

# INDIAN OPINION

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## TRANSVAAL INDIANS' PROTEST MEETING AT JOHANNESBURG

**A** PROTEST meeting of Transvaal Indians against the Asiatic Land and Trading Bill was held on Sunday May 7, under the auspices of the Nationalist group of the Transvaal Indian Congress led by Dr. Y. M. Dadoo. There were over 3,000 Indians present at the Patidar Hall at Terrace Road, Fordsburg, and the meeting was presided over by Mr. E. A. Asvat, a veteran soldier during the Passive Resistance campaign led by Mr. M. K. Gandhi, and who was imprisoned 14 times.

### Mahatma Gandhi's Message

The following message from Mahatma Gandhi sent to Dr. Dadoo was read:

"You have to suffer, not I, therefore, let God alone be your guide."

### The Chairman's Speech

The chairman in his speech said: "No doubt, you have already read in the Press that the Asiatic Land and Trading Bill is now in its second reading in the Union Parliament and has even had the support of a man like Mr. J. H. Hofmeyr and it is now only a matter of time when this Bill will become law and will have retrospective effect as from May 1, 1939.

"Speaking on the Bill, Mr. R. Stuttaford, the Minister of the Interior said: "The interim legislation did not remove a single Indian from property which he occupied or owned. He only wanted to stop further infiltration of Indians. He could not see why his proposals should be considered harsh on the Indians. They were not being driven out."

"But if the Honourable Minister were to place himself for a moment in the place of an Indian, he would cry out that this is the worst kind of legislation that has ever been enacted in flagrant violation of the Capetown Agreement and subsequent declarations of the Union Government.

"The purport and the meaning of it is to strangle the economic life of the Indian with the inevitable result that it would create unemployment, poverty and all the miseries that follow in their train; it is the most sinister step in the direction of creating a ghetto for us.

"It is a subtle attempt to reduce us to helotry and rob us of our means of live-

lihood. It would enhance the already existing rack-renting, would lower our wages, increase unemployment and throw a large number of us in the streets. It would lower our standard of living which the Union Government have solemnly undertaken to raise; it would lower us in the esteem of our fellowmen. It, no doubt, means the slow death of the Indian community.

"Those who regard the question of Indians in South Africa as a domestic problem of the Union are forgetful of the fact that India constitutes two-thirds of the British Commonwealth of Nations and is a member of the League of Nations and is the nearest strong neighbour of the Union."

"This fact raises the Indian problem above the party political arena of this sub-continent and makes it an international and inter-imperial one, and will have a far-reaching effect on the whole of Asia.

"In one breath," as an eminent Indian says, "we are told that we are citizens of the great British Empire and in the next we are denied all the rights of free citizenship and are treated as so many helots."

"No jugglery of words will ever convince any right thinking person that the measure now before the Legislature, the objective of which is to confine Indians to certain areas is not compulsory segregation. This legislation erects a virtual steel prison wall around Asiatica. No one must labour under the delusion that this measure is not a stigma, as all forms of segregation are a direct affront to the self-respect of any community. Henceforth we would not be able to get new licences and reside as hitherto in the Transvaal.

"This Bill is a complete blockade, an iron ring around our life and development—a negation of life itself. And above all, it casts a slur of undesirability and unworthiness on our national honour and it therefore behoves us to apply the well-tryed philosophy of passive resistance once more as a protest against this outrageous legislation.

"The philosophy of passive resistance is a philosophy of love. It forbids hatred of oppressors and prohibits submission to any wrongful behests or laws. It is a

striving of the soul for righteousness to prevail against wrongs. It is a spiritual ministrations to awaken the conscience of the wrong-doers so as to make them desist from their wrong acts.

"We trust that the European community will correctly appreciate our attitude and will understand that we do not bear any ill-will against any fellowman. We wish to arouse their sympathy by our suffering.

"Since all representations made in South Africa by the Indian community and the Government of India have fallen on deaf ears, the only self-respecting alternative left to us is to organise for passive resistance.

"Your presence here in so large numbers is significant of the fact that you have realised the dangerous nature of the measure and you are resolved to combat it. The people of India are behind you in your determination to maintain the national honour. For that purpose, I hope, you will come forward to enlist yourselves as volunteers for our righteous struggle.

"You all know that our struggle is one of self-suffering, such as imprisonment, hunger, pecuniary loss and what not; and no suffering is too great for a cause so just and sacred as ours."

### Dr. Y. M. Dadoo

Dr. Y. M. Dadoo characterised the Bill as sinister and vicious, its effect being to prevent the progress of the Indian community.

"It is said that we have liberal friends in the House of Assembly who intend to support us, but even Mr. Hofmeyr eventually agreed to support the Bill. Mr. Hofmeyr did not object to segregation, but merely wanted to get the consent of the Indian people.

"There are some of us who regard Mr. Hofmeyr as our friend, but I regard him as Public Enemy No. 1, because he is following a policy of misleading the Europeans of this country.

"His intentions are really the same as those of our enemies, but our enemies are at least frank in the matter.

"Dr. Malan is Public Friend No. 1 because he makes it clear that he and his

party are out to segregate the Indian community. The Indians and the coloured people know exactly where they stand with Dr. Malan.

"Passive resistance is the only way out to defend our interests. We are going to send a deputation to India, and appeal to the Indian Government and people for their aid in the coming struggle. If we fight, then the whole of India will be at our back.

"Mr. Hofmeyr has already hinted at a United Party caucus that a passive resistance campaign was possible, and General Smuts is declared to have replied: 'Well let the Indians carry on. We take up the challenge, and we shall carry on.' Our campaign of passive resistance will make a direct appeal to the conscience of all fair-minded people throughout the world."

### Resolutions

The following resolutions were unanimously passed:

"That this mass meeting of Transvaal Indians strongly protests against the

Asiatic Land and Trading Bill as degrading, ruinous and dangerous and violating the Capetown agreement and casting a slur on the national honour of India, and, therefore, resolves upon resorting to passive resistance as the only means at our disposal to register our protest by self-suffering and hereby appoints a directing and conducting council of 25 with power to co-opt or substitute to enlist volunteers and collect funds for the campaign and to make all representations and arrangements requisite to the successful carrying on of the struggle to its final end and determination.

"That this mass meeting of Transvaal Indians hereby elects Dr. Y. M. Dadoo as the leader of the movement and authorizes him to send copies of the resolutions and make representations to all proper quarters."

The leaders of the movement are now enrolling volunteers who are prepared to suffer for the sacred cause and collecting funds.

whole community. By being apathetic over this Bill we only create the impression in the minds of those who can think that our intelligence has sunk to such a low level that we do not mind being killed bit by bit but that we only mind it if we are killed right out. The Transvaal measure embodies the principle of segregation. It even goes a step further. For the first time in the history of Indians in South Africa it forbids by a statute of Parliament the granting of trading licences to Indians because they are Indians. Apart from the measure causing our material ruination the real sting is in its insult to our national honour. The fact that it is a temporary measure surely does not alleviate its poisonous nature.

### Door Bolted For Negotiations

#### With Any Honour

Mr. Stuttaford in moving the second reading of the Bill stated that "when his proposals for separate residential areas for Europeans and Indians were made known the Indian Government asked for an opportunity of consulting the Union Government regarding the terms of the proposed legislation. The Government felt it would be only courteous to accede." That was well and good. But Mr. Stuttaford bolted the door for negotiations with any sense of honour by introducing an interim measure. This act was no better than Herr Hitler dealing with the Zeche while Mr. Chamberlain was carrying on negotiations with him on their behalf. There was no reason for Mr. Stuttaford to mix up the question of segregation with that of extending the protection period in the areas recommended for exemption by the Feetham Commission pending their adoption by Parliament. Rather than being an act of courtesy Mr. Stuttaford's step was a slight to the Indian Government and the Indian nation. While we have had no official information as to the attitude of the Government of India since the introduction of the present Bill, we gather from a Reuter's message from Simla, which was published last Sunday, that the Government of India has already vigorously protested against the interim Asiatic legislation and that its view is that any Indian problem in the Union should be solved on a non-statutory and non-segregation basis. The message further states that, "whether the Government of India will accept the Union Government's offer of consultation for a permanent solution will depend on whether the interim legislation is passed and on the Indian community's attitude to the situation and future proposals of the Union Government."

To this the Minister of the Interior has stated in a Press statement that he regretted it if the message reflected the attitude of the Government. "I regret it particularly" he said "because the main measure was shelved

## Indian Opinion

FRIDAY, MAY 12TH, 1939

### The Transvaal Measure

**W**HILST these lines are being penned the Transvaal Bill is being rushed through Parliament with feverish haste. What is most painful is that those whom we have considered to be our friends have also supported the Bill, though they have protested against the offensive clauses. It is more than surprising that Mr. Hofmeyr who stands up for principle and who only recently took up a courageous stand in resigning from the Cabinet on a matter of principle and who had taken a very firm stand also when the Mixed Marriages Bill was introduced and had threatened to resign if the Bill was passed, as he considered it to be an insult to the whole Indian nation, has not considered the same in regard to the present Bill. If anyone has advocated the case of the Indian against the Bill correctly it is Captain Leslie Blackwell, an erstwhile enemy of the Indian and the father of anti-Asiatic agitation in the Transvaal. He appealed to the Minister for the deletion of the rest of the clauses from the Bill excepting the first one which extended the protection period in exempted areas under the Feetham recommendations, but he too in the end supported the Bill.

#### Attitude Of Indian Leaders

On the Indian side the Transvaal Indian Congress, beyond sending a wire protesting against the Bill, has, to our knowledge, done nothing. It had asked for an opportunity to make representations to the

Minister requesting him to postpone the introduction of the Bill for its second reading. The Minister refused to accede to the request to postpone the second reading but was prepared to grant an interview which, we were informed after our last week's leading article was in print, was not availed of. Beyond this neither the Transvaal Indian Congress nor the South Africa Indian Congress has done anything even in the nature of offering guidance to the community. A meeting of the Transvaal Indian Congress, we understand, is to be held in a fortnight's time and the conference of the S. A. I. Congress is probably to meet in Capetown on May 24<sup>th</sup> long after the Bill is put on the Statute book as an Act. In the meantime what is known as the "Left Wing" or the "Nationalist Group" of the Transvaal Indian Congress have acted. They have sent protests against the Bill to the Union Government and the Indian Government and have held a mass meeting and are preparing to offer resistance against a measure, which is an insult to the whole Indian nation, by resorting to Passive Resistance. We do not blame them for taking this step.

#### A Change In Degree But Not In Principle

For if there is any change in the present measure as compared with Mr. Stuttaford's 75 per cent. servitudes plan of segregation, the change is only in degree but not in the principle which had caused such a stir in the

temporarily and interim legislation introduced only in order to accede to the request of the India Government that they should be given a chance to represent their views on the subject." Mr. Stuttaford had further stated that the Union was not taking the initiative to approaching the Government of India but that it was prepared to accede to any wish on the part of India to discuss the subject before legislation to settle the problem permanently is introduced in the 1940 session of Parliament. "I am prepared to deal with the matter by correspondence with the Government of India," Mr. Stuttaford said. "If, however, the Government of India wish to send a deputation to this country then they must confine it to two or three members. I shall not hold a round-table conference on the subject as was done by my predecessor, Dr. D. F. Malan, on two occasions."

This does not improve matters. It only adds insult to injury. There is nothing in it to warrant any change in the attitude the Government of India had adopted.

#### Co-operation Consultation And Consent

Mr. Stuttaford has stated that Indians have refused to co-operate with him. How can Indians co-operate in themselves being put to the gallows? Indians have never challenged nor do they challenge the authority of the White race in South Africa to rule. What they have asked for is bare justice, equality in the eye of the law and opportunities to live not as helots but as self-respecting citizens of this country. When they are denied all this where is there room for co-operation, consultation and consent. If things were to be done by co-operation, consultation and consent there must first be a clean slate. You cannot consult a man after condemning him to death as to how he should be put to death.

#### Depressed Classes

In justification of his measure Mr. Stuttaford said that "he agreed with Mr. Hofmeyr about the cultural attainments of many Indians, but the bulk of the Indians in the Union were from the depressed class of Indians who were not received with much enthusiasm by the high-class Indians.

Any such thing as a depressed class is on its last legs in India and there is no depressed class in South Africa. The majority of Indians are descendants forming the third and fourth generation of the original immigrants who came here as labourers. They can any day stand together with

or even surpass many members of the ruling race of this country. Surely it could not be expected of the Indians that they should be born with cultural attainments. Mr. Stuttaford and Mr. Hofmeyr would not be what they are had they been deprived of educational facilities as Indians have been and had they been denied access to the Universities to mould them as Indians have been. If a section of the community is backward it is no fault of that section. It is the fault of the State which keeps it backward. But to justify the condemnation of that section on the ground of its being backward is indeed a strange theory.

#### The Capetown Agreement

Mr. Stuttaford stated that the Capetown Agreement had no bearing with on present Bill. We do not know how that could be explained unless Mr. Stuttaford wishes willfully to ignore the Agreement. In that case he has again bolted the door for any co-operation or consultation on the part of the Government of India or the Indian community on an honourable basis. He apparently wants both to go to his door only as mendicants for him to throw whatever he desires in their hats or else to be kicked out. Mr. Stuttaford has made it clear beyond any doubt that the present measure is only a forerunner of the main measure he is preparing to introduce at a later date, and therefore any apathy on the part of our leaders will be ruinous to the whole community.

The Capetown Agreement is being discussed so much and there is a demand by the European extremists that it should be terminated because it has been violated by the Government of India. We do not wish to discuss here who has been the guilty party. But we would like to point out to the fact that when the Capetown Agreement was ratified by Parliament it was clearly stated on behalf of the Union Government that it was not entered into in any spirit of bargain. And yet, supposing it were to be terminated, what about the clause embodied in the Agreement that,

"The Union Government firmly believe in and adhere 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 upliftment of every section of their permanent population to the full extent of their capacity and opportunities."

Surely this universal principle applies to all civilised Governments and an enlightened Government like the Union could not possibly have endorsed it on any condition, and the policy of segregation is

certainly not in keeping with that principle. The Capetown Agreement might exist or not, but this principle cannot be ignored.

#### Passive Resistance

In conclusion we would like to say one word about those of our brethren who are preparing to offer Passive Resistance to the Transvaal measure. Mr. Stuttaford has dubbed these people as "a noisy crowd" 'who do not represent the real Indians, and who are out to make trouble and prevent, if they can possibly help it, co-operation with me.' Mr. Stuttaford does not mind trampling under his feet the self-respect of a voiceless section of the community in order to satisfy the "noisy crowd" who wants things that cannot be defended by any canon of justice by any civilised Government, but he is angered against those who cry against an injustice and are prepared rather to undergo any physical suffering without doing the least injury to others and thus save their soul, than to meekly submit to the humiliations imposed on them. They deserve not to be censured but the sympathy of the civilised world. Mr. Hofmeyr has made an appeal for moderation because "the Indian Government was launching a new constitutional experiment, and the danger existed of the extremist section gaining control of the Congress machine." It is indeed a misnomer to call those who are prepared to suffer in order to vindicate their honour and self-respect extremists. Mr. Hofmeyr, we should have thought, would be the last person to refer to them as such. We do not believe the community has advanced even by an inch by those who presently have the control of the Congress machine. We believe they have all along been guided by the dictates of other people and have been thinking only of the material interests of a few, whereas they should be guided by the dictates of their own conscience and should be thinking of the moral as well as material interests of the whole community and their actions should be in keeping with the honour of the great nation to which they belong. Those who have chosen voluntarily to suffer rather than to submit to the indignities they are constantly subjected to can do no harm to anyone. Rather will they awaken the conscience of the people who are hostile towards them. Their cause is just and righteous and God will help them if they eternally seek His guidance and be true to themselves

# ASIATICS (TRANSVAAL) LAND AND TRADING BILL, 1939

THE following is the text of the Bill "to make further provision with regard to the restrictions upon trading by Asiatics in the Province of the Transvaal and the occupation by them of land in that Province":

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. (1) Section one of the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919 (Act No. 37 of 1919), as amended, is hereby amended by the substitution in sub-section (5) thereof for the figures "1939" of the figures "1941."

(a) This section shall be deemed to have taken effect on the first day of May, 1939.

2. (1) Whenever after the commencement of this Act and before the first day of May, 1941, any person applies—

(a) for a certificate which in terms of any law must be granted before he is entitled to obtain the issue of a licence to carry on any business or trade in the Province of the Transvaal; or

(b) for a certificate which in terms of any law must be granted before he is entitled to remove the business carried on by him in the said Province under any licence from the premises on which it is being carried on to other premises,

the person who, or the body of persons which, by any law is entrusted with the function of issuing any certificate shall not, except under the authority of a permit issued under section four, grant the certificate, unless the applicant proves—

(i) in the case of an application for a certificate referred to in paragraph (a), that the proposed holder of the licence referred to in that paragraph and the person who will be in actual control of the business or trade to be licensed are not Asiatics; or

(ii) in the case of an application for a certificate referred to in paragraph (b), that he is not an Asiatic.

(2) Unless within the period of one month after the commencement of this Act the Minister of the Interior has approved in writing of the grant of any certificate referred to in sub-section (1) granted after the thirtieth day of April, 1939, and before the commencement of this Act—

(a) any licence issued before or after the said commencement in pursuance of that certificate (in the case of a certificate referred to in paragraph (a) of sub-section (1) shall be void, if the holder of the

licence is an Asiatic, or if at any time before the first day of May, 1941, the person in actual control of the business or trade licensed is an Asiatic; and

(b) that a certificate (in the case of a certificate referred to in paragraph (b) of sub-section (1) shall be void, if it was granted in favour of an Asiatic; and if the business for the removal of which the certificate was granted has been removed before the expiration of the said period of one month, the removal shall be deemed to have been effected illegally.

3. (1) After the commencement of this Act and before the first day of May, 1941—

(a) no person shall, except on the authority of a permit issued under section four, let to or permit to be occupied by any Asiatic; and

(b) no Asiatic shall, except on the authority of such a permit, hire or occupy,

any land or premises situated in the Province of the Transvaal if that land was not, or those premises were not, occupied only by Asiatics or coloured persons on the thirtieth day of April, 1939.

(2) A lease of any land or premises situated in the Province of the Transvaal, entered into before the commencement of this Act, shall not authorise any person to permit any Asiatic to occupy, and shall not authorise any Asiatic to occupy that land or those premises, unless the lessee under that lease was an Asiatic and unless he was actually in occupation of that land or those premises on the thirtieth day of April, 1939.

(3) Any person contravening this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, and in the case of a continuing contravention, to a fine not exceeding five pounds for every day during which such contravention is continued.

4. The Minister of the Interior may, in his discretion, direct that a permit be issued, to be signed by an officer thereto appointed by him, authorising—

(a) the person or body of persons referred to in sub-section (1) of section two to grant a certificate referred to in that section; or

(b) the letting to, or the hiring or occupation by, an Asiatic of land or premises referred to in section three.

5. The provisions of sections two and three shall not apply in respect of—

(a) the grant of a certificate authorising the issue of a licence to carry on any business or trade on; or

(b) the grant of a certificate authorising the removal of any business to; or

(c) the letting to, or the hiring or occupation by, Asiatics of,

any land or premises situated in any street, ward or location which, in terms of Law No. 3 of 1885 of the Transvaal, has been assigned to Asiatics to live in, or in any bazaar or other area which, in terms of section ten of the Municipal Amending Ordinance, 1905 (Ordinance No. 17 of 1905), of the Transvaal, has been set apart for occupation by Asiatics.

6. (1) If any Asiatic has removed the business carried on by him in the Province of the Transvaal from the premises on which it was being carried on to other premises, and that removal was illegal by reason of the fact that a certificate referred to in paragraph (b) of sub-section (1) of section two had not been granted to him, or by reason of the provisions of paragraph (b) of sub-section (2) of that section, any court of competent jurisdiction may on the application of the person or the body of persons referred to in sub-section (1) of that section make an order for the ejectment of that Asiatic from those premises

(2) The court which has convicted any Asiatic of contravening paragraph (b) of sub-section (1) of section three, may make an order for the ejectment of the person convicted from the land or premises in respect of which the conviction took place.

7. In this Act—

"Asiatic" has the meaning assigned to that expression by section eleven of the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919;

"coloured person" means any person other than a European or an Asiatic;

"lease" means any contract (including the cession of any right under any contract) granting or purporting to grant to any person the right to occupy any land or premises; and "hire," "hiring," "lessee," "let" and "letting" have corresponding meanings.

8. This Act shall be called the Asiatics (Transvaal Land and Trading) Act, 1939.

# M.Ps. MAKING LOOSE STATEMENTS AND QUOTING IRRESPONSIBLE FIGURES

IN the course of an interview with the *Natal Mercury* Mr. A. I. Kajee said, in an attempt to justify the Transvaal measure, loose and irresponsible figures about Natal were advanced by some members of Parliament in support of it.

## Licence Figures In Natal

"Let us take Mr. Nicholls's figures on licences. He states that in 1934 Indians had 3,433 Inland Revenue licences and 6,578 municipal licences issued to them. The official Year Book gives the total Indian licences issued in Natal as 7,731 in 1934. Of these, 2,645 were hawkers and pedlars, 1,666 general dealers, while 1,370 dog licences were issued. In the same year 4,789 general dealers' licences were issued to Europeans. By what stretch of imagination Mr. Nicholls maintains that 80 per cent. of the total Natal Native business is in the hands of Indians one is unable to conceive.

## Union Figures

"The Union figures for Indian trading show a decrease of 592 in five years. In 1930-31 the number of trading licences held by Indians was 16,808, in 1936-37, 16,216.

"It is to be realised that the Indian is forced more and more by circumstances to take up retail trade to earn a livelihood, the reason for which is chiefly due to the White labour policy of the Government, which has had the effect of closing many avenues of employment. Official figures show that in 1917-18 there were 12,213 Indians engaged in industry, and in 1935-36 the number had fallen to 10,956, the proportion being from 5 to 4 per cent. to the total number of workers in the Union. In 1916, 2,949 Indians were employed on the Railways, the present number is 385.

"Mr. Nicholls speaks of a 75 per cent. increase in the Indian population of the Union. In 1921 the Indian population in Natal was 141,649 and in 1936 it was 183,646, an increase of 29.65 per cent. in comparison with the European figure. The European figures for the same period were 136,838 and 19,600 respectively. In 1921 the Asiatic population was 4,811 higher than the European, in 1936 it was 12,354 lower, a decrease of 17,165. The Indian population of the Union is 10.9 per cent. of the European and 2.3 per cent. of all races. Therefore the contention of Mr. Nicholls that the Indian population is greater than the European population in Natal is not borne out by official figures.

"Mr. Nicholls spoke of the aim of the Capetown agreement being the reduction of the Indian population. It was just as much the aim of the agree-

ment that the residue Indian population would not be segregated and would be enabled to rise to the required standard of Western civilisation."

## Durban Figures

Messrs. Nel, Acutt, Marwick and Neate made great play with figures when they referred to Indian penetration in Durban. It was common knowledge that for some years past special statistics had been compiled in the Estate Department of the City Council. The figures were obviously obtained from this source to be used in Parliament against a minority group of the community.

These figures spoke for themselves and Indians had nothing to be ashamed of in their revelation. There had been a total acquisition from May 1, 1935, to February 28, 1939, of 107 properties from Europeans valued at £165,510. Most of these properties were in Wards II and VII. Ward II included the Grey Street area, and Ward VII was beyond Alice Street Bridge, comprising May Street, Umgeni Road, North Street and Mitchell Road.

These figures supported the Indian case that there was no penetration. These two wards, namely II and VII, where Indians have acquired 82 properties valued at £116,560 were the wards in which they had resided and traded for the last 65 years.

It had been stated that the value of the property owned by Indians in Durban had increased from 0.178 in 1888 to 7.2 in 1939. The Indian population of the borough of Durban in 1939 was 86,000. Before the boundaries of Durban were extended in 1932 the Indian population numbered 17,330. By the extension of the borough boundaries large tracts of rural and semi-rural lands occupied by some 64,000 Indians were brought into the boundaries of the city of Durban. This explained the increase which had taken place over a period of 51 years.

## Position In Natal

In Natal, where the bulk of the Indian population was concentrated and where some 70,000 Indians belonged to the rural population, of the total acreage of 11,000,000 acres in the Province the amount owned by Indians was computed to be 100,000 to 120,000 acres, that was

approximately one acre in every hundred. Was this sufficient to justify legislation for the segregation of Indians all over the Union?

## No Arabs In South Africa

Mr. Kajee also refuted Mr. Heaton Nicholls's statement that some of the traders of Natal were Arabs. There was not a single Arab trader in Natal, the Transvaal or the Cape. All of the Union traders referred to were full-blooded Indians and the Mahomedans were as much Arab, said Mr. Kajee, as Mr. Nicholls was.

In a footnote to the above the *Natal Mercury* writes: According to the Official Year Book, to which Mr. Kajee refers, the total number of licences issued to Asiatics in 1933-34 was 7,731, all of which applied to trading except 1,370 which were dog licences, a net total of 6,361 licences in respect of trade. In the House, Mr. Nicholls stated that 6,578 municipal licences for trade were issued to Asiatics, a discrepancy of 217.

## NOTICE.

### The Kholvad Club And Kholvad Gymkhana First Annual General Meeting

All Kholvadians are hereby notified that the first annual general meeting of the above will be held on the 24th May 1939 in the Patidar Hall, Terrace Road Fordsburg, Johannesburg. Commencing time 11 a.m.

Agenda: (1) Introduction of members list. (2) Constitution, rules and regulations of the Kholvad Club to be formed. (3) Election of office bearers and members of the board of management. (4) Discussion on the erection of a Gymkhana in Kholvad, India etc., (5) General.

Only the enlisted members who have subscribed, and those who have made arrangements for the payments of their subscriptions as life-members on or before the 23rd inst. will be permitted to speak and vote in the meeting.

Those Kholvadians, omitted to be called upon to subscribe by the Committee, are kindly requested to dispatch their subscriptions to the Secretary: KHOLVAD CLUB, P. O. Box 6590, Johannesburg on or before the 23rd inst.

Organising Committee Kholvad Club:  
Messrs. H. M. M. Daloo, M. E. Bhyat, I. S. Saloojee, E. H. M. Patel, E. S. Dangor, S. H. M. Moolla, E. A. Vania, H. E. M. Dandiar, Dr. Y. M. Dadoo.

P. O. Box 6590. Phone 33-1918.

Johannesburg.

# TRANSVAAL LAND AND TRADING BILL

## DEBATE IN THE HOUSE OF ASSEMBLY

**M**OVING the second reading of the Asiatic (Transvaal) Land and Trading Bill in the House of Assembly on Thursday, May 4, the Minister of the Interior (Mr. R. Stuttaford) said that when his proposals for separate residential areas for Europeans and Indians were made known the Indian Government, through the Agent-General, asked for an opportunity of consulting the Union Government regarding the terms of the proposed legislation. The Government felt it would be only courteous to accede, and for the reason that it was impossible to introduce the main legislation this session interim legislation was being introduced for three purposes. The first was to extend to Indians on the Witwatersrand the protection which had been extended from 1935 to 1937 and again from 1937 to 1939. The extension would now be from 1939 to 1941.

### Purpose Of The Legislation

The Government felt that while suspending action this session, they must stabilise the position by not granting new trading licences to Indians in the Transvaal and prohibiting occupation of land by Asiatics in areas occupied by Europeans. The present Bill carried that intention into effect.

It would be noticed that protection to occupants of land in the gold law areas had been extended for two years until April 30, 1941. He had done this because he did not want to ask Parliament next year for another suspending Bill because he could not complete the legislation by April 30.

Further, if the Feetham Commission resolutions were adopted by the House, there would be a certain amount of administrative work to be done, and during that time the protection to Indians would continue.

One of the first things to be done in dealing with Indian occupation of land in other Provinces would be to adopt the Feetham resolutions, and in that way clear up the illegalities which had continued since 1919 regarding Indian occupation on the Reef.

It had been hoped that the Bill of 1919 would end the problem, but in 1932 new legislation had to be introduced and it was decided then to appoint a commission to investigate the position of those Indians who had broken the law since 1919. As a result of the Feetham Commission's work the Government had a register of Indian land occupation and a jumping off place for their intended legislation.

### Meaning Of The Bill

Dealing with the Bill, Mr. Stuttaford said the first clause extended protection to Indians on the gold fields from May 1, 1939, to April 30, 1941.

Clause two provided that no new licences should be granted from the passing of this Bill to 1941 and it also enabled the Minister to deal with such certificates for new licences which had been issued from May 1, 1939, to the date when the Bill became law.

Clause three dealt with the occupation by Asiatics of any property which was to-day occupied by Europeans and Asiatics, while the next clause enabled the Minister to grant exemptions in certain cases.

Mr. Stuttaford said that under clause five new licences could be granted for trading in Asiatic bazaars.

The Bill was a purely interim measure and did not prejudice the main issue in any way. The main issue was easy to define, but very difficult to solve.

The Europeans had asked to be allowed to live apart from other races and the Indians objected on the ground that this principle would be a stigma on their race.

His solution was that if the Europeans in any area asked for a referendum and two-thirds were in favour of a servitude on that property restricting its occupation to Europeans then the other Europeans had to agree to the servitude applying also to their property. This interim legislation did not remove a single Indian from property which he occupied or owned; he only wanted to stop further infiltration of Indians.

He could not see why his proposals should be considered harsh on the Indians; they were not being driven out. The only people who had real grievances were those Europeans who, against their will, would have a servitude on their property. So far as he was concerned those people would have to put up with their complaints because it was in the interests of the country that this principle be adopted.

His solution had been violently opposed by the Indians and some lawyers, who did not think he (Mr. Stuttaford) could draw up Bills. He was prepared to draft another Bill which, he hoped, would meet with better response from Indians and lawyers.

"I still maintain that we cannot in any other way settle the friction that has been going on in this country and which the leader of the opposition (Dr. Malan) will tell you constantly recurs every three or four years. If people cannot agree with each other they must live apart.

The chief point in his solution was that it was up to the Europeans to take action if they wanted to in the way he had suggested. He hoped a solution would be found by the next session and that the Indian Government and the Indian people here would help the Government to find that solution.

### Mr. B. J. Schoeman Supports Bill

Mr. B. J. Schoeman (U.P., Fordsburg) said he supported the Bill because it embodied an entirely new principle and ensured that the Feetham Commission recommendations would not be adopted this session. The interim legislation would give the Government an opportunity of trying to solve a problem that had faced successive Governments for 30 years.

Mr. Schoeman urged the Government, instead of adopting the Feetham Commission's recommendations, to allow Asiatic trading in the areas concerned to continue. People in Johannesburg were not so much concerned about trading as about the residential aspect.

In collaboration with the Johannesburg City Council, the Government should set aside areas outside the European areas for Asiatic residence.

Further, Parliament having adopted the principle of ownership, Asiatics should be allowed to obtain single ownership in the areas set aside for them. This would eliminate "racketeering." He had heard it stated recently that the Indian landlord was the worst racketeer in the world.

"This is segregation, but I do not see any stigma in it and it will be in the interests of both Indians and Europeans. If these two sections are not separated I am afraid serious trouble will soon arise in the Transvaal.

### Dr. Malan Proposes Amendment

Dr. D. F. Malan (Nat., Piquetberg), proposed as an amendment that the second reading of the Bill be discharged and the subject matter be referred to a Select Committee charged with introducing more comprehensive legislation, including provision for effective residential segregation in urban areas.

Legislation of this nature providing for complete residential segregation between Europeans and non-Europeans, he said, had been prepared on a unanimous decision of the Cape Provincial Council and had been postponed only at the instigation of the United Party members of the Provincial Council and referred to the Municipal Congress at Oudtshoorn. This congress had approved of such legislation by an overwhelming majority.

The Transvaal Provincial Council had passed a similar resolution approving of segregation between Europeans and non-Europeans. Members of the United Party, even in Parliament, had urged the need for such legislation.

The Government had made definite promises, inside and outside the House, about segregation not only of Asiatics, but of all non-Europeans.

There could be no objection to his amendment on the ground of time, because such legislation had already been prepared by the Cape Provincial Administration, and although it might not take exactly that form it might give the committee a lead.

Mr. Stuttaford's speech in introducing this Bill was the best example of the Government's policy of postponement that he had seen. The country and the Nationalists in particular, had good reason to complain about the manner in which General Hertzog was playing fast and loose with declarations he had made.

When General Hertzog had proposed the suspension of the rule for the automatic adjournment of the House at 11 p.m. he (Dr. Malan) had asked him whether the Government intended to introduce legislation dealing with segregation. The object of this question could not have been doubted by a single member.

He had referred to declarations made by General Hertzog and Mr. Stuttaford in the House not long before. He had mentioned that by these declarations legislation was being taken out of the hands of the Provincial Councils, especially the Cape Provincial Council, which was not concerned with Asiatic segregation between Europeans and non-Europeans in general and Europeans and Coloured people in particular.

The Prime Minister had answered that such legislation would most certainly be introduced by the Government. He was now told that the Prime Minister, in giving his answer, had referred to "coloured people," which included Asiatics, and that the legislation he had meant was the Bill now being introduced which was as far from segregation between Europeans and non-Europeans as the moon was from the earth.

### Complete Coloured Segregation

Mr. Stuttaford had promised a deputation of European citizens of Capetown among others that he would introduce complete coloured segregation. At the instigation of General Smuts, who said that existing rights must not be interfered with and that the problem would solve itself, the matter was now being shelved.

The European population had justification for serious complaints about the manner in which it had been treated by the Government as against that enjoyed by the coloured people in the matter of segregation negotiations. Mr. Stuttaford had evaded seeing a deputation from a European ratepayers association

until he had met a coloured deputation led by Dr. Abdurahman, and General Hertzog had done likewise.

Reviewing past legislation concerning the proclaimed areas on the Witwatersrand, Dr. Malan said there had always been contraventions and evasions, with which no attempt was ever made to deal seriously. The Smuts-Gandhi agreement protected evasions.

When he came to deal with the situation in 1932 a state of confusion existed on the Rand. It was clear that by that time no drastic steps could be taken to deal with illegal residence or occupation. Many of the Indians affected were South African born and if they were dispossessed they could hardly be deported. The Indian Government had not been prepared to receive them. If they had been allowed to remain in the country after being dispossessed they would have been pushed out to the Platteland.

In these circumstances the only thing to do was to find some form of segregation on the Witwatersrand and the Feetham Commission was appointed to draw up a scheme for confining Asiatics to certain areas.

The Commission was expected to be able to make its report in three years, then five, and eventually presented its recommendations after seven years. There was no reason why the Government should not now bring about finality in this question.

Why should the Indian Government require another two years for considering the proposals? It had been in touch with the Government all along.

The way was now clear-cut and 14 days or at the most a month ought to be sufficient to enable the Minister to take steps to settle the question once and for all. Why did he want two years?

### Government Moved By Party Considerations

The Government's whole attitude showed that they were moved by Party considerations and not the interests of the country.

In the Bill the Minister was taking away the power from local authorities to issue certificates in proclaimed ground and deal with applications for trading licences and putting it in his own hands. The result would be that the illegal position on the Witwatersrand would be protected for a further two years.

In effect, he was evading the application of the Feetham report for two years. What the House wanted to know was the Minister's attitude towards the report.

As regards the areas outside proclaimed ground, the provision to preserve the *status quo* and forbid further penetration was just throwing dust in the eyes of voters in the Transvaal. It was true that there had been a great increase in this penetration, but this step by the Government was not necessary because the Transvaal municipa-

lities were wide awake to the situation and were drastically restricting trading licences for Asiatics.

The municipalities felt strongly about the matter and this ineffectual measure was simply an effort to deceive the voter.

"We want the Government to introduce comprehensive segregation measures, not only between Europeans and Asiatics, but between Europeans and non-Europeans," said Dr. Malan. "At present it is squandering the country's money on buying land for Natives while the European of the Poor White class, forced to live in mixed residential areas, is forced to fight unaided for his life and the purity of his race. We want the Government to be independent of Dr. Abdurahman and his people and carry out its promises."

### Mr. J. H. Hofmeyr

Mr. J. H. Hofmeyr (U.P., Johannesburg North) said that by forgetting the policy he had initiated and the obligations into which he had led South Africa, Dr. Malan had reduced the debate to the level of a Party wrangle. He had introduced matters entirely irrelevant and had confused the issue of Coloured and Indian segregation.

Although the Bill was short, it was potentially one of the most important measures introduced this session. Its direct effects would probably be small, but its indirect effects might be considerable.

By indirect effects he meant the consequences the Bill might have on the relations between the European and Asiatic sections of the population; as well as the relations between the Indian and Union Governments in this time of crisis. Both were colleagues in the British Commonwealth of Nations.

Mr. Stuttaford had said this was an interim measure and pegged the existing state of affairs.

Proclaimed land was dealt with in Clause 1. There the proposed pegging of affairs was essential and any alternative to its provisions would lead to chaos. That provision itself made it extremely difficult for any member with a sense of responsibility to vote against the Bill.

The rest of the Bill dealt with other aspects in which pegging was proposed, including non-proclaimed land in the Transvaal, other than the Reef and Klerksdorp areas.

Mr. Hofmeyr said he was prepared to support the Bill so as to give the Minister the necessary breathing space to enable him to tackle the problem in its wider aspects. Because the Bill was an interim measure, however, it could not be regarded as committing the House to the acceptance of the principle of segregation based upon legislative compulsion. That had been made perfectly clear by the Minister himself.

It would be impossible for the Government to come forward with legislation which involved the acceptance of that principle unless it had first specifically terminated the Capetown agreement of 1927 with the Indian Government, for which Dr. Malan had been responsible.

Mr. Hofmeyr said the gold law made Asiatic and Coloured occupation of proclaimed land illegal. It did so generally but not absolutely.

### Legal and Illegal Occupation

All along there had been certain types of occupation of proclaimed land by Asiatics and Coloureds which had been perfectly legal and there the difficulty arose. Because there had been legal and illegal occupation and because there had been no register of legal occupation, illegal occupation eventually grew.

The 1919 Act did not deal with the essentials of the problem and there had been more illegal occupation, and as there was no register of legal occupation the Act could not be enforced.

The 1932 Act virtually prohibited occupation of proclaimed land by Asiatics and Coloured people, but at the same time the Minister was empowered to demarkate areas where occupation would be legal, despite the provisions of the gold law.

The Feetham Commission had recommended the setting aside of areas, as well as amendments to the gold law.

A Select Committee appointed in 1936, had recommended nearly all the amendments proposed by the Feetham Commission. It proposed certain other amendments and conceded the principle of the right of ownership of land by Asiatics and Coloureds in respect of areas set aside for them as distinct from individual stands. That decision was made the subject of a resolution by both Houses of Parliament. Those resolutions, based on the 1936 Act, which gave effect to the Select Committee recommendations, had come to be known as the Feetham resolutions.

Pending the passage of these resolutions through the House, it had become necessary to maintain the existing position on the Witwatersrand and that was why protection had been extended from time to time.

Failure to pass clause 1 of the Bill in view of the Feetham resolutions would make occupation of that land on the Witwatersrand illegal.

Mr. Hofmeyr said he regretted that the Feetham resolutions had not been passed by the House, which was under a moral obligation to pass them or other resolutions on similar lines. The 1932 Act could not be enforced until they were passed.

The Johannesburg City Council was being embarrassed because it had important town planning schemes under consideration and strong representations had been made for the Government to deal with this matter.

If the first clause of the Bill was not passed probably 12,000 Asiatics and 20,000 Cape Coloured people in the Transvaal would be reduced to the position of being in illegal occupation of their premises. That would establish a chaotic situation.

The remaining clauses represented a concession to a contention that had not been established. That contention was that Asiatic penetration in the Transvaal was increasing to an extent necessitating legislation.

### No Grounds For Fear

The Asiatic Inquiry Commission in 1919 had stated that a careful consideration of evidence tended to show that there were no solid grounds for the fears regarding an Asiatic menace. In 1936, as Minister of the Interior, he had taken steps to check the position as far as possible and the evidence had indicated that since the Asiatic Inquiry Commission had reported there had been no substantial change.

To-day no trading licence could be issued without a certificate granted by a local authority or a rural licensing board and the policy adopted by these boards towards Asiatics had been most restrictive. The statements about unsafe penetration had not been and could not be established.

This conclusion could be used either to show that the later clauses of the Bill were unnecessary or that they would have little practical effect, so that the Bill was unobjectionable. He was prepared to accept this argument.

Clause 2 restricted the issue of trading licences, but now trading licences were issued to Asiatics very rarely indeed.

The restriction of Asiatic occupation under Clause 3 might have some effect but the history of anti-Asiatic legislation showed how very difficult it was to enforce that kind of legislation without a register and they had no register.

The Minister had complete powers of exemption under Clause 4. The strict enforcement of Clauses 2 and 3 over a long period of years must create hardship and the Minister could deal with individual hardship under Clause 4.

The Minister was bound to do so by the terms of the round table conference by which he was still bound.

It was a matter for consideration whether the Minister should have these wide powers of exemption. He thought there might be a better reception for the Bill from those concerned if the Minister gave these powers to a board. The necessary board had already been created in 1937 to deal with individual cases on proclaimed land.

He suggested, too, that there should be the right of appeal in the case of fresh applications for licences to the Courts or some other tribunal.

### Methods Of A Solution

Mr. Hofmeyr then dealt with the methods by which a solution should be sought. At the Imperial Conference in

1917, he said, General Smuts had pointed the way to a solution on a basis of co-operation and consent. Mr. Stuttaford must keep always before him the principle of upliftment. It was not in the national interest that any part of the population should fall too far behind the other sections.

"You cannot permanently keep one section of your permanent population in the ditch without staying there yourself," said Mr. Hofmeyr. "I want to ask the Minister to remember that concessions to the ghetto-making mentality—we have seen it again this afternoon—always produce their menaces. I want to ask the Minister not to attempt to solve this problem along the basis of segregation based on legislative compulsion. Such a policy would not be justified by established fact.

Dr. Malan and others like him did not realise the nature of the people with whom they were dealing. Indians in South Africa were the outpost of a nation that was not only numerically great, but had a great cultural history. That nation to-day, by the fact that it was producing outstanding men in science, literature and philosophy, had proved that it was not unworthy of its cultural heritage.

Discriminating treatment of Indians in South Africa in the past had produced a Mahatma Gandhi for the world. In South Africa the weapons of passive resistance and civil disobedience had been forged. History might repeat itself.

He asked the Minister not to be unmindful of these facts. They might go forward with a solution based on legislative compulsion.

"I think there is another and better way," said Mr. Hofmeyr. "It is the way of co-operation, consultation and consent. I believe the time is ripe for such a solution.

Declaring that the only reasonable manner of securing segregation was on the basis of consent and co-operation, Mr. Hofmeyr said that shortly before ceasing to be Minister of the Interior he had received complaints of Indian penetration of European areas in Natal.

### An "Agreement"

After consultations between the Indian Congress and the municipal authorities an agreement had been reached that this penetration would stop. Mr. Stuttaford had since assured him that that system had worked satisfactorily.

Mr. Stuttaford: I did not.

Mr. Hofmeyr: It has not perhaps worked 100 per cent. satisfactorily, but that is the basis upon which we can work. Though the Minister wants to go back on his statement now, I still believe he was correct when he made it.

Mr. Stuttaford: I must ask the hon. member to accept my assurance that I never made that statement.



**Mr. O. R. Nel**

Mr. Nel (U.P., Newcastle) said that Mr. Hofmeyr had appealed to the Minister to carry out a gentleman's agreement, that had been ignored since it was entered into. In 1936 the total value of property bought by Asiatics in European areas in Durban was £29,090; in 1937 it was £28,740 and last year £78,000. The total number of properties involved was 103.

He admitted that the Asiatic Congress in Durban had tried to carry out this agreement but had failed. Asiatics now owned properties in some of the best parts of Durban and the problem had reached such dimensions that it could not be allowed to continue and steps would have to be taken to rectify a position that at present was unfair to the European population. He was quite prepared to accept the principle of segregation to Europeans. No mention need be made of Asiatics.

The plain fact was that if Indians and Europeans lived cheek by jowl, trouble was bound to follow. In Dundee, Natal, there had for many years been a good understanding between the Europeans and the Asiatics, but recent purchases of property by Asiatics in the European area had led to friction.

**Mrs. Ballinger**

Mrs. Ballinger (Native Representative, Cape Eastern) said she was entirely opposed to the Bill. The first clause did not implement the Feetham Commission's recommendations and the remaining clauses introduced a new principle in regard to Asiatics.

**Mr. Strydom**

Mr. Strydom (Nat., Waterberg) said racial strife in South Africa could only be eliminated by segregation of all non-Europeans. British Imperialism which refused to make differences of colour was responsible for the present Indian problem because it caused the importation of Indians into the Transvaal and Natal. The Indians had found loopholes in all controlling legislation and the result was that constant amending legislation had been introduced. A permanent solution would be found only in segregation.

The Nationalists were not trying to escape from the consequences of the agreement with the Indian Government. The fact was that the Indians were no longer observing the terms of the agreement, and that was why the Nationalists thought other steps should be taken to protect the interests of Europeans.

**General Kemp**

The Minister of Lands (General Kemp) said the Government put the country's problems before party differences. The Nationalists' amendment was purely political in its object, and did not aim at any solution of the problem.

**Mr. Grobler**

Mr. Grobler (U.P., Brits) said he would ask the Government to terminate the agreement with India, which was of no future value. He did not agree with Mr. Hofmeyr that there was no Asiatic penetration in the rural areas. He wrote to all Municipalities in the Transvaal and the replies showed that Indian licences increased while European licences decreased. Indians should realise that they could not keep evading the laws. For many years they had broken the laws and eventually asked the Government to legalise their position.

**Mr. Goldberg**

Mr. Goldberg (Dom. P., Durban, Um-lazi) said that although not altogether in favour of the Bill, he was compelled to support it because of Clause 1, the extended protection in Johannesburg. The Government should give effect to the Feetham Commission recommendations. Segregation should be treated separately because it was a national matter. The problem of the Indian community could not be solved piecemeal.

**Mr. Rooth**

Mr. Rooth (U.P., Zoutpansberg) said that it was necessary to restrict the penetration of Asiatics. In many parts they were living in conditions of squalor. Almost anything would be better than to allow the existing conditions to continue. The idea of segregation was started in India. If there was no objection to segregation of castes in India, why should there be an outcry against it in South Africa?

But a policy of segregation would have to be reasonable and he would not support anything that imposed a hardship on the Asiatic. Penetration was taking place in the Transvaal. During the last ten years in the Zoutpansberg district the number of Asiatic licences had increased by over 40 per cent.

**Mr. Madeley**

Mr. Madeley (Lab., Benoni) said the Bill did peg the position and this pegging was essential until the whole Asiatic question was cleared up. It was highly desirable that there should be the fullest and freest consultation between the Governments of India and the Union. But the Union Government must retain the right to act, with or without consent, after such consultation had taken place. The problem had become a problem purely because of its economic basis. The Indian opposition to the Bill came from the trading wealthier class of Indians, who were not concerned with the interests of the lower and labouring classes of Indians.

India had taught the world to look upon segregation as something desirable as caste segregation existed in its fullest form in India. He had every hope that

the whole question of Indian and coloured settlement on the Rand would soon be settled by the method now employed by the Johannesburg Municipality, but he was quite sure that the Indian traders would not be satisfied. It was the Indian trader who wanted to filtrate into the European communities.

**Mr. M. Alexander**

Mr. Alexander (U.P., Capetown Castle) said the passing of the Feetham resolutions would not solve the problem because there had been changes in some of the areas investigated by the Feetham Commission. Further inquiry would be needed during the period covered by this interim Bill.

**Mr. Acutt**

Mr. Acutt (Dom. P., Stamford Hill) said Indians had acquired property in some of the best parts of Durban. Their penetration was increasing and the Borea was gradually becoming an Indian locality. Areas in Durban which were entirely European owned 20 years ago were now entirely Indian-owned.

**Mr. Quinlan**

Mr. Quinlan (U.P., Germiston North) said that the position to-day was the inheritance from Dr. Malan and his vacillating policy in 1927. The Indians, though they had grown in riches, had not raised themselves up to the European standard of living, and made it impossible for Europeans to compete with them and had the general effect of dragging Europeans down to their level. The Government had the right to interfere against any section of the community which contributed nothing to the country but took everything out of it.

**Mr. Geldenhuys**

Mr. C. H. Geldenhuys (Nat., Prieska) said there was need of uniform legislation to provide for the segregation of all non-European races.

The vote of 126 to 33 in favour of segregation passed at the recent Cape Municipal Congress was strong evidence in support of the amendment by Dr. Malan that the second reading be discharged and the subject matter of the Bill referred to a Select Committee charged with bringing up more comprehensive legislation, including effective provision for residential segregation in urban areas.

Mr. Geldenhuys said the Government should not discriminate between Asiatics and the Coloured people in regard to segregation, the introduction of which could be further delayed only at the Government's peril.

**Mr. Heaton Nicholls**

MR. G. HEATON NICHOLLS (U.P., Zululand) said that any international repercussions as a result of the measure would not be confined to the Transvaal but would affect the whole of the Union.

Though the Transvaal problem was more urgent it was a minor problem

compared with that of Natal. The people who were affected by the Bill formed a separate class from the mass of the Indian population. Many were not Indians at all but Arab people, whose ancestors had traded for centuries along the coast of Africa. They associated themselves with the Indians because of the power of India, but they had only a nodding acquaintance with India. They were Mohammedans and miscegenation was very common among them.

Trading was in their blood. No European community could possibly compete with them in retail business and so it had come about that throughout Africa, in Kenya, Tanganyika, Uganda and Mozambique, they had a monopoly of the retail trade.

In 1934 in Natal 3,433 Inland Revenue licences and 6,578 municipal licences had been issued to Asiatics for trading, and it was computed in that year that 80 per cent. of the total Native trade of Natal was in the hands of these people. If there had not been any restriction in trading there was not the slightest doubt that very few Europeans would have been left to trade in some areas.

If South Africa wished to place the whole of the country's retail trade in the hands of Asiatics it would only be necessary to remove the restrictions on trading competition, and this would be accomplished in a single generation.

The mass of Indians did not belong to this trading class. They formed the problem of Mother India and deserved the sympathy of South Africa. They formed an immigrant community, having been brought out of the country by the people of South Africa. The people of the trading class were, as it were, their camp followers and created the most trouble.

The mass of the Hindus in Natal had their feet in two civilisations, and their children, while being educated by European methods, were also being taught in their spare hours out of school in the vernacular.

They retained their Eastern traditions in a European environment, remaining essentially different in their own economic life. They were following avocations and independent enterprises which, with proper recognition, could be developed into complementary industries for South Africa.

#### Limited Residue

The attempt to establish limitation on the Indian population was the very core of the Union's policy. The Government had been prepared to deal very generously with the Indian population, recognising a "limited residue." It was on the acceptance of the limited residue that General Smuts spoke at the Imperial Conference in 1927 in an endeavour to support a rather nebulous argument.

Mr. Nicholls said he had had difficulty in following Mr. Hofmeyr's speech, which defied the possibility of extracting any political content from it. While accepting the Feetham resolutions Mr. Hofmeyr had declared that there was no evidence that would satisfy him about penetration in the Transvaal.

He had said that the Government should proceed on a policy of co-opera-

tion, consultation and consent. How could the Government co-operate with the Transvaal traders, who had declared that they would not co-operate? Consultation was taking place.

Mr. Nicholls said it was known that consent would never be given. The standpoint of the Indian Government was that there should be no discrimination of any kind against Indians.

"There can be no limitation based on consultation and the consent of the Indian Government."

Mr. Hofmeyr had uttered one sentence which contained the germ of the solution. It would be impossible, he had said, to accept the principle of segregation until the 1927 agreement with India had been terminated.

"I thoroughly agree with him there," said Mr. Nicholls. "The 1927 agreement was based on a reduction in the Indian population. It was expected that the assistance which would be given by the Indian Government in the repatriation scheme would become effective and ultimately we should have a residue on which the whole principle of the upliftment provided in the scheme would have been applied. That expectation has not been realised."

In the 1921 census the Indian population was 165,731, and in 1936, 219,691—an increase of 75 per cent. If this number was distributed over the Union it would not be a grave matter, but the bulk of it was legally confined to Natal—an anomaly after 28 years of Union.

In Natal there were 189,000 Asiatics compared with 196,000 Europeans, but the Asiatic rate of increase was higher. This density of the Indian population was of paramount importance to Natal. From this fact rose economic and political problems of the first magnitude.

#### Cause Of Economic Problems

The economic problems were not caused by a difference in wages, hours of work or licences, but by the political problems which arose from the fact that the Indian population would soon be greater than the European population.

Mr. Nicholls said the Union Government had always been in favour of limitation of the Indian population. In 1921 the Asiatic Commission had recommended that there should be voluntary repatriation, and that it should be encouraged. It had also recommended segregation on a voluntary basis.

"Since that day, therefore, voluntary segregation and repatriation has been the accepted policy of the Union Government."

After 1921 public demands for residential segregation had become insistent and the then Minister of the Interior, Mr. Patrick Duncan, had introduced an Areas Reservation and Immigration Restriction Bill. This step, however, led to the intervention of the Indian Government, which firmly and gently maintained its rights to interfere in such matters.

As Minister of the Interior of the new Government, Dr. Malan had unsuccessfully continued the negotiations.

After the round-table conference, an agreement reached required the Indian Government to assist in reducing the

Union's Indian population, the Union Government undertaking to uplift the Indians who remained.

To keep a watchful eye on the Union Government, an Indian Agent-General had been appointed, but no Union representative had been appointed to see that the Indian Government carried out its obligations.

#### One-sided Agreement

From the outset the agreement had been one-sided. Those Indians who had been repatriated had sunk into the slums of Calcutta and Madras to become objects of pity, and the Indian Government had been reproached for conniving at the scheme.

The Indian Agent-General had made representations to the Union Government to discourage Indian repatriation. At the 1932 round table conference it had been explained that the failure of the repatriation scheme was attributable to the fact that repatriated Indians found themselves in a lower stratum in India than they enjoyed in South Africa, and were unable to adapt themselves to it. The bulk of the Indians were South African born.

At this juncture the conference had almost broken down. Mr. Pirow had taken the strongest objection to the continuance of the agreement. He had held that all useful purpose in the agreement had gone and he demanded that the agreement should be terminated and the Agent-General recalled. Since it was admitted that the Indian population was now South African, it must conform to the law of South Africa.

He (Mr. Nicholls) had agreed with this attitude. The Minister had asked him to draw up a resolution signifying termination of the agreement.

Just at that period he had been approached by members of the Indian delegation with a plan for colonisation in other countries adjacent to India, as provided in the 1927 agreement.

The members of the Indian delegation to whom he referred had argued that the South African Indian community was a negligible factor compared with the 350,000,000 of India. Yet their grievances were a perpetual running sore in the body politic of India and were constantly exploited by Indian politicians to the embarrassment of the Government of India.

It had been stated that there was a strong national feeling in India in favour of colonisation, for it was felt that the stigma of serfdom placed on Indians who had left their native country to become indentured as labourers could only be removed by such a scheme. The Indians of South Africa, it had been stated, were eminently fitted to be the pioneers of such a colonisation movement.

He had been very impressed by these arguments. He knew sufficient of the British Colonial Empire to know that it was possible to obtain a colony on the lines suggested. It had been agreed that the suggestion should be explored by the conference and Mr. Pirow had withdrawn his objection provided that the whole of the repatriation scheme did not break down.

It had been agreed by the conference that if the approval of the Indian Government and South African Indian community could be obtained the two Governments would appoint a joint commission to study the whole position and report in 12 months to a further conference in Capetown.

The Indian Government had approved and the South African Indian community had given its consent in writing. It had been finally decided to reject the suggestion to adjourn the conference for 12 months, but to finish it at once and to call an ad hoc conference at a later date. A report of the conference had been given by the Minister of the Interior in the House.

As far as he knew, the obligation had been completely ignored by the Government of India. He did not know if Dr. Malan, as Minister of the Interior, had made any representations to the Government of India, but as it was a very important point he hoped he would make a statement to the House.

DR. MALAN: Yes, I will speak on the third reading.

### Indian Government Blamed

Mr. Nicholls said that when Mr. Hofmeyr had become Minister of the Interior he had taken the matter up and the Indian Government had refused to carry out its obligations.

Mr. Hofmeyr at this stage interrupted Mr. Nicholls, but his remarks were inaudible. Mr. Nicholls asked him to make an explanation to the House.

MR. J. H. HOFMEYR (U.P., Johannesburg North) said that when he had become Minister of the Interior about a year after the Indian conference he had found this matter still hanging fire, not as far as he could remember because of any lack of activity on the part of the Government of India. He had found a hesitation on the side of the Union Government to commit itself to obligations on the lines of those suggested a year previously.

The Union Government had, however, decided to appoint a preliminary committee of inquiry, of which Mr. Nicholls had been a member.

MR. NICHOLLS said he did not understand this explanation. He had understood at the time that because of the default of the Indian Government, which would have nothing to do with a joint commission, the Union Government had appointed the committee to which Mr. Hofmeyr had referred.

MR. HOFMEYR: Not because of any default of the Indian Government.

### End Indecision

MR. NICHOLLS said the committee had produced a report which had not had a very good Press either in India or in the Union.

In the present state of the world said Mr. Nicholls, it was very unlikely that the opportunity presented in 1934 to explore the possibilities of colonisation would recur. A territory which might have offered possibilities was now being explored on behalf of European refugees. Whatever the reasons why the colonisation scheme had

failed, the time had now arrived to end indecision.

"If the Indians are part of our population and if a repatriation scheme is no longer practicable, there is no further justification for the 1927 Capetown agreement, which is based explicitly on the possibility of reducing the Indian population. We must be left free to decide for ourselves without interference."

Mr. Nicholls, who was given an extension of time, concluded amid cheers from the Government benches.

## Mr. Blackwell

MR. L. BLACKWELL (U.P., Kensington) said by a solemn Act in 1932 the Government had continued the agreement of 1927, which was therefore as effective to-day as it had ever been.

Mr. Blackwell said that it was never contemplated that assisted emigrants should relate to the Asiatics of the Transvaal, who had not come to South Africa under indenture.

The spirit of the agreement was not one of oppression of the Indian community but a liberal spirit aimed at easing the application of limitation.

"No one can tell me that the terms of this Bill are in accordance with the spirit of that agreement," said Mr. Blackwell.

When the agreement had come before the House it was accepted by all except two members, Mr. O. R. Nel and Colonel Collins, whose speeches Dr. Malan, the Minister of the Interior, had described as the most irresponsible he had ever heard.

He had reminded the House that it should not forget that every word uttered in the debate was probably cabled to India and the utmost discretion should have been observed.

Replying to Mr. Nel and Colonel Collins, Dr. Malan had said that any policy which was not aimed at the uplift of all the sections of the people together was heartless and unjust.

"I ask Dr. Malan to square or attempt to square this policy of his in 1927 with the policy of his Party in recent years and the pressure his Party has brought to bear through the Platteland on the Government, which very largely has resulted in the production of the present Bill. I invite him to square the proposed provisions of the Bill with the uplift clause of the Capetown agreement."

DR. MALAN: I will do it. I will square with you.

MR. BLACKWELL said Dr. Malan's change of policy was as complete as that of Mr. Chamberlain since Munich.

Mr. Blackwell said that the country was committed to carrying out the Feetham resolutions.

MR. E. A. ROOTH (U.P., Zoutspanberg): No, no.

MR. BLACKWELL: The hon. member for Zoutspanberg is committed in this matter as much as anybody. He was a member of the select committee which was unanimous in approving the report in 1936.

By passing the 1936 Bill the House had given its assent to the Feetham report.

Mr. Blackwell's time limit expired, but he was allowed to proceed.

Mr. Blackwell asked Mr. Stuttaford to state the Government's policy on the Feetham report. If the Government intended to act on the report it could be done this session. If not, the provisions of the 1932 Act should be extended.

He had no option but to vote for the Bill, if only because of Section 1, which extended the period. The second part of the Bill provided that no new licences would be granted to Asiatics.

"For the first time in stark crudity we propose to set down in legislation that if a person is an Asiatic that fact alone shall debar him from obtaining a licence," said Mr. Blackwell.

General Smuts might recall that Mr. Gandhi had told him that the Eastern people would never submit to immigration laws which described them as Asiatics and kept them out as such. Mr. Blackwell said the Government was departing from that policy.

Clause 2 of the Bill could be left out and the position would not be changed as the law stood. No new licences would be issued in the Transvaal unless either the local authorities or rural licensing boards issued licences, and it was understood that no such licences would be issued.

The Act of 1932 also specified that no person could obtain a licence unless he was legally entitled to occupy the premises he intended occupying.

### Smuts-Gandhi Agreement

Under the Smuts-Gandhi agreement special protection had been afforded to vested interests of traders on the Rand, and that protection had been incorporated in the 1919 Act. That protection was not incorporated in the Bill.

Mr. Blackwell said the Bill would be an evil. Already extremist Indians were employing fiery language. Indians were being driven along the line of a non-European front, a movement which was full of potential dangers.

The unnecessary introduction of Clauses 2 and 3 was causing much indignation among the Indian community.

Mr. Blackwell said that in 1926, when the force of Indian opinion had been strong enough to induce Dr. Malan to make the Capetown agreement, they had been living in a comparatively peaceful world. But the Government of that time had been wise enough to put segregation into cold storage.

This Bill was being introduced when the whole world was living under the shadow of war, and it was necessary for the component parts of the British Empire to stand together and not antagonise one another. They were choosing this time to antagonise the Government and the great people of India. He begged the Minister to scrap all except the first clause of the Bill.

MR. A. L. BADENHORST (Nat., Riversdale) said the whole country

wanted segregation, but the Government was playing with the problem. He was not antagonistic to the Coloured people, but he wanted the White man to remain master. Innocent Coloured people were being incited against the European section by European agitators.

MR. C. NEATE (Dominion, South Coast) said Indian encroachment in European residential areas in Durban was appalling. Between August, 1935, and December, 1938, a total of 111 properties spread over the whole residential area of Durban had been transferred to Indians, and 51 of these transfers had taken place between August, 1937, and December, 1938.

He asked the Government to consider the preparation of a Bill embodying Clauses 2 to 6 of the Bill now before the House to protect Europeans in urban areas in Natal.

MR. G. A. FRIEND (U.P., Klip River) said some people might have wished that the Bill had covered Natal, but the Government was wise in postponing the greater issue pending consultation. He failed to see what objections there could be to segregation, which would give Indians an opportunity of advancing and working out their future in their own areas.

MR. J. S. MARWICK (Dominion, Illovo) said that in view of the submergence of European interests in Natal towns, such as Stanger, Verulam, Umzinto, Ladysmith and Richmond, some measure of trading and residential separation between Europeans and Indians was imperative. His visit to India as a member of the Parliamentary delegation had not modified his original views on this question.

Mr. Marwick recalled that during the debate on the Capetown agreement in the House in 1927 he had stated that the Indians of low caste in India were far more backward than in South Africa. He had then added: "The Minister (Dr. Malan) seems to have been prevailed upon to go very much further than the Government of India is able to go."

Continuing, Mr. Marwick said that whereas Indians formed 3 per cent. of the European population in the Transvaal they were almost equal in number to the European population of Natal. For this reason a Bill such as this, designed temporarily to preserve the status quo, was more urgently needed in Natal. "If the Government has come to the conclusion that the policy of the Capetown agreement cannot be pursued to its logical end then I hope it will adopt in Natal a policy of residential and trading separation. This can be based, if thought desirable, on the methods employed by the improvement trusts that have been established in India for the reclamation and rebuilding of areas in which uncontrolled town planning has brought about an impossible state of affairs," said Mr. Marwick.

MR. M. KENTRIDGE (U.P., Troyeville) said the report of the Indian colonisation inquiry showed that under the terms of the Capetown agreement

25,065 Indians had been repatriated, 15,499 of them being adults and 7,566 children. The Indian birth rate had decreased and the death rate increased.

In Natal the European population had increased to a greater extent than the Indian population according to the census figures. (Cries of dissent). The official year book for 1938 showed that the European population in Natal had increased between 1921 and 1936 from 136,000 to 190,000 and the Indian population from 141,000 to 183,000.

MR. C. NEATE (Dominion, South Coast): Those figures are very unreliable.

MR. KENTRIDGE: Surely your statement is less reliable.

MR. NEATE: My figures are official.

MR. KENTRIDGE said he had endeavoured to show that the arguments, which had been used had been largely based on panic and on a fear that the Indian population might swamp the European population. The way to avoid that was to increase immigration from European countries.

"I am speaking of Christian immigration," said Mr. Kentridge. (Laughter)

Mr. Kentridge said he regretted that Mr. Stuttaford had included clauses in the Bill which had nothing to do with the extension of protection to Indians under the 1932 Act. He also deplored the attempts to condemn Dr. Malan for introducing the Act, which would be written down in history as the most creditable episode in Dr. Malan's career.

Replying to an interjection, Mr. Kentridge said that he was as strong as anybody against promiscuous mixing. He accepted the principle that there should be certain social separation by consultation and consent, but he was opposed to compulsory legislation with its stigma of inferiority.

Mr. Kentridge said he could not vote against the Bill because, he did not want to deprive Indians of the protection they obtained under the first clause, but in the committee stage he hoped to vote against the remaining clauses.

MR. D. B. MOLTENO (Native Representative, Cape Western) said he wished to add a word to Mr. Kentridge's deprecation of certain attacks on Dr. Malan. Although Dr. Malan might now have changed his attitude no one had a better record than he had in doing good service for what he had himself regarded as a permanent section of the population.

Mr. Nicholls's remarks were perhaps an indication of the demand which would come for similar legislation in Natal if this Bill was adopted.

Mr. Nicholls had contended that the Indian was becoming a menace to the European because he was increasing faster than the European. In 1921, according to the census figures, the Indians in Natal had exceeded the Europeans in numbers, but at the last census the European population had exceeded the Indian population. Between 1921 and 1936 the European population had increased by 39.5 per

cent. and the Indian population by 29.65 per cent.

Mr. Molteno said that if the principle of segregation was involved in the Bill it was a breach of the Capetown agreement.

Mr. Maddeley's arguments had been based on prejudice. He had deplored the caste system in India but had supported a measure which would introduce the caste system in South Africa by discriminating in the economic field against sections of the community.

The only reason for legislation of this nature was to protect one section against commercial competition from another, just as the driving force in Native segregation was protection in the labour market.

The REV. C. W. M. DU TOIT (Nat., Marico) said Dr. Malan's amendment was timely and interpreted the feeling of the bulk of South Africans who wanted to preserve a White South Africa. Segregation of Asiatics and Coloured people was the corollary to segregation of Natives, which was already in force.

Members who consistently referred to what Dr. Malan had said in the past were achieving nothing.

Mr. Du Toit said that Mr. Hofmeyr, who had spoken of India's great cultural heritage, should know that millions of people in India were illiterate and that South African Indians were largely drawn from this class.

Mr. Du Toit asked Mr. Stuttaford to confirm or deny a newspaper report stating that General Hertzog had given Dr. Abdurahman "secret guarantees." If the report was true members could hold out little hope of the Government embarking on the segregation of Coloured people.

LIEUT.-COL. W. A. BOOYSEN (Nat., Namaqualand) said the Indians were dangerous parasites, forming one of the richest groups in the country, and they were an unhealthy threat to trade.

It was time to consider comprehensive segregation between Europeans and non-Europeans. Sensible Coloured people welcomed segregation but were misled by agitators and Communists.

One of the leading agitators was Dr. Abdurahman, who was still hoping to become Mayor of Capetown and that his Coloured followers would constitute the City Council.

The Government members were quick to tackle a matter affecting Indians in the Transvaal and Natal, where they had no vote, but were less eager to do so in the Cape, where the Indians had a vote and supported the Government.

The MINISTER OF THE INTERIOR moved the adjournment of the debate and the resumption was set down for the following day, Tuesday May 9.

Cheers from the Government benches greeted the Minister of the Interior (Mr. R. Stuttaford) when he rose on Tuesday afternoon to reply to the two-day debate on the Asiatics (Transvaal Land and Trading) Bill. The Indian Agent-General, Mr. Rama Rau, was in the visitor's gallery.

Mr. Stuttaford said that Dr. Malan by introducing his amendment recommending that the Bill be referred to a Select Committee, had tried to "punt" the Bill out of the House. For two days Dr. Malan and his supporters had not dealt with the Bill at all, but had used the debate to carry on their own political fight. He was, therefore, to a large extent not interested in what they had said.

"Dr. Malan, in introducing his amendment, complained about these continuous delays—this policy of vacillation," said Mr. Stuttaford. "I should like to know who set the example of vacillation. The hon. member had eight years to do this job, but he wobbled and wobbled until he eventually wobbled out of office."

Why had Dr. Malan not brought in the legislation he now suggested during those eight years? Probably the real reason was that he had followed a policy of responsibility which would lead to appeasement and not to trouble.

Dr. Malan now wanted the Government to solve the question of Colour and race separation.

"I want to be quite clear," said Mr. Stuttaford. "We are going to deal with that matter in our own time and in our own manner, and I believe it can be done without the friction and trouble which Dr. Malan and most of those behind him would like to see ensue."

Dr. Malan had objected to a clause giving the Minister the power to deal with Europeans who broke the spirit of the Bill. Nobody with any sense of justice would object to that clause. Provided that the spirit of the Bill was not broken it would be carried out with the least harm and trouble to those concerned.

Dr. Malan did not complain about the Minister's powers in another clause where the Minister had the right to deal with Indians if they tried to break the spirit of the law.

### Ownership Of Land

Mr. Schoeman (U.P., Fordsburg) had made an important point when, in referring to the recommendations of the Feetham Commission, he had said that the areas exempted were not adequate for Indian residential occupation. There was a great deal of force in that suggestion.

"I am one of those who believe it was unwise in the past to prohibit ownership of land to Asiatics provided that they were allowed to own land in areas set apart for their occupation," said the Minister.

"I think it is a much sounder principle to allow them to own land in such areas, and that it would not have tempted them as they have been to break the spirit of our laws, which prevent them from acquiring ownership of land.

"In any future arrangements we come to I should very much like to have the co-operation of the Indians to deal with the question of residential rights and ownership on the lines which I suggest," Mr. Stuttaford said.

If Mr. Schoeman read the Act he would see that there were sanctions,

which meant that if anyone called the attention of the police to an infringement of the Act the authorities must proceed to deal with that infringement. Mr. Schoeman could at any rate be satisfied that this Bill would be carried into effect.

Mr. Hofmeyr had presented a case for the Indians with all the great oratorical force he commanded. The case could not have been put better, and if it had been meant to convince anybody ready to be convinced it would have done so.

Mr. Stuttaford said the trouble was that Dr. Malan saw the question only from the point of view of a narrow-minded section of Europeans, and not the whole European community, whereas Mr. Hofmeyr looked at the question only from the Indian point of view.

"I have the much less spectacular duty of holding the scales equally between the two opposite factions and of seeing that both sides are treated fairly."

### Murray Commission

Mr. Hofmeyr, Mr. Nel and other speakers had made much play of the statement that the Murray Commission did not report that there had been penetration by Indians. But the Commission had never been intended to do so. Its terms of reference did not include an inquiry into penetration or segregation, but only an inquiry into the question of whether in regard to land ownership Asiatics had broken the spirit or the letter of the law.

One of the reasons why the Commission was not asked to inquire into penetration was that the Indians had urged him not to do so. He had not wished to complicate the main issue, which was to decide whether in the matter of ownership in the Transvaal the Indians had broken the law. If there had been an inquiry into penetration and segregation it would have had to be Union-wide and would have taken many months to complete, with the result that the immediate problem would have had to be held over.

There was no doubt that a certain section of Indians had largely evaded the laws against Indian ownership in the Transvaal.

Mr. Stuttaford said that for all these reasons the Commission did not undertake any inquiry into penetration, but now the very Indians who asked him not to have this inquiry made were using the argument that there was no proof of penetration when asking him what he was going to do about it.

### Impossible To Co-operate

"Mr. Hofmeyr has asked me to show some wish to co-operate with the Indian people," said Mr. Stuttaford. "I can only say that if one is to co-operate one must have someone to co-operate with. You cannot do it by yourself.

"I have for five solid months been negotiating with dozens of Indians and Europeans on this matter. The only thing I have asked is that I should be given some help to solve the question, which has been dragging on for so

long. But the only thing they have been prepared to do is turn it down."

On April 30, said Mr. Stuttaford, he received a telegram from the leader of the national group of the Transvaal Indian Congress protesting against the Bill and saying that they hoped to resist the effect of the legislation by every means in their power.

On May 1 he had been asked by telegram from Johannesburg to postpone the second reading of the Bill and receive a deputation on Monday, May 8, but he could not postpone the second reading and he wired back making this clear, but agreeing to receive a deputation on the Thursday.

This was agreed to at first, but he then got a request to receive the deputation on May 8 after all. Again he acquiesced. Then he got a wire to say that they were not going to see him at all, since he would not postpone the second reading of the Bill. Yet he had made this clear in his first wire on May 1. This was the kind of co-operation he received. The same people with whom he was asked to co-operate now said that they were going to carry on the struggle to the bitter end.

### A Noisy Crowd

"I do not believe that these people represent the real Indians. They are a noisy crowd, out to make trouble and prevent, if they can possibly help it, any co-operation with me."

Mr. Hofmeyr wanted him to make a gesture. He would always be willing to balance any gesture which would help to solve the tangle, but there must also be some sign of willingness from the other side.

Mr. Hofmeyr had maintained that there was no need to curtail new trading rights. But in view of a telegram from a portion of the National Congress stating that they were going to "queer" the Bill by every possible means, had he not the right to take powers to put up a fight?

He had no wish to humiliate the Indians who, it was true, had very little political say in this country. He agreed with Mr. Hofmeyr about the cultural attainments of many Indians, but the bulk of the Indians in the Union were from the depressed class of Indians who were "not received with much enthusiasm by the high-class Indians."

Mr. Stuttaford said he hoped he would not become ghetto-minded, but unless some satisfactory arrangement was reached for the solution of the difference a great many more people in South Africa would become ghetto-minded.

Mr. Hofmeyr and the Nationalists had talked about segregation, meaning forced segregation—"taking the man by the scruff of the neck and putting him into a location.

"Nothing is further from my idea than that."

Referring to the gentleman's agreement by which Mr. Hofmeyr, as Minister of the Interior, had attempted to solve the problem of residential

penetration in Natal, Mr. Stuttaford said that to a certain extent it had worked. The weakness lay in the terms of agreement.

Independent witnesses agreed that in one year quite a number of cases of penetration had been established.

"So far as I am concerned I very much prefer to see something put down on the statute book and then I know where I am and the whole of the Union also will know where they are."

As regards Clause 4, which gave the Minister very wide powers of exemption, if Mr. Hofmeyr would draft an amendment which would be reasonably effective he was prepared to consider it. But he felt that if these powers were given to a board, elaborate instructions would have to be given to the board. He personally would be only too pleased to be absolved from the responsibility.

Commenting on the speech of Mr. Blackwell (U.P., Kensington), the Minister said the question of whether the 1932 agreement had been broken by the Indian Government was not germane to the Bill.

Mr. Nicholls (U.P., Zululand) had contended that because the agreement had been broken by the Indian Government the Union Government were no longer bound by it. The question could be considered at some future date.

Discussing the case of Asiatics with 1919 rights, the Minister said Asiatics who were at that time in illegal occupation had had their occupation condoned and had been given the right to move a business from one place to another in the same municipality.

"Now, under this Bill, I am preventing Asiatics, unless they get exemption under the permissive clause in the Transvaal from moving their business from one place to another.

"They have had that right since 1885, and they ask me to exempt people who have had the right only from 1919 and not to exempt the people who have had the right ever since they have been in the country. These people had the right all the time. It would be unjust to the other Indians in the Transvaal if I penalised them and did not in any way penalise the people who have had the right only since 1919."

MR. BLACKWELL: Then you are going back on the Smuts-Gandhi agreement.

MR. STUTTAFORD said that a man should be able to move his shop next door and he had the power to grant that right.

Mr. Neate (Dominion, South Coast) wanted the Bill extended to Natal. But it was only a temporary measure and the Natal case was too complicated to deal with. The whole situation in Natal would come into the picture when the main general legislation was being considered.

Mr. Friend (U.P., Klip River) wanted an assurance that the policy laid down in Clauses 2 and 3 would be followed in the main legislation and Mr. Blackwell wanted a similar assurance regarding Clause One.

"I wanted to make it perfectly clear that this Bill does not prejudge any of the issues in any way. I shall not be bound by anything I have not said

in my second reading speech, which gives the House a fairly clear idea of what I consider the problem is."

The question of trading which had been raised by Mr. Friend would have to be dealt with from a very fair standpoint.

Mr. Kentridge (U.P., Troyeville) and Mr. Molteno (Native Representative, Cape Western) had complained that the Government had not carried out the Feetham resolutions last session. But these members had not been present at the fight or, if they had, they had hidden behind their desks.

Concluding, Mr. Stuttaford said: "I want to emphasise that this Bill does not prejudge any portion of the controversy. I do want to appeal not only to the Indians, but also to the Europeans.

"For goodness sake let us try and be reasonable and keep calm and arrive at a sensible and fair solution which will be fair to both sides."

Dr. Malan's amendment that the Bill be referred to a select committee charged with bringing up more comprehensive legislation, including effective provision for residential segregation in urban areas, was defeated by 91 votes to 28, only the Nationalist Party voting in the minority.

The Bill was read a second time and the committee stage was set down for Wednesday.

Everything appearing in this issue of a political nature has been written and edited by Manilal M. Gandhi to express the views of INDIAN OPINION.

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