj, V. Raghavjee, S. Dhanpath and V. Govindsamy; Correspondence and record clerk: Mr. S. B. Singh.

TRANSVAAL LICENCES (CONTROL) ORDINANCE

WE reproduce elsewhere in this issue the full text of the Licences (Control) Ordinance, 1931, passed by the Transvaal Provincial Council last year and duly assented to by H. E. the Governor-General-in-Council on June 4 of this year and promulgated on June 6, by the Administrator. The Ordinance appears in the Transvaal Provincial Gazette dated June 8.

The reader will observe that in a democratic country autocratic powers are given to local authorities, that is to say, to Town Councils and to Rural Licensing Boards as regards refusing or granting certificates for licences. They may in their discretion grant or refuse a certificate. The applicant would have to produce a certificate at his own expense from a medical practitioner approved of by the local authority or board, as the case may be, to the effect that "he does not know of any reason why the certificate should be refused on the grounds of public health or for any other good and sufficient reasons." If the applicant feels that an injustice has been done him his only remedy is to appeal to the Administrator who may have a certificate granted to him. The Courts of justice which were hitherto open to him are now closed under the present Ordinance. The Courts in the Transvaal have invariably reversed the decisions of the licensing boards in the past which are now given unrestricted rights to act as they please.

A duty has been imposed under the Ordinance upon local authorities and boards to make, keep and maintain a list of all the names of persons to whom certificates have been granted, including, in the case of a firm or partnership, the names of all the members, and the details of the premises on which the business is carried on and of the class of business and the name or style under which it is carried on. Should any change take place thereafter, i.e., should any alteration be made in the personnel of those who conduct the business or addition or omission made in the style or name under which, or to the premises, on which the business is carried on the certificate would be in danger of being rendered null and void and the person would have to make a fresh application for a certificate for a new licence. A transfer would also be deemed a new licence under the provisions of the present Ordinance.

It is also provided in the Ordinance that the local authorities or boards will have power to endorse conditions on the certificate as to the class of business that should be carried on by the holder of such

certificate. Thus, even the rights of a general dealer as to what he should trade in and what not would be restricted. The Ordinance with the regulations issued thereunder, which we hope to reproduce in our next week's issue, will render the position still worse.

To an outsider this piece of legislation will appear strange, especially when it comes from a legislature of a self-governing country like South Africa with its lofty democratic ideals.

But let it be remembered that though this Ordinance is of general application it is directed mainly against Indians. It is an act of those who are in power against those who have no voice in the government of the country. It has been the policy of the authorities concerned, all along, to grant an application for a licence by a European as a matter of course and to refuse an application by an Indian, as a matter of course; and the present Ordinance is only meant to strengthen the hands of the authorities to do the latter.

There is no doubt that the present Ordinance takes away from the Indians in the Transvaal an existing right, namely, the right to go to Court in the case of a refusal of an application for a licence. Under the Capetown Agreement a promise was made by the Union Government to the Indian Government to the effect, that when the time arrived to revise the existing trade licensing laws it will give due consideration to the suggestions made, that the grounds of refusal of an application should be laid down by statute and that there should be a right of appeal in cases of first applications and transfers as well as in cases of renewals to the Courts or to some other impartial tribunal.

We find, however, that in one of the Provisions when the time to revise the existing trade licensing laws has arrived the right that was hitherto enjoyed by Indians has been taken away. Instead of relaxing it has been found necessary, it would appear, to further tighten up the existing laws. After the Capetown Agreement were we to expect the position of Indians to improve or to grow worse? If it is to grow worse then the Agreement is certainly not progressive but retrogressive. We would like to know whether the Government of India has still to report progress on the "Gentlemen's" Agreement after the changed circumstances? It owes an explanation, we think, as to its attitude in regard to the present Ordinance. Its representatives boomed up the Agreement and talked boastfully of the modifications they were able to have effected in the Asiatic Land Tenure Bill which is now an Act. Will it not now let the public know whether it endorses the action of the Union Government in sanctioning the present provincial legislation or whether it is opposed to it? And if it is opposed to it the public would like to know in what form it has lodged its protest against it.

FAREWELL TO ACTING AGENT

THE Hon. Evelyn Baring, after serving as Secretary to the Agent of the Government of India for two and a half years and as acting Agent for the last six months in the absence of the new Agent who is due to arrive early next month, will sail for India on Monday, July 11. We can say unhesitatingly that Mr. Baring, during the three years' period of his office in South Africa, has proved equal to his task. His task was by no means a small one considering the trend of events especially in the Transvaal. The Union Government had, by introducing the Asiatic Land Tenure Bill and the Immigration Amendment Bill of 1931, kept the Agent's office fairly busy, for it entailed the collecting of a great deal of material to prove the case of the Indian community. Firstly, facts had to be collected for the Select Committee on the Bill before which the case of Indians was submitted by Mr. J. D. Tyson, the former Secretary who had to come to South Africa in 1930 in the unavoidable absence of the then Agent, Sir K. V. Reddi. Most of the work then had to be done by Mr. Baring who was Secretary in charge. Then again during the Round Table Conference Mr. Baring had a fairly heavy burden on his shoulders and at times it was a thankless task. The writer had the pleasure of seeing him drudging along in the country districts of the Transvaal collecting facts from Indian storekeepers as to their occupation of the premises on which they were trading and of the licences and the difficulty he had, at times, in collecting such facts owing to the ignorance of some Indians who, not knowing that the facts were required for their own benefit, viewed Mr. Baring with suspicion. In our dealings with the Agent's office we can say that we have found Mr. Baring, both in his capacity as Secretary and as Acting Agent, to be easily approachable and quite hospitable, and, indeed, we have no doubt that that has been the experience of all those who have had the pleasure of coming in touch with him. When we heard the news from India three years ago that one who was joint magistrate in the Meerut trial was about to come as Secretary to the Agent, we were afraid we might come in for a taste of European officialdom which is a matter of common experience in India. But in Mr. Baring we saw nothing of that. In fact we found him to be a friend in every sense of the term. The Hon. Mr. Baring takes a keen interest in sports and game, and during his three years' stay in South Africa he has enjoyed the best of time in that respect. Mr. Baring returns to India by no means for an easy time. Any time is easy for a man who has no conscience, but in so far as we have known of Mr. Baring he has appeared to us to be a conscientious man. He will, therefore, find the new duties awaiting him to be somewhat difficult during the present days of trouble in India. We wish Mr. Baring the best of luck and a very successful career in India and earnestly hope that he may prove a friend to India even as he has done to Indians in South Africa. We also wish Mr. Baring's loving mother, Lady Cromer, who accompanies him, a very happy and safe voyage and the best of everything.

Transvaal Licences (Control)
Ordinance, 1931

The following is the full text of the Licences (Control) Ordinance, 1931, known as Ordinance No. 3 of 1932, passed by the Provincial Council of Transvaal last year and assented to by His Excellency the Governor-General-in-Council on the 4th June, 1932. The Ordinance appears in the Transvaal Provincial Gazette of the 8th June, 1932.

Be it enacted by the Provincial Council of Transvaal as follows:

1. The laws mentioned in the First Schedule to this Ordinance are hereby repealed.

2. In this Ordinance unless some other meaning is clearly intended—

"Administrator" means the officer appointed under section sixty-eight of the South Africa Act 1909, or any amendment thereof, acting on the authority of the Executive Committee of the Province;

"authorized officer" means any officer duly authorised by a local authority or by a board, as the case may be, to sign on its behalf certificates issued by it under this Ordinance;

"board" means the rural licensing board constituted under section three of this Ordinance;

"by-law" means a by-law made by a local authority in accordance with the provisions of Part II of Chapter VII of the Local Government Ordinance, 1926, or any amendment thereof;

"certificate" means the document in the prescribed form granted by a local authority or board, as the case may be, under section four of this Ordinance authorising the issue of a licence in respect of any of the trades or businesses specified in the Second Schedule to this Ordinance;

"Gazette" means the *Provincial Gazette of the Province of Transvaal*;

"general dealer" means and includes any person who carries on any one or more of the trades or businesses enumerated in the Second Schedule to this Ordinance excepting the business of a hawker or of a pedlar;

"local authority" means a city council or a town council or a village council constituted under the Local Government Ordinance, 1926, or any amendment thereof;

"magistrate" means a magistrate, assistant magistrate or any officer lawfully acting in such capacity;

"municipality" means the area or district placed under the control and jurisdiction of a local authority;

"person" includes a firm, partnership or company;

"premises" means any premises used or intended to be used for carrying on any of the trades or businesses referred to in the Second Schedule to this Ordinance;

"prescribed" means prescribed by regulation under this Ordinance;

"rural area" means the area or district placed under the jurisdiction of a board.

3. (1) The Administrator may from time to time by proclamation in the *Gazette*—

(a) constitute for any area outside a municipality a board, to be called a rural licensing board, consisting of a magistrate, who shall be the chairman, and not less than two nor more than four persons provided that no general

dealer, as defined in section *two* hereof, or hawker or pedlar shall be appointed to or shall be capable of continuing as a member of any board;

(b) increase, alter or diminish the area of jurisdiction of such board and at any time, on due cause being shown, abolish or disestablish such board.

(2) The rural licensing boards lawfully constituted under the General Dealers (Control) Ordinance, 1926, prior to the commencement of this Ordinance and mentioned in the Third Schedule hereto shall be deemed to be rural licensing boards constituted under this Ordinance.

4. (1) Save as in section *ten* provided no licence for any of the trades or businesses specified in the Second Schedule hereto shall be issued by a receiver of revenue to any person unless such person produces with his application for such licence a certificate.

(2) Any certificate issued by any local authority or board under any law repealed by this Ordinance shall have no force and effect if a licence was not granted upon such certificate on or before the date of the promulgation of this Ordinance.

5. (1) Any person desiring to obtain any licence as specified in sub-section (1) of section *four* hereof shall apply for a certificate—

(a) in the case of a trade or business situate within a municipality to the local authority; and

(b) in the case of a trade or business situate within a rural area to the board.

(2) Before an application is made such person shall exhibit in a prominent place on the premises in which the business is proposed to be carried on a notice in the prescribed form and during the prescribed period of his intention to apply for such a certificate. The provisions of this sub-section shall not apply to any person desirous of obtaining a licence to trade as a hawker or as a pedlar.

(3) Every applicant for a certificate shall, in making application therefor—

(a) complete the prescribed form of application so far as it is applicable and pay the prescribed fee; and

(b) if so required by the local authority or by the board concerned furnish a plan, prepared in accordance with prescribed conditions, of the premises at which he proposes to carry on his trade or business.

6. (1) The local authority or the board, as the case may be shall, not later than two months after the receipt of any application as aforesaid grant or refuse a certificate under the provisions of section *seven* hereof.

(2) Any certificate issued in respect of any application under sub-section (3) of the preceding section shall—

(a) specify the premises and the trade name, designation or style and the nature of the trade or business in respect of which it has been issued and the name of the person who will be in actual control of the trade or business;

(b) contain such conditions (if any) as may be endorsed thereon in terms of section *fourteen* hereof;

(c) be signed by an authorised officer.

7. (1) The local authority or board shall within the municipality or the rural area, as the case may be, have a discretion to grant or refuse a certificate.

(2) Where application for a certificate is made to a local authority by or on behalf of any person

whose name, premises and particulars of the licences applied for do not appear upon the list for the municipality referred to in section *ten* hereof, no such application shall be considered unless—

(a) the medical officer of health of the local authority or any medical practitioner, approved by the local authority, shall have reported that the premises are fit and suitable for the business proposed to be carried on thereat, and that he knows of no reason why the said certificate should be refused on the ground of public health or otherwise;

(b) the local authority shall have inquired from the senior officer of police for the municipality whether anything is known against the person who will be in actual control of the trade or business which should be brought to the notice of the said local authority.

(3) Where application for a certificate for a licence is made to any board by or on behalf of any person whose name, premises and particulars of the licence applied for do not appear upon the list for the rural area referred to in section *ten* hereof, no such application shall be considered unless the board shall have inquired from the senior officer of police for the area whether anything is known against the applicant or against the person who will be in actual control of the trade or business which should be brought to the notice of the said board.

(4) Where application for a certificate is made to any board by or on behalf of any person whatsoever, the said board may require the applicant to furnish at his own expense a certificate by a medical practitioner approved by the board to the effect that he knows of no reason why a certificate should be refused on the ground of public health, before such application is considered or further considered.

(5) Anything to the contrary in this section contained notwithstanding it shall be lawful for the Administrator, if he is satisfied that any application as in this section mentioned has been refused solely on the ground that there are already a sufficient number of trades or businesses of the class in respect of which the certificate is sought within a particular area, to issue a certificate under the hand of the Provincial Secretary to the applicant therefor, and such certificate shall be regarded for all purposes as a certificate issued by the local authority or board.

8. Any licence in respect of which a certificate has been obtained in terms of this Ordinance shall be taken out within three months of the date of the granting of the said certificate, unless the period of three months shall have been extended, on the written application of the applicant, and upon payment of a fee of five shillings, for a further period not exceeding three months, by the local authority or board concerned. If the licence shall not have been taken out on the expiration of the said period or of any extension thereof, as provided in this sub-section, the said certificate shall lapse.

9. (1) The provisions of sub-section (1) of section *forty-one* of the Local Government Ordinance, 1926, or any amendment thereof shall apply *mutatis mutandis* to any proceedings of a local authority relating to applications for certificates or removal certificates under this Ordinance.

(2) If at any time owing to the provisions of sub-section (1) of this section a quorum of members of a local authority or the committee of such local authority to which the powers and duties conferred or imposed upon a local authority by this Ordinance have been delegated in terms of section *twenty-eight* (1) of the Local Government Ordinance, 1926, or any amendment thereof, cannot be obtained to consider any application for a certificate, it shall be lawful for the remaining members of such local authority or committee to deal with such application provided

that such remaining members shall consist of not less than three. If the remaining members are less than three, the Administrator may appoint any qualified person or persons to make up such number.

10. (1) Upon the promulgation of this Ordinance it shall be the duty of every local authority or board to frame, keep and maintain or cause to be framed, kept and maintained a list containing the names of all persons (including in the case of a firm or partnership the names of all the members thereof) then lawfully trading (under licences duly issued) as general dealers (as defined in section *two* hereof) within the municipality or rural area, as the case may be, and a description sufficient for the purpose of identification of the various premises at which such persons are so trading and the nature of the trade or business.

(2) Thereafter it shall be the duty of every local authority or board to add to the said list the name of every duly licensed person (including in the case of a firm or partnership the names of all the members thereof) who, having obtained a certificate under this Ordinance—

(a) shall commence to trade as a general dealer (as defined in section *two* hereof) within the municipality or the rural area as the case may be, and

(b) shall have notified the local authority or board in terms of section *eleven* (1) hereof, together with a description, sufficient for the purpose of identification, of the premises at which such person has so commenced to trade and the nature of the trade or business.

(3) Every person, whose name shall have been placed upon any such list, shall be exempt from the necessity of obtaining the certificate hereinbefore referred to unless—

(a) he shall at any time for any reason whatsoever personally cease to trade at such premises; or

(b) there has been a change in the personnel of the ownership or management of the business, or in the membership of the firm or partnership, or in the style or name under which the business is carried on; or

(c) he has removed his business to other premises or

(d) he has changed the nature of his business; or

(e) in any other circumstances he is required under any law to take out a licence in respect of the carrying on or conduct of any trade or business referred to in the Second Schedule hereto;

provided that the temporary closing of the premises through illness or absence of the proprietor or manager thereof, fire, flood or other disaster, shall not be deemed ceasing to trade if the premises are still owned or hired by the licence-holder and the stock-in-trade has not previous to such closing, been removed from such premises.

(4) Any such list shall at all reasonable times be open to inspection by any magistrate, revenue officer, shop inspector appointed under the Shop Hours Ordinance, 1923, or any amendment thereof, or officer of police.

(5) It shall be the duty of every local authority or board from time to time to make or cause to be made any necessary alterations in such list.

(6) The provisions of this section shall not apply in the case of hawkers or pedlars who shall be required to apply annually for a certificate for a licence or the renewal of a licence to the local authority or board concerned.

11. (1) It shall be the duty of every person to whom a certificate has been issued under this Ordinance by a local authority or board, as the case may be, forthwith to notify such authority or board when he has commenced to carry on the trade or business in respect of which a licence has been granted upon any such certificate.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

12. (1) In case any person, whose name shall have been placed upon any list framed under the provisions of the preceding section, shall wish to change the place at which his business shall in future be carried on, such person shall apply (upon payment of a fee of five shillings) to the local authority or board, as the case may be, for a certificate authorising the removal of the business to some other place within the municipality or the rural area and such certificate shall then be either granted or refused: provided that where a local authority or board has refused an application for a removal certificate made owing to termination of a lease or on account of fire or other disaster the applicant therefor shall be entitled, if he shall forthwith notify the local authority or board concerned that he intends to seek other premises to which to remove his business, to have his name retained upon the list mentioned in the preceding section for a period of four months, reckoned from the date of the determination of the lease aforesaid or of the fire or other disaster, and during the said period of four months he shall be entitled to renew his application for a removal certificate under the provisions of this section.

(2) Any certificate so granted by the local authority or board shall be signed by an authorised officer.

(3) Where application for a certificate under the provisions of this section is made to any local authority no such certificate shall be granted unless the medical officer of health for the municipality or other medical practitioner approved by the local authority shall report that the premises are fit and suitable for the business proposed to be carried on thereat, and that he knows of no reason why the said certificate should be refused on the ground of public health or for any other good and sufficient reason.

(4) Where application for a certificate under the provisions of this section is made to any board the board may require the applicant to furnish, at his own expense, a certificate by a medical practitioner appointed by the board.

(5) Any person who may be aggrieved at a refusal to issue a certificate under the provisions of this section may appeal to the Administrator who, if he is satisfied, after obtaining the views of the local authority or board or if the certificate has been refused on the ground of public health after obtaining at the expense of the applicant the views of not less than two impartial medical practitioners, that any such certificate has been refused without reasonable cause, may issue a certificate under the hand of the Provincial Secretary to the applicant therefor, and such certificate shall be regarded for all purposes as a certificate issued by the local authority or board.

13. If any person (including in the case of a partnership each individual member thereof) commences or continues to carry on any trade or business without first having obtained a certificate in the manner hereinbefore prescribed, he shall be guilty of an offence.

14. (1) Notwithstanding anything contained in this Ordinance a local authority or board may,

when issuing a certificate endorse thereon conditions defining and limiting the class of business to be carried on in the premises or conditions in respect of the premises or such other conditions as may be prescribed by bylaw or by regulation in respect of the trade or business to be carried on.

(2) No person to whom a certificate for a licence has been issued, whether such certificate has been endorsed or not in terms of sub-section (1) of this section shall make or cause to be made any alterations to his premises without the approval in writing first had and obtained of the local authority or board concerned as the case may be.

(3) Any person who acts in contravention of the provisions of subsection (2) of this section or of any conditions endorsed as provided in subsection (1) shall be guilty of an offence.

GENERAL

15. (1) Subject to the provisions of subsection (5) of this section a local authority is hereby empowered to make bylaws prescribing the fees to be paid for certificates issued by it under this Ordinance.

(2) Subsection (121) of section eighty of the Local Government Ordinance, 1926, as amended by section 29 of Ordinance No. 4 of 1928 (hereinafter referred to as the "said Ordinance") shall be and is hereby amended by the deletion therefrom of the words "or under any other."

(3) Notwithstanding the provisions of subsection (2) of this section any bylaw made under section eighty (121) of the said Ordinance prescribing fees for certificates issued under any law repealed by this Ordinance shall remain in force until superseded by bylaws made under this section.

(4) All fines recovered for any offences under this Ordinance shall be the property of the local authority having control of the municipality in which the offence was committed. Where offences are committed in a rural area such fines shall be paid into the Provincial Revenue Fund.

(5) The fee for a certificate for a licence in respect of any trade or business shall not exceed the amount specified in the Second Schedule to this Ordinance against such trade or business.

16. If any person in making application for a certificate under this Ordinance knowingly makes any false statement, or by any falsehood, fraud, act or contrivance whatever obtains or endeavours to obtain such a certificate he shall be guilty of an offence and liable on conviction to a fine not exceeding £50, or, failing payment thereof, to imprisonment for a period not exceeding six months, and in addition to the penalty hereby provided any certificate issued to such person may, in the discretion of the Court, be cancelled, and such cancellation shall debar the said person from obtaining a fresh certificate for twelve months thereafter. Wherever a certificate is cancelled hereunder the Court shall notify the receiver of revenues of such cancellation whereupon such receiver shall not renew the licence except upon production of a fresh certificate.

17. Every person guilty of a contravention of any provision of this Ordinance or of any by-law or regulation framed thereunder for which no other penalty has been provided shall be liable to a fine not exceeding £50, or, in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

18. The Administrator may make regulations for—
(1) prescribing anything that is to be prescribed;
(2) fixing the period of office of members of boards, the method of filling vacancies, the procedure

to be followed by such boards, the number of members which shall constitute a quorum and the allowances to be paid to such members;

(3) generally the better carrying out of the objects and purposes of this Ordinance.

19. Save as is specially provided in this Ordinance the provisions of this Ordinance shall be deemed to be in addition to and not in substitution for any provisions of any other Provincial Ordinance which are not in conflict or inconsistent with this Ordinance. If the provisions of any other Provincial Ordinance are in conflict or inconsistent with this Ordinance the provisions of this Ordinance shall prevail.

20. All proclamations and regulations issued under the provisions of any law repealed by this Ordinance and in force at the commencement thereof shall notwithstanding such repeal remain in force until repealed or altered in accordance with law.

21. This Ordinance may be cited as the Licences (Control) Ordinance, 1931.

First Schedule

LAWS REPEALED

Year and No. of Law.	Short title.	Extent of Repeal.
Ordinance No. 23 of 1905	Revenue Licences Ordinance, 1905	Subsection (1) of Section eleven.
Ordinance No. 12 of 1926	General Dealers (Control) Ordinance, 1926	The whole.
Ordinance No. 10 of 1927	General Dealers (Control) Amendment Ordinance, 1927	The whole.
Ordinance No. 14 of 1930	General Dealers (Control) Amendment Ordinance, 1930.	The whole.

Second Schedule

1. For the purposes of this Ordinance the words—

- "aerated or mineral water manufacturer,"
- "aerated or mineral water dealer,"
- "apothecary,"
- "baker,"
- "butchery,"
- "eating house keeper,"
- "fresh produce dealer,"
- "general dealer,"
- "hawker,"
- "laundry,"
- "miller,"
- "motor garage,"
- "pawnbroker,"
- "pedlar,"
- "restaurant, refreshment or tea room keeper."

shall bear the meaning assigned to them in Part One of the Second schedule to the Licences Consolidation Act, No. 32 of 1925 (as amended) subject to any exemptions therein provided.

2. The fees payable in respect of applications for certificates for licences shall not exceed the amount herein stated—

Aerated or mineral water manufacturer	0	d.
Aerated or mineral water dealer	0	d.
Apothecary	0	d.
Baker	0	d.
Butcher	10	d.
Eating house/keeper	10	d.
Fresh produce dealer	0	d.
General dealer	0	d.
Hawker	0	d.
Laundry	6	d.
Miller	6	d.
Motor garage	0	d.
Pawnbroker	0	d.
Pedlar	6	d.
Restaurant, refreshment or tearoom keeper	0	d.

Third Schedule

RURAL LICENSING BOARDS CONSTITUTED UNDER THE GENERAL DEALERS (CONTROL) ORDINANCE, 1926, WHICH SHALL BE RURAL LICENSING BOARDS CONSTITUTED UNDER THIS ORDINANCE
The Barberton Rural Licensing Board.
The Benoni Rural Licensing Board.
The Belfast Rural Licensing Board.

The Bethal Rural Licensing Board.
 The Bloemhof Rural Licensing Board.
 The Boksburg Rural Licensing Board.
 The Brakpan Rural Licensing Board.
 The Brits Rural Licensing Board.
 The Carolina Rural Licensing Board.
 The Christiansa Rural Licensing Board.
 The Ermelo Rural Licensing Board.
 The Germiston Rural Licensing Board.
 The Heidelberg Rural Licensing Board.
 The Johannesburg Rural Licensing Board.
 The Klerksdorp Rural Licensing Board.
 The Krigeoord Rural Licensing Board.
 The Letaba Rural Licensing Board.
 The Lichtenburg Rural Licensing Board.
 The Lydenburg Rural Licensing Board.
 The Marico Rural Licensing Board.
 The Middleburg Rural Licensing Board.
 The Nelspruit Rural Licensing Board.
 The Pietersburg Rural Licensing Board.
 The Piet Retief Rural Licensing Board.
 The Pilgrims Rest Rural Licensing Board.
 The Pretoria Rural Licensing Board.
 The Potchefstroom Rural Licensing Board.
 The Potgietersrus Rural Licensing Board.
 The Rustenburg Rural Licensing Board.
 The Schweizer Reneke Rural Licensing Board.
 The Springs Rural Licensing Board.
 The Standerton Rural Licensing Board.
 The Vereeniging Rural Licensing Board.
 The Ventersdorp Rural Licensing Board.
 The Wakkerstroom Rural Licensing Board.
 The Waterberg Rural Licensing Board.
 The Witbank Rural Licensing Board.
 The Wolmaransstad Rural Licensing Board.
 The Zoutpansberg Rural Licensing Board.

Statement Submitted By S.A.I.C.

To Government Of India Delegation

(Continued from last week)

Both the Industrial Conciliation Act and the Wages Act adversely affect the Indians. Under the Industrial Conciliation Act an Industrial Council, with Employers and Employees as members may be formed, which fixes the rate of pay and the numbers of hours.

Although Indian employees in such an industry are subject to the terms of the same Agreement, the fact remains that the European employee is always given the preference in the matter of employment. The Wage Board determines the Rates of Wages and the number of hours in respect of industries and trades in which there are no Industrial Councils. The Wage Board bases its determination on the cost of living of the Europeans. The determination endures so long as the Wage Board does not revise it. In Natal the Wage Board's determination is applicable to many industries which employ Indian labour, and which amongst others are:

- Bakery and Confectionery.
- Bespoke Tailoring.
- Catering (Tea Rooms, Restaurants, etc.)
- Clothing (Durban and Pietermaritzburg)
- Clothing (outside areas)
- Dyeing and Cleaning Establishments and Launderies.
- Furniture (Durban)
- Furniture (Pietermaritzburg)
- Leather.
- Sweet Manufacturing.
- Tea, Coffee and Chicory (Packing and Roasting.)

Whilst the Indian community entertain no fear in regard to any Agreement that may be arrived at by any Industrial Council or to any determination made by the Wage Board, they recognise with some trepidation the White Labour Policy that is now being pursued throughout the country would be very harmful to our people. It being openly

preached by no less a person than Col. Creswell, the Minister of Labour, who was a party to the Capetown Agreement. In a speech at Durban delivered about three months ago the Minister not only advocated the White Labour Policy but also suggested to the Durban Corporation to demise a number of Indian employees so that room may be found for Europeans.

If such be the attitude of a Minister of the Union Government, it is needless for us to describe the attitude of private employers of Labour.

Industries and trades which at one time employed a good number of Indian hands are now practically shorn of Indian labour. To quote a few:

- (a) The Lion Match Factory which one time had 800 Indian employees has now a small number. Many of the Indians have been replaced by European Girls.
- (b) The Catering Trade in Natal was entirely confined to Indians, but in many Hotels and Tearooms European girls and men are replacing the Indians.
- (c) In the Printing Trades the machinists were at one time Indians, but many of them have been replaced by European Girls.

(To be continued)

Parliamentary Debate On Asiatic Land Tenure Bill

(Continued from last week)

Sir ROBERT KOTZE: The Minister has explained the objects of the Bill, and as I am one of those who supported it, I would not say very much because I would be wasting the time of the House when a Bill of such urgency requires to be passed. My reason for speaking is to deal with the township of Springs. What has fallen from the hon. member who has just spoken demands that some further explanation is necessary. He thinks that Sir is in no case comparable with the other townships. I may point out that before the law of 1919 was passed a blue book, recording the evidence of the select committee, shows that Springs was considered on a par with the other townships, and the intention was clear that there was no intention of making a difference—they were all considered on the same footing, at that time at all events. It was only when it was discovered there was a flaw in the law, owing to the judgment of the Appellate Court, it had been proclaimed for a different purpose, and for that reason it was differentiated from the other townships. The court held that it could not be considered as proclaimed ground for the purpose of sections 130 and 131, and it is in order to regularise this difficulty that arose that the Minister now puts this Bill before us and includes the earlier sections in the Bill. Prior to this legal decision, the Asiatics had shops in a certain part of the township, where they were not exactly welcomed but they were, at all events, tolerated by the other traders on the Reef; but since that time and since the flaw in the law was discovered, they have penetrated to other parts of this township and have opened shops where only European traders were before; and this peaceful penetration has extended, with the result that the adjacent properties of Europeans have depreciated in value. These traders commenced to live in these shops and the position was made even worse, and the same thing applied

when they purchased cottages where they were previously unknown, and this was objected to by the white people who live in their neighbourhood, for reasons which will be obvious to every Transvaaler. The case of Springs, as presented to the select committee of 1930, is not unreasonable. They said there are something between 15 and 20 traders in the township, and they do not want to take away their rights, and those of two or three traders who before the 1st of May 1930, had got those rights; but they objected to the subsequent penetration since May 1930, of which there had been several instances. I may draw the attention of the House to what the representatives of Springs said when they appeared before the select committee. They said—

In the blue book recording the evidence it is stated. . . Springs was regarded as en bloc with the other townships. . . It was the intention of the legislature to protect us under the Act of 1919 . . . That was the impression everywhere. . . . It is now found that owing to the interpretation of the court we were not protected. . . . owing to an oversight.

They say further—

We have given a further two licences under the order of the court. . . . What we require is legislative means as given to other parts of the Transvaal. . . . We would like to see our town entirely white, but we would not like to see hardships inflicted on Asiatics who are there according to the law. . . . Our town is not yet yellow. . . . We may have one yellow spot. . . . We wish to prevent further encroachments.

I read that to show that the people of Springs and the trades there are not unreasonable in their attitude, but they want to prevent further encroachment. There is, however, clause 3 of the Bill, and I refer here to the first clause 3 on page 1. I would draw the Minister's attention to there being two clauses 3. The number of clauses in the Bill are not consecutive. The Minister has stated he called the select committee again. It was not in existence at the time, and he explained what he proposes to do. I think the Minister will agree that no opportunity was given for discussion on the matter. He simply informed us that this was his intention—of dealing with the matter. This is my recollection, at all events. I would suggest to the Minister at this stage it would be advisable to withdraw this Clause 3, which goes much further than the recommendation of the select committee, which has been replaced by this Clause 3. I am very doubtful about the wisdom of this clause myself, and I am sure that the other solution found by the select committee is preferable to this. I wish the Minister to consider whether it is not possible at the same stage of the Bill to withdraw this clause, otherwise I know my representatives in Springs would welcome this Bill and would not do anything to obstruct it, and rather than reject it would support Clause 3 as it stands. I wish to support this measure.

(To be continued)

Notice

INDIAN UNEMPLOYMENT

Will employers of Indian labour kindly notify the undersigned of any vacancies in their establishment.

WRITE:—Hon. Secretary, Sir Kurma Reddi Unemployment Relief Committee, 175 Grey Street, Durban, or Phone Central 3506.

An American View Of The Crisis In India

The World Tomorrow, New York, explains its attitude to India in an editorial:—

It appears, it writes, that the position of *The World Tomorrow* with regard to India's struggle for freedom is being misinterpreted in opposite quarters. Some friends have expressed grief or indignation because we are supposed to be anti-British, while others bemoan our lack of a more robust faith in non-violent non-cooperation. It may be advisable briefly to summarize our position.

In our opinion the British administration in India has been productive of a vast amount of good for the people of the land. When all factors are taken into account, the British record in India is probably unequalled in the entire history of colonial government. It is possible that for decades to come Indians will be unable to govern themselves as efficiently as they have been governed by the British. *The World Tomorrow* holds the strong conviction that for the welfare of all parties concerned it is preferable that India should be a self-governing dominion within the British Commonwealth rather than to be separated absolutely from Great Britain. Unity between the Orient and Occident is sorely needed, and a free and contented India within the British Commonwealth could serve as a bridge between East and West. For this reason we believe that India should now be granted autonomy, and elevated to a status of equality with the other dominions. We are convinced that the risks of such a procedure are less than the menace of goading India into separation by violent or non-violent means.

We are in complete sympathy with India's desire for freedom. And if the point be made that only a small percentage of the Indian people has manifested an articulate demand for liberty, we reply that the great reforms and revolutions of history have always been achieved by minorities. The intellectual leadership of India is solidly united in opposing the continuance of British rule, and the demand for separation is rapidly increasing. The days have passed for ever when England can govern India efficiently and peaceably.

The evidence seems conclusive that Great Britain will not relinquish control of India for an indefinite period unless effective coercion is exercised by the Indians. While British statesmen have often talked of dominion status for India they have rarely envisaged it as an imminent reality, but usually as a goal to be reached by successive steps throughout a generation. That the Indians will wait decades before achieving a status of absolute equality seems to us to be a tragic illusion.

The World Tomorrow regards Mahatma Gandhi's method of non-violent non-cooperation as the most effective and ethical form of political coercion available to the Indian people. If the Indians on a mass scale will follow this method, it will prove to be irresistible. Courage and suffering exhibited in a non-violent campaign will yield more constructive and permanent results than would be true of the sacrifices involved in a revolutionary war. If Mr. Gandhi triumphs over the armed might of the British Empire and wins freedom without violent hostilities, his achievement will possess universal significance. Western civilization desperately needs to discover an alternative for war in the front of an effective non-violent means of social coercion.

If the movement of non-cooperation should be crushed by British steel, then India will probably

turn to hatred and revolutionary violence and will accept nothing less than final separation from Great Britain. Nationalism in India is already at the boiling point and will explode unless release can be found through non-violent channels. The quicker self-government is attained, the more rapidly will India pass through the deep valleys of discord which seem to be ahead. If Indian nationalists are provoked into violent revolt, the road to tranquility and prosperity will become more and more impassable.

We regard Mr. Gandhi not only as the noblest personality now in public life in any country on earth, but also consider him to be an extraordinarily sagacious statesman. He reveals the possibilities of idealism in politics. His unparalleled political influence rests upon the saintliness of his character. His religious faith in the invincibility of soul force and non-violence furnishes the vision and the dynamic which constitute the most serious of all threats to British domination in India.

This does not mean, however, that we regard him as perfect and beyond criticism. Mr. Gandhi himself is most emphatic at this point. His autobiography emphasizes the mistakes he has made and points accusingly at flaws in his character.

The Maritzburg Surti Soona Madressa

Statement Of Accounts

139 West Street
 Rates £21 11 2 No. 876 Valuation £1200
 Insurance 5 0 0 Bond £600 at 6 per cent.

Tenant: E. C. Rawat Rent £8 per month.
 106-108 Church Street. No. 544/6 Valuation £2000.

Rates £35 18 9
 Insurance £10 0 0
 Tenant: M. D. Paruk
 Rent per month £18 0 0

After August 1932 im-
 provements being made.
 Rent per month £25 0 0 Present Valuation £2000
 BOND Improvements about £1200

73, 75, 75a & 77 Church Street. Valuation about £3200
 SHOPS Valuation £3950

Rates £70 19 3
 Insurance £19 15 0

TENANTS
 R. T. Fairman: £12 10 0 per month
 Amadie Tea Rooms £25 0 0 per month
 S Fakir Sulliman £10 0 0 per month

SCHOOL
 Rates & Fire Insurance Valuation £1250
 Rent £960 0 0

After September
 All properties bonded £4000 at 6 per cent.
 Interest on Bond £260 0 0
 36 0 0
 £296 0 0

Rent at Date £876 0 0 Insurance £296 0 0
 Rates £126 9 2

WAGES & FOOD.
 Molvi Allee Amod £156 0 0 W ges £360 0 0
 Molvi Suliman £120 0 0 Balance £56 15 9
 Boy £12 0 0
 Balance after
 Moihden Bashaw £72 0 0 September £138 15 10

MOSLEM SCHOOL

Children's Tea & Motor Car Contribution & Collection.

From May 1929 to May 1932

Month	Year	Contribution	Collection
August	1929	£9	15 8
September	"	8	3 0
October	"	7	16 1
November	"	7	7 8
December	"	9	13 8
January	1930	8	15 8
February	"	16	8 6
March	"	10	4 4
April	"	6	6 3
May	"	7	7 9
June	"	8	7 9
July	"	5	14 6
August	"	7	10 2
September	"	4	18 10
October	"	7	13 6
November	"	8	11 6
December	"	7	19 0
January	1931	6	10 0
February	"	9	4 6
March	"	5	19 6
April	"	9	0 6
May	"	7	14 0
June	"	7	6 7
July	"	5	16 0
August	"	6	1 0
September	"	6	3 1
October	"	8	4 10
November	"	7	0 9
December	"	6	0 9
January	1932	5	14 6
February	"	5	12 0
March	"	5	17 9
April	"	6	18 7
May	"	6	2 0

£257 16 1

Bread, Tea and Jam given every day to poor children by
 [M. Kajeer to end of 1931.

Bank Account, Balance Sheet and Cash Book are in possession
 of Amod Bayat.

Trustees:—Ismail Bayat, M. E. Rawat (Durban), Hoosen
 Mahomed (Resigned).

Collection for Christmas £3 17 3. Spent Tram Season
 Tickets for School children—20 tickets.

REFRESHMENT INCOME

1929-1930

Monthly

Month	Year	Income	Contributor
Oct.	1929	£4 8 5	Amod Bayat
Nov.	"	13 2 4	A. Cassimjee
Jan.	1930	4 0 9	E. C. Rawat
Feb.	"	3 13 7	S. Cassim
March	"	6 17 0	Bassuel Kahn
April	"	19 4	H. Mahomed & Co.
June	"	3 6 3	
Sept.	"	7 19 11	Amadie Tea Room (Soni)
Oct.	"	5 3 0	Suleman Barber
Jan.	1931	6 6 11	Dawood Barber
April	"	6 19 7	M. D. Paruk
June	"	10 11 5	Essop Jogiat
Aug.	"	15 11 0	Moonsie Hoosen Kaidar
Sept.	"	18 6	Moosa
Oct.	"	7 6	Haffejee Suliman
Nov.	"	2 7 2	E. D. Paruk & Co.
Jan.	1932	2 19 0	Bahlem Tea Room
Feb.	"	1 14 9	Mahomed Haffejee, Retief St.
March	"	4 14 10	Ismail Ahmed Haffejee
April	"	1 5 11	Amod Haffejee
May	"	1 16 6	Dawood Peru Babr
			Hoosen Ali
			M. S. Mota, Berg Street
			D. E. Bayat
			Goolijan Khan

£105 0 8

£4 15 0

The above to pay per Minister & Light.

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