

# NATAL INDIAN CONGRESS

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## SECOND CONFERENCE

HELD ON THE

25th AUGUST, 1940

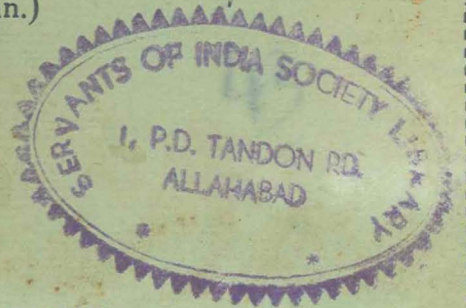
AT THE

AVALON THEATRE,  
DURBAN.

OPENED BY

Councillor WM. WANLESS, Esq.

(Deputy Mayor of Durban.)



PRESIDENT:

**HAJEE E. M. PARUK.**

Mr. \_\_\_\_\_

Delegate: NATAL INDIAN CONGRESS

\_\_\_\_\_ Branch.

HANS MAGHRAJH,  
ABOObAKER MOOSA,  
Joint Hon. Secretaries.

S. M. PARUK,  
M. I. BOBAT,  
Joint Hon. Treasurers.

Headquarters: 136, COMMERCIAL ROAD, DURBAN.

I N D E X

- (a) Agenda of Conference.
- (b) Foreward.
- (c) Swami Bhawani Dayal's Remarks.
- 1. STANDING ORDERS.
- 2. PRESIDENTIAL ADDRESS.
- 3. PENETRATION.
  - (a) Resolution on Land Ownership  
(Passed on 11/12/1938).
  - (b) Resolution passed on 26/2/1939.
  - (c) Resolution passed on 21/5/1939.
  - (d) Petition to Provincial Council.
  - (e) Swami Bhawani Dayal's Statement.
  - (f) Statement of All-India Congress Committee.
  - (g) "OUR MEN OF MUNICH" by Dr. V. M. Dadoo.
  - (h) "INDIAN OPINION" on Penetration.
  - (i) Anti-Indian Jihad.
  - (j) Paper by Professor Raymond Burrows  
(Natal University College)
- 4. LAWRENCE COMMITTEE.
  - (a) Extract from City Council's Meeting.
  - (b) Memo by Indian Representatives on  
Lawrence Committee.
  - (c) Memo by Town Clerk.
  - (d) Report of Lawrence Committee to the  
Indian Penetration Commission.
  - (e) Indian Penetration Commission.

NATAL INDIAN CONGRESS

-: CONFERENCE :-

HELD AT THE AVALON THEATRE - DURBAN.  
ON 25TH AUGUST 1940.

CONFERENCE WILL OPEN AT 2.30 P. M.  
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1. Prayers.
2. Welcome to Delegates by Swami Bhawani Dayal.
3. Conference will be opened by the Deputy-Mayor of Durban, Councillor Wm. Wanless, Esq.
4. Presidential Speech of Hajee E. M. Paruk.
5. Reply to Welcome on behalf of visiting Delegates.  
By Mr \_\_\_\_\_
6. Motion to adjourn Conference.  
Proposed by Mr. \_\_\_\_\_  
Seconded by Mr. \_\_\_\_\_

CONFERENCE WILL ADJOURN AND RESUME AT  
TIME AND PLACE TO BE ANNOUNCED  
AT TIME OF ADJOURNMENT.  
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-: ORDER OF THE DAY :-

- (1) Roll Call.
- (2) Adoption of Standing Orders.
- (3) Indian Penetration Commission.
- (4) Resolutions.
- (5) General.

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SECRETARIES TO  
CONFERENCE.

Aboobaker Moosa  
Hans Maghrajh

ASSISTANTS TO SECRETARIES  
FOR CONFERENCE.

S. Goordeen  
K. R. Govender  
S. R. Naidoo  
Ganas Pather  
J. Gokool.

Delegates are requested to make all enquiries and ask for their requirements from the Assistants to the Secretaries.

F O R W A R D.

In the absence of His Worship the Mayor who is unable to attend this afternoon. I have been invited to open the Second Conference, and willingly consented to perform this very pleasant duty.

The question of "Indian Penetration" into exclusively European areas is a subject which for many years has been generally introduced during election campaigns, and strong feelings engendered thereby. Force of public opinion has moved the Durban City Council to make an approach to the Union Government, with a view to an enquiry being held. A local Committee of representatives of the Indian community and members of the Town Council have made certain investigations, and the Union Government has now appointed a Judicial Commission, and three eminent gentlemen have been nominated to make enquiries and investigate the position.

I had the privilege to attend as a delegate to the first British Commonwealth Labour Conference in 1925 at Westminster. Delegates were present from all parts of the British Empire, and Labour Members of Parliament were also in attendance. The question of conditions of Indians in South Africa was a subject of very deep interest, but after a long and futile discussion, I ventured to suggest a Round Table Conference between delegates from India and representatives of the Union Government which eventually took place and resulted in the Capetown Agreement. Perhaps this Conference might be able to suggest some form of compromise which will help establish better and more lasting relations of goodwill and understanding in the general interest of the community.

(Sgd) "WM. WANLESS"  
Deputy Mayor.

DURBAN,  
25th August, 1940.

SWAMI BHAWANI DAYAL'S REMARKS

Mr. Deputy Mayor, Mr. President, Guests and our  
Fellow-Delegates,

It is my privilege in your name and on your behalf to welcome the Deputy Mayor, and the other European and Indian guests who have honoured us by their presence here this afternoon.

These are dark and dangerous days, and as one who has been connected over a long number of years in the public service of our community, I had hoped that at least for the duration of the war we would not find it necessary to defend our rights and privileges. But, it has been decreed otherwise, and as an unrepresented and voiceless community we are like beggars who have no choice.

The subject matter of this Conference goes to the root of our very existence in this country. In the system under which we live the prosperity of every section of the community is dependent upon its right to own landed property and the right to trade. Many privileges have been taken away from us, let us guard this last remnant of our rights to be dignified and free men. Let us discuss this problem of alleged penetration in a manner that befits our highest traditions, and arrive at conclusions that would react to the good of our people.

I welcome you all and in your name. I now ask the Deputy Mayor to open the Conference.

NATAL INDIAN CONGRESS

CONFERENCE

25th August, 1940

RESOLUTION

This Conference of the Natal Indian Congress deplores the action of the Union Government in appointing the Indian Penetration Commission at this juncture to enquire into the question of alleged penetration by Indians into predominantly European areas.

In any case this Conference is of the opinion that the appointment of the Indian Penetration Commission is a violation of the spirit and letter of the Capetown Agreement in that the appointment raises the question of segregation.

The Empire is stated to be engaged in the successful prosecution of the war, so that the rights and privileges of democracy, justice and freedom may be saved. This Conference expresses its firm and considered belief that the motives inspiring the appointment of the Commission are inconsistent with these ideals.

This Conference, in the practical interest of the community, appoints and empowers a Special Continuation Committee to be known as the Congress Penetration Commission Committee to prepare the Indian case and to take the necessary steps for its presentation to the Commission.

This Committee is to consist of seven representatives from Headquarters, one each from affiliated branches and to include the President, Secretaries, Treasurers, and Swami Bhawani Dayal and the President and Secretaries of each branch to be ex officio members of this Committee.

Mr. A. M. Moola is to be the Secretary of the Committee.

N A T A L            I N D I A N            C O N G R E S S

MESSAGES TO  
SECOND PROVINCIAL CONFERENCE 25/8/40.

FROM MRS. SAROJINI NAIDU:

"WHOLEHEARTEDLY SUPPORT YOU STAND  
UNITED"

FROM KUNWAR SIR MAHARAJ SINGH:

"BEST WISHES SUCCESS CONFERENCE"

FROM RT. HON. V. S. SASTRI:

"WISH COMMUNITY UNITED RESPECTED  
PROSPEROUS LIFE"

FROM SIR KURMA REDDY:

"WISHING CONGRESS EVERY SUCCESS  
WORK FOR UNITY AMONGST OUR  
PEOPLE WHICH ALONE CAN RESIST  
SEGREGATION EFFECTIVELY"

FROM JAWAHARLAL NEHRU :

"YOUR CABLE RECEIVED LATE INDIANS  
CANNOT ACCEPT ANY POSITION RACIAL  
INFERIORITY SEGREGATION MUST DEMAND  
FULL CITIZENSHIP RIGHTS.

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N A T A L I N D I A N C O N G R E S S  
Continuation (2)

MESSAGES TO

SECOND PROVINCIAL CONFERENCE 25/8/40

FROM SENATOR THE HON. S. J. SMITH:

"HATE TURNETH INWARD AND DESTROYS  
THE HATER BUT LOVE OVERCOMETH ALL  
EVIL THEREFORE LET CONFERENCE  
HUMBLY PRAY THAT IN OUR OWN  
CONSCIOUSNESS WE MAY HAVE LOVE  
AND TOLERANCE TOWARD THOSE WHO  
WOULD RESPITEFULLY USE US STOP  
THAT BY OUR OWN EXAMPLE THOSE  
IN GOVERNMENT MAY BE HELPED TO  
UNDERSTAND THAT GOD IS NO RESPECTOR  
OF PERSONS AND THAT IN DIVINE  
MIND THERE IS NO CAST COLOUR OR  
CREED AND HIM TO WHOM THEY DAILY PRAY  
FOR GUIDANCE HAVE INSTRUCTED THUS --  
STOP WHATSOEVER YOU MAY DO UNTO THE  
LEAST OF THESE MY BRETHREN YOU HAVE  
DONE IT UNTO ME"

FROM MR. MORRIS ALEXANDER:

"WISH CONFERENCE SUCCESS MAY CO-OPER-  
ATION AND UNITY BE YOUR WATCHWORDS"

FROM COUNCILLOR AHMED ISMAIL - PRESIDENT :  
C.A.P.E INDIAN CONGRESS:

"REGRET ILLNESS MEMBERS FAMILY PREVENTS  
ME FROM ATTENDING CONFERENCE WISH  
CONFERENCE EVERY SUCCESS"



N A T A L     I N D I A N     C O N G R E S S

S T A N D I N G     O R D E R

HOURS OF SITTING.

(1) Unless Congress otherwise resolves the hours of sittings shall be :-

9.30 a.m. to 12.45 p.m.  
2.15 p.m. to 4.15 p.m.

ORDER OF BUSINESS

(2) The daily orders of debate shall be :-

(a) Roll Call

(b) On the first sittings in each year :

- (1) Election of Officials provided by the Constitution.
- (2) Minutes.
- (3) Correspondence which does not appear elsewhere on the Agenda.
- (4) Reports of Committees.
- (5) Notice of Motion, (and on the first day to fix the latest time by which notices must be given)
- (6) Agenda for the day.

A G E N D A.

(3) A provisional Agenda for the Conference shall be drawn up before the commencement of Congress by the Executive and circulated to all branches at least fourteen days before the date fixed for Congress and on each day of Congress the Executive will present an Agenda for the day.

It shall however be competent for any delegate to move after notices of motion that any item on the provisional Agenda have preference.

NOTICES OF MOTION.

(4) Except as provided in order (8) hereof no motion shall be moved, debated or voted upon unless notice thereof has been given at the correct time in the proceeding.

All notices of motion shall be in writing and signed by the proposer and seconder and handed to the Secretary.

The notice of motion to rescind or re-commit a resolution passed during the same meeting of Congress shall not be accepted unless signed by ten delegates in addition to the proposer and seconder.

Notice of motion shall be received at any Congress after a day and time fixed by Congress on the first day of the first sitting, except with special leave of Congress.

Provided / 2.....

Provided that no notices of motion, sent into Conference headquarters at least three weeks prior to the date fixed by Congress by any Branch shall be included on the provisional Agenda without further notice at Congress.

PRESIDENT AND VICE PRESIDENT.

(5) The President or in his absence the Deputy President if any, or one of the Vice-Presidents shall preside over all sittings of Congress. In case of absence of President and Vice-Presidents Congress shall elect a temporary Chairman.

In the event of the delegate occupying the Chair wishing to take part in the debate he shall vacate the Chair for that purpose and another may be appointed to take his place.

CHAIRMAN OF COMMITTEE

(6) Congress shall at each session elect a Chairman of Committee who shall preside over Congress when in Committee.

SPEECHES - LENGTH OF

(7) The mover of an original motion and members of the Executive on subjects coming within their departments shall be allowed fifteen minutes in which to address Congress. The mover shall be allowed to reply. All other speeches shall be limited to ten minutes.

Provided that it shall be competent to any member other than the speaker to move the indulgence of Congress. The motion of indulgence shall require no seconder and shall be voted on at once without discussion or comment.

Two minutes before an expiry of the time allowed for the speech the Chairman shall knock on the table or sound a bell and at the expiry of time he shall knock or ring twice upon which the delegate shall immediately resume his seat.

CONDUCT OF MEMBERS.

(8) A delegate can only speak :-

- (a) Where there is a question before Congress.
- (b) On moving a motion or amendment.
- (c) To put or answer a question.
- (d) To make a personal explanation.
- (e) To a question or order or privilege.
- (f) If a Chairman of a Committee or a Sub-Committee to report.
- (g) If a member of the executive to make a Statement.

A delegate shall rise in his place and speak standing and must always address the Chair.

When a delegate rises to speak his name shall be called by the Chairman.

If more / 3...

If more than one member rises only the one whose name is called shall speak, all others must re-  
their seats.

Speeches must be relevant, temperate, and decorous. No member shall speak twice on any motion or on any amendment except :

- (a) To make a personal explanation.
- (b) To reply.
- (c) In Committee.
- (d) On a point of order or privilege.

The Chairman must always be heard in silence and when he rises a delegate speaking or offering to speak must resume his seat.

Delegates must not interrupt another delegate speaking.

#### M O T I O N S.

(9) Every matter requiring the decision of the Congress or of a Committee shall be decided by means of the question put from the Chair, or on a motion proposed and seconded by the delegates.

Subject to order (4) every member shall be entitled to make a motion.

The following motions may be moved without notice :-

- (a) Unopposed motions.
- (b) Motions to postpone or discharge any questions on the Agenda for the day.
- (c) Amendments to motion under discussion.
- (d) A motion for adjournment of the Congress or of the debate.
- (e) A motion in Committee to report progress.
- (f) Motions on matter of urgency.
- (g) Motions of a special or unexceptional nature which Congress by a majority vote and there taken shall allow without notice.

Notices of seconded shall drop immediately, and except if Congress directs shall not be minuted.

A Motion shall not be withdrawn except with leave of the Congress unanimously granted.

A seconder to a motion may receive his remarks till later in the debate.

The Chairman shall have power to divide a motion into several portions, and take a vote on each.

#### MOTIONS NOT COMPETENT TO AMEND.

(10) It shall not be competent to propose any amendment to motions for :-

- (a) Adjournment /4.

- (a) Adjournment of the debate of Congress.
- (b) Discharge of any question from the Agenda.
- (c) Reporting Progress.
- (d) The previous question.
- (e) The closure.

MOTIONS NOT COMPETENT TO DEBATE.

(11) The following motions shall not be put without debate :-

- (a) Discharge of any question from the Agenda.
- (b) The Closure.

AMENDMENTS

(12) After a Motion has been proposed and seconded, amendments may be moved and seconded, and amendments must be:-

- (a) To leave out certain words, or
- (b) To insert or add certain words, or
- (c) To leave out certain words in order to insert or add otherwords.

An amendment must be relevant to the question to which it is proposed.

The debate on the Motion, and Amendment or Amendments may proceed simultaneously unless in the opinion of the Chairman it is desirable to dispose of them seperately, in which case he shall suspend the debate on the substantive motion until the conclusion of the debate on the amendment and until a vote has been taken thereon.

A mover of a motion may with the consent of his seconder accept any amendment, in which case the motion as amended shall become the substantive question, but it shall be competent for any other delegate to move as an amendment thereto the rejection of the amendment so accepted.

Any delegate who has spoken to the original motion may speak again at an amendment, but shall confine his remarks thereto, and nothing herein shall authorise delegates to speak twice on a resolution after an amendment has been proposed, if they have not spoken before the amendment has been received.

After amendments have been voted upon, the Chairman shall put the question as amended or not without further discussion unless he has suspended the debate on the main question, in which case he shall allow delegates who have not yet addressed Congress to proceed with the debate, and the mover, to reply, after which the question shall be put.

AMENDMENTS TO AMENDMENTS.

(13) Amendments may be moved to Amendments and shall be dealt with as provided in the last order as if the latter were the original motion.

THE PREVIOUS QUESTION.

(14) A Delegate may move the previous question, and if carried, the effect, will be that no further discussion take place on the question under discussion, and that no vote be taken on it, and it shall not appear again on the Agenda at the meeting of the Congress, Congress will proceed to the next business. If the vote be lost, the debate shall proceed.

THE CLOSURE.

(15) A delegate may move that the question be now put, and if seconded, that motion shall not be put immediately, and if carried a vote shall be taken on the motion and amendments under discussion without further debate except the mover in reply.

ADJOURNMENT OF DEBATE.

(16) A Motion for the adjournment of a debate may be made and seconded at any time, and if carried Congress shall proceed to the next business on Agenda, If the debate is adjourned to a particular day, it shall be placed on the Agenda by the Executive on the most convenient day. A delegate moving the adjournment of a debate shall have the floor when the debate is again called.

ADJOURNMENT OF CONGRESS.

(17) (a) FORMAL MOTION: At the close of a sitting a formal motion shall be moved that Congress do now adjourn.

(b) ABSENCE OF QUORUM : A delegate may take notice that a quorum is provided in the Constitution is not present, and if it shall appear on a count that is so, Congress shall adjourn till such time as may then be fixed by the Chairman.

RIGHT OF REPLY.

(18) A Right of reply shall be allowed to a mover of a substantive motion, and any matter on the Agenda, but not to an amendment, or on a motion to go into Committee, or the previous question, the Closure or a Motion for the adjournment.

DIVISIONS.

(19) When a debate is finished the Chairman shall read the question and put it to Congress by voice in some such words as these :-

As many as are of opinion say Aye" and then "as many as are of the contrary opinion say No". After hearing the voices he shall say, "I think the Ayes (or Noes) have it". If his opinion is not challenged he shall say, "The Ayes (or Noes) have it." If his opinion is challenged, the delegate or delegates shall say "divide, or claim a division in some other words, and the Chairman shall arrange for a division either by show of hands, or dividing the House, and shall count the votes himself or appoint Tellers.

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If the Chairman is of opinion that a Division has been frivolously claimed, he may ask those who dispute his decision to rise, and if they are in a clear minority, he may refuse a division.

A member who is in Congress when a question is put cannot leave during a division and must vote.

#### QUESTIONS AND ANSWERS

(20) Questions may be put :-

- (a) To the Chairman concerning points of order.
- (b) To the members of the Executive concerning the action of that body.
- (c) To another delegate concerning the affairs of the Branch which he represents.

Provided if put during the course of a debate, the subject of the question is relevant to the debate.

And provided that no delegate shall rise to put a question while another delegate has the floor.

A question shall be put without argument, and the answer shall be confined to the question without argument, but the Chairman may allow some latitude to a member of the Executive explaining the action of that body.

A delegate need not answer a question addressed to him by another delegate.

#### PRIVILEGE

(21) Breaches of privileges are disobedience to the Standing Orders of the Congress, and indignities offered to the character and proceeding thereof and the Offenders may be admonished or reprimanded by the Chairman, and if the Congress so resolves be reported to the Branch which they represent.

Questions of privileges may be brought on without notice and all those that have recently arisen shall be entitled to precedence over all other matters and orders.

#### COMMITTEES - RULES FOR

(22) Congress resolves into Committee on a motion duly proposed, seconded and voted on after discussion if Congress so wishes, on which Chairman of Congress shall **leave the Chair**, and the Chairman of Committee occupy it.

Congress in Committee shall only consider matters committed to it by Congress, unless an instruction has been given by Congress allowing it to discuss other matters.

A motion in Committee need not be seconded, A member may speak more than once on any motion or amendment in Committee.

Adjournment of the debate cannot be moved except at the time fixed by Standard Order (1) or resolution of

of / 7.....

of Congress for the rising of Congress. If it is desired at any other time to adjourn the debate, this shall be done by moving that "the Chairman reports progress and asks leave to sit again."

If the questions committed by Congress are finished, the Chairman of Committee shall take a vote on the question "that progress be reported with any rider which the Committee may add. If this is agreed to, Congress in Committee will resolve itself again to Congress and the Chairman of Committee will report to Congress what has been done, and the report will be minuted.

Unless Congress otherwise directs, discussions in Committee will not be minuted or reported in the Press. The Secretary shall take note of every resolution taken and every amendment agreed to in Committee and these shall be embodied in the Report to Congress and then minuted.

Except as above mentioned, all other rules of procedure laid down for Congress shall apply to Congress in Committee.

#### SUB COMMITTEES

(23) Congress may refer any matter for discussion and/or decision and/or action to a sub-committee of such size as it shall then decide, with or without leave to sit during Congress or during Congress in Committee, or after the final rising of Congress with instructions to report to next Congress or the Executive, Congress, in appointing a Sub-Committee shall nominate, one member thereof as Convener, who shall be responsible for calling the sub-Committee together when necessary.

The provision of standing order No. 22 shall apply except where inapplicable to proceedings and reports of sub-committees.

#### OFFENCES.

(24) Congress may on a motion duly proposed, seconded and agreed to by a two-third majority of those present at any time sitting suspend a delegate for definite length of time for :-

- (a) Violating the Rules and Orders of Congress after his attention has been called to the Breach.
- (b) Making himself obnoxious to Congress by his behaviour.

Provided that if a delegate is suspended for more than 24 hours, the Branch which he represents shall be notified immediately by telegram asking it to appoint another member of the Organisation to represent it. Congress in Committee shall not have the power to suspend, though Congress may resolve to discuss the matter in Committee and report thereon.

#### DISCRETIONARY POWER OF CHAIRMAN OR VICE CHAIRMAN

(25) The Chairman for the time being shall decide any question relative to the procedure of Congress not dealt

with /3....

with in these Standing Orders, in such manner as he shall deem most in keeping with the laws, forms and usages, of the Legislative Assembly of the Union. And his decision thereon and on the interpretation of the Standing Order shall be final unless Congress shall by resolution duly proposed and seconded decide otherwise.

ALTERATION OF STANDING ORDERS.

(26) No alteration or addition to or suspension of any of the Standing Orders of Congress shall be made except after notice given under the provisions of Standing Order 3 or 4.

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P R E S I D E N T I A L   A D D R E S S

of

H A J E E   E . M . P A R U K

DELIVERED TO THE SECOND PROVINCIAL CONFERENCE  
OF THE NATAL INDIAN CONGRESS HELD ON  
THE 25TH AUGUST 1940 AT THE  
AVALON THEATRE, DURBAN.

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Friends and Fellow-Delegates,

At the outset, in your name I thank the Deputy-Mayor, Mr. Wanless for opening this Conference and for the welcome that he has extended to you. Your presence at this Conference in these times of anxiety and upheaval, is a sacrifice which you have made willingly because you appreciate the importance of the subject that is to be discussed.

This country in alliance with the rest of the British Commonwealth of Nations is making every effort to withstand the destructive forces of aggression, and quite rightly, almost everything else has been subordinated to the successful prosecution of this war.

The ideals that man in his evolution has striven to create - the ideals of freedom, justice and peace - must survive, and the forces of tyranny and oppression must be defeated. To these ends we as a community have offered our whole-hearted co-operation and we are prepared to make our fullest contribution.

Yet it is sad to behold that, although proposed Commissions to deal with other problems have been postponed for the duration of the war, the Government and civic authorities of this land consider it necessary, even

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at this critical moment, to proceed with the enquiry into the question of the alleged penetration by Indians into predominantly European areas.

To raise at this time a controversy of the kind which the Indian Penetration Commission must necessarily do by the nature of the principles of its enquiry is a matter that we deplore. It will naturally have a reaction in India and if Indo-Union relations are affected and Imperial policy embarrassed the responsibility must rest with the Government of this country.

As far as the Indian community of South Africa is concerned it had to choose one of two evils - either the passing of legislation to thrust segregation upon our community or the acceptance by us of the Commission and state our case before it.

To boycott the Commission on the ground that its enquiry implies that it is wrong to purchase property in predominantly European areas, would, in my opinion, be a negative and futile policy.

It therefore remains for us to state our case in such a manner as to convince the Commission that the fears of so-called Indian Penetration are groundless and that even from the most prejudiced European's point of view any scheme of segregation is unjustified and unnecessary.

In order that the case for the Natal Indians should be most fully and effectively stated we have assembled in Conference to-day.

In the course of our varied and troubled existence in this country, we have learnt that the appointment of judicial commissions has acted as a safety-valve when blind prejudice whipped up by interested Anti-Indian activities has been rampant. Invariably the findings of

these .. /

these commissions have been just and impartial.

By the nature of the circumstances surrounding the appointment of this Commission our feelings with regard to it are mixed and tinged with anxiety. For the personnel of the Commission we have the highest regard. No fairer jurist than the Hon. Justice Broome could have been chosen for the onerous task of the Chairman.

The constitution of the Lawrence Committee by the Hon. the Minister of the Interior, with the active co-operation of the Agent General for India and some of our misguided countrymen, has been the cause of grave dissatisfaction to our people in this Province. We fear that the work of this Committee may be the precursor to a policy of compulsory segregation.

The controversy that raged round the appointment of the Lawrence Committee and the opposition offered by your Congress is known to you all. At the time we maintained that this Committee was prejudging the issues of penetration, and we predicted that the Indian members would be powerless to do anything but act as policemen against their own people.

In spite of their, and the Agent General's contention that whilst preventing Indians from acquiring properties in predominantly European areas, they, the members of the Lawrence Committee, would be able to achieve an improvement in the housing conditions and the civic amenities of the Indian community, they have now by their own confession achieved nothing.

Because of our opposition to the formation of the Lawrence Committee, and our differences with him on questions of our organisation, the Agent General for India, Sir Rama Rau, has taken up an attitude towards our Congress and some of its officials that does no credit to the

responsible .. /

responsible position he occupies.

Sir Rama Rau has thought fit to ignore the invitation we sent to him, to attend Conference so that he may know our views. His disagreement with us has taken some queer forms. He has of late not given us co-operation which his predecessors gave so unstintedly, and which he himself extended to us until this question of the Lawrence Committee arose. He has even used his influence to bar the publication of Congress activities in this regard in the Daily Press of Durban.

Fortunately for us South Africa still stands as a democratic country, and until this is belied the Ministers of Government cannot refuse to give any organised body of opinion such as ourselves the hearing that is our due.

The Agency for India was not created to supersede our right to speak for ourselves, but to supplement and to assist us in our representations to the Union Government. This principle was enunciated by the Right Honourable V. S. Sastri, the first Agent General on his arrival in the Union.

My criticisms applies to the present occupant, and not to the high and responsible office of the Agent General for India in the Union of South Africa, which I maintain has been of great use to our existence and advancement in this country.

The Indian Penetration Commission has been appointed to enquire into and report whether, and, if so to what extent, Indians have since the 1st January 1927, commenced occupation of or acquired sites for trading, or for residential purposes, in predominantly European areas in the provinces of Natal and the Transvaal (excluding land proclaimed ../  
proclaimed ..//

proclaimed under the Precious and Base Metals Act, 1908, as amended, of the Transvaal) and the reasons for such occupation or acquisition.

The cry of penetration on the part of a section of the European population is based on the assumption that it is wrong for the Indian to acquire residential or trading sites in what the European considers European areas. In the minds of such Europeans the cure for "penetration" lies in segregation or in the relegation of Indians into such areas which they, as the rulers of the country, consider unfit for their own habitation and therefore suitable to be set aside for Indians.

The Indian community has often suffered the penalties of this baseless fear, this blind prejudice, and this utter selfishness. In 1924 the then Minister of Interior, Sir Patrick Duncan introduced his Class Areas Bill. In 1925 Dr. Malan conceived his Areas Reservation Bill, and much more recently Mr. Stuttaford's proposed Servitude Scheme was before the country. It is not necessary to recount here the historic struggle the Indian community put up to combat these attempts at segregation, with the assistance of the people and Government of India.

Our opposition to Dr. Malan's proposed measure of segregation, brought about the Round Table Conference of 1926 between the Union and Indian Governments. The Cape Town Agreement was the result of this Conference. Dr. Malan's Bill was shelved, and in its place a new era dawned in the relationship between India and South Africa.

The Indian, who had been deemed an alien, was now acknowledged by the Union Government as a part of the permanent population of this country. The "uplift" clause

of .. /

of the Cape Town Agreement indicated in no uncertain terms the policy the Union Government proposed to follow in the conduct of Indian Affairs. This clause reads:-

"The Union Government firmly believes in and adheres to the principle that it is the duty of every civilised Government to devise ways and means and to take all possible steps for the uplift of every section of the permanent population to the full extent of their capacities and opportunities, and accepts the view that in the provision of educational and other facilities the considerable number of Indians who remain part of the permanent population should not be allowed to lag behind other sections of the people".

In announcing the Agreement Dr. Malan said:-

"The Union Government recognised that Indians domiciled in the Union who are prepared to conform to Western standards of life should be entitled to do so".

I submit that the "UPLIFT" clause of the Cape Town Agreement, the declaration of Dr. Malan, the shelving of his Bill, and the establishment of the Government of India Agency in this country indicate that any proposal of segregation is a violation of the Capetown Agreement. In this contention I have the support of such an authority as the Hon. J. H. Hofmeyr, the Minister of Finance and Education, and one of the great hopes of this land of ours.

We are emphatically opposed to any form of segregation as it implies inferiority and casts a slur upon our national dignity.

In 1926 the Paddison Deputation rightly described segregation as "a deep affront to the sentiment of an ancient and civilised people and inherently unjust", and went on to say that "Indians without exception look upon the application of the principle of compulsory segregation to themselves as a racial stigma. It is galling to their national pride to feel that though members of their race  
may ../"

may sit in the highest Council Chamber of the Empire beside the most distinguished statesmen, in South Africa they may not live in proximity to the humblest of their white fellow-subjects".

Whilst we oppose segregation in any shape or form, we deny penetration. Our denial does not imply that we have any intention to surrender any of the few rights still left to us, namely, the right we have to purchase and occupy property where we please.

As a community we desire to respect the reasonable susceptibilities of the Europeans in the same manner as we expect that they respect our feelings.

We deny penetration, because we maintain that people of the same race and of the same class find it congenial to live amongst themselves in a given locality, and this world wide experience applies to the Indian Community in South Africa.

In South Africa if there be any friction or departure from this rule it is entirely due to the uneven and artificially created economic conditions of the various race groups that make up the population of this land.

The deplorable neglect of our housing needs, and the utter denial of civic amenities to the Indians by the Municipalities and other local authorities is a notably contributory factor to this alleged problem of penetration. It is also a positive crime.

The Commission's Enquiry will be to ascertain to what extent Indians have since 1st January 1927, commenced occupation of or acquired sites for trading or for residential purposes in predominantly European areas; the pivot point of the Commission's findings will therefore depend upon what the Commission considers were predominantly European areas as at 1st January, 1927.

If the Commission considers that acquisition of properties by Indians, without occupation, constitutes penetration, then the far reaching question of investment by Indians in landed property will arise, and every purchase of property by Indians since the 1st January 1927, will be brought within the realm of the Commission's Enquiry.

However, it is our opinion that we should be constitutional, we should appear before the Commission, assist it in its enquiry and submit our case before it.

Commercially, by the operation of the licensing laws, with its arbitrary and unlimited discretionary powers, the commercial segregation of the Indian Community has been detrimentally effected.

While the Indian commercial man must abide by the Industrial laws of equal pay for equal work, he is denied equality of opportunity and freedom of markets.

Residentially, the Commission will find that with the sense of security that came with the Cape Town Agreement, and with the progress of education, and the stimulus towards Western standards of life with which the various Agents-General imbued the Community, and with the increase of population and with the disappearance of the old family "living in" system, much acquisition of property from Europeans has taken place since 1st January 1927, in areas contiguous to those occupied by Indians. If this is "penetration" then the charge of guilt can be determined by the Commission without enquiry.

The Union Government and the Community it represents cannot have it both ways. Either the Indian community is to be reduced to a degrading serfdom, or it has to be accorded recognition as a permanent part of the population.

Historically .. /



(9)

Historically the world and its people are experiencing profound changes. England and the Dominions are fighting for their lives and their right to live. We, in South Africa are helping when and where we can.

"Freedom is a recognition of necessity", and if this war is being fought that Nazism and Fascist tyranny be destroyed, then we demand the practical application of freedom, liberty and justice-qualities which are the inalienable prerogative of democratic mankind be extended to us.

In conclusion I again welcome you and hope that you will conduct your deliberations in the calm and reasonable spirit which has always characterized our Conferences and Assemblies. May Heaven's light be our guide.

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- (a) Resolution on Land Ownership passed on 11/12/39
- (b) Resolution passed on 26/2/39
- (c) Resolution passed on 21/5/39
- (d) Agent-General's letter to Mr. A. I. Kaje
- (e) Petition to Provincial Council
- (f) Swami Bhawani Dayal's Statement
- (g) Statement of All Indian Congress Committee
- (h) Our men of Munich by Dr. Y. M. Dadoo
- (i) "Indian Opinion" on Penetration
- (j) Anti-Indian Jihad

NATAL INDIAN CONGRESS

CONFERENCE 11/12/38.

RESOLUTION ON LAND OWNERSHIP.

- (1) This Conference notes with regret that Government persists in its policy of racial discrimination in the matter of disposal of Crown Lands and urges on the Department of Lands the necessity for a change in the administrative policy of department, particularly in the rural areas, in order that the agricultural section of the Indian Community may be induced to remain in their profession and may not drift to towns where they add to the already serious problems of unemployment, health and slums.
- (2) This Conference calls upon the Provincial and local authorities in Natal to carry out the wishes of the department of the Interior that as far as possible Indians should be given reasonable opportunities of acquiring adequate residential sites.
- (3) This Conference observes with regret the recrudescence of the cry of penetration of European areas by Indians. This Conference records its most emphatic opinion that the Indian Community has not been guilty of penetration of European areas. There has taken place a gradual expansion of Indian areas, necessitated by the increase in the Indian population. But Congress has arrived at a working agreement with the Natal Municipal Association, whereby individual Indians are deterred from purchasing residential sites in European areas, and this Conference has pleasure in recording that this agreement has worked most satisfactorily.

Moved by S. R. Pather

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Seconded by R. Gopalsingh.

NATAL INDIAN CONGRESS

RESOLUTION NO. 1.

PASSED BY THE MASS MEETING OF PROTEST  
AGAINST SEGREGATION HELD UNDER THE  
AUSPICES OF THE CONGRESS ON THE  
26TH FEBRUARY, 1939.

-----oOo-----

This mass meeting of Indians held under the auspices of the Natal Indian Congress expresses its deepest concern at the report that the Minister of the Interior has under consideration, the introduction of a scheme of Segregation for the whole of the Union by the imposing of Servitudes in title deeds in respect of occupation and ownership of residential properties by Indians, and by demarcation of areas by local authorities for trade.

This meeting declares that the Scheme is in direct violation of the Capetown Agreement both in letter and spirit and is therefore wholly unacceptable. The Indian Community has resolutely and consistently opposed Segregation and resolves to continue to do so on the grounds that it is derogatory to its national sentiment, an insult to its racial pride, and it will ultimately reduce the Indian Community to a state of helotry.

This meeting appeals to the Prime Minister and the Minister of the Interior not to proceed with the proposed scheme which would be an unjust imposition on a voteless section of the community and which would inevitably and for all time prove a source of friction between the Indians and European communities.

This meeting instructs the Natal Indian Congress as representing the Indian Community of Natal to take such action as it may deem necessary immediately the provisions of the proposed measure have become known, to protect the interests of the Community.

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RESOLUTION ON ASIATIC LAND AND TRADING BILL 1939  
PASSED UNANIMOUSLY BY THE EXECUTIVE COMMITTEE  
OF THE SOUTH AFRICAN INDIAN CONGRESS  
HELD AT DURBAN ON 21/5/39.

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This Executive Meeting of the South African Indian Congress, assembled in Durban on the 21st May 1939, records its strong and emphatic protest against the Transvaal (Asiatic Land & Trading Bill) now before Parliament as being uncalled for and in violation of the letter and spirit of the uplift clause of the Cape Town Agreement and declares clause two of Bill is a breach of the Smuts-Gandhi Agreement honourably agreed between the present Right Honourable the Deputy Prime Minister and Mahatma Gandhi 1914, and also is in conflict with the terms of the License clause of the Cape Town Agreement of 1927. The Smuts-Gandhi Agreement affirmed by Union Parliament by Act 37 of 1919 perpetuated the right of an Indian to move from one premises to another in same Township clause two of the Bill departs from this principle. License clause of the Cape Town Agreement imposed obligation on Union Government to relax harshness and rigidity of Licensing Laws in relation to Indians whilst present Bill seek to prohibit totally the issue of Trading Licences to Indians in the Transvaal.

The Congress, whilst taking cognisance of the fact that Bill is of a temporary duration, records its firm protest against the principle of segregation connoted by the provisions of the Bill and urges the Union Government, in fulfilment of its obligations under the Cape Town Agreement and on principles of equity and justice not to proceed with the present repressive and unnecessary legislation detriment all affecting a law-abiding and permanent section of South African Indian population.

PETITION TO THE PROVINCIAL COUNCIL BY THE

NATAL INDIAN CONGRESS AGAINST

RESOLUTION OF MR. A. T. ALLISON,

ON ASIATIC ENCROACHMENTS

13TH MAY, 1939.

TO,

HIS HONOUR THE CHAIRMAN AND MEMBERS  
OF THE PROVINCIAL COUNCIL OF NATAL  
IN COUNCIL ASSEMBLED

T H E P E T I T I O N

of the

NATAL INDIAN CONGRESS

an organisation that has been duly constituted to represent  
the Indian Community of Natal;

--: RESPECTFULLY SHEWETH :-

(1) Your Petitioners have learnt with deep concern from press reports that the Hon. Member for Maritzburg North in your Honourable House Mr. A. T. Allison has given notice to move a resolution in the present session of your Council on Monday the 15th May, 1939, to the following effect:

"That this Council views with alarm the serious Asiatic encroachments in this Province and supports wholeheartedly any legislation that will reserve areas for Europeans".

(2) Your Petitioners as representing the Indian Community of Natal, who number some one hundred and eighty three thousand Indians nearly eighty per cent of whom are Natal-born, and the rest natural-born British subjects, respectfully venture to point out that they are by reason of their race, without any representation whatsoever in the constitution of your Council and therefore have taken

this.../

(2)

this petition as the only form of submitting to your Honourable House their representations on the proposed resolution of Mr. A. T. Allison.

(3) The resolution is based upon conjecture and is not supported by facts, and is an attack upon the rights solemnly promised to us and which rights we have enjoyed for the past 75 years.

(4) We submit the following extracts from records in the City Estates Department, Durban, showing the number and rateable value of properties transferred from Europeans to Asiatics in Old Borough area between 1st May, 1935, and 20th February, 1939:

<u>Ward.</u>	<u>No. of Properties.</u>	<u>Rateable Value.</u>
1.	3	£15,340
2.	30	38,110
3.	6	7,820
4.	--	-----
5.	5	8,560
6.	5	9,800
7.	52	78,450
8.	6	6,430
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	107	£165,510
	=====	=====

This total acquisition divided by the number of years averages at £41,400 per year.

(5) The total Indian population of Durban according to the census of 1936 was 88,226. Therefore the acquisition per individual Indian living in the Borough of Durban is less than 10% per annum.

(6) Wards Two and Seven in which 82 properties of a rateable value of £116,560 have been acquired are the two wards in which the Indian has carried on his commercial activities and resided since he first came to this Province some seventy five years ago. These two wards consist of the predominantly Indian areas such as Grey Street, Commercial Road, Queen Street, Prince Edward Street, Alice Street, Beatrice Street, North Street, Lorne Street and Mitchell Road.

(7) The total rateable property owned by 88,226 Indians after seventy-five years residence in Durban is at a liberal estimate put down at £4,000,000, out of a total valuation of £48,998,500. The European population of Durban according to the 1936 census is 95,033. The percentage therefore of Indian to European ownership is eight point five percent to ninety one point five percent or £45 for every Indian against £475 for every European person resident in the City of Durban. We maintain that this possession by 88,226 Indians of eight percent of the total valuation of the City of Durban cannot by any stretch of imagination constitute a danger to the European or any other section of the Community.

(8).../

(8) Allegations that Indians are acquiring properties in the select European residential areas of Durban and other towns of Natal, has evoked considerable agitation to the detriment of the Indian Community, these allegations are not borne out by facts. To our knowledge in the last ten years only about six properties have been acquired by Indians in the Berea proper. In fact one of the most valuable properties owned by Indians in Innes Road has been resold to Europeans.

(9) By the powers of the Durban Land Alienation Ordinance of 1921 which principle was subsequently embodied in the Boroughs Ordinance and Township Ordinance of Natal of 1924 and 1926 respectively, the local authorities of Natal have fully used the powers vested in them of inserting anti-Asiatic clauses in sales of unalienated lands belonging to the Boroughs and Townships of Natal. These powers have been drastically used to the harm of the Indian Community, so much so that the acquisition of properties by Indians is limited to the old-established and alienated areas.

(10) The facts and figures submitted herein applicable to the City of Durban apply equally to the other Boroughs and Townships of Natal and your petitioners humbly, but emphatically, say that the allegations of encroachment and penetration of select European residential areas by Indians are entirely unfounded.

(11) The principle of segregation which the resolution involves is an affront to our national pride and we regard it as a racial stigma.

(12) The Asiatic Enquiry Commission of 1920 which consisted of some of the most eminent jurists that South Africa has produced strongly condemned the policy of segregation in the following terms :

"We find ourselves wholly unable to support the policy of repression which was advocated by sons of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restriction measures would result in eventually reducing them to helotry. Such measures apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European".

(13) On behalf of the Community we represent, we deny the allegations of penetration. We admit expansion into areas contiguous to those in which we have been settled for years, but even this expansion is negligible both in extent and value.

(14) In so far as trade is concerned the unfettered discretionary powers vested in the Licensing Officers, (Dealers Act) of the Boroughs and Townships of Natal and in the Rural Licensing Boards has restricted and confined Indian businesses to the limits of  
localities../



localities predominantly Indian.

(15) This is illustrated by the fact that in the early days there were over sixty Indian trading establishments in West Street, Durban. The number has been reduced today to five, as the result of the ruthless and arbitrary manner in which the Licensing Officers have exercised the powers vested in them.

(16) We therefore submit that there are ample arbitrary powers vested in the local authorities for the purpose of controlling Indian Licences, and the sale of unalienated land to complement every policy of repression that a local authority may choose to bring into effect against the Indian Community, and that further restrictive legislation is unwarranted as it will result in the ultimate ruin and degradation of the Indian Community.

(17) Your Petitioners desire to record the fact that it was the Colony of Natal that imported Indian labour in the early days to save the Sugar and other industries from complete ruin. Even the Railways in Natal were built by Indian labour. The value of Indian labour and the prosperity it contributed to the country generally was recorded by the 1907 Commission in the following terms :

"Absolute and conclusive evidence has been put before the Commission that several industries owe their existence and present condition entirely to indentured labour. The expansion of industries made possible by the presence of Indians, has provided the Native with future opening.

The existence of these industries has been, is still, and in the future will be, increasingly beneficial to a very large number of the people in the Colony and to the Colony as a whole, and their exhaustion or restriction, by whatever cause brought about, would be serious and irreparable to the individual and general interests.

Further, the employment of Indian labour has provided opportunities for whites which would not otherwise have existed.

The Indians are industrious, law abiding, and on the whole sober in their habits, and it has been proved that their presence has had no injurious effect on the morals of the whites or natives".

Numerous official and public statements prove the value of Indian labour and enterprise in the development of the Country. We quote one testimony out of many in support of this statement. Speaking in the Old Natal Legislative Assembly in July, 1908 Sir Leige Hullett said:

"The condition of the Colony before the importation of Indian labour was one of

gloom../

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gloom, it was one that then and there threatened to extinguish the vitality of the country, and it was only by the Government assisting the importation of labour that the country began at once to thrive. The Coast has been turned into one of the most prosperous parts of South Africa.

They could not find in the whole of the Cape and Transvaal what could be found in one plot and in one crop - and that was entirely due to the importation of Indians. Durban was absolutely built up on Indian population".

Your Petitioners therefore urge that of all the Provinces constituting the Union Natal should be the last one to injure the rights, interest and feelings of the Indian who came to its rescue in the days of its adversity.

(18) Your Petitioners respectfully pray that the Honourable House may be pleased to take this petition into consideration and to reject the proposed resolution, and for that purpose permit them to be heard through the medium of their representatives or through legal Counsel at the bar of the House or refer the subject matter of the resolution for enquiry and report to a Select Committee or a Committee of Inquiry with powers to call for and hear evidence both written and oral from all interested parties including your humble petitioners.

(19) Wherefore your petitioners pray that your Honourable House will be pleased to take this their case into favourable consideration, particularly having regard to the fact that they are entirely unrepresented and voiceless in the composition of your Honourable House, and grant the relief prayed for or such relief as you may deem fit.

And your petitioners as in duty bound will ever pray.

Headquarters:

37, Albert Street,  
DURBAN.  
13th May, 1939.

P E N E T R A T I O N   A S S U R A N C E

and

S E G R E G A T I O N

SWAMI BHAWANI DAYAL'S STATEMENT.

Published by the NATAL INDIAN CONGRESS,

136 Commercial Road, Durban.

8th March 1940.

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I feel that it is incumbent upon me on behalf of myself and the Natal Indian Congress that I should make a statement as expressing the views of a large section of the Indian Community on the question of the alleged penetration by Indians in Natal of what are vaguely termed "European Areas."

2. A great deal of attention has been focussed on this matter by the giving of an undertaking or assurance by the newly formed Natal Indian Association which undertaking in its essence virtually amounts to the acceptance of voluntary segregation.

3. Allegations of penetration imply that Indians should not occupy residential or business sites in what the European community, or such section of it as is vocal, feels is their preserve. To stop this the European asks for segregation of the Indian Community in areas or locations that the local authority or any other authority deems fit. The Indian being voteless has no voice in this authority.

4. Attempts to pass legislation for the segregation of Indians in South Africa have been most tenaciously opposed by the Indian Community as represented both by the South African Indian Congress and the provincial Congresses, assisted by the Government and the people of India.

5. The last attempt was that by Dr. Malan in his Asiatic Areas Reservation Bill of 1925. The opposition to it resulted in the holding of a Round Table Conference between the Indian and the Union Government in 1926 and entering into by the two Governments of the Cape Town agreement. This agreement is still in operation and its existence bears out two principles.

- (a) That there shall be no segregation of Indians and the Asiatic Areas Reservation Bill was shelved.
- (b) That every Indian desiring to conform to a Western standard of life, should be enabled to do so

implying..//

implying that as long as an Indian complied with this standard he was free to live where he chose.

6. Last year a Bill was introduced and passed into law in the Union Parliament known as the Transvaal Asiatic Land and Trading Act. This was intended to create a standstill position as far as occupation of property for purposes of trade or residence by Indians in the Transvaal was concerned. This Act was stated to be of temporary duration. Its operation is limited to April, 1941.

7. At the same time Mr. Stuttaford, the then Minister of the Interior made certain tentative proposals of segregation by means of a Servitude Bill and promised the Union Parliament that he would introduce his proposals in the form of a Bill in the 1940 session of the Union Parliament.

8. This Act and the proposals were a flagrant breach of the Cape Town agreement. It was a violation of all the principles for which the Indian community of South Africa, assisted by Mother India, had always stood. It was passed in the teeth of the most strenuous opposition by the Indian Government and the South African Indian community.

9. Last year I was, as in 1925, deputed to visit India, attend the Indian National Congress, and acquaint the Government and the people of India with the implications of the Transvaal Land and Trading Act, and of the segregation proposals of Mr. Stuttaford.

10. Last year the Indian community of South Africa was united in its opposition to the attack on its rights. It was divided only on the method of opposition. Those who were in favour of Passive Resistance called for their own election as officials to be in charge of the Transvaal and Natal Indian Congress machinery. In the Transvaal the feeling between the two groups ran so high that a mass meeting in June ended in a riot, and a casualty that resulted in the death of a compatriot.

In Natal by unfair and unconstitutional means the Natal Indian Association was brought into existence in October, 1939, and a division which had not existed before brought into being.

11. During these crisis and the uncertainty last year the Agent-General for India, Sir B. Rama Rau took a stand that only aggravated the division in the Indian community. He cannot escape the responsibility of his hasty action which has resulted in a much greater disunity than what was in existence.

12. The advent of war, a change of Government, and General Smuts ascendancy to the Prime Ministership brought relief to the Indian community. Passive Resistance led by Dr. Dadoo, and present leaders of the Association was conveniently put off by the intervention of Mahatma Gandhi.

13. The quiet of the two months was akin to the calm before the storm. A more dangerous situation suddenly arose in October, 1939 in Natal. The present Minister of the Interior Mr. H. G. Lawrence visited Durban on the 23rd October.

14. A deputation of the Natal Indian Association was received by the Minister while he was in Durban. The Minister also received a deputation from the Durban City Council and was shown cases of alleged Indian penetration by the City Council representatives.

15. The Durban City Council requested the Minister to appoint a Commission of Enquiry. The deputation of the Natal Indian Association led by Sir Rama Rau expressed its willingness and promised the Minister to participate in a joint committee with the City Council and other local authorities in Natal "to prevent the acquisition by or on behalf of any Indian of properties in areas which are wholly or predominantly occupied for residential purposes by Europeans."

16. The NATAL MERCURY a very influential organ of European opinion in a leading article on January 18th, 1940 commenting on this undertaking said that "this is a voluntary system of segregation which they (the Natal Indian Association) have imposed on themselves."

17. The Minister of Interior subsequently received a further deputation of the Durban City Council in Cape Town and as a result the Union Government, announced its decision to appoint a Judicial Commission of Enquiry to enquire into the facts of the case of penetration.

18. The Minister in replying to a motion by Dr. Malan on 30th January, 1940 for the immediate putting into effect of a policy of segregation of Europeans and non-Europeans for residential, industrial and political purposes said, "This agitation seems to occur at fairly regular intervals.

It arose in 1924 and 1925 when a bill was introduced by the member for Piqueberg (Dr. Malan).

FIFTEEN years later it comes up again. I mention this to show that it cannot be said that the matter is of such urgency at the present time that we should proceed without a proper appreciation and knowledge of the facts. We are now going to appoint a Commission which will examine the facts and while the Commission is investigating I hope that an experiment which I have just inaugurated will meet a large measure of success. The Natal Indian Association at my request, has agreed to appoint a Committee to co-operate with an ad hoc committee of the City Council of Durban, which Council has approved of this collaboration. These committees will meet jointly from time to time and when question arises of an Indian proposing to purchase property in what is said to be a predominantly European area the Indian community has given the assurance that it will do its best to see that no purchase is made!"

19. The stupidity of this tragic betrayal of the Indian Community by the leaders of the Natal Indian Association, the very men who in August last swore that they would combat any proposal savouring of segregation by the sacred weapon of Passive Resistance, becomes painfully apparent when it is realised that voluntary segregation was accepted by them without the facts of the alleged penetration having been determined.

20. The NATAL MERCURY in the same leader referred to, say: "The responsibility which the Association has taken upon its shoulders is a heavy one. Should penetration still exist the leaders of the Indian community will find themselves hard put to convince the Government and the public that legislative compulsion is not after all essential to check it."

21. The leaders of the Association and the Agent for the Government of India who are endeavouring to force this undertaking upon an unwilling Indian community refer to the correspondence that took place in 1936 between the Natal Indian Congress and the Natal Municipal Association. The Natal Indian Congress in a letter dated 28th October, 1936 had offered as follows :-

- (a) That the Natal Indian Congress in compliance with the request of the Natal Municipal Association appoint six to ten representatives to meet the sub-committee of the Natal Municipal Association, to discuss the question of "areas for European occupation only" at a Round Table discussion.
- (b) That the proposed discussion would enable the Congress representatives to remove the fears possessed by members of the Natal Municipal Association of what is termed "Indian Penetration."
- (c) At the same time it would enable the Indian representatives to reiterate that the Indian community is categorically opposed to any scheme of racial segregation.

22. This offer of the Natal Indian Association is consistent with its standpoint and is in keeping with self respect of the Indian community. In any case the offer of a round table discussion has been rejected and a Commission of Enquiry appointed.

23. It is therefore obligatory upon the Indian community in Natal to repudiate this assurance. It is necessary that the full facts of the case be known to the leaders and people of India.

24. The assurance and undertaking are reprehensive in that they are a surrender of a principle and an admission of "guilt" without trial. The European community, the City Council of Durban, and the Union Government, are trying to have it both ways, namely the Judicial Commission and the Joint Committee which will in the meantime act as policemen and collector of evidence of penetration against their own fellows.

25. The objections to it have been properly put in the declaration of policy of the Congress as passed by the

resolutions../

resolutions of its committee at its meeting held on the 18th February, 1940 which reads:-

- (a) That the question of penetration is subjudice in view of the fact that the Union Government has announced the appointment of a Judicial Commission to inquire into the facts of the alleged penetration by Indians of predominantly European areas.
- (b) That the Natal Indian Association has not the right ~~nor~~ mandate to speak on behalf of the Natal Indian community, and that in the light of the terms of the assurance tantamounts to the acceptance of voluntary segregation by the Indian community. Further the establishment of the Joint Committee prejudged the issues to be enquired into by the proposed Judicial Commission.
- (c) That the Indian community is on principle categorically opposed to segregation in any form. The Cape Town agreement of 1926 is a vindication of this principle and as long as this agreement exists between the Union and Indian Governments any scheme of segregation is a violation of the spirit of that agreement.

26. The Indian community while categorically opposing segregation, denies penetration. Historical experience shows that people of the same race find it congenial to live together. The Indian in South Africa is no exception to this historical and human rule. In South Africa if there be any friction and departure from this principle it is largely due to the uneven and artificially created economic condition of the various groups that make up the population of this unhappy land. Added to this is the utter lack of civic amenities in the areas predominantly occupied by the Indian due to his having no voice in the municipal administration of the cities or towns.

27. That there is no penetration and that there are aspects of the case which call for a measure of social conscience on the part of the European community of South Africa are matters that will be amply proved by the Indian community before the proposed Judicial Commission.

28. A Provincial Conference of Natal delegates will be held by the Natal Indian Congress during Easter, 1940 and the repudiation, and objections to the assurance of the Natal Indian Association will no doubt be re-affirmed.

29. It is pertinent to ask whether freedom and democracy for which we are told the War is being waged against Nazi Germany, is for the European only, and not for the Indian. Is the promise of liberty and Dominion Status

to.../

(c)

to India only a catch to make her contribute limitless wealth from her poverty, and send thousand of her sons to die for the Allied cause?

30. Is it fair to ask whether the presence of General Smuts as the Prime Minister of the Union, the inclusion of Mr. J. H. Hofmeyr in the Union Cabinet are all of no effect against the reactionary element of this land.

31. That war, the contribution of India for the security of world peace, are no reasons for discontinuing the suppression, and the segregation by the Union Government and by an ultra British town like Durban of its Indian population. I submit that India should make the treatment of her children in South Africa the keystone of her relationship with this so-called free commonwealth of Nations.

32. It is on these grounds I appeal to the leaders of India in the Assembly and outside it, to ascertain whether in the light of these facts the Indian Government and its Agents in South Africa has exercised proper diligence and care in the negotiations that led them to make the Natal Indian Association to give to the Union Government this assurance and undertaking of betrayal and suicide, or perhaps it may be found that the Government of India considers the sacrifice of the economic, social, and political rights and interests of the quarter million Indians domiciled in the Union as of a lesser account than the necessity to save the British Government the embarrassment of two units of the Commonwealth being at variance at this critical juncture in the history of the British Empire.

33. In the meantime, I make a fervent appeal to all my friends in India and particularly to the Government of India that the charge which is theirs, namely the honour and dignity of India should not be allowed to be betrayed in South Africa at this critical point in the history of the world.

34. I urge in all earnestness that a deputation of distinguished public men with a knowledge of South African affairs such as the Rt. Hon. V. S. S. Sastri, Kunwar Sir Maharaj Singh, Sir Kurma Reddi and Sir Sayed Raza Alli and officials such as Kunwar Sir Jagdish prasad, Sir Girja Shanker Bajpai and Mr. G. S. Bozman should be sent out from India to this country to serve two ends; namely to assist the local Indian community to submit to the Judicial Commission a clear case compatible with its self respect as Indians and to place before the Commission the viewpoint and feelings of the Government and people of India on this question, and the deep affront that racial discrimination and proposals of segregation cause to the National dignity of India and to the dignity of Indians as human beings.

BHAWANI DAYAL SANNYASI,

JACOBS, Natal,

SOUTH AFRICA:



WHAT INDIA THINKS OF THE "ASSURANCE",  
OF THE NATAL INDIAN ASSOCIATION,  
AND THE LAWRENCE COMMITTEE.

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Supplement to the "Indian Views" 26/4/40.

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Dharam Yashdev, Secretary, Indians Overseas Department, of the All - India Congress Committee, has issued the following statement to the press :-

The semi - official news-agency, Reuters, has for a long time played strange tricks with Nationalist India. On the one hand our papers have to print all the trash that is sent to them from London and, on the other, the outside world is kept in darkness and ignorance about all that happens in this land of ours. "Its offices in London," wrote Pandit Jawaharlal Nehru not very long ago, "decide what is good for us to have, and a restricted measure of this is poured out to us from day to day". This alas, does not tell the whole tale. The offices of the Agency in Bombay and Delhi decide what is not to be sent out of India, lest the world outside gets an idea of the new and revolutionary forces that are working here to build a new India. A letter which we have just received from Bhawani Dayal Sanyasi of South Africa brings to us yet another example of what the semi official news-agency considers important and newsworthy, of what it considers unimportant and not news-worthy.

SEGREGATION :

" I have received your letter of 29th ultimo along with a statement of Mahatma Gandhi by air mail for which I thank you," writes Swami Bhawani Dayal in his letter dated February 28, from Bhawani Bhawan, Natal, South Africa. This statement had not reached South Africa through Reuter Agency," adds Swamiji, and therefore you have done a service to us by sending me a copy of it, which has received the widest publicity in South Africa".

The reference is to Gandhiji's statement about the race segregation legislation in South Africa, which he had issued to the press in the last week of January and in which he had given a serious warning to the Union Government and Dr. Malen, who had proposed segregation in the Union Parliament. This is how Reuter serves India and our cause!

Of course, every news agency has a right to decide for itself what is newsworthy or otherwise, but to ignore such a statement as one from Gandhiji, and a statement which was of so much importance to the hundreds of thousands of our brave compatriots in South Africa, is a clear indication of an unfriendly attitude of Reuters agency. All this about Reuters, however, is by the way and I have mentioned this only to give my countrymen an idea of the odds against our overseas compatriots in general and South African Indians in particular, where the conditions are growing from bad to worse every day.

HUMILIATING/

## HUMILIATING :

Swami Bhawani Dayal's latest letter to us not only gives an indication of how our overseas compatriots are kept in utter darkness about developments in India but it is also a new chapter of the long and sad story of their sorrow and sufferings. "We are passing through a critical period in South Africa", writes Swamiji, "Although the British Empire is engaged in the war, as claimed to protect the rights and interests of the weaker and small nations, the Union Government," says Swamiji, "is out to humiliate the Indian settlers in every possible manner. We are considered a danger of the white civilisation and therefore treated as untouchables"

Referring to the Natal Indian Association's assurance on the subject of "penetration into European areas," Swamiji writes: "I am sorry to state that a newly formed Indian organisation, the Natal Indian Association, has given an assurance to the Union Government that it will act as policeman to prevent their own brethren from purchasing any land in European areas. I may add here that the Agent for the Government of India, Sir Rama Rau, is mainly and solely responsible for this undertaking which amounts to acceptance of the principle of voluntary segregation".

## NEW PHASE :

From our various friends in South Africa we have received different interpretations of the meaning and implications of this assurance given by the Natal Indian Association. Whereas the group responsible for giving this assurance sees nothing wrong about it, Mr. A. I. Kajee, Secretary of the South African Indian Congress, declares that it is unfortunate that the Natal Indian Association should have precipitated matters by giving a somewhat clumsy undertaking on behalf of the community.

Swami Bhawani Dayal uses stronger words and his disapproval of it is more outspoken. He and the Natal Indian Congress have repudiated the assurance because "the question is subjudice in view of the fact that the Union Government has announced the appointment of a judicial commission to inquire into the alleged penetration by Indians into predominantly European areas. And, secondly, because the Indian community is on principle categorically opposed to segregation in any form. The Cape Town Agreement of 1926 is a vindication of this principle and as long as this Agreement exists between the Union and the Indian Governments any scheme of segregation is violation of the spirit and letter of that Agreement."

In spite of what others might say to us, the case as stated by Swamiji, is clear and conclusive. The assurance as given by the Natal Indian Association, is virtually a plea of guilt without trial, and amounts to acceptance of the principle of segregation. According to our correspondent, the Government of India's Agent has used his high office for dividing the community into groups and parties. This is a new, sad, development in the South African Indian politics.

And while all these controversies go on, while the different groups and parties of our South African compatriots quarrel and quibble over legal, phrases and technicalities their enemies are busy pursuing the policy of ruthless persecution, racial prejudices, insults and humiliations.

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The Natal Indian Congress is calling a provincial conference of delegates from all Natal centres early this month to consider the latest developments and prepare the Indian case for submission to the judicial commission. The results of the deliberations of this conference shall be keenly awaited by us all, and we hope their decisions will be unanimous and their resolves firm.

ACT AS ONE MAN :

Today the plight of our countrymen in South Africa is sad. Like our compatriots in Burma and Ceylon and elsewhere, they too are suffering insults because Mother India's arm cannot go out to help and protect them. This does not mean that we are oblivious of their pain and sorrow. The Indian National Congress, in spite of its preoccupation at home with the bigger problem of the country's fight for freedom, is keenly watching the conditions of our South African compatriots, and today, when the agents of Imperialism are dividing the community into groups and parties, we should like to remind them of the following message of our leader, which he sent them through Harijan not very long ago:

"Whether our countrymen in South Africa have to take up passive resistance or not, there is no doubt that they will not be able to vindicate their position if they cannot close their ranks and act as one men and act unselfishly. Their corporate existence cannot be maintained with honour, if individuals, in order to serve their selfish ends, compromise the country's interest and honour." We hope our friends in South Africa will take a note of these words of warning and advice.



OUR MEN OF MUNICH

THE ROLE PLAYED BY THE NATAL INDIAN ASSOCIATION  
OFFICIALS

by

DR. Y. M. DADOO

Leader of the Nationalist Group of the  
Transvaal Indian Congress.

Extract from "Indian Opinion" - 26/7/40.  
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The latest developments on the Natal Indians' political arena are so significant and fraught with such grave dangers to the future of our community that the masses of our people are unhesitatingly called upon to sit up and take notice of the new turn of events and, after a careful study of the situation, to take such steps and measures as may be deemed necessary owing to prevalent circumstances, to counteract and prevent a deterioration from setting in in our existence as a community in this country.

The amalgamation of the two foremost rival political bodies of Natal, namely, the Natal Indian Congress and the Colonial Born and Settlers' Indian Association, into one united organisation, was hailed by every honest Indian throughout South Africa as an event which foreshadowed a united community facing and struggling against all dangers, handicaps and obstacles in a united fashion. One grew more confident that at last the time had come when the Indian community would be in a better and stronger position than ever before to carry on its fight against all the unjust, discriminatory and disabling laws under which it has to labour, and to successfully assert its right as free and equal citizens of the State.

Messrs. Sorabjee, Christopher and Co., who were prominent in the unity manoeuvres, made a trip up the North in the first week of July and actively participated in the proceedings of the mammoth gathering of Transvaal Indians held on Sunday, July 9, 1939, and pledged their support to the grave decision of 6,000 Indians to embark upon passive resistance against the Asiatics (Transvaal Land and Trading) Act of 1939. They manifested their enthusiasm for the struggle and against the policy of compromise and expediency advocated by some, to such a great extent, that they went so far as to stage the most memorable meeting of Natal Indians held for a long time, in the Durban City Hall on July 22, to pledge the moral support of Natal Indians in the passive resistance movement of their Transvaal brethren. The fearless and brave attitude and the militant lead given by Messrs. Sorabjee, Christopher and Co., won for them the approval and confidence of the Natal Indians, and the latter began to feel that they now possessed leaders who were capable of expressing their will and of leading them on to the right path.

I remember addressing a meeting in Durban towards the latter part of July, at a time when the Unity move was at its height. I spoke in support of those leaders who were trying their utmost to bring about Unity. I said: "I appeal to you, my brethren, to support Mr. Sorabjee Rustomjee and his associates in their effort to bring about unity because it is only through unity that we shall be able to achieve our goal. But I say this, that if these leaders fail to fulfill their promise or betray your confidence in any way, then you must not hesitate to kick them out. You are the supreme tribunal of the community."

This new spirit of confidence swept through the whole of the Province and Messrs. Sorabjee, Christopher and Co. were unanimously put at the helm of affairs to lead the community. But alas! the action of these leaders, subsequent to their taking office, forms the most despicable chapter in our history.

At that time when Europe was embroiled in a most ghastly war situation, the jingo Englishmen of Natal, who professed to be the champions of democracy and justice, started the most undemocratic agitation against the alleged penetration of European areas by Indians and they demanded that the authorities should take immediate steps to stop this "menace." The Indians of Natal were calmly confident that the leaders of the Natal Indian Association would be competent and honest enough to face this dastardly attack and be able to knock some good sense into the swollen heads of the English squires who deliberately try to forget that the Garden Colony of Natal and their wealth were both created by the blood, sweat and toil of the Indian labourers.

But the trust of the Indian people was betrayed. The leaders of the Natal Indian Association gave what must be termed the most dishonourable assurance ever given by responsible Indian leaders in this country.

At this stage one recalls most vividly the Appeasement Policy of Chamberlain made valid at Munich a year earlier. This policy, pursued in the interest of the capitalist ruling the clique of Britain wrought such havoc to the integrity of democracy that Messrs. Chamberlain, Daladier and Co., have ever since been infamously called the "Men of Munich". The shameless assurance given by Messrs. Sorabjee, Christopher and Co., exposed to public view "Our Men Of Munich".

The swift way in which the militant leaders of the Natal Indian Association received the recognition of the Indian Agency and the Union Government and the "hand-in-glove" manner in which the officials of the Association and the Authorities so harmoniously worked out a "compromise", make one suspect that these results could not have been achieved without prior secret parleys and conclaves between the leaders of the Natal Indian Association on the one hand and the Indian Agent-General and the authorities on the other. Bearing these factors in mind, one could hardly escape the conclusion that the acceptance of the Penetration Commission was the price that the Sorabjee clique had to pay for the official recognition of the Natal Indian Association by the Indian Agency and subsequently by the Union Government.

Hardly had the full significance of this betrayal dawned on the people when a second one, greater in its ruthlessness and more blatant in its utter disregard of public opinion than the former, was inflicted on our brethren in Natal. The second betrayal took place on the question of war. An important resolution purporting to offer the services of the Natal Indians in the present war without attaching any conditions thereto, was approved by the Committee of the N. A. Association despite the energetic and commendable opposition of a powerful minority group. But when this resolution was presented to the masses for confirmation at a mass meeting held on June 9th the minority section, which had by now grouped itself under the name of the Nationalist Bloc of the N.I.A., moved an amendment offering the services of the community only on certain definite conditions. The amendment received the overwhelming support of the meeting and yet the officials of the N. I. Association had the base temerity to violate, in the most flagrant fashion imaginable, the decision of the masses by declaring that the resolution was carried. Such dictatorial action on the part of the officials cannot and should not be allowed to go unchallenged.

One of the 'mighty men' of Natal, who takes pride in calling himself the "champion of the workers", had the nerve to utter, during his speech, words to the effect that "we should be thankful to the Europeans for allowing us to exist in this country". If these words were spoken by an ordinary Indian, he would have been taken as an inveterate fool, but when the words are uttered by a responsible leader, one has no hesitation whatever in declaring that such a person is not worth a burnt match to lead his people. One is confident that the Indian workers of Natal shall not tolerate for long such a mean insult on the integrity, honesty and powers of their hard work and labour.

Not content with this, Messrs. Sorabjee, Christopher and Co. continued merrily along on their mad career of chauvinistic opportunism and fascist dictatorship. They have, with the support of their "yes-men" in the committee, resolved to expel the followers of the Nationalist Bloc from the committee.

The Indians of Natal should consider themselves very fortunate that, at a time when bold and honest leadership was required, a courageous body of men under the name of the Nationalist Bloc, has emerged to take up the responsible and difficult task of giving that lead to its people. From the moment of its formation up to the time of writing, the Nationalist Bloc has acted with commendable restraint and a deep sense of responsibility in the face of fierce provocation and, at times, mean and unjustifiable opposition.

In the final analysis, the latest events prove beyond doubt that the officials of the N. I. A. have betrayed the sacred trust reposed in them by the masses and that by their action they forfeit their trust.

The immediate and urgent task before the Indians of Natal is to get rid of these "Our Men of Munich" from the position of trust and replace them with a collective leadership which shall be able to carry out their desires and decisions with a tenacity of purpose and faithfulness of

conviction which are only born of complete faith in the determination and militancy of the masses to struggle and sacrifice all for freedom and independence. In this task the Nationalist Bloc shall play its entrusted role.

• The first step in the fulfilment of this task is for every Indian throughout the length and breadth of the Province to rally round the banners of the Nationalist Bloc and so conclusively prove to "Our men of Munich" that the decision of the masses is more powerful and more potent than the ambitious, self-interested dictatorship of a few.

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EXTRACT FROM INDIAN OPINION

DATED 26/7/40.

--: AGAIN THAT PENETRATION QUESTION :-

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The draft report of the joint committee of the Durban City Council and representatives of the Natal Indian Association on the so-called penetration of Indians into predominantly European residential areas, known as the Lawrence Committee, submitted by the Town Clerk, Mr. E.B. Scott, reveals what a farce is made of Indians at the expense of their national self-respect and how our responsible leaders glory in co-operating with such an affair instead of vehemently protesting against the uncalled-for insult hurled directly at the Indian community of South Africa and indirectly at the whole Indian nation by inaugurating a policy of trade and residential segregation.

Perhaps, as in the case of offering the services of Indians in the war, in this matter too, our leaders have felt that we are living by the grace of the White people in this country and there is, therefore, no other alternative but to bow to what they desire us to do.

What pains us more, is the defence an Indian member of the Committee, who does not wish his name to be disclosed, has deemed in his duty to put forward on behalf of the Committee. Speaking of the constructive side of the Committee's work, this Indian member refers to the allotment to be made of suitable residential sites for well-to-do Indians. He speaks as though that were to be taken as a great boon and a blessing bestowed upon Indians by those whose grace they are privileged to live in South Africa.

The sweat, the blood, the money of the Indian is acceptable to our "benign" White rulers of this country, but his presence is objectionable to them. How we can submit, nay, subscribe to this humiliation imposed on us is beyond our comprehension.

Whether it be the Lawrence Committee or the Indian Penetration Commission, they are both repugnant to the Indian community, in that, they brand them as an inferior race. It is stated that the Lawrence Committee and the Indian Penetration Commission, are two different things and have no bearing with one another. That is fallacious. Both are to deal with the so-called penetration of Indians in predominantly European areas, and the Lawrence Committee is one worse because, it presupposes penetration on the part of Indians and goes directly to deal with it, without any enquiry, by allotting suitable residential sites for well-to-do and ill-to-do Indians. And in that, the leaders of the Natal Indian Association are collaborating with the authorities.

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The Indian Penetration Commission is inquiring as to whether such penetration has taken place and, if so, to what extent. In doing so, it is fully justified in acquainting itself with the activities of the Lawrence Committee. There is nothing irrevelent about it as the Indian member of the Committee would wish the people believe.

But the fact which is wholly lost sight of is, that there is no such thing as penetration at all; and if there is such a thing, Indians are not anywhere near as guilty as the White people, who are clamouring about penetration, of having penetrated into Indian localities. The mere handful of Indians who have occupied properties in predominantly European residential areas have become an eyesore while nothing is said about Indians being wiped out from predominantly Indian residential areas. It is a pity that the Commission has not been summoned to investigate such cases.

If there is one thing that the present war should teach us all it is to cease making these invidious distinctions based on race and colour. If, instead, the purpose of this war is to perpetuate these distinctions, the principles for which the war is declared from house tops to have been waged, have no meaning. Lord Halifax, the British Foreign Secretary, the other day, replying to Herr Hitler, said, that Hitler was violating the fundamental principles of Christianity. The cause for which Britain was at war, he said, was to resist things that cannot be according to God's will. He described the war as being a crusade for Christianity. If Christianity stands for the colour bar that exists to-day in South Africa then that sort of Christianity is not worth having. If it is God's will to discriminate between man and man on the basis of his race or colour, it might as well be said that it is God's will that Hitler should rule the world. If people are to have faith in this war, that it is a war for truth, justice and freedom for all, then let these be put into practice here and now. If that cannot be done, those who consider the war to be a war for the perpetuation of Imperialism in this world and are, therefore, loath to offer any help, are fully justified in adopting such an attitude. And those who are offering help in such a war are guilty of helping in perpetuating Imperialism and are thus becoming traitors not only to their community and to their country but to humanity.

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## ANTI - INDIAN JIHAD

### PENETRATION ENQUIRIES IN S. AFRICA.

Extract from the "Hindustani Times"  
27th June, 1940.

-: By Mr. Dharam Yash Dev :-

War or no war, the anti-Indian jihad in South Africa goes on as ever. Amerys and Churchills in Whitehall may have talked of pleasing or pacifying India but the White Lords of Capetown and Natal think otherwise. And today, even at this critical juncture in the history of mankind when not only Great Britain but the whole of the Empire, including South Africa, are engaged in a life and death struggle, the Union Government is able to find time and leisure and resources to appoint committees and commissions to harass and persecute the Indian section of the Union population. It is tragic.

For almost a quarter of a century, in the Union Parliament, have come up proposals and Bills for the segregation of Indians to small restricted areas of their own and not allowing them to live in close proximity with the White Lords. Since a Bill of this nature was first proposed in the South African Assembly, various party governments have come and gone and Ministers and Cabinets have been made and unmade but the segregation idea has not died. It has grown and flourished! Various measures, each succeeding Bill being more thorough and more drastic than the previous one under different names and slightly varying labels, have come up before the Assembly. But because our countrymen in South Africa have always put up a bold fight and opposed every such measure the segregation schemes have not yet become the law of the land.

### FOUR-FOLD DIFFICULTIES

South African Indians are today faced with a four-fold difficulty. They cannot own land. They have to live and trade in restricted areas, segregated from the Europeans. They have to take out trade licences before they can do any business and in this they live at the mercy of the White officers. They have no franchise, either municipal or political. But these are only the "main difficulties". Their daily life is an endless story of restrictions and insults. There are petty restrictions on the railroads, in the tram cars and even on the foot-paths. Many hotels and restaurants are closed to them.

### DESIGNS TO DEGRADE

But today further efforts are being made to drive the screw deeper. Of course the Government of the day does its best to keep up appearances. Committees and commissions are promised and appointed - all as mere eyewash - only to endorse and approve the designs and schemes of the anti - Indian groups and parties, the designs and schemes to degrade the Indian and "to keep him for ever as hewer of wood and drawer of water."

The latest of these "eye-wash" enquiry committees was appointed only a few weeks back. This, perhaps, will be the final phase of that tussle and tug-of-war that has been going on over the "penetration" question for more than twenty years. This is how the story goes: An Asiatic Enquiry Commission was appointed in 1920 which toured throughout the Union and heard evidence from local authorities, members of Parliament and many European organizations. The Committee came to the conclusion that the allegation made against the Indians were baseless: They wrote:

"We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the Europeans."

#### MORE COMMITTEES

But there was no end to the agitation. In 1924, the Union Government introduced the Class Areas Bill, another measure to segregate Indians within specified areas. This Bill had to be shelved as the Government of the day had to resign. Two later came up the "Areas Reservation Bill". Long discussions and debates followed. In 1927 the two parties, the Union Government and the Indian community, concluded the famous Cape Town Agreement, which was hailed by our nationals as their "Magna Charta."

It marked, or at least it was supposed to mark, a new era of friendship between the two communities. By this agreement, the Union Government acknowledged as a part of its permanent population the Indian who had so far been treated as an alien. But these hopes were never fulfilled. It was a short-lived make-believe. The years 1938 and 1939 saw the repetition of the old threats. Dr. Malan and Mr. Stuttaford were once again on the war path.

Now the present Minister of the Interior, Mr. Lawrence, has announced yet another commission, the terms of reference of which are as follows:-

"To enquire into and report whether, and if so to what extent Indians have, since January 1, 1927, commenced occupation of, or acquired, sites for trading or for residential purposes in predominantly European areas in the provinces of Natal and Transvaal and the reason for such occupation or acquisition."

#### VARIOUS PROTESTS.

What will be the outcome of this particular enquiry remains to be seen. But these pin-pricks, these humiliating proposals and tactics which have become cyclic have again raised a storm of protests from the South African Indian community, who are again and again reminded .../

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reminded of their inferior status. Vigorous protests have come from the South African Indian Congress and other progressive bodies of Indians in the Union. The Nationalist Group of the Transvaal Indian Congress is definitely against the appointment of such a commission, because, as they say in their latest Press statement, this appointment presupposes guilt on the part of the Indian community.

In a letter which the leader, of this group has addressed to the Minister of the Interior he says: The aim of appointing the Commission is to clear the way for imposing further unjust and unwarranted restrictions on the already meagre and highly unsatisfactory rights of movement, trade and residence, possessed by the Indian people in the provinces of Natal and Transvaal."

The case as stated by our Nationals is clear. But still the Indian Government goes on with its preconceived plans and proposals, heaping insults and humiliations on Indians most of whom were born in South Africa and who know no other home but South Africa and where they have lived and worked for decades.

#### CRITICAL SITUATION.

The situation is critical. Nearly two and a half lacs of Indians face extinction. Again and again their cry of anguish and pain has reached us. They are determined not to submit to such unjust policies and proposals. They are determined to fight and launch a struggle, if necessary. We hope, our countrymen at home, so many crores of us, though otherwise busy and preoccupied with other and bigger problems will not forget these things or remain indifferent to the sufferings and sorrows of our compatriots in South Africa.

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## DURBAN'S GROWING PAINS : A RACIAL PROBLEM.

Professor Raymond Burrows

Department of Economics and Economic History  
in the Natal University College

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The adjustment of a rapidly increasing population to an urban area presents many industrial, economic, and social difficulties, even in the best-regulated municipality.

When to these are added, as in Durban, racial prejudices and commercial jealousies, any rational solution must be even more complicated, if only because an emotional setting and an absence of clear thinking accentuate the tension.

It is unnecessary to dwell on past controversy, but last year a considerable outcry was raised by some Europeans in Durban against an apparent flow of the Indian population into residential areas which had hitherto been regarded as exclusively European.

### CAUSES:

Three important underlying factors in this and similar problems in Durban are:-

1. Natural growth of all sections of the population.
2. Urbanization and growth of Durban as a city.
3. These and other changes taking place cause movements of groups within given areas.

The first fact which must be admitted is that European, Native, and Indian populations are all growing. It is possible that Durban is growing a little too rapidly to guarantee smoothness in the organisation of its expanding municipal responsibilities. The 1932 incorporation in particular gave Durban an enormous task, if only because it increased the Indians in Durban by over 50,000.

Hence, Durban's growth is due partly to its natural increase of population, partly to incorporating existing population areas, and partly to the "drift to the towns". These are disturbing forces to which must be added the ousting of residential areas in the centre by business premises, shops, and offices. Strains and stresses are only to be expected.

Such changes are seen in every city development, but Durban's growing pains seem worse than those of other towns because they involve a shifting of racial as well as other groups.

A study of the problem must refer also to the movements of various groups of people. As a rule, human beings like to form themselves into groups based on some common factor, such as similar habits and standards of life. The greater the number of common cultural associations, the greater the homogeneity of the locality. Differences in education,

culture .../

culture, race, or religion will, in our present stage of civilization, cause friction and probably difficulties.

Reasons for objections to neighbours are that they may be less tidy or may be noisier, or may have different customs. But this is noticeable even in the same community, e.g. the European community, where the use of a knife instead of a fork in certain delicate operations of manipulating food may create an almost insurmountable social barrier. The correct use of "h" is another password to a social group. Most Europeans make rigid distinctions between their own rich and poor, and object to any neighbours, with a lower standard of life, whatever their race or colour. But they are inclined to regard all Non-Europeans not only as identical, but all as equally poor and uneducated. The race and colour differences bring these objections to a state of intolerance. Yet Europeans allow, even encourage, people of other races to carry out household duties, drive their cars, and work in their businesses.

The colour-prejudice may be illogical, doubtless partly due to fear, but it must be regarded as a factor which cannot be minimised and one also which will persist for some time yet. It must therefore be accepted as an overriding influence in any short-period solution which may be suggested.

Another factor which requires careful study and intelligent handling is the influx of groups from outside. Workers from mining areas and from the country increase the so-called "drift to towns". For Indians, as for Europeans, this is due less to the offer of attractive employment, or even of any employment at all, than to economic pressure driving them off the land. The reduction of such "drift" is not to be solved by drastic restrictions but by the creation of agricultural possibilities for Indians, in sugar, bananas, and market gardening.

The above factors resulted in a 184 per cent. increase in the Asiatic population in urban areas in the Union (largely Natal, and largely Durban) between 1921 and 1938. Indian population was nearly trebled as against a 95 per cent. increase in urban Natives, and 54 per cent. in urban Europeans. In 1921 two-thirds of the Indian population were rural, and one-third urban, whereas in 1936 one-third was rural, and two-thirds urban. It should of course be remembered that Durban's incorporation in 1932 classified large numbers as urban residents though they had been part of the urban economic structure for some time. However, the inevitable result of these changes was to accentuate slum problems both inside and outside the town, to cause some filtering of "penetration", and to aggravate urban unemployment problems.

But in any case districts change in relative desirability. Some localities become less attractive than areas newly developed in the fresh charm of the neighbouring countryside. Some Europeans leave the Berea for areas ten to twenty miles away, others are filtering in to take their places. In some areas values fall, and here and there members of other income groups enter, perhaps an occasional Indian family.

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Also very naturally Indians grow in numbers and in wealth. They also like to move into better neighbourhoods. Their problems are very much more serious than those facing Europeans. For one thing, since 1922, the existence of an anti-Asiatic clause in the sale of municipal land forces Indians into areas already long and fully settled. Also an anti-Asiatic clause affecting Morningside, Stellawood, and Durban North, excludes expansion in new areas. Another obstacle to development may be the high initial cost of opening up new housing sites, especially in Indian areas. The owner must provide new roads and pay 15 per cent. to the municipality for taking over responsibility for maintenance.

#### PENETRATION:

"Penetration" in its relation to, and effect on, (1) Ownership, (2) Residence, and (3) Commercial speculation can now be examined against the background so far outlined and from two aspects, (A) that of the group, (B) that of the individual.

(A) GROUP PENETRATION: One group's occupation of an area previously occupied by another group can first be examined. In Durban there is no instance of a group of Indians living off its own cultural associates and occupying a block of property forming an Indian island. Instead, the reverse has taken place in Durban North.

Bordering the Greyville Racecourse is an area which was once European in character and is now becoming an Indian locality. This constitutes a natural expansion from the Grey Street area. But it could not have taken place if Europeans had not voluntarily left the area. In Wards 2 and 7 there have been one hundred or so transfers of European-owned property to Indians during the last two years; on the other hand, certain Indian properties have been surrounded by European developments. Twenty years ago there were thirteen or fourteen Indian-owned shops in West Street, to-day there are only five. They have decreased by two in the last ten years. To-day the Turf Club wants additional ground for training purposes, and Springfield is an ideal site. Here, for years the Indian has fought against reeds and swamp conditions and has now tamed that valley and made of it a socially productive asset. But the Indian has no security of tenure, therefore he must go.

The valley to the west of the Bluff, a patch-work quilt of market gardens, similarly reclaimed from swamp conditions, may be wanted for Durban's industrial development. Expansion and change are inevitable, but it will be a tragedy if a lack of foresight and intelligent planning eventually results in an unnecessary crop of human suffering and maladjustments.

(B) INDIVIDUAL PENETRATION: It would be difficult to find an instance where a European had elected to buy property and reside within an accepted Indian area. The reverse has taken place to the extent of some ten properties so purchased and occupied.

Very briefly the motives that prompt individuals to remove from their own areas to others, for residential purposes, are as follows:-

1. The desire to improve their social standing.  
The European has done so much in Natal to

impress../

impress a sense of the importance of this on the Non-European that he can scarcely complain if the Non-European has absorbed a little of it.

2. The desire to challenge ideas of race inferiority.
3. The right of the rate and tax-payer to enjoy the amenities of his town, whether naturally or municipally provided. This is particularly so where there is an absence of adequate sites, houses, amenities of roads, or lighting.
4. Resentment at any restriction on freedom of choice in the matter of the neighbourhood of one's home.

There is of course the political aspect of Local Government. Indian owners of freehold property and Indian tenants are not allowed to participate in electing the Council which is solely responsible for the expenditure of money derived from rates and taxes. In Westville, Indian rate-payers probably constitute 70 per cent. of the total.

#### REMEDIES:

1. If Europeans do feel very strongly about so-called penetration then they and the European property agents should loyally undertake not to sell property within the borough, without ascertaining whether the transfer would harm the relations of the two communities. Similar undertakings could be made by the Indians.

Any drastic prohibition of acquisition of property by Indians would be unjust. Where this was practised, but where letting was allowed, it would be easy for a European to lease at exorbitant rentals to Indians.

2. Improvement of roads, lighting, and other amenities in the existing Indian localities, combined with steps taken to raise the Indian standard of life, especially in the old borough.

3. Other obvious remedies would be the building of sub-economic houses for Indians, and the granting of municipal loans to Indians for house-building. It might even be possible to encourage Indians to build on municipal land, using municipal plans and working instructions, perhaps using material either made by the municipality using Indian labour or bought in large quantities, and working under the supervision of municipal engineers and architects (as in Stockholm). Municipal Indian employees might be given a sample site to lead the way. Further, enthusiasts in the Indian community might seek the help of the City Council in establishing well-planned and well-managed suburbs for various classes of Indians, something on the lines of housing corporations and public utilities.

#### THE PRESENT POSITION:

The agitation between the two communities has resulted in the intervention of the Government.

The Minister has appointed a judicial Commission to investigate the facts of alleged penetration. If, as one section of the Indian community contends, there has been no penetration, then the Indian need have no apprehension about the findings of such a Commission. To the European it will mean.../



mean the allaying of unfounded fears.

If the allegation is borne out, then on its extent will depend the measures necessary to deal with the situation. It is unlikely that it has assumed proportions to justify a statutory settlement.

As there was a danger of speculative purchase of property during the interim period, the Minister suggested a Joint Committee instead of interim legislation, its whole purpose being to maintain a status quo pending the investigations. The Joint Committee would not merely try to prevent Indian purchase in predominantly European residential areas, but also it would provide the machinery for consultation and collaboration in regard to housing in general. Machinery has been set up which can usefully discuss housing sites, and amenities. This must be a step more in the right direction than in the wrong direction. This is an advance on the voluntary undertaking to endeavour to restrict purchases by Indians given by the Natal Indian Congress in June 1936. The Council and its Housing Committee would certainly obtain a greater insight into the housing needs and other difficulties of the Indian community.

The only solution to our problems is a move towards greater co-operation. Hence, any co-operation between an Indian Committee and a Committee of the City Council will not only be useful in its own sphere but it may easily mark the beginning of very important machinery of contact between the two communities. Both will learn from the other and in the process acquire not only knowledge but tolerance.

#### FACING THE FACTS:

Even if we were able to contemplate compulsory deportation of Indians, it is clear that no matter how grudgingly we may admit it, we owe them a debt of gratitude, since the prosperity of the coal mines and the sugar industry is founded on the indentured Indian labourer.

Such a plan would not be feasible, since more than half of the present Indian population were born here and have no other home. Further, the spending power of nearly 200,000 Indians in Natal is important to business, while the removal of all Indian labourers, with their ability to perform delicate mechanical and semi-skilled work would be disastrous to industry as a whole. Almost similar disadvantages would accompany any scheme of gradual deportation.

It is only by mutual co-operation, and a better appreciation of each other's conditions, fears, and hopes, that we can hope to attain any solutions of our many problems which will and must be in the best interest of both races.

We may not realise fully that our Commonwealth is passing through a serious crisis, and requires the unselfish loyalty of all its peoples. Further, if the war ends as we hope it will do, countries and races must establish better relations when peace comes, if peace is to be permanent and if humanity of any colour or culture is to survive.

Penetration and segregation are trivial things in the  
light ../

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light of the wider issues that surround us. In any case it is impossible to discuss them in isolation. They are part of wider developments and of inevitable changes. There is no solution which does not also include remedies of housing, education, purchasing power, civic amenities, and many other such factors.

No human problem is insoluble. Both Indians and Europeans must treat this and other difficulties with open minds, with tolerance, and with good-will.

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- (a) Extract from City Council's meeting
- (b) Memo by Indian Representatives on Lawrence Committee
- (c) Memo by Town Clerk
- (d) Report of Lawrence Committee to the Indian Penetration Commission
- (e) Indian Penetration Commission

EXTRACT FROM MINUTES OF CITY COUNCIL

MEETING HELD ON 23/1/40.

(1) ASIATIC PENETRATION:

This Committee (General Purposes) reported to the City Council with regard to Asiatic Penetration, following on the motion by Councillor S. M. Pettersen, which was referred to the Committee by the City Council. The City Council on 10th November, 1939, adopted the following resolution :-

"That the City Council views with alarm the continued penetration of Indians into purely residential areas; the Council feels that some powers of restriction should be granted to it and to this end urges that a Government Departmental Enquiry Committee should be appointed to enquire into the extent of penetration and the best method to curtail and prevent such penetration in future."

The foregoing decision of the City Council was duly communicated to the Secretary for the Interior, Pretoria, and the following letter dated 5th December, 1939, was received from the Secretary for the Interior :-

"I have to inform you that on the occasion of his recent visit to Durban, the Minister of the Interior discussed with representatives of the Natal Indian Association the question of alleged penetration into predominantly European residential areas by Indians in Natal.

"Following this discussion, the Association passed a resolution (copy attached) which aims at co-operation between a Sub-Committee of the Association and the Housing Committee of your Council in preventing as far as possible the purchase of any property by an Indian in a predominantly European residential area in Durban.

"The Minister would appreciate your Council's comments on the resolution and would be glad to learn whether it is prepared to lend its support to the proposal and co-operate as suggested. An early reply is requested."

The resolution adopted by the Natal Indian Association and referred to in the letter from the Secretary for the Interior, reads as follows :-

"This resolution records its appreciation of the interest shown in the Indian Community by the Hon. the Minister of Interior so soon after the assumption of office, and to afford it the opportunity to meet him, inter alia, on the question of the alleged penetration into

predominantly.../

predominantly European residential areas by Indians, in Durban.

"Subject to confirmation by a General Meeting, this Association resolves that while the Indian Community is opposed to segregation or separation of races, it is, however, prepared, with a view to the establishment of more cordial relations between the two communities, to do everything in its power to prevent the purchase of any property by any Indian in a predominantly European residential area.

The Association readily accepts the suggestion of the Hon. the Minister that it should appoint a Sub-Committee to work in close co-operation with the Housing Committee of the Durban City Council. This Association firmly believes that this step will, enable the City Council to obtain a closer insight into the housing needs and difficulties of the Indian Community and the lack of Municipal amenities, and based on mutual goodwill and understanding, it will ultimately result in a satisfactory solution of the alleged problem of Indian penetration in predominantly European areas. If the Hon. Minister's proposal is accepted by the City Council, a Sub-Committee of the Association will be appointed immediately with powers to collaborate with the Housing Committee of the City Council." (In Indian localities).

Following on consideration of this matter, this Committee reported to the City Council that in view of the past experience of co-operation between the Natal Indian Congress and the City Council being unsatisfactory, no good purpose would be served by agreeing to the proposal of the Natal Indian Association as contained in the letter from the Secretary for the Interior dated 5th December, 1939. This Committee also recommended that the Hon. the Minister of the Interior be requested to implement his undertaking given at the meeting of the Council-in-Committee on 22nd November, 1939, to appoint a Committee of Enquiry.

The City Council at its meeting on 12th January, 1940, referred back this Committee's recommendations for further consideration having regard to the telegram received by the Mayor from the Minister of the Interior dated 11th January, 1940. The Council also agreed that the deputation proceeding to Cape Town to interview Ministers on other Municipal matters be authorised to interview the Minister of the Interior on Asiatic Penetration and report back to the General Purposes Committee.

We set out in extenso the report submitted to this Committee on behalf of the Deputation :-

"1. The.../

"1. The deputation from the City Council which has recently been in Cape Town met the Honourable the Minister for the Interior in Cape Town at 9.30 on Thursday, 18th instant.

"2. The Honourable the Minister informed the deputation of the Government's decision to appoint a judicial Commission with terms of reference which would require it to investigate and report upon the true facts in regard to the alleged penetration by Asiatics of both European residential areas and European trading areas. He gave an assurance that the work of the Commission would not be delayed and that it would be required to report within a stated time. He indicated that six months of the date of this appointment would probably be fixed in this connection. The Minister emphasised that the Government was fully alive to the seriousness of the position and is determined to explore every possible avenue in an endeavour to arrive at a lasting solution of the problem. The allegation that penetration into European areas existed either at all or to the extent represented, was denied by the Indian community and as a first step it was necessary therefore that it should be established beyond question whether and if so to what extent such penetration was actually taking place. It was for this purpose that the Commission was to be established.

"3. In the meantime the Minister most earnestly desired that a Joint Committee should be set up consisting of representatives of the City Council and the Natal Indian Association. He explained that he did not mind a joint Committee with terms of reference which would enable it to deal with the problems in a spirit of friendliness and goodwill. He explained to the deputation the reasons for which he desired a joint Committee of this kind to be established and he gave an assurance that the establishment of a joint Committee of this kind would not in any way effect or delay the progress of the Government's other proposals.

"4. The Minister was prepared himself to frame the terms of reference of such joint Committee and he has since his meeting with the deputation sent a telegram simultaneously to both the Corporation and the Natal Indian Association in the following terms :-

" 'In connection your interview 18th instant with Minister regarding Indian penetration into European areas Minister desires me notify you of terms of reference of postponed Committee as follows: Begin The Natal Indian Association having expressed its willingness to co-operate with the Durban Borough Council in preventing the acquisition by or on behalf of Indians of property in areas within the Borough of Durban which are wholly or predominantly occupied for residential purposes by Europeans. It is therefore agreed that Committees will be appointed by the Durban Borough Council and by the Natal Indian Association respectively which will co-operate by joint consultation and otherwise in respect of specific instances of such intended acquisition and generally in respect of matters having a bearing on this problem which both Committees accept as appropriate for consideration in this way.'

"5. In all the circumstances and having regard to its interview with the Honourable the Minister, the deputation recommends that the Council should agree to the establishment of a joint Committee upon the basis set forth in the Minister's telegram."

Having regard to all the circumstances in the discussion which took place between the deputation from the City Council and the Hon. the Minister for the Interior at Capetown,

COMMITTEE RECOMMENDS -

(a) APPOINTMENT OF JUDICIAL COMMISSION :

(i) That the City Council accept the proposal of the Government to set up a Judicial Commission of Enquiry to determine whether, and if so to what extent, Asiatic Penetration of predominantly European areas (both in regard to property and trading rights) exist in Natal, and that the Council's thanks to the Hon. the Minister of the Interior for the active interest he has displayed in the matter be conveyed to him.

ADOPTED.

(5)

(ii) That the Town Clerk be directed to take in hand the arrangement and presentation of the City Council's case to the Judicial Commission and that he be authorised to make such arrangements and to take such steps in regard thereto as may be necessary.

ADOPTED.

(iii). That the Town Clerk be authorised to engage such additional staff and arrange such additional accommodation therefor as may be necessary for the proper performance of the work involved. (Vote 16/1/2/312 - £216 Ex.F.C.195.)

AMENDED AND ADOPTED.

(b) ESTABLISHMENT OF JOINT COMMITTEE :

(i) That the City Council agree to the appointment of a Joint Committee, composed of an equal number of representatives of the City Council and the Natal Indian Association, for the purposes and with the terms of reference suggested by the Hon. the Minister.

AMENDED AND ADOPTED.

(ii) That the following four Councillors be nominated as the City Council's representatives upon such Joint Committee :

His Worship the Mayor (ex-officio).  
Councillor A. L. Barns,  
Councillor H. G. Capell, and  
Councillor A. H. Youngleson.

AMENDED AND ADOPTED.

(iii) That the offer of the Hon. the Minister of the Interior to be present and to preside at the inaugural meeting of the Joint Committee be gratefully accepted.

ADOPTED.

Councillor Pettersen moved as an amendment, seconded by Councillor Kemp :

"That the City Council of Durban request the Government of the Union of South Africa to introduce legislation into the Union Parliament without delay on the lines of the scheme outlined by the Hon. the Minister of the Interior (the Hon. Mr. R. Stuttaford) at a meeting with the deputation from the Durban City Council on 7th December, 1938, and which outlined legislation endorsed by the Executive Committee of the Natal Municipal Association at its meeting on 19th December 1938, vide the letter from the Hon. Secretary, the Natal Municipal Association, on 6th January, 1939, to the Hon. the Minister of the Interior."

RESOLVED (6)../



(6)

RESOLVED:

That the recommendations of the General Purposes Committee contained in Section 1 of the Report (Asiatic Penetration), be, and they are hereby adopted, subject to the expenditure under recommendation (a) (iii) being a charge against Vote 16/1/2/302, vide Special Report of Finance Committee, and that recommendation (b) (ii) be amended to provide for the following six Councillors to serve as representatives of the City Council on the Joint Committee :

His Worship the Mayor (Councillor R. Ellis Brown).  
Councillor H. G. Capell;  
Councillor J. M. Harris;  
Councillor T. Kinloch;  
Councillor Wilfred Knight; and  
Councillor D. G. Shepstone.

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MEMORANDUM BY INDIAN REPRESENTATIVES ON LAWRENCE COMMITTEE  
IN REGARD TO PROVISION OF CHOICE RESIDENTIAL SITES.  
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Mr. Mayor and Gentlemen,

The Lawrence Committee was inaugurated on 14th March, 1940, as a result of the visit of the Minister of Interior, the Hon. Mr. H. G. Lawrence, in October, 1939, who after interviews with the Durban City Council and the Natal Indian Association on the question of alleged Indian penetration into predominantly European Residential Areas, suggested that a Joint Committee, comprising representatives of the Council and of the Natal Indian Association, be constituted.

The object of the Joint Committee is contained in the Terms of Reference, which we quote hereunder :

"The Natal Indian Association having expressed its willingness to co-operate with the Durban Borough Council in preventing the acquisition by or on behalf of Indians of property in areas within the Borough of Durban which are wholly or predominantly occupied for residential purposes by Europeans. It is therefore agreed that Committees will be appointed by the Durban Borough Council and by the Natal Indian Association respectively, which will co-operate by joint consultation and otherwise in respect of specific instances of such intended acquisition and generally in respect of matters having a bearing on this problem which both Committees accept as appropriate for consideration in this way."

We also set out the terms of Assurance given by the Natal Indian Association to the Hon. the Minister of Interior :

"This Association records its appreciation of the interest shown in the Indian Community by the Hon. the Minister of the Interior so soon after the assumption of office, and to afford it the opportunity to meet him, inter alia, on the question of the alleged penetration into predominantly European residential areas by Indians in Durban.

"Subject to confirmation by a General Meeting, this Association resolves that while the Indian Community is opposed to segregation or separation of races, it is however, prepared, with a view to the establishment of more cordial relations between the two communities to do everything in its power to prevent the purchase of any property by an Indian in a predominantly European residential area.

"The Association readily accepts the suggestion of the Hon. the Minister, that it should

appoint../

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appoint a sub-Committee to work in close co-operation with the Housing Committee of the Durban City Council. The Association firmly believes that this step will enable the City Council to obtain a closer insight into the housing needs and difficulties of the Indian Community and the lack of Municipal amenities, in Indian localities, and based on mutual goodwill and understanding it will ultimately result in a satisfactory solution of the alleged problem of Indian penetration in predominantly European areas. If the Hon. the Minister's proposal is accepted by the City Council a sub-committee of the Association will be appointed immediately with powers to collaborate with the Housing Committee of the City Council".

We have quoted the Terms of Reference and the Assurance given by our Association in full to show that the work of the Lawrence Committee was not only to dissuade members of European and Indian Communities from selling or purchasing properties in predominantly European residential area, but also to enquire into the Housing needs of our Community and into the lack of civic amenities. This was abundantly made clear by the Hon. the Minister of the Interior, who in an interview, given to the "Natal Mercury" on 15th March, 1940, stated :-

"I should like to make it quite clear that, in my opinion, while these joint consultations have reference primarily to alleged penetration, they will not be able to exclude from their discussions the question of housing and civic amenities for the Indian Community. The two questions are inextricably bound up and cannot be divorced".

Since the Committee was formed, it met on 5 occasions, viz :

14th March, 1940.  
19th -do-  
27th -do-  
4th April, 1940.  
18th -do-

and during this period 33 cases of alleged Indian penetration were dealt with.

A record of these cases appears in the proceedings of the meetings.

It will be seen from the same that

- (a) 21 of these cases were purchases effected prior to 14th March, 1940 - the date of inauguration of the Lawrence Committee - and therefore did not fall within the Terms of Reference.

(b).../

(3)

- (b) 3 cases referred to the Committee were such where no acquisition had taken place, but were mere scares.
- (c) 7 cases were intended acquisition and therefore falling within the purview of the Committee. Six of these were dealt with successfully and in one case investigation is still pending.
- (d) 2 cases are under consideration as to whether they fall under the purview of the Committee.

A striking feature of the cases that were brought before the Lawrence Committee, is the fact that in almost every case, the motive that prompted the Indian to purchase a property in what is regarded as a European area is nothing less than a desire to live in a decent locality where not only better environments but also civic amenities are available. Owing to inaction or the deliberate policy of the Durban Municipality, the Indian has never been given any choice residential sites nor his area in which he resides provided with all the civic amenities. Unfortunately owing to the disfranchisement of Indians in 1924 Indians have not been in a position to exercise any influence over the City Council thus in regard to these matters.

That we have done everything that was expected of us is exemplified by the resolution which was passed on the motion of Councillor T. Kinloch on 18th April, 1940, as follows :

"That this Committee places on record its appreciation of the assistance rendered by the Indian Representatives of the Committee in investigating and reporting on the cases submitted from time to time."

We set to work on this Committee in the earnest hope that we would be able to remove causes of friction between the European and Indian Communities arising from alleged Indian penetration. We are deeply disappointed to read a complaint such as the recent one emanating from Councillor H. G. Capell who desires to know whether there is any instance of Cemetery sites being transferred from a European to an Indian. What this has got to do with the Lawrence Committee is beyond our comprehension.

It seems to us to be almost frivolous on the part of Councillor Capell to suggest Indian penetration into a general cemetery where no physical acquisition of a property is mooted ! We must confess that Councillor Capell's complaint suggests that there is no just appreciation of the work that confronts our Joint Committee.

We now deal with the question of availability of choice sites for Indian occupation. As we have pointed out several times at the meetings one of the reasons for

the.../

the Indian's desire to acquire properties in what are regarded as predominantly European residential areas is the lack of good residential sites within the Old Borough. His Worship the Mayor has more than once expressed the desire that sites within the Old Borough of Durban should be made available to Indians. And as a result of his good offices the Estates Manager has now reported on sites available.

In his report of May 4th, 1940, the Estates Manager states that there are 116 acres in the Umgeni Valley and a large area in the Stella district. But he goes on to say that the policy of the City Council is not to sell building sites in the Old Borough to Indians and concludes that "In terms of the established policy of the Council, it would appear that the answer to your inquiry is that there are no choice building sites available for sale to the Indian Community within the Old Borough Area".

We must say that this Report has come as a complete surprise to us, for, in every case where we have dissuaded a member of our Community from purchasing a property in what is regarded as a predominantly European residential area, we have had to hold out the definite hope that the City Council will offer choice and residential sites within the confines of the Old Borough. Moreover, letters that have been addressed to the Committee, by Dr. K. M. Seedat and others, contain the request for residential sites. In these circumstances, we do feel that the report of the Estates Manager of 4th instant will be received by our community, if made public, with considerable misgiving as to whether the City Council is earnestly desirous of meeting the reasonable demands of the Indian Community.

We would urge in all seriousness that even if the policy of the Council in the past was to restrict the sale of building sites in the Old Borough, to Europeans only, that policy, having regard to the institution of the Lawrence Committee, should now be reversed, so that Indians could acquire sites in residential areas. This would at any rate as a first instalment undoubtedly be a practical step towards solving the question of alleged Indian penetration by mutual co-operation.

If the policy of the Durban City Council to make no choice residential sites available to Indians in the Old Borough is persisted or allowed to continue, then we desire to register our protest against the continuance of that policy. In that event the very object with which the Lawrence Committee was constituted would be defeated.

We desire to draw attention to the fact that so far no efforts have been made by the City Council to make available to the Lawrence Committee details of housing schemes for the Indian Community, which could be examined in a spirit of mutual consultation. With the putting into operation in certain cases of the Slum's Act and the steps taken under Public Health By-laws, against Indian owned properties, the importance of setting up schemes of housing cannot be overstressed.

We.../

(5)

We wish to state that although we have brought to its notice the urgency of tackling the problem of Indian Housing needs and the extension of civic amenities to Indians, we are disappointed that so far no tangible efforts have been made to move in this direction.

We would earnestly request that in the light of this statement the City Council make known to the Lawrence Committee as to

- (a) Whether the policy of restricting the sale of Municipal land in the Old Borough to Europeans only and thus denying the Indian to purchase any land is to be continued;
- (b) Whether it will make available to the Committee for examination any Housing schemes for Indians either economic or sub-economic, which the City Council is considering or is contemplating to set up;
- (c) Whether in view of the serious needs of Housing, the Council will put in possession of the Lawrence Committee information as regards steps taken to enforce the provisions of the Slum's Act or of the Public Health By-laws against Indian owned properties to enable the Committee to study the position;
- (d) Whether the City Council will make known to the Lawrence Committee in what manner and to what extent the extension of civic amenities in localities in which Indians reside is to be taken on hand, and
- (e) Whether the Committee will be allowed to make observations in regard to the allocations of funds for Indian housing schemes.

We beg to remain,

(Sgd) A. CHRISTOPHER.

(Sgd) J. W. GODFREY.

" P. B. SINGH.

" A. S. KAJEE.

" P. R. PATHER.

" SORABJEE RUSTOMJEE.

Representatives of the Natal Indian  
Association on the Lawrence Committee.

14, Saville Street,  
DURBAN, 29th May, 1940.

MEMO ISSUED BY THE TOWN CLERK OF DURBAN TO THE CITY  
COUNCIL REPRESENTATIVES ON LAWRENCE COMMITTEE.

STATUS OF COMMITTEE :

I have recently submitted to Standing Counsel for his advice the question of the status of the Council Representatives of the Lawrence Committee. He has advised that the Lawrence Committee in reality consists of two Committees, one a Committee of the City Council consisting of the Councillor representatives, and the other a Committee of the Natal Indian Association.

In these circumstances it will be necessary for the Council representatives, as a Committee of the Council, periodically to report to the Council.

I desire the instructions of the Committee on the question whether it desires a report to be presented to Council at this stage, and, if so, what it desires such a report to traverse.

These questions are submitted to the Committee for its decision.

FUTURE PROCEDURE.

In the past it has not been the practice to hold separate meetings of the Council Representatives of the Joint Committee. Such separate meetings are now made necessary by the terms of Standing Counsel's opinion: and I desire to have the instructions of the Committee upon the questions how often and when it desires to be convened for this purpose. As a Committee is not a "Standing Committee" it is not under an obligation to meet every month.

MEMORANDUM BY NATAL INDIAN ASSOCIATION.

Attached hereto is a copy of a memorandum by the Indian Representatives on the Joint Committee which at present is awaiting discussion before the Joint Committee.

As the points made in the memorandum are ultimately the responsibility of the City Council, and as great emphasis will undoubtedly be placed upon them before the Judicial Commission, they appear to require careful consideration by the Council Representatives. It seems too that these points will have to be traversed in any report submitted by the Committee to the Council.

The memorandum is therefore submitted to the Committee for its consideration.

E. B. SCOTT

Town Clerk.

TOWN CLERK'S OFFICE,  
DURBAN

6th August, 1940.

M E M O R A N D U M  
OF THE CITY COUNCIL OF DURBAN

to the

CHAIRMAN AND MEMBERS OF THE COMMISSION OF  
ENQUIRY REGARDING POSSIBLE INDIAN PENETRATION,  
FOR TRADING OR RESIDENTIAL PURPOSES,  
OF PREDOMINANTLY EUROPEAN AREAS  
IN NATAL AND THE TRANSVAAL.

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Gentlemen,

The City Council of the City of Durban is alive to the difference which exists between its position in its relationship towards the work of your Commission and the position of individual citizens and any other bodies who will appear before you. The Council recognises that, although only a few members of the Indian Community are voters who possess the Municipal franchise, the community generally are ratepayers of the City. The Members of the City Council recognise therefore that they are in fact the representatives of the interests of both the European and the Indian inhabitants of the City. For this reason the Council intends in its appearances before the Commission completely to avoid partisanship towards or bias against either of the two sections of the population with whom the Commission will be concerned. Such representations as it will make will be entirely objective and impersonal in character. In pursuance of this policy, the Council has declined to call as witnesses private citizens and representatives of ratepayers Associations who have offered themselves for this purpose, and has resolved that, as far as possible, its evidence to the Commission will consist only of documents and statistics.

The Council has noted the terms of reference upon which the Commission has been appointed, and has deduced from them that the attention of the Commission will be directed to three main questions:-

- (a) Whether since the 1st January, 1927, Indians have commenced occupation of, or acquired, sites for residential purposes in predominantly European areas?
- (b) Whether, over the same period, Indians have so occupied or acquired sites so situated for trading purposes? and
- (c) For what reasons have they so occupied or acquired them?

The .../



The Council anticipates that some argument will arise before the Commission as to what were "predominantly European areas" on the 1st January, 1927. It has reason to believe that it will be contended that the Commission (by reason of the use of that word in the heading to Government Notice No. 841 of 1940) should concern itself only with "penetration" and should not concern itself with the "expansion" of areas which were predominantly Indian on 1st January 1927, because this does not constitute "penetration" properly so called. The Council will not be able to accept this contention. It seems to be just that all areas of the City except those which were predominantly inhabited by Indians or other non-Europeans at the date in question should be taken as being "predominantly European" within the meaning of the terms of reference. The Council's evidence will be tendered therefore on that basis.

Schedules and statistics are at present in the course of preparation by the Council's officials which will give the details of all acquisitions by Indians of property within those areas over the relevant period: and maps are being prepared which will show in black the properties in the City which were in Indian ownership on 1st January, 1927, and, in red, those which have been subsequently acquired. A third map will show the former and the latter superimposed one on the other. From this the difference between the two will be clearly visible. This third map will be inaccurate to the extent that it will not be possible to show upon it the properties which have passed from Indian to European ownership: but the number of such cases is so small that this will not affect its evidential value.

All these documents are being compiled from the official lists furnished to the Council by the Registrar of Deeds in terms of Section 16 of Law No.19 of 1872 (Natal). The date contained in them will therefore be authoritative.

The Council will not be able to give to the Commission any evidence on the question whether any sites in such areas have been occupied by Indians who have not acquired them: and it will not be able to say whether sites which have been so acquired have or have not been occupied by Indians. It has no source from which authoritative information upon these questions can be obtained.

Similarly it will not be possible for the Council to differentiate between sites which have been occupied or acquired for trading purposes: but the general observation can be made that, taken as a whole, the extent to which properties in predominantly European areas have been occupied or acquired by Indians for trading purposes is negligible as compared with the extent to which acquisitions for residential purposes have taken place. This is due largely to the width of the discretion which the Council enjoys as the Licensing Authority for the area of its jurisdiction.

The Council too will not be able to include in its evidence any data in regard to cases, such as those in which hire purchase agreements have been entered into, in which contracts for the acquisition of property have been.../

(3)

been concluded but have not yet been implemented by the passing of transfer to the purchaser. It is believed that such cases do exist, but no authoritative information in regard to them or their number is available.

In the year 1932 the boundaries of the City were extended by the incorporation within the City of what have become known as the "added Areas". These areas, before incorporation, were administered by minor local authorities whose records do not enable information of value to the Commission to be compiled. For this reason, the Council's evidence before the Commission will be presented in two sections, one dealing with the Old Borough for the whole of the period with which the Commission is concerned, and the other dealing with the Added Areas over the period since Incorporation.

It is not possible for the Council's documents to be transmitted to the Commission at this date, because the preparation of them has not yet been completed. They (particularly the maps) are moreover very large and bulky. A supplementary memorandum will be submitted to the Commission later, in which detailed and comprehensive facts will be set out, when the work of collecting and arranging them has been finally completed.

The reason for such occupations and acquisitions for trading purposes can, it is believed, be stated quite simply. It seems to be in the simple fact that the acquirer in each case believed at the time that good business would be done from the site in question.

The third of the three questions to which the Commission's attention will be directed is one which, in nature, is not answerable by statistics, and is one in regard to which the Council is forced into the field of theory and speculation.

It is, however, a more difficult problem to determine the reasons for the occupations and acquisitions for residential purposes which have taken place. The Council hopes to submit the result of its deliberations on this question later; but it desires at this stage to express the personal opinion of the majority of its members upon one question upon which it believes it will be the subject of attack. In doing so, although it will continue its policy of strict impartiality, it will have, to some extent, to relinquish its attitude of impersonal objectivity.

The Council has reason to believe that it will be urged before the Commission that those Indians who have "penetrated" into predominantly European areas have done so because the Council has failed to provide superior residential sites for the wealthier members of the Indian Community, and, as a corollary to this, because these wealthy men have not been able to obtain elsewhere the amenities of life which they have sought to enjoy.

The Council does not admit that these are the true reasons.../

reasons for what has taken place: and, if they should be true to any degree, the Council does not acknowledge that they are the decisive reasons:

The Council admits that it has not at any time specifically provided sites of this kind for this purpose, but it does not acknowledge that, under the present economic structure of this country, it owes any duty to the wealthier inhabitants of the City, or to any section of them, to provide residential sites for them. It believes that, if it had provided a sufficient number of sites of this kind for the purpose, the Indian community would have refused to accept them on the ground that the provision of them would have constituted an attempted de facto segregation of Indians to which they have always been most strongly opposed. It is significant in this connection that there have been, over the period with which the Commission is concerned, large tracts of land in European and Indian ownership have been subdivided and sold for urban settlements. Many of those in European ownership have been sold subject to conditions which permit only of European occupation, a form of segregation of Europeans to which there has been no objection. None of those in Indian ownership have been sold subject to a converse condition: all have in fact been sold either to Europeans exclusively or indiscriminately to all classes of the community. There are still large tracts of land in private Indian ownership, of a kind which would provide residential sites of a superior character, which are available to Indian purchasers for this purpose.

The Council finds it difficult to resist the belief that the decisive reason for what has taken place is to some extent psychological rather than material. It is not unnatural that the social conditions which obtain in this country should imbue some members of a proud and wealthy coloured people with an urge to demonstrate their equality in all respects with the European race. Nothing but this urge is consistent with the fact that (as the statistics and maps which the Council will produce will show) some of the wealthier members of the Indian community have bought for their own occupation at high prices isolated properties in European areas in a scattered fashion over the whole area of the City, notwithstanding that it would have been possible for them to obtain all the amenities of life in particular areas if their acquisitions had been centralised in them. This, moreover, would have been consistent with the communal instinct implanted in all human beings which is violated by the scattered acquisitions which have in fact taken place.

This psychological phenomenon may well be the decisive cause of the first Indian acquisition of property in a predominantly European area. There is, however, little room for doubt that the result of that first acquisition, when it is followed by the occupation of the property by the purchaser, is to induce the European owners of the neighbouring properties to emigrate from them. Other Europeans, for the same reason, are not then

amongst.../

(5)

amongst the potential purchasers of their properties, which in consequence can be sold only to Indians. This process tends, in the nature of things, to develop in an over widening circle, and has as its final result only the eventual change of a wholly European area into at first a predominantly and finally a wholly Indian area.

It is the belief of the majority of the members of the Council that it is in these factors that the true and decisive reason for what has taken place is to be found, far more than in other factors of a material or economic character.

(Sgd) E.B. SCOTT,

TOWN CLERK.

MUNICIPAL BUILDINGS,  
DURBAN.  
27th July, 1940.

REPORT OF THE LAWRENCE COMMITTEE TO THE  
INDIAN PENETRATION COMMISSION.

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THE MEMBERS OF WHICH ARE:-

Representing the City Council : His Worship the Mayor  
(Councillor R. Ellis Brown, Chairman),  
and Councillors H.G. Capell, J.M. Harris,  
T. Kinloch, Wilfred Knight and D.G. Shepstone.

Representing Natal Indian Association : Mr. Advocate  
A. Christopher, Mr. Advocate J.W. Godfrey,  
and Messrs. A.S. Kajee, S. Rustomjee,  
P.R. Pather, and P.B. Singh.

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INTRODUCTORY :-

The Lawrence Committee was formally inaugurated on the 14th March, 1940. It was established by agreement between the City Council of Durban and the Natal Indian Association, consisting of six representatives of each, and has worked to terms of reference framed by the Honourable the Minister of the Interior as follows :-

"The Natal Indian Association having expressed its willingness to co-operate with the Durban Borough Council in preventing the acquisition by or on behalf of Indians of property in areas within the Borough of Durban which are wholly or predominantly occupied for residential purposes by Europeans. It is therefore agreed that Committees will be appointed by the Durban Borough Council and by the Natal Indian Association respectively, which will co-operate by joint consultation and otherwise in respect of specific instances of such intended acquisition and generally in respect of matters having a bearing on this problem which both committees accept as appropriate for consideration in this way."

THE TERMS OF REFERENCE :

The narrowness of the Committee's terms of reference became noticeable soon after it entered upon its work. The Committee has been frequently reminded that its terms of reference relate only to "intended acquisitions" and that they do not cover completed acquisitions, however recent, or cases of the occupation of property not accompanied by a change in ownership.

Three results have followed from the terms of reference which are inconsistent with the idea that the establishment of the Committee would cause any penetration of predominantly European residential areas to be "pegged" as from the date upon which the Committee was established. These are :-

- (i) The occupation by Indians of property in predominantly European residential areas is as much "penetration" as the acquisition of such property is. It is probably more conspicuous than, and is equally important with, the acquisition of the actual ownership of/

of such property: but under the present terms of reference is outside the province of the Committee.

- (ii) The occupation of property in this way is a matter which can be dealt with at any time whereas, once transfer is passed in any case, the acquisition of the property becomes "un fait accompli" and is no longer an "intended acquisition" within the terms of reference.
- (iii) In such cases (whether or not the acquisition was intended before or after the establishment of the Joint Committee) it is impossible for the Committee to function within its terms of reference. There have been cases in which the Committee has been able, after the acquisition of a property by an Indian has been completed, to relieve the situation so created by persuading the transferee to undertake that none but Europeans should occupy the property. This is indicative of the goodwill of the members of the Committee and the transferee concerned, but is open to criticism firstly on the ground that it is outside of the Committee's terms of reference and -secondly on the ground that any undertaking of this kind given to the Committee is probably unenforceable.

#### UNCERTAINTY OF TIMEOUS INFORMATION :

These features of the working of the Committee assume greater importance when regard is had to the uncertainty of timeous information reaching the Committee in any case. There is in nature no visible sign of the intention of any two parties to contract for the sale of a property: and there is therefore no source from which information of any such intention can be obtained otherwise than from the parties themselves or their agents. Realising this, the Committee has

- (a) published notices in the Press inviting the general public to notify the Town Clerk at once of any cases within its terms of reference as come to their notice;
- (b) circularised all land and estate agents practising in the City making a similar request to them, and has had a meeting (very poorly attended) with them on the subject, and
- (c) (through the medium of the Incorporated Law Society of Natal) invoked the co-operation in this regard of all attorneys and conveyancers in the City. The Society has replied that it cannot do anything in the matter.

It is doubtful whether these measures have achieved their object: and the Committee does not know how many cases which should have been brought to its notice since it was established have in fact not been placed before it.

#### LACK OF CONCRETE POWERS.

The agenda and minutes of the Committee show the number of cases which have been placed before it since it was established and they show that concrete results have been achieved in only a fairly small proportion of them. This has not been due to any lack of agreement in the Committee itself - for it comes fairly readily to its decisions - but to the fact that no results can be achieved by such decisions alone. The Committee is very conscious of the fact that it possesses no/

no concrete powers, and has to rely for results entirely upon the persuasive powers of its members. These facts have combined to make its work very slow and uncertain. It is impossible to say how far this is known amongst the general public or how greatly it has indirectly affected the work of the Committee.

MEETINGS IN PRIVATE :

At the Inaugural Meeting of the Committee a decision was taken that, in the meantime and until a contrary decision was reached, the meetings of the Committee should be held "in camera" and that no one should disclose to non-members of the Committee any facts about its business. This was done at the earnest request of the representatives of the Natal Indian Association, in consequence of a division of opinion amongst the Indian Community in regard to the Committee. The Natal Indian Congress ( a different body from the Natal Indian Association) had been vehement in its denunciation of the Committee and had urged that it should be boycotted. A dispute between the two bodies had thus arisen which, it was felt, would be fostered by the giving of publicity to the Business of the Committee and the intrusions of its members.

The decision that all meetings of the Committee should be held "in camera" has not been reversed and still governs the position.

These facts have not been without effect upon the work of the Committee. The existence of a hostile body of opinion amongst the Indian Community has, in the first place, imbued the Indian representatives on the Committee with an urge towards caution, both in the Committee Room and out of it, which has slowed the progress of the Committee's work and, in the second place, has made it more difficult for the members of the Committee to achieve results in giving practical effect to the wishes of its members.

They have had the further result of depriving the Committee of the sanction of public opinion which it was thought at one time be available to it.

The members of the Committee do not know whether these facts, together with the others to which reference has been made in this report, have had any result upon the number of cases brought before it. Its agenda and Minutes reveal that the number of cases reported to it have steadily diminished since the Committee was inaugurated : but the members of the Committee cannot say whether this is due to the factors mentioned above or whether it is due to the fact that the number of transactions falling within the Committees terms of reference has proportionately diminished in the time which has passed.

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File D.

Secretary: Indian Penetration Commission,  
C/o, The Department of the Interior,  
Union Buildings,  
PRETORIA.

2nd July, 1940.

Sir,

I have the honour to invite your attention to the advertisement recently published in the press by the Indian Penetration Commission calling attention to its appointment to enquire into and report whether, and, if so to what extent, Indians have since the 1st January, 1927, commenced occupation of or acquired sites for trading or for residential purposes in predominantly European areas in the provinces of Natal and the Transvaal (excluding land proclaimed under the Precious and Base Metals Act, 1908, as amended, of the Transvaal) and the reasons for such occupation or acquisition.

The Commission would be greatly obliged if you would furnish information on the subject, so far as your area is concerned, not later than the 31st July, 1940.

You will observe that the Commission is only concerned with alleged penetration since the 1st January, 1927. The Commission, will, therefore, require to be satisfied that areas where penetration is alleged to have taken place were predominantly European areas on the 1st January, 1927.

The Commission also desires that the written information placed before it, in the form of memoranda or otherwise, should be precise and detailed so as to minimise as much as possible the necessity for oral evidence. Explanatory maps would be of great assistance.

You will observe that the terms of reference include penetration by acquisition of sites for trading. The Commission would also appreciate any information which you can furnish in this regard.

I have the honour to be,

Sir,

Your obedient servant,

SECRETARY : INDIAN PENETRATION COMMISSION.



# OFFICIALS OF NATAL INDIAN CONGRESS

1940

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