

Indian Opinion

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THE CLASS AREAS BILL

STATEMENT SUBMITTED TO THE MINISTER

THE following is the full text of the statement submitted by the deputation of the South African Indian Congress to the Honourable the Minister of the Interior at Cape Town:—

We, the undersigned, being the President, Vice-Presidents and the Honorary General Secretary of the South African Indian Congress which is constituted of the unanimously elected representatives of various provinces, have been duly authorised to submit to Government their objections to the Class Areas Bill now awaiting introduction into the Union Parliament.

Our mandate in respect to our mission is to unanimously and categorically refuse the Bill for and in the name of the South African Indian population. This Executive, however, before doing so, desires, as in duty bound, to place before Government its grounds and reasons for declining acceptance of the Bill.

Among other objections, we would now submit that it is clear that the Bill as drafted is purely a measure of class legislation. Not only does its title of "Class Areas Act" indicate that, but Section 1 refers to the request by an urban local authority that the Act shall apply to any area "occupied by a particular class of persons," while throughout the Bill there are references to the class to be dealt with (Sections 2,3,4,5,6,7,8,9,11), in other words, the whole of the proposed law. It is true that a special class of persons is not designated by name, but the provisions may be made, and are intended to be made, applicable to any class of persons.

The Immigrants Act of 1913, restricting immigration, does not specially refer to persons of any particular race or nationality, but has been made in the administration specially applicable to Indian immigrants into the Union from any country. In the strict sense, that cannot be described as class legislation. But the present Bill goes a great deal further, and there can be no doubt that the term "class legislation" is properly applicable to it. "Class" is not used merely to imply or to include social or economic distinctions but is equally in point where racial characteristics are concerned.

May we now deal shortly with the several provisions of the Bill.

Section 1 of the Bill places in the hands of the Urban Local Authority the initial power of setting into motion the entire Act. That authority may advise the Minister that an area within its limits may be set aside for the residential or trade purposes of a particular class. This first provision of the Bill is of itself sufficient to render the entire measure self-condemned. It is a widely known fact that it has long been the purpose and intention of South African urban authorities to deal drastically with their respective Indian populations. The first words of the Bill, therefore, unreservedly place in their hands the very instrument of destruction for which they have so long and so per-

sistently clamoured. And having regard to the fact that the members of local urban authorities are Europeans and generally themselves are competitors in trade with the Indian, it is not difficult to see that these bodies will invoke the powers conferred under the Act at every conceivable opportunity with what damage and detriment to Indian rights and privileges we need not now engage the mind upon.

In our humble opinion, this first provision of the Bill is alone sufficient to enable urban authorities to realise in their special interests the whole of the objects provided for in the Bill. These first few fatal words place in the hands of urban authorities the power to have appointed a class area and that such power will unreservedly be employed to the damage and detriment of Indian rights may be appreciated from one particular instance of urban policy we would beg leave to allude to. The Manager of the Municipal Estates Department at Durban recently notified officially that within the whole of the municipal area of that town but one and a half acres of land were available for Indian occupation. Although thousands of acres of suitable land are available for Indian use and occupation, all these broad acres have been declared unavailable to Indians for the reason, as that Manager stated, of the "beautiful views they commanded" or the "lay out of the land" was such as to preclude all ideas of Indian occupation. We adduce this as but one instance to illustrate how urban authorities are generally minded towards Indians. This report of the Estates Manager found approval with the Town Council who were then considering the sale of lands under the Durban Land Alienation Ordinance as a result of a query by the Administrator of Natal as to whether provision was being made for the sale of unalienated lands to Indians in view of the Town Council having only considered the sale of unalienated lands to Europeans to the exclusion of Indians. The Town Council have not stood by their promise to the Government in regard to the application impartially of the Durban Land Alienation Ordinance towards all sections of the community in Durban. Assurances by urban authorities are valueless. The Indian community has never at any time agreed to the principle of segregation in the Durban Land Alienation Ordinance and has been always opposed to it. But we mention this to show that the Town Council will never respect any of its promises. In the event of the powers under section 1 of the Bill being placed into the hands of the urban authorities, it is certain, as night follows day that Indians who have hitherto for fifty years or more enjoyed a measure of freedom within certain urban areas in so far as residence and trade were concerned, would hereafter be relegated to "closed compounds" approximating in reality to the Native Mine Compounds of the Transvaal. We may preface our observ-

ations by remarking that the Bill is essentially a measure of destruction and by no means a constructive one helpful towards a settlement of the Indian problem. In its practical working, far from being productive of some step towards the amelioration of existing conditions, the Bill is calculated to render confusion worse confounded. As a destructive weapon it will be placed in the hands of urban authorities, and as a weapon of destruction it will be employed with scant mercy against Indians.

In the same section appear the words "It shall be lawful for the Minister to appoint a Commission" to consider the urban authorities request and recommendation. The words within inverted commas in our opinion are wholly unnecessary for the Bill being clearly a concession to anti-Asiatic clamour, the Minister cannot but accept the recommendation and appoint that required Commission. And on the same grounds the Commission will invariably "investigate and report" in terms consonant with the requirements of a particular urban authority. The three persons to constitute the Commission will, needless to say, know beforehand all the provisions of the Act, and the fact that they have been appointed thereunder, and in consequence will feel constrained to give faithful operative effect to the spirit and intention of the Act. It appears to us inconceivable that a Commission comprised of three Europeans will ever act against the rights of Europeans be those interests real or imaginary.

In section 3 (1) provision is made for the Governor-General to respect a report of the Commission and to declare by virtue thereof a certain area for exclusive class occupation. Although the words "may proclaim" appear in the section, we can only read the auxiliary verb "may" in the sense of "must" for all our past experience warns us that powers ostensibly of optional use and employment have been invariably employed to the detriment of Indians as if there had been really no choice at all.

—(To be Continued)

NOTES AND NEWS

MRS. Sarojini Naidoo arrived at Lourenco Marques last Monday where she was accorded a hearty welcome by the local Indians. A Reuter's message from Lourenco Marques dated Feb. 27, states:—Mr. Sarojini Naidoo, the Indian leader and delegate of the All-India Congress who is on her way to the Union to assist the South African Indians in their fight against the Class Areas Bill and similar legislation, leaves here this afternoon for Johannesburg. In the course of an interview she said she was confident that the Indians would be successful in the fight, as they had the support of United India behind them. She described the proposed legislation as originating in ignorance, arrogance and trade jealousy, and said she did not think Indians had much to hope for in the prospect of a change of government in the Union. Any party in power would try to follow the same policy, in view of strong feelings on the question on the part of the European population, but General Smuts was a strong and able man with a deep sense of justice, and he more than anyone should be able to find a solution of the problem.

Mr. Sarojini Naidoo is expected to arrive in Durban on the 7th instant. We are glad to note that the officials of the Natal Indian Congress are hard at work in making preparations to receive Mrs. Naidoo.

A Reuter's message from Washington dated Feb. 14 States:—Mr. Hughes, in a letter to the Chairman of the House of Representatives Committee on Immigration, declares sections of the Immigration Restriction Bill would exclude Japanese from the country, which is inconsistent with the Treaty obligations to Japan, and states that the Japanese Government has already drawn the attention of the State Department to the matter.

In the Union House of Assembly on Feb. 18 the Minister of the Interior moved the second reading of the Asiatic (Cape Malay) Amendment Bill, which he explained was a little Bill to set right an effect of one of the laws of the Transvaal. The law in question was a law of the Transvaal Republic when people became alarmed by the influx of Asiatics, chiefly British Indians, and debarred them from holding land in certain places. The Bill included the term "Malay," and was undoubtedly not intended to apply to Cape Malays, but in the Transvaal, after the Anglo-Boer war, Cape Malays were not allowed to acquire land in the Rand townships, although in Pretoria they were granted transfer. The object was to remove the present disability on the Cape Malays. This course was due to a ruling of the Appellate Division. He thought that the Bill was doing an act of bare justice. Dr. D. F. Malan (Calvinia) supported the Bill. The second reading was adopted, and passed the Committee and report stages.—Reuter.

NATAL INDIAN CONGRESS

THE long postponed annual general meeting of the Natal Indian Congress will be held, as advertised in another column, on Sunday the 2nd instant. One of the causes of the postponement of this meeting has been the apathy of the members of the Congress in paying up their usual subscription and even now it has not been paid up completely. It must however be noted by every person attending the meeting on Sunday next that only those who have paid in their membership fees will have a voice in the proceedings and facilities will be made as they are usually made for those who have not yet paid their subscription to pay it on the premises where the meeting is to be held.

When we think of the forthcoming annual meeting our mind naturally goes back to the past work of the Congress. This we will fully know when the annual report is placed before us but there are some noteworthy things done by the Congress which are to the credit of Natal Indians and which the officials of the Congress have reason to be proud of. These are the three great prayer meetings held under the auspices of the Natal Indian Congress i.e. when Mahatma Gandhi was arrested, when he was incarcerated and when he was released from prison. Though there were many other meetings held in the cause of our Motherland these were unique in the history of South Africa for they proved more than anything else that although there are many different sects amongst Indians they can all unite into one body when they are actually put to the test. Another work the Natal Indian Congress has every reason to be proud of is the huge success with which it fulfilled its obligation of holding the South African Indian Conference. This was also unique in the history of South Africa as was admitted by every person who attended that Conference. Although the foundation of the present South Africa Indian Congress was laid by our Cape brethren it came actually into being only at the last Conference and one object achieved at that Conference was that at a time like the present one when the future of Indians through-

out the Union is at stake our brethren from all the different Provinces were able to meet together, discuss their common grievances and establish closer relationship amongst one another. It is unfortunate that the result of the work done at the Conference is not yet known by the public and it is to be hoped that no further time will be lost in informing the public of it.

In addition to the above work the Congress has had to work strenuously in fighting against the continuous passing of class legislation directed against British Indians with the object of depriving them of the right to exist in this Colony—the Durban Town Council and the Natal Provincial Council have been the most active in this matter. The Congress has hitherto adhered strictly to constitutional means in opposing every class legislation and in this direction it has done everything humanly possible. With the strong anti-Asiatic forces present in Natal the Congress has had to work against heavy odds and if Natal Indians have been saved from some of the harsh and unjust laws directed against them such as the Townships Franchise Ordinance it is certainly due mainly to the labour of the Congress.

With all this there are charges laid against the Congress officials by a section of the community which in fairness to the officials we feel we cannot allow to pass without comment. We do not wish to deal with the charges here which are of extravagance and waste of public money, for they will speak for themselves when the accounts have been placed before the public. Moreover we do not attach much importance to the charges as they are made by those few only who have never been known to have sacrificed even a little for the welfare of their brethren but many of whom have always sided the enemies, for monetary reasons or what we do not know, and worked against the cause of their own brethren. We feel sorry to have to disclose the defects of our community but we have never professed to be a perfect community nor can any other community do so. This section of the community has formed itself recently into a league and has advertised itself as the Natal Indian League. There are included in this League some responsible and influential brethren of ours—responsible in the sense only that they are expected to know their responsibility being privileged to be under better conditions than their poorer brethren; and influential in the sense only that they are wealthier than the rest of their brethren. What we wish to bring home to this section of the community is that it is high time that every Indian in this country realised his responsibility. There is no time for tinkering if we at all wish to remain in this country any better than helots. In the present circumstances if our forces are divided we are sure to fall. The only one course is to unite. The Natal Indian Congress is the recognised political body in this Province and it is the duty of every Indian to loyally stick to this body. If they find any fault in the working of the body or in the officials it is in their hands to remove the officials and elect new ones. But to adopt a course such as the Natal Indian League has done is to our mind very unwise. Most of the Leagues have no influence in the community. To win that influence honesty of purpose is required. Let them show that honesty of purpose by becoming members of the Congress and guiding it as they would if they are dissatisfied with the present guidance.

The community excepting the Natal Indian League which represents only its officials and a handful of others have shown their appreciation of the work done by the Congress by generously responding to its call on every occasion.

The success of the past work of the Congress has been due to the able manner in which the President Mr. Amod Bayat and the Hon. Secretaries Messrs. A. Christopher and Sorabjee Rustumjee have carried out their responsibilities.

Mr. Amod Bayat we have no hesitation in saying, has proved worthy of his post as no other has done. Of course we cannot ignore the great services rendered by the late Mr. Dawood Mahomed. But thinking of the living Natalians Mr. Amod Bayat has been the right man to preside over the Congress. The reasons are that he is one of the oldest residents of this Colony; he is of a very calm and cool disposition, he is a friend of the poor as well as the rich and hence he is respected by all and he knows his responsibility for he has never shirked it during his office even under dire circumstances. It is a blessing to have such a person at our head. His term will expire and he will be too glad to relinquish his office and it will be a difficult task for the community to find another in his place. The community will be wise, we think, in re-electing Mr. Amod Bayat as the President.

Mr. A. Christopher with all his personal worries and troubles, and we know he has many, has laboured at considerable sacrifice of time and energy to do his task. And Mr. Sorabjee Rustumjee like the chip of the old block with his inexhaustive energy has not hesitated even to suffer financial loss in carrying out his responsibility. Messrs. Omar Hajee Amod Jhaveri and V. S. C. Pather have performed their very responsible tasks as hon. treasurers in an able manner and the members of the committee have all done their bit as best as could be expected.

In view of the seriousness of the task of the Natal Indian Congress in the present political condition of this Colony as affecting the Indian community we will not be surprised if all these officials will be pleased to relinquish their respective offices and it will be no small task for the members of the Congress to replace them adequately. We would urge upon the members to give considerable thought to our future in this country while electing new officials. The times were difficult enough in the past but one hardly needs to be reminded that they will be worse in the future. We may have to go much further than passing resolutions and petitioning. Under the circumstances it will be desirable to choose able men and it will not be an easy matter to find abler men than those we have had in the past. We would also urge upon those who are elected to think carefully of their responsibility before accepting their offices for it will be by no means an easy one.

NATAL INDIAN CONGRESS

The Annual General Meeting of the Natal Indian Congress will be held on Sunday, the 2nd March 1924 at 3 p. m. at Rawat's Bio Hall, Victoria Street, Durban, for the transaction of the following business:

Report and Financial Statement,
Election of Officials.

AMOD BAYAT, President.
A. CHRISTOPHER
SORABJEE RUSTOMJEE } Hony. Secs.
Natal Indian Congress

N. B. No person shall participate at the meeting unless he has paid his subscription of 10s. 6d. for the year which if not already paid must be paid forthwith to the Hony. Treasurers Messrs. Omar H. A. Jhaveri and V. S. C. Pather, Foundry Lane, Durban, or before the commencement of the meeting at the door. No subscriptions will be received after the commencement of the meeting.