

# Indian Opinion

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## NATAL INDIAN CONGRESS

### ANNUAL GENERAL MEETING

THE Annual General Meeting of the Natal Indian Congress was held last Sunday the 2nd instant at Rawat's Bio Hall. The members of the Congress only were admitted in the Hall down stairs and the spectators were given seats on the gallery. The platform was occupied by the members of the Committee and officials of the Congress. Mr. Amod Bayat presided. The proceedings commenced at 3-30. The purpose of the meeting having been explained the Secretary Mr. A. Christopher read the minutes of the last annual general meeting and were unanimously adopted. The report of the Congress up to date was then submitted by the Secretary (which is published in another column), and a Financial Statement of the Congress up to date commencing from January 1922 was submitted by the hon. Treasurers Messrs. O. H. A. Jhaveri and V. S. C. Pather which showed a deficit of £115-12-4. After a few explanations the report and the statement were both unanimously adopted. A vote of thanks to the retiring officials was proposed by Mr. J. Royeppen which was seconded by Mr. S. N. Richards and carried amidst acclamation. Up to this stage the work of the meeting went on quite smoothly and the election of new officials was then taken into hand. Mr. Bhawani Dayal spoke in glowing terms of the past services of Mr. Bayat as the president of the Congress and proposed that he should be re-elected for the post for the ensuing period. A counter proposal was brought by young Mr. Mayat who paid a tribute to Mr. Amod Bayat for the services he had rendered but said that an opportunity should be given to others also to hold this responsible post for that may tend to bring about a change for the better. Mr. E. M. Paruk, he said, had just arrived after his pilgrimage to Mecca and had expressed his desire to accept office. Mr. Paruk, the speaker contended held an influential position among Durban Indian merchants and was therefore better fitted to take up the presidentship and accordingly proposed his name and urged upon Mr. Bayat that he should refrain from accepting the position in order to give Mr. Paruk the opportunity. Mr. A. H. Kazi supported young Mr. Mayat and said a new broom always sweeps better than the old one and he applied the same rule in the case of Mr. Paruk. Some strong speeches were then made in favour of the proposal as well as the counter proposal and it was decided to put the matter to the vote. This did not satisfy the element that was in favour of the amendment and insisted that Mr. Bayat should refrain from being elected and the house should unanimously elect Mr. Paruk as president. Mr. Bayat, in order that the work may go on smoothly and in harmony agreed to refrain from accepting the presidentship which action was viewed by a large majority to be absolutely unfair and Mr. Bayat having realised the feeling after much persuasion agreed to accept the presidentship if he would be elected. It was thereupon once more decided to put the matter to the vote but those in favour of the amendment and who were in a hopeless minority created an uproar and for a time rowdyism prevailed. Much

pleading was done by several speakers not to take up an unfair attitude and to be satisfied with the result of the voting, but it was all of no avail. In the end, however, to the dissatisfaction of the disturbing element the matter was put to the vote and Mr. Amod Bayat was elected president by a very large majority. The minority comprising not more than twenty who created a great deal of disturbance even after their defeat with the intention of breaking up the meeting. They however failed to achieve their object for the business of the meeting carried on and went on very smoothly after they had disappeared from the scene. It was a very difficult task to conduct the meeting and it was ably performed by Mr. V. Lawrence.

The following new officials were elected. And the meeting terminated with a vote of thanks to the chair and to Mr. Rawat for allowing the use of his hall at 9-30 p.m. after a tiresome sitting of six hours:—

President: Mr. Amod Bayat, Vice-Presidents: Messrs. E. M. Paruk; Bhawani Dayal; V. Lawrence; Charlie Nulliah; B. M. Patel; and A. Dookan. Joint Hon. Secretaries: Messrs. A. Christopher and Sorabjee Rustomjee; Joint Hon. Treasurers: Messrs. V. S. C. Pather and O. H. A. Jhaveri; Committee: Messrs. S. N. Richards; P. R. Pather; J. Royeppen; A. I. Kajee; Shaik Amod; M. B. Maharaj; Satya Dev; S. L. Panday; S. L. Singh; M. S. Randeree; Abdulla Moosa; B. A. Maghraj; S. Emmamally; M. B. Naik; E. M. Chin; M. M. Gandhi; R. K. Naidoo; T. M. Naicker; A. H. Kazi; Sayed Fakroodeen; M. L. Sultan; B. Dowley; K. Haribhai and A. Sukdev. Auditor:—Mr. S. J. Randeria.

Following was the report submitted at meeting:—

The Annual General Meeting of the Congress owing to the exigencies of the time was not held. During the year owing to the resignation on the departure to India of Messrs. A. A. Gandhi and R. B. Chetty, Messrs. V. Lawrence and B. M. Patel were elected as Vice-Presidents.

#### IMMIGRATION

As the result of representations made by the South African Indian Congress Executive of which Natal is a part at its instance the Minister in reply to some of the points raised said that:—

As regards inter-provincial visiting, such visiting was governed by regulations issued under the Act No. 22 of 1913, which provided that a deposit of £10 be made against the issue of the necessary permit that the deposit was a guarantee that the holder complied with the terms of the permit and returned to his Province of domicile, and that it was not intended to eliminate this provision. That in very special cases however, certain concessions were made as for example, in the case of Delegates from other Provinces attending the Conference, when informal permits at the cost of 2/6 only without deposit were issued. (The Minister has however from time to time authorised the issue of informal permits without cost to delegates going on deputation.)

That the limit of currency of certificates for identity was fixed at three years. If the holder did not return to this country in that time he might

possibly be regarded as forfeiting his right of domicile. The onus was on the holder to prove after the expiry of that time, his right of entry by virtue of domicile and that the question entailed no hardship on any but those whose former residence was perhaps not legally expired.

That the policy of the department was to resort to the method of identification by means of fingerprints in case of uneducated Indians who had no formed handwriting and that no opposition to this as a rule was offered. In cases where Indians who either from education or from their commercial or social standing were able to make use of other means of identification, such means were freely exercised. That the matter was at all times sympathetically dealt with.

That the Principal Immigration Officers in the Union had stated that Indians were not as a general rule called on to complete Form, D.I. 13, on the occasion of the issue of each permit. Provided that the form was once completed by the applicant to the satisfaction of the Principal Immigration Officer the document was regarded as sufficient for future applications for permits. That it was however necessary that for subsequent issue of permits, some form of application should be made, and that a simplified form was in use for this purpose. The modified form referred to was D.I. 4.

That Appeal Boards were composed in the main of ex-Magistrates who had had some experience of legal practice, that the present members had had a great deal of experience of Board work, and that there were no valid grounds for altering the personnel. That so far as the question of appeal from the Board to the Supreme Court was concerned and an essential point in Appeal cases was to terminate them as quickly as possible to enable the prohibit who had failed to satisfy the Board as to his right of admission to be sent away without undue attention in the Union. That to comply with the terms of of S.A.L.C. resolution would mean the succession of protracted cases entailing great expenses not only to the Appellants themselves but to the Government which could hardly be justified.

That the time limit of Appeal was fixed by the Act at three days. It applies to all prohibits no matter of what nationality. That the limitation was obviously fixed so as to enable the prohibit who had failed to lodge notice of appeal to leave by the same boat on which he had arrived. To extend the time would mean the prohibit would probably remain in the Union for an indefinite period and it was therefore not intended to provide for any amendment of the existing time limit.

The several points raised by the Minister's letter were the subject of further correspondence with the Union Government, and in respect to some of them also with the Government of India, consistent and reasonable representation on hardships or injustice suffered by Indians under the Administration of the Immigrants' Regulation Act would no doubt in the end carry conviction to those in authority.

#### DEPORTATION

Nathoo Grooden with his family was declared a prohibited immigrant and ordered to be deported and upon the representations of Congress the Minister of Interior was pleased to withdraw the order of deportation. In Vullabh and other matters also Congress rendered such help as was reasonable.

#### PROHIBITION

As a report was being written Congress has learnt of the favourable decision given by the supreme Court of Natal in the matter of M. D. Baroochi on a question of a reserved law. Congress rendered every possible assistance except finding the expenses of the Appeal.

#### COLONIAL-BORN REPATRIATES

Moonigadoo who had served a term of indenture, after serving many years in Natal, following the

occupation of a farmer, left for India under the Repatriation Scheme. He and his two sons and daughter, colonial-born Indian children, signed the declaration under the Asiatic Relief Act, before leaving the country. After a while they found their way back to Natal, travelling thousands of miles to Africa. They were arrested in order to be deported as they had failed to take the matter before the Appeal Board. It was however with the help of Congress subsequently pursued as far as the Appellate Court unsuccessfully. The Minister was appealed to, but without any avail. The unfortunate Colonial-born Indians with their father were deported from their land of birth to India. The Government of India though urged to take up the matter with the Union Government refused to intervene in the question.

#### IMPERIAL CONFERENCE

At the South African Indian Conference held in Durban, it was resolved that Indian representatives from each of the Provinces should be present at the scene of the Imperial Conference and of the League of Nations to acquaint India's representatives at first hand of local grievances in order that they might be more fully informed, and also to enable them to effectively reply to the statements that might be made by the representatives of the Union Government affecting Indians, as it cannot in ordinary circumstances be expected of India's representatives to be as thoroughly informed as an Indian coming from the spot. It was also resolved that representatives from here should visit India during the sitting of Indian Legislative Assembly and at such other times as may be considered expedient to inform the people of India of the conditions under which their Nationals were suffering in the Union. It was found impracticable during the last few months to put this resolution into operation, but it was hoped that it might be found possible to do so in the immediate future. General Smuts, would be remembered refused to receive an Indian deputation from Durban on the eve of his departure to the Imperial Conference saying that as it was not on the agenda of the Imperial Conference, it would serve no useful purpose in receiving the deputation. The question however, was raised and Congress was grateful to Sir Sapru backed by the Government of India for the strong and incontrovertible case put forward by him in defence of Indian rights in the Union and for the recognition as citizens of South Africa in its full sense.

#### LADYSMITH FLOOD

Congress despatched Messrs. S. Rustomjee and M. B. Maharaj to Ladysmith as soon as news of the flood came to its notice. They remained several days there rendering such help as was possible on the spot to the Indian Flood Relief. Some relief in kind also the sum of £153 7s. 9d. was sent to the Town Clerk, Ladysmith, representing the Flood Relief Committee for distribution among the distressed Indian cases there. Indian representation was allowed on the Relief Committee and the Town Clerk Mr. Tredwell, was very helpful in the matter.

#### INDIAN FREE DISPENSARY

Free medical help was arranged for a Free Indian Dispensary which Congress was striving to establish. An application was made to the Durban Corporation for premises in Victoria Street, Durban, but as the Corporation was unable to allow the use of these premises the matter was hung up for the time being. Congress has in mind that the establishment of such a Dispensary would lead to its development as a hospital for Indians run by the Indian community.

#### EDUCATION

A small grant was made to one of the Government Aided Indian Schools in the neighbourhood of Durban, towards the extension of the school premises. The education of Indians from all sections of the community under one roof formed the subject

of earnest discussion by the South African Indian Conference, and the Executive of that body was authorised to formulate a scheme for a South African Indian College. The salvation of the community was largely dependent on the education and character building of the Indian children.

#### DURBAN LAND ALIENATION ORDINANCE

Notwithstanding strenuous objections of Congress this Ordinance was eventually sanctioned by the Governor-General. In it was laid the principle of segregation in regard to the unalienated lands of the Durban Corporation lands were concerned. Since the passing of this Ordinance unalienated Corporation lands were sold by the Durban Corporation only to Europeans to the exclusion of Indians, and this was within the knowledge of the Government. Later a further Ordinance extending the principle contained in the Durban Land Alienation Ordinance to other Municipalities was passed in the face of the opposition offered by Congress.

#### HORSE RACING AND BETTING ORDINANCE

The racial discrimination in this Ordinance was on the representations of Congress eliminated by a Select Committee of the Natal Provincial Council. Congress supported and urged the abolition of Pocket shops which while they existed were a curse to Indians and others.

#### RURAL DEALERS' LICENSING ORDINANCE

Congress vigorously opposed this Ordinance and was able the first time it was sent to the Governor-General for assent to win his disapproval of the Ordinance. On its re-introduction Congress opposed the measure which in a very slightly improved form was passed by the Provincial Council. Congress again made representations but the Minister in charge of the Ordinance while not advising the Governor-General to withhold his assent assured the Congress that he would be prepared carefully to enquire into any complaints that might be made after the Ordinance had been into operation for some time.

#### OTHER LICENSING MATTERS

Congress had endeavoured wherever possible on a matter of a principle in License questions to take action, to give an instance or two. When it came to the knowledge of Congress that the Estcourt Licensing Officer was calling upon licence holders to produce proof of domicile, Congress at once made representation to the Authorities. Congress again learning of a proposed Bye-Law in Geluksberg that no Indian shall trade within six miles of Geluksberg Township immediately lodged objections with the Administrator.

#### PUBLIC HEALTH COMMITTEE'S ORDINANCE

This Ordinance was passed against the protest of Congress, which while approving of the objects of this Ordinance was opposed to it as it excluded Indians from voting for or becoming members of a Public Health Committee, though they might be residents or owners of land within the area of a Public Health Committee and be subject to taxation by it.

#### TOWNSHIPS FRANCHISE ORDINANCE

This Ordinance seeking to deprive Indians of their votes in Townships was thrice passed by the Provincial Council, and on each occasion on the representations of Congress the Ordinance did not receive the assent of the Governor-General, the last occasion being during last month.

#### RHODESIA

Congress asked Government of India and Indian Overseas Association in London to make representations to the Imperial Government for the preservation of Indian rights in Rhodesia in the Charter of Responsible Government. Then about to be authorised by the Imperial Government.

#### INDIAN NATIONAL CONGRESS

Upon the urgent representations of local Congress,

the Indian National Congress granted representation to Indians in South Africa. Messrs. Bhawani Dayal, M. A. Motala and C. V. Pillay at the request of local Congress as they were already then at the Indian National Congress represented the local Congress thereat. India Congress was now specialising with the question of the Indians in South Africa and Mrs. Sarojini Naidu, the distinguished Indian poetess and public worker was at the request of the Indian National Congress now touring the Union and will be with the Natal Indians in a few days.

#### GOVERNMENT OF INDIA

Local Congress was in communication by cable and letter with the Government of India practically on all matters of importance affecting Indians and Congress appreciated such representations as the Government of India was able to make to the Union Government thereon.

#### OTHER ASSOCIATIONS IN INDIA

The Bombay Imperial Indian Citizenship Association, the Bombay Merchants' Chamber and other Associations including the political in the Indian Legislative Assembly had at the requests of local Congress asponsored the cause of Indian in Natal.

#### LONDON INDIAN OVERSEAS ASSOCIATION

This Association with Mr. H. S. L. Bolak as Honorary Secretary was helpful in doing everything possible in the interests of South African Indians in London.

#### PRESS

The Press in India and the local Indian Press reported the endeavours of Congress in the communal interest. The European Press also gave publication to the Indian reports. Propaganda matter sent practically by every Indian Mail found ready space in the Indian Press in India. India had also been kept informed by cable of every important occurrence in Natal.

#### CLASS AREAS BILL

Congress held mass meetings on the Bill in Durban and in Maritzburg and supported from other centres proceeded to the Cape and as part of the South African Indian Congress made long minute and vigorous representations against the Bill on the principle and provisions contained in it.

Representatives from several Provinces were present and the South African Congress Executive considered the Bill before the Minister in charge of it was seen. It was difficult to say what would happen to the Bill in Parliament, and it was for the members of the Indian community to be alive to their interests in the country for if this Bill ever became Law their position in South Africa would be precarious and humiliating.

#### WIRES

Congress had been watching a Draft Bill excluding Indians from the profession of Law, which had been in circulation among Lawyers, but so far the Bill had not been gazetted.

#### ORDINANCE TO PREVENT INDIANS AND EUROPEANS LIVING TOGETHER

The proposed Durban Extended Powers Ordinance was about to come before the Provincial Council which among other things sought to prevent Europeans and Indians living in the same premises. Congress had already notified the Provincial Authorities of the intention of the Indian community to oppose the Ordinance.

#### SOUTH AFRICAN INDIAN CONFERENCE

The South African Indian Conference was held in Durban on the 31st May and on the 1st, 2nd, 3rd and 4th days of June 1923 in the Parsee Rustomjee Hall, in Durban. The opening ceremony was in the Town Hall presided over by the Mayor Mr. Walter Gilbert. A constitution of Standing Orders establishing the South African Indian Congress was passed. Among the principal objects

of the South African Indian Congress was a representation of Union Indian opinion upon Union matters and the recognition and support of one Provincial body for each Province for that irresponsible action on the part of individual and the creation of mushroom bodies to the hurt of the community may be checked in the interests of the community. There are other desirable objects in the S. A. I. C. Constitution. All the resolutions were communicated to the different departments of the Government and the S. A. I. C. Executive which met twice since its formation was in regular correspondence with the Government in the different matters and trusted to it. The delegates from the other Provinces were the guests of the Natal Indian Congress during their stay in Durban and all the expenses of the Conference were borne by it as was done in the other Provinces on previous occasions.

#### PRAYER AND MASS MEETINGS

Several Mass and Prayer meetings for important purposes were held and were always well supported by the community. On very special occasions practically all places of business including the Indian Market were closed as a mark of respect or in protest of a particular object.

#### MAHATMA GANDHI

The respect and love in which Mahatma Gandhi was held was time and again demonstrated at the mass and prayer meetings and in other ways. South Africa was electrified by his message to Maulana Mahomed Ali on the unity of the Indian people and also by his message of the Class Areas Bill and so long as the spirit of Gandhi is not dead in South Africa there is hope for the Indians.

#### MARITZBURG CONGRESS COMMITTEE

Thanks were due to the Maritzburg Congress Committee for the very energetic work within its area, being in the Provincial Legislative Capital it was able to keep an eye on the doings of the Provincial Council in regard to Indian matters and has not hesitated to use the telephone to keep Congress headquarters informed of developments in the Legislative Capital. Such help was of great service to the headquarters. It was hoped that in course of time there would be such Committees in every district conducted with an understanding and the moderation and the spirit of co-operation as this Maritzburg was doing.

#### FINANCE

The Honorary Treasurer's Financial Statement reflected a debit balance of £115 l. s. 4d. for the period covered by this report.

#### THANKS

The Committee of the Congress thanks all who in kind or service have done their bit to help the Congress to carry out its objects. With greater help and greater service much can be done to strengthen and to better its position of community. To friends and to Societies wherever they may be who have been helpful to the Congress its thanks are due.

The Report of the financial Statement was unanimously adopted.

A vote of thanks was also passed to the retiring officials.

#### NOTES AND NEWS.

A large and influential meeting of the Cape British Indian Council was held at Capetown to consider ways and means of accordng a reception to Mrs. Sarojini Naidu. A strong and enthusiastic committee has been formed, and there is every reason to believe that no stone will be left unturned to give her a splendid reception.

The Port Elizabeth Town Council has refused eighteen applications for street hawking. There are 179 of these hawkers and the Council is of opinion that this number

is very large. The question of plans for an Indian hall adjacent to the main street came up for consideration before the Council. The plans provided for the conversion of a dwelling house. A petition against the plans, which had been passed, had been received by the Council from the residents in the vicinity. The policy of the day said the Deputy Mayor, in the course of discussion, was to keep certain areas for European occupation—(hear, hear)—and it seemed nonsense in the face of that policy to permit these people to put up a hall in the vicinity. When the hall was up they would come along and want to put up a mosque. (Hear, hear.) The matter was sent back to the Board of Works.

We have received for the Tilak Swaraj Fund the sum of £11 15s. 0 from the following Indian workers at the Lion Match Factory, Durban. Messrs. R. Lontun, N. Baboolal, P. Govindsamy, Charria, Govindsamy Chetty, Imam, N. Amrally, Harribajan.

#### NATAL INDIAN CONGRESS

LAST Sunday's meeting of the Natal Indian Congress carried its business through successfully. The report of the activities of the Congress and the financial statement up to date which are published elsewhere in this issue remove from the minds of everyone the false impression, if there be any, that the Congress is doing nothing. The financial statement, of course, is not one that we could be proud of. It shows a deficit of £115 and for this the fault lies completely with the community. We are to be thankful that notwithstanding the deficit the work of the Congress has continued and the credit for it is due to the officials. But it would be greatly to the detriment of the community if this state of affairs were allowed to continue any longer. It should be realised that the working of the Congress, as of every other public body, is very largely dependent upon its financial position. And especially at a critical juncture like the present one when we have to fight for the right to exist in this country it is the duty of every Indian in Natal whose voice is represented by the Congress to do everything possible to place the Congress on a sound financial position. We do not by any means wish to run down the community for we know, that at the needful hour it has always risen to the occasion and given unhesitatingly the required assistance. But that, we do not think is sufficient. The position should be such that there is no deficit at all, and this can be possible only if our brethren will not be reluctant to put their hands in their pockets when approached by the officials of the Congress for subscriptions.

As to the election we are glad to note that Mr. Anand Bayat has been re-elected as president of the Congress. As we suggested in our last issue there is none so fitted as Mr. Bayat is for the honour conferred upon him. The rest of the officials including the committee are excepting for a few new ones, the old ones re-elected. Their re-election is only a recognition of their past services and while congratulating them on their success we hope they will uphold the good reputation they have earned.

One very unpleasant feature of last Sunday's meeting can not be allowed to pass without comment. A great deal of trouble arose over the election of the president. There was a small element in the meeting that was in favour of giving the presidency to Mr. E. M. Paruk and to achieve its purpose resorted to methods unworthy of any self-respecting men. Their behaviour could be likened only to that of very obstinate children. They knew from the beginning that they were in a helpless minority but they wished their majority to be guided by their will. Mr. Paruk's name was brought as the amend-

ment and instead of adopting the proper course, which was to put the matter to the vote and accept the result, they wished to compel Mr. Bayat to refrain from accepting the position and the meeting to unanimously elect Mr. Paruk as president. Every thing possible that could be done by reasoning was done but to no avail. They tried to break up the meeting even by hoodliganism but their attempts failed as they should have failed and the business was carried through. It is highly regrettable that a thing like this should have occurred at a time when unity in our camp was most essential, and more so in view of the forthcoming visit of Mrs. Sarojini Naidu. But the action of a few malcontents need not put a stop to the work of the Congress which will have to carry on with full vigour and complete the programme of Mrs. Sarojini Naidu's visit successfully. If these brethren of ours are really in earnest they will work hand in hand with the Congress in accordng a hearty welcome to our honored guest and if they fail to do so they will only show themselves in their true colours and will find themselves left in the cold.

UNION PARLIAMENT

CLASS AREAS BILL

The Minister (Mr. Duncan) introduced the Class Areas Bill, on the first reading of which Mr. Alexander (Capetown Castle) called for a division. All the Nationalists in the House crossed over to the Government, and Mr. Alexander was only supported by Mr. Forsyth, Mr. Pearce, and Mr. Snow.

On the motion of the second reading, Mr. Alexander said it was of the utmost importance that the whole country should see the Bill, and if it was to be read a week from to-day, members would have no real opportunity of getting into touch with their constituents. This Bill must not be rushed, and he would suggest it be read a second time on the 19th.

The Minister of the Interior said the Bill had been before the country since December, and any changes in it were minor ones. He would, however, take the second reading on the 17th.

This was agreed to.

THE CLASS AREAS BILL

STATEMENT SUBMITTED TO THE MINISTER

(Continued from page 47)

As to section 4, once a particular area has been proclaimed a class area (a) only persons belong to the particular class (e.g. Indians) may acquire immovable property or a lease or renewal of lease within the area and (b) no persons of the class (e.g. Indians) may acquire immovable property or a lease or renewal of a lease within the urban area outside of the proclaimed area. The Bill, however, does not appear to apply to a further renewal of a lease of immovable property where a right to renew is held under a lease existing at the date of proclamation.

To begin with then, Section 4 as it now stands means that after the date of proclamation, the class areas will be reserved only to persons of the class, but persons of the class cannot acquire land or a lease or renewal outside the class area or elsewhere within the urban area. Existing rights in regard to renewals of lease, however, appear not to be affected. The exception may therefore work in two ways. Supposing an area X is proclaimed for Indians. After the date of proclamation, persons other than Indians who have a right of renewal of their leases within area X at such date, are entitled

there after to exercise the right of renewal; and on the other hand, Indians who at such date have the similar rights outside the area X may continue to exercise such rights until the expiry. This exemption from the operation of section 4 applies only to the renewal of leases. Now under our Common Law, a lease of ten years and over is in itself regarded as immovable property.

As regards section 5, Hawkers, that extremely useful class to the population at large, the man with his stock of fruit and vegetables for instance, has been and is untold boon to the health and life of the general community, are adversely affected and could not hereafter appear outside the area of restriction. Can restrictive and retrogressive legislation go further? The Bill by becoming law, and future spectacle would be that of an Indian shopkeeper purchasing the wares of his compatriot in the business established across the street, and one hawker in the lanes of the area selling to a brother hawker, each as it were, the seller to and purchaser from the other or each the debtor and creditor of the other. Comment is hardly necessary that a people confined to such despised limits in their commercial life and activity are doomed from the point of public development and communal progress.

Under sub-section 2, trade or business licences held at the date of proclamation of a class area are subject to the existing licensing laws. In other words, the Bill does not purport to interfere with the existing trading licences or their renewals provided they are held by one and the same holder. If however such holder transfer a business or licence after the fixed date, the exemption or protection will cease to apply. Generally speaking then, existing rights of Asiatics and Asiatic Joint Stock Companies appear to receive protection so long as the licence holders remain the same, but it is clear that after proclamation of an area no future applicants may obtain licences. This operative effect of the Bill, it need hardly be pointed out, again takes away from the hands of our community the rights they have held from times past, that is, the right of obtaining new trade and business licences. Thus it may be said of the Bill that at every step it operates to take away the meagre rights so laboriously acquired of our community, and is by no means a measure intended for our improvement by one, by one special aspect.

And we may here observe parenthetically that the exemption provision provided in the Bill to allay our alarm will avail us little or nothing if our experience of such provisions in the past is any index to the future.

Under section 9 an urban local authority may request the Minister to take action in the same way as is prescribed by sections 1, 2 and 3 for the purpose of extending an existing class area or creating a new class area. The local authority must convey its opinion that the established area "proves inadequate for or unsuitable for the requirements of that class in the urban area." The word "inadequate" would appear to apply to size i.e. that the existing area concerned, while the word "unsuitable" may apply either to the nature of the locality where the class area already exists or to the personal convenience of the members of the class confined to that area. Under this section then, it will be well within the power of the local authority to convey to the Minister that even an already established area which has been found suitable by Indians, is no longer suited for the purposes of Indians and thus to destroy any title

vested interests Indians within such area may have succeeded in acquiring. In other words, it would be quite possible for a local authority to expropriate an Asiatic area for future European use and occupation after the same has been redeemed to civilisation by Asiatics.

It must be noted that the word "Asiatic" occurs for the first time in this clause, but it is a fair inference to make that the Bill as a whole is carefully designed to operate against the Indians, more especially as the Cabinet have recently undertaken to exempt Coloured and Cape Malays from its provisions while another Bill has been published exempting the Cape Malays from the restrictions of Transvaal Law 3 of 1885 of the Union Act 37 of 1919 and other laws relating to Asiatics. Furthermore we are driven inevitably to this conclusion by reason that within the last few days the Cape Coloureds of the Cape Province as also the Jewish population of the Union have been declared exempt from the provisions of the Bill.

By such elimination, that is by removing from the effect of the Act all peoples of the Union save the Indians the Bill constitutes an egregious example of that class of legislation, which ostensibly of general application, operate as the most effective stab indirectly at one particular section of the community. In times when subordination to authority is said to be everywhere too little felt it will be found to be the wisest policy to instil into the governed reverence for the strict security of the laws, but legislation of the present nature proclaimed as of general application but with operative effect against one particular section only of the community tend to destroy all regard and reverence of unrepresented peoples for the authority of the law.

Section 6 again is held out as a favour to the class affected i. e., if the urban authority take away initial action to meet any complaints arising from the inadequacy or unsuitability of the area to the requirements of the population of that class in the particular urban area concerned. This favour or concession, however, will be no compensation for the hurt inflicted by the restriction of new trading licenses and residences to a particular area. On this point we would permit ourselves a small reference from the report of the Asiatic Inquiry Commission. The following recommendation appears in paragraph 131 of the report:—"The suggestion that holders of new licences should be confined to trade in locations or segregated areas outside the township is not reasonable and does not commend itself to us. As was said by the Chief Justice in Habib Morton's case, if the commercial dealings of the Indian trader were to be restricted to the location in which he lived situated outside the township proper and peopled only by men of his own race, then he might for all practical purposes as well not trade at all."

Again, paragraph 224 of the report says: "We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result eventually in reducing them to helotry. Such measures apart from their injustice and inhumanity would degrade the Asiatic and react upon the European."

Here we have in the words of the Government Commission itself the effect of segregation upon the private and commercial life of Indians, and any of our comments thereon would be wholly superfluous.

Under Section 7 the Government may in any

emergency deproclaim any already proclaimed area. It must be noted here that no provision is made in the Bill for compensation for loss and damage sustained if Indians are removed from one area to another. Further the the sub-section does not make it clear that the area will be re-proclaimed for and in the interests of the particular class for which such area was originally proclaimed, so that an Asiatic area deproclaimed for matters of emergency may be re-proclaimed in the interests of European expediency.

Under Section 9, Advisory Boards are to be established for the proclaimed class area. In the case of a non-European area the Board may be presided over by a European. Since regulations for the election to and procedure of the Boards are to be made by the urban local authorities, it is clear that the policy of the board though partly constituted of Indians will be largely influenced by the spirit and intention of the regulations and the regulations again bear in themselves the germs of the urban authority policy which policy has been the parent of the present Bill i. e. to deprive Indians of the municipal and townships franchise. The establishment of these Advisory Boards are calculated to affect adversely the claim of Indians to the general municipal and the townships franchise by reason that it may at any time be open to local authorities to contend that in much as Indians have the right of electing these Advisory Boards, they thereby enjoyed a species of municipal and townships franchise and therefore may not lawfully claim the common municipal franchise.

We would now offer a remark or two in respect of the remarkable consideration which provides the foundation for the whole Bill, that is, the expression "common racial characteristics." These words explain themselves. It is not nationality but race that is aimed at. It is clear that the Bill aims at the segregation of Indians, which the Asiatic Inquiry Commission after the most laborious enquiry recommended should not be resorted to. And on the general question of segregation, may we permit ourselves a few observations. We take two views in respect of this all absorbing matter. Our first view is from the standpoint of our national honour and the second is as to the effects of segregation upon the segregated. As to the first consideration we have respectfully to state for the information of the Government that the consideration of national honour has been clarion call to the entire Indian population of the Union to respectfully but unreservedly to decline the Bill. Indians can under no circumstances accept the principle of communal segregation.

The existing laws particularly in Natal and Transvaal Provinces make for some form of segregation to which the Indian community at all times have been opposed. The working of the Immigration Law for instance has been productive of the most effective form of segregation of the Indian population of the various provinces to its hurt and suffering. Thus Indians have most rigidly segregated to their respective provinces. The Bill now proposed to be introduced a system of segregation within segregation with the inevitable prospect of the last state being rendered worse than the first. Segregation is unknown in the Cape Province and the Bill operates legislatively to reduce Cape Indians to the low level of that of the Indians of the other provinces.

We have said that we must respectfully decline the principle of segregation firstly on considera-

tions of national honour. By the exemption of the Cape Coloured people from the provisions of the Bill the Government has by implication, but withal in very truth, reduced the status of the South African British Indians to a level lower than that of other non-European peoples of the Union.

That is to say of all the several peoples of the Union, Indians alone will occupy hereafter the lowest rung of the communal ladder. We recall with dismay that this position is an egregious development following the calm and considered statement of our Union Premier that he held the peoples of India as the Indian Nation in the highest esteem and regard. But within a few weeks of that generous recognition, Indians in South Africa are to be declared beings unfitted for personal and social intercourse with other sections of the community. The fact of segregation in itself implies the personal and social inferiority of the class segregated, and we as representing the Indian population within the Union cannot for ourselves and for them acquiesce in such an implication.

As to the effect of segregation, we have only to remind Government of the sure fruits of that system the world over. Whenever there has been a segregation of a race, that race has gone to inevitable moral and material ruin. This is neither the time nor the place to enlarge upon the untold evils, the inevitable concomitants of the system. Suffice just now to say that segregation wherever established has spelt the death of the body and soul of the segregated and has not been without its retributive effect upon the segregator. As a means of solution of the Indian of the Indian problem in this sub-continent, the proposed departure is practically without hope.

It is a great biological truth that a people in confinement accompanied by repression and oppression multiply at an infinitely more rapid rate than the people permitted freedom and liberty of movement. The history of the multiplication of the Jews under the repressive policy of the Central Powers of Europe in the Middle Ages and the untold increase of the Poles under the heel of the Prussians are sufficient evidence for the truth of the statement. If by Indian segregation it is hoped that a decimation of their numbers may eventuate there is much historical evidence to conclude that the contrary result will be the one to the hope anticipated.

It is now proposed to deal this unnatural death blow to the children of that Great Empire of India now Lawfully resident within this Union. The proposed action we beg leave to observe appears not to have in it the germ of ordinary regard for the honour and national pride and self respect of a great people. By the proposed action of Government the *coup de grace* is now to be delivered to unoffending and underserving representatives of that great nation settled in this land. As a step, if it is so, in the solution of the Indian problem the proposed action of Government is one not only wholly ineffective but entirely unacceptable to us. Our final mandate from the population represented by us is that we should categorically but respectfully decline the Bill in principle and practice which we now and hereby most unreservedly do, observing however that the Indian community has at all times in the past as it will ever in the future most eagerly hasten to range itself on the side of Government on the first invitation from the Government to consider ways and means for a just and honourable settlement of the long lasting disputes and differences between the Indian community and the Government

constituting what is known as the Indian problem in South Africa.

Most respectfully yours,  
South African Indian Congress,  
OMAR HAJEE AMOD JHAVERI  
President.

ESSOP MIA  
AMOD BAFAT  
E. M. PARUK  
M. YOOSOOF  
Vice-Presidents.

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