

Indian Opinion

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SOUTH AFRICAN INDIAN CONGRESS STATEMENT

SUBMITTED TO THE GOVERNMENT OF INDIA DELEGATION

GENTLEMEN.—We, the Deputy-President and the Honorary General Secretary of the South African Indian Congress, which is constituted of the Natal Indian Congress, representing the Indians resident in Natal, the Transvaal British Indian Association, representing the Indians resident in the Transvaal Province, and the Cape British Indian Council, representing the Indians resident in the Cape Province, authorized by a resolution of an Emergency Conference held on the 6th and 7th December 1926, beg to submit you the following statement in regard to the position of the Indian community in the Union of South Africa.

It is within the knowledge of the Government of India, which you have the honour to represent at the Round Table Conference, that soon after the introduction into the Union Parliament of the Areas Reservation and Immigration and Registration (Further Provision) Bill, known as the Asiatic Bill, and which is in this statement referred to as such, a Conference of the South African Indian Congress was held in Capetown on the 10th and 11th December 1925, at which important resolutions bearing on the Asiatic Bill were passed, namely:—

“That the South African Indian Congress views with alarm the Areas Reservation and Immigration and Registration (Further Provision) Bill which is in violation of the 1914 Gandhi-Smuts Agreement, and which Bill has for its object the compulsory segregation of Indians, the deprivation of their proprietary rights, and the ultimate extermination of the Indian community as openly declared by the Minister of the Interior, and begs to submit that on a matter of principle the Indian community of South Africa opposes this Bill.”

“That this Congress urges upon the Union Government to consent to a Round Table Conference of representatives of the Union and Imperial Governments, the representatives of India, the Indian Government and the representatives of the South African Indian Congress to consider the whole position of the Indians here and arrive at an honourable settlement.”

We beg to observe at this stage that although the principle of holding a Round Table Conference for the solution of the Indian problem was secured by the Government of India, yet the question of our representation at the Conference, which is particularly vital to us, and as pressed for in our resolution mentioned above, was left undecided by the Government of India and the Union Government. We desire to emphasise this point, as we feel that in view of the formal agreement upon the basis of discussion, and in view of the non-representative character of the Indians present at the Conference in Natal and Transvaal Provinces, the Indian community feels that the non-inclusion of its representatives at the Conference was greatly disappointed it, and that therefore any conclusion arrived at by the Conference will necessarily have to be considered by our Congress.

The object of holding the Round Table Conference, and the cables exchanged in connection therewith between the South African Indian Congress and the Government of India, necessitated the convening of an Emergency Conference which assembled at Durban on the 6th and 7th days of December 1926, and which unanimously passed the following resolutions:—

“That this Emergency Conference re-affirms its objection *in toto* to the principles underlying the Areas Reservation and Immigration and Registration (Further Provision) Bill.”

“That although the South African Indian Congress has been given no representation on the Round Table Conference in accordance with the resolution of the South African Indian Congress unanimously passed at its Fifth Session held at Capetown in November 1925, nevertheless this Emergency Conference of the South African Indian Congress expresses its willingness to assist the Indian Delegation as desired by the Government of India in its communication to the Secretary of the South African Indian Congress dated the 31st of June 1926.”

We beg to formally convey to you, before proceeding further, our high sense of gratitude to you, and through the Government of India for the opportunity afforded us to render to the Delegation whatever assistance we are able for us to give, and to present you with this statement which, it is trusted, may afford you useful information on the Indian question.

In carrying out the terms of the resolution which entrusts us with the duty of assisting the Delegation, we set below a brief summary of, and observations upon the several larger grievances and disabilities to which Indians are subjected.

It is our firm belief that this summary will not only show at a glance the larger grievances under which we here in South Africa will indicate to you the wants, wishes and aspirations of the Indians born and domiciled in the Union of South Africa. It is also our firm belief that until these are granted and attained, the Indian community here can not possibly feel that no complete solution of the Indian question can be said to have been found.

In an introduction to our summary, we refer you to the terms of the Gandhi-Smuts Settlement of 1914. After a long and bitter controversy, which then unhappily existed between the Indian community and the Union Government was finally settled, a solemn pledge was given by the Government, which was as solemnly accepted by the Indian community, that existing laws will be administered in a just manner and with due regard to vested rights. This pledge operated as a chief factor in inducing the community here in accepting the closed door policy against the immigration of Indians from India, and in leading us to believe that as time went on, the position of the Indians here will be improved, their status raised and their responsibilities utilised in the best interest of South Africa and until the cessation of hostilities, the Indian community enjoyed security of peace, and a spirit of goodwill prevailed amongst all sections of the community and nothing was done either by the Government or by Europeans to irritate the community. Immediately peace was declared there was introduced both in the

Transvaal and Natal Provincial Councils legislation after legislation threatening the vested rights of Indians. We refer you to the circumstances under which Act 37 of 1919 which made illegal the formation of Indian limited liability Companies to purchase and hold immovable properties in the Transvaal. About that period the Natal Provincial Council introduced the Rural Licensing Amendment Ordinance making radical changes in the system of licensing laws, which then operated in rural areas. A Township Ordinance was also introduced which aimed at depriving Indians of their township franchise. The Indians in Natal opposed with success first the passage of the Rural Licensing Amendment Ordinance, and later the Townships Ordinance, which was vetoed or otherwise reserved by the Union Government on four successive occasions. From this period onwards it will be noted that measures such as the Rural Licensing Amendment Ordinance, Boroughs Ordinance, Townships Ordinance (Natal) and General Dealers' Control Ordinance (Transvaal) and others were, notwithstanding our protest and opposition, passed and became law. We have in passing referred to the attitude which spelt disastrous results to Indian vested rights. Moreover, existing laws, wherever Indian rights and interests were concerned, were harshly and unsympathetically administered. In this way the Government by its legislative and administrative action has not only broken the letter but the spirit of the Gandhi-Smuts Settlement, as is evidenced by each turn of events that followed it.

We feel that inasmuch as vested interests have been attacked and rights taken away and further inroads made upon the rights and privileges hitherto possessed and enjoyed by Indians, just as we are and have been anxious to observe and carry out for our part the terms of the Settlement, the Government on its part should restore to us our lost position to the time of the Settlement and maintain the *status quo*. In other words, we ask that those laws, whether Provincial or Union, which have adversely affected the rights of the Indians should be repealed.

POPULATION

The total Indian population according to the figures published by the Census Department for the year 1921 in the three Provinces is as follows:—

Natal 141,886; Transvaal 13,405; Cape Province 6,498. Total: 161,239.

Of these, the number of those born in the Union is 102,250 but for the year 1926 the estimated population of those born in the Union is 125,596.

NUMBER OF INDIANS IN THE UNION AND PROVINCES, CENSUS 1911 AND 1921, CLASSIFIED ACCORDING TO BIRTHPLACES

At the request of the Government of India special returns have been made in respect of the Indian population of the Union, a summary of which is given in the table hereunder:—

BIRTH-PLACE	CAPE		NATAL		TRANSVAAL		ORANGE FREE STATE		UNION	
	1911-1921	1911-1921	1911-1921	1911-1921	1911-1921	1911-1921	1911-1921	1911-1921	1911-1921	1911-1921
Union of S. A.	1381	2630	59277	98767	3065	5853	53	73	6377	10225
Assam	5	56	20	3	6	—	—	—	8	3
Bengal	198	254	15468	5782	501	87	3	—	16165	612
Bombay	2819	1801	4588	2790	3474	2401	2	1	1088	649
Burma	7	25	12	21	14	4	—	—	—	5
Central Province Behar	8	2	26	95	15	7	—	—	—	10
Eastern Bengal	3	2	—	102	—	1	—	—	—	10
Madras	619	199	39295	18148	1392	441	8	2	41314	1879
Punjab	123	58	95	100	121	28	3	—	342	18
U.P. of Agra & Oudh	32	9	225	674	8	27	—	—	265	71
Other Provinces	974	1627	13692	19036	1323	4301	32	13	15921	2497
Other countries & Unspecified	442	335	433	818	129	255	5	11	1009	111
Total	6606	6498	133031	141336	10048	13405	106	100	149791	161239

Land

NATAL

In the Province of Natal, Indians enjoy the right of acquisition and ownership of land. In respect of alienated land belonging to local authorities, i.e., Municipalities and Townships—the provisions of the Boroughs Ordinance and the Townships Ordinance apply. Local authorities are empowered in the sale or lease of immovable property belonging to a Borough or a Township, as the case may be, to prohibit the occupation thereof by persons of European descent, Asiatic or Native (vide section 170 of the Boroughs Ordinance No. 19 of 1924).

The principle of free competition in regard to the sale and purchase of this class of land was thus eliminated and local authorities are empowered at their discretion, to exclude Indians from owning or occupying unalienated land.

Instances of hardship that have been imposed on Indians are given fully in our statement of information supplied to the Paddison Deputation on this, as well as other matters, and members are kindly referred to the information and statistics contained therein. The net result of the application of the provisions in regard to unalienated land has been that Local Authorities are openly pursuing a policy of segregation on a small scale which was and still is objected to by Indians.

In regard to land, privately owned by Europeans, there is a growing tendency mainly due to prejudice to prevent Indians from purchasing their land by inserting in their title deeds some such clause as this—commonly known as the Anti-Asiatic Clause:—

"This transfer is passed subject to the condition that the transferee, his heirs, executors, administrators or assigns, shall not sell, let, lease or allow occupation of the aforesaid property to any Asiatic or person of Asiatic descent."

No objection can be taken to this method of dealing with individually owned properties. We quote this as an instance to show that if the allegation of encroachment is true then this method is sufficient to prevent land from falling into the hands of Indians.

We give in the table below the acreage of land in each district of Natal, and the acreage of land held

statistics. A study of the table will show that the total acreage of land in Natal is 11,299,360 acres out of which a matter of 89,869 acres 2 roods and 39 perches are owned by 141,336 Indians in Natal, which really means that one acre in every 200 acres is owned by Indians.

LAND HELD BY ASIATICS IN NATAL

District	Area Acres.	Within Coast Belt.			Outside Coast Belt			Total		
		Acres	Roods	perches.	Acres	Roods	Perches.	Acres	Roods	Perches.
Camperdown	235520	267	1	10	—	—	—	267	1	10
Estcourt	534400	—	—	—	3758	2	24	3758	2	24
Durban	55680	6424	1	31	—	—	—	6424	1	31
Estcourt	1198080	—	—	—	68	1	11	68	1	11
Harding	364800	2	—	—	5	3	16	7	3	16
Klipfontein	187520	—	—	—	—	3	32	—	3	32
Klipfontein	448000	—	—	—	84	—	16	84	—	16
Richmond	284160	18987	1	11	—	—	—	18987	1	11
Umtata	624640	417	—	32	80	3	5	497	3	37
Port Natal	879360	—	—	—	900	1	18	900	1	18
Port Natal	274560	—	—	—	419	1	34	419	1	34
Port Natal	401920	—	—	—	61	3	29	61	3	29
Port Natal	289920	31569	1	28	—	—	—	31569	1	28
Port Natal	716800	—	—	—	3967	2	17	3967	2	17
Port Natal	332800	491	1	18	27	2	23	519	—	11
Port Natal	262400	—	—	—	2964	3	21	2964	3	21
Port Natal	276480	4229	1	39	—	—	—	4229	1	39
Port Natal	774400	—	—	—	293	—	7	293	—	7
Port Natal	341760	1498	1	30	—	—	—	1498	1	30
Port Natal	332800	122	3	6	79	2	37	202	2	3
Port Natal	461,440	—	—	—	25	2	—	25	2	—
Port Natal	559360	—	—	—	3171	2	14	3171	2	14
Port Natal	430080	9863	2	3	—	—	—	9863	2	3
Port Natal	292480	—	—	—	56	1	38	56	1	38
Total in Natal	11299360	73873	1	7	15968	1	32	89841	2	39
Total land	6672000				28			28		

The Districts which are situated in what is called Coastal Belt possess cultivable land, which may be summarised as follows:—

Camperdown	...	...	...	...	...	...	235,528 Acres
Durban	...	...	...	...	...	...	55,680 "
Harding	...	...	...	...	...	...	364,800 "
Inchanga	...	...	...	...	...	...	284,160 "
Ixopo	...	...	...	...	...	...	624,640 "
Lower Tugela	...	...	...	...	...	...	289,920 "
New Hanover	...	...	...	...	...	...	332,800 "
Pinetown	...	...	...	...	...	...	276,480 "
Port Shepstone	...	...	...	...	...	...	341,760 "
Richmond	...	...	...	...	...	...	332,800 "
Umtata	...	...	...	...	...	...	430,080 "
Total							3,568,640 Acres

This acreage of land only an extent of 73,873 acres 1 rood 7 perches are owned by Indians compared with Indian agricultural population of 20,669.

Take for instance the district of Estcourt which consists of 1,198,080 acres. This district is not wholly uncultivable but cultivable as well. Only 68 acres of land are owned by Indians. The same may be said of Klipfontein, Krantzkop, Pietermaritzburg, Umsinga, Umtata, Bergville and Weenen, where cultivable and pastoral land. The extent of land in these places owned by Indians is negligible compared with their population in such places.

NATAL

Law No. 3 of 1885 prohibits the ownership of fixed property except only in such streets, wards, and locations administered by the Government (i.e., the Republican Government) for purposes of sanitation shall assign to them to live in. This law is still in force. Its object and intention are fully related in the report issued by the Asiatic Enquiry Commission of 1921 and need not be repeated here. Even in locations under the prevailing practice, the occupation of land by Indians is restricted to a monthly tenancy. Indians in some of the locations do not enjoy the right of tenure as locations are removed at the will of the Local Authorities concerned.

The root of all the evil with regard to tenure of land in the Transvaal goes back to Law 3 of 1885 above mentioned and nothing short of the total repeal of this Act will make the condition of holding property in the Transvaal favourable to the Indian community which holds domiciliary rights there.

Section 37 of 1919 the lawful acquirement of landed properties by limited liability companies formed by the Companies Law was made unlawful, and even the right of allowing the appointment of Europeans as trustees of places of worship (as in the case of Ventersdorp Mahommedan Mosque) in trust, which was a vested right long before the Gandhi-Smuts agreement became a settled fact, has been taken away.

The law at present stands Indians cannot own religious places of worship in the name of their own Trustees, but in the name of a European nominee, e.g., Melrose Hindoo Temple, Mahommedan Students Hostel House and Indian Cemetery Warmbaths.

Section 27 of 1907 of Transvaal prohibits Indians from residing and trading in certain parts of Vrededorp, which is deemed to be a European locality. Act 34 of 1908 provides for the insertion of a restrictive clause in the title deeds of leasehold properties, whether owned privately or by townships proclaimed by the Government, resulting in depriving Indians in acquiring leasehold title to land and in prohibiting them from

trading or residing in such townships under pain of confiscation where such land is held by Indians under lease. Sections 130 and 131 of Act 35 of 1908 known as the Gold Law, prohibit coloured persons, including Indians, from occupying land or trading in proclaimed areas. Taking advantage of the provisions of this Act the Municipal Council of Krugersdorp applied to the Supreme Court for an interdict restraining T. W. Beckett & Co., Ltd. from permitting the occupation by an Indian of a certain shop and his residence therein. The effect of the judgment in this case resulted in the Indian closing down his shop. A petition by the Indian community in issues involved, led to the appointment of a select committee, and to the enactment of Act 37 of 1919, which protected and legalised merely the trading rights of Indians carrying on business in proclaimed mining areas as at 1st May 1919, but deprived the right hitherto enjoyed by them of acquiring land by private limited liability companies.

In the case of Natal we ask that the provisions in the Boroughs and Townships Ordinance relating to the sale and lease of unalienated land be repealed. And in the case of Transvaal Province the repeal of Act No. 37

NATAL

Licence

Act No. 18 of 1897 (Natal) call the "Dealer's Act" creates the administrative post of Licensing Officers and vests in them full and unfettered powers of discretion to grant or refuse licences. Their decisions are subject to appeal to Town Council or Local Board only. In the case of refusal to renew existing licences the right of appeal is allowed to the Supreme Court under Act 22 of 1909.

The Rural Licensing Amendment Ordinance of 1923 made a change in the existing system of control and issue of licences in areas outside Municipalities and Townships and created Licensing Boards in areas defined, with the same discretionary powers as are contained in the Parent Act (No. 18 of 1897). This Ordinance instead of safeguarding the existing right of appeal in all cases from the decision of a Licensing Board to an Appeal Board, limited the right of appeal only on the ground of the fitness of the person. This is a gross and unjust deprivation of the rights hitherto enjoyed by Indians.

The Boroughs Ordinance of 1924 as well as the Township's Ordinance 1926, which is on all fours with the Boroughs Ordinance perpetuates existing principles as to the issue and control of licences and lays down without in any way disturbing the provisions of the Dealer's Act specific grounds upon which licences shall be refused if the Licensing Officer is not satisfied:—

1. That the locality of the premises is one in which it is desirable that trade or business contemplated shall be carried on by the applicant or at all;
2. That the premises are in every respect suitable for the purposes of such trade or business, whether as to structure, size, character, sanitation, ventilation, safety from fire, adequacy of fire appliances or emergency exits.
3. That the applicant is a fit and proper person to hold such licence or carry such business.

Ground No. 1 is of all the most dangerous in as much as it places in the hands of a Local Authority the power of preventing Indians from acquiring trading licences in localities which are deemed to be European. Invariably licences are refused to Indians in such localities on the ground that "no necessity exists and that it is not in the interest of the public to grant a licence for the class of business."

The licensing laws, it is admitted, operating in Natal are general in their application, but the unjust and harsh administration of the same has proved a veritable source of danger to Indian trading rights. These laws have placed in the hands of officers charged with the duty of administering them extraordinary powers of curtailing, if not altogether, eliminating Indian trading rights and interests, wherever deemed possible.

The most astounding situation created by the licensing laws is that a Licensing Officer and a Town Council or a Local Board which appoints him stand in the relation of master and servant, and the Licensing Officer as a servant carries out a joint policy of the Town Council and himself of weeding out Indian licences in what is regarded as European localities, and in reducing wherever opportunity offers Indian licences, in Boroughs, as in the case of Durban, or in Townships, as in the case of Estcourt. The right of appeal to a Town Council or Local Board in view of the policy pursued becomes a farce.

Even Act 22 of 1909 which gives the right of appeal in the case of renewal of a licence from a Town Council or Local Board to the Supreme Court has become a dead letter in so far as the Indians are concerned. In the case of *Sophia Bhayla vs. the Licensing Officer of Estcourt*, the Supreme Court has expounded a new principle in the interpretation of Act 22 of 1909, that it has no power to interfere with the exercise of discretion by the Licensing Officer, and on an appeal against that decision, the Appellate Court has laid it down that it had no jurisdiction to interfere with the decision of the Natal Supreme Court. This decision has staggered the Indian community, which feels that all protection given by Act 22 of 1909 in case of renewal of licences is nullified and that there is a grave risk of its existing trading rights being in danger, if Licensing Officers unscrupulously refuse to renew licences on some pretext or other.

Numerous decisions of the Higher Courts can be cited at length to show that gross irregularities and injustice are being done in case of Indian licences and it is only after incurring considerable legal expenses that redress is obtained. In short the licensing laws as they operate in Natal to-day have placed in the hands of the Licensing Officers a formidable weapon to destroy Indian trade as occasion presents.

A reference to comparative statistics supplied to the Paddison Deputation shows the gradual reduction in the number of General Dealer's Licences held by Indians in Natal. The number held by them in 1902 was 1921, which in 1921 had fallen to 1671 and in 1926 to 1350. A slow decrease is taking place annually mainly due to the tightening up of the licensing laws and the harsh administration of the same.

TRANSVAAL

Under the old Republican Law No. 3 of 1885 the view was held that Asiatic trade as well as residence was prohibited outside locations. Instructions were consequently issued to Receivers of Revenue to refuse the granting of licences outside locations. But the point was tested in the case of

Habib Motan in the Supreme Court of the Transvaal, and it was held that the instructions so issued were illegal, and that the right to trade outside locations was not prohibited by Law 3 of 1885.

As recently as 1925 the General Dealer's (Control) Ordinance was passed, but certain provisions were declared to be *ultra vires* by the Transvaal Supreme Court in the case of Downak Said and Company. Consequently the Ordinance was withdrawn, and the Ordinance now known as the General Dealer's (Control) Ordinance No. 12 of 1926 was substituted. This contains provisions similar to the licensing laws which operate in Natal. The provisions are analogous to those of Natal and are of general application, but the administration of the law is again like Natal, directed to the detriment of Indian trade and licences. Moreover, to dislodge licences lawfully obtained under the Ordinance, which had been declared *ultra vires*, a provision with retrospective effect was inserted in the new Ordinance declaring all applications for the renewal of a licence issued between 12th May 1926 and the date on which the new Ordinance came into force to be regarded as new licences. This exposes the Indians who have obtained licences to have their licences refused and their business ruined. The right of appeal to the Supreme Court is taken away. The effect of this is being felt by Indians in most of the towns and districts where regardless of the suitability of persons and premises, applications for licences are invariably refused.

This Ordinance by the effect of its administration has created a situation which nullifies the decision in the Habib Motan's case, and the rights acquired under Act 36 of 1908, which entitled Indians to trading licences upon the production of their registration certificates.

It may be explained here that the Licence Consolidation Act (1925) created, for the purpose of revenue, new licences for a certain class of trade which was covered by a General Dealer's Licence before. Such new licences among others are: Aerated or Mineral Water Dealer and Patent Medicine Dealer, which a General Dealer was not required to take out. He has to obtain these licences in connection with his Dealer's Licence in compliance with the law. A duplication of licence to trade thus created, may give a false notion as to the increase in the number of licences in certain trades. This is not so. We ask that this point be borne in mind when any comparison takes place in respect of licences held by Indians and Europeans.

We urge, in order to remedy this state of affairs, that a right of appeal in all cases to the Supreme Court should be allowed.

We attach herewith a table showing the number and nature of licences held by Asiatics in the Provinces of the Union, as against the total number of licences issued.

The following table gives the number of trading licences issued during the year 1925-26 by the Inland Revenue Department. In addition to these, municipalities had also during this year the right to issue certain trading licences. Figures for Natal are given in the last column, but those for other Provinces are not available.

TRADING LICENCES ISSUED THROUGH THE INLAND REVENUE DEPARTMENT 1925-26 AND NATAL MUNICIPAL LICENCES

	Cape		Natal		Transvaal		O.F.S.		Natal
	Total	Asiatic	Total	Asiatic	Total	Asiatic	Total	Asiatic	Municipal Licences
Aerated or Mineral Water									
Manufacturer	238	7	46	2	74	—	37	—	—
Aerated or Mineral Water Dealer	1661	301	560	221	524	15	329	1	—
Apothecary	257	1	98	—	231	—	48	—	—
Baker	481	9	98	20	135	1	101	1	35
Boarding or Lodging Housekeeper	482	—	111	—	302	—	68	—	411
Buchu Buyer	29	1	—	—	—	—	—	—	—
Butcher	1695	135	435	95	1268	88	250	—	158
Dealer or Speculator in Live									
Stock or Produce	1204	5	216	63	395	29	538	—	1889
Eating-house Keeper	221	33	278	152	345	19	11	—	11
Fresh Produce Dealer	1851	509	206	120	534	71	200	2	—
General Dealer	13511	1400	3973	1350	14032	3066	2065	3	2884
Hawker and Pedlar	3825	934	1731	923	3082	1089	40	—	555
Hawker—Raw Meat Seller	—	—	—	11	—	—	—	—	—
Laundry—Steam and other	47	18	45	37	23	3	1	—	96
Miller	298	2	169	21	215	4	110	—	25
Motor Garage	465	—	141	5	321	1	147	—	67
Ostrich Feather Buyer	2947	—	—	—	—	—	—	—	—
Patent or Proprietary Medicine	709	181	507	240	1740	489	630	—	—
Pawnbroker	11	—	1	—	12	—	1	—	4
Restaurant, Refreshment and									
Tea-room Keeper	649	46	395	163	980	106	261	3	452
Temporary	152	—	20	10	22	—	29	—	—
Total	30733	3582	9030	3433	24235	4981	4866	10	6587

Education

NATAL

The question of education has been fully dealt with in the statement supplied to the Paddison Deputation, and since then the Provincial Council has introduced an Ordinance under which further curtailment of Indian education was sought. The Ordinance among other things, provided for the registration of all schools, whether privately controlled or aided by Government where ten or more pupils received tuition and that before registration could be effected, the structural and sanitary conditions of the premises, the method of instruction and the competency of the teachers had to be approved by the Government. The Ordinance has been shelved for the time being, owing to

the select committee not reporting in time, but most probably the same will be placed on the Statute Book next year.

There are 47 Indian schools in Natal, and out of this number 39 are Government aided and 8 Government schools. In the case of the Government Aided Schools the buildings belong to private individuals, and in most cases are in a dilapidated condition. As there is no institution in the present system of Indian education for the training of teachers, in the majority of these schools incompetent persons are employed to teach. Moreover, the emoluments granted to the teachers are so meagre that they afford no encouragement to those who are better suited to the position. Therefore, the position would be, in the event of the proposed Ordinance becoming Law, that the majority of these schools will have to be closed down, without any provision being made for the children attending these schools to continue their studies elsewhere.

Although the Wheel-Tax has been imposed for the purpose of meeting the cost of education and that Indians contribute equally towards this imposition and other taxes that go to the coffers of the Provincial Exchequer, no facilities are afforded to the Indian child to advance equally with the children of other communities in this respect.

Ever since the extension of free and compulsory education to the European and Coloured communities, the Indian community has asked for this benefit to be extended to it, but to its utter disappointment its request has always been turned down by the Government. In 1923 the Provincial Council decided not to in any way increase the vote on Indian Education and the position has ever since been maintained, notwithstanding the demand made year after year for the expansion in the way of additions to the present school buildings and the creation of new schools. Hundreds of children are being refused admission for want of accommodation. The Provincial Council has, during the early part of this year, even gone so far as to unanimously adopt a resolution that European lady teachers in Government Indian Schools should be replaced by male teachers as soon as it is convenient to do so.

Any attempt on the part of the Indians themselves to open up schools has not received the support of the Government, and no scope whatever for progress exists for those Indian students who have completed their studies.

In the Transvaal Province Indians are, in terms of Act 25 of 1908 only given primary education, and secondary and higher education is for Europeans only. Some of the Indian schools originally privately founded by Indians are since aided by Government. In the Cape Province the position is not so acute as the Indians are grouped with coloureds, and all benefits that accrue to the one accrue to the other. The question of extending free and compulsory education to the coloureds is the subject of a Commission of Enquiry which has not yet completed its labours. The table given below of the number of European and Indian children of school going age shews an appalling state of affairs as to the negligence shewn towards Indian education.

NUMBER OF EUROPEAN CHILDREN OF SCHOOL GOING AGE

1921	...	...	...	...	334,426
1922	...	...	...	...	338,500

Of which according to the census report of 1922, 323,851 were attending school in the quarter of 1922.

NUMBER OF INDIAN CHILDREN OF SCHOOL GOING AGE AS PER REPORT OF 1921 TAKEN ACCORDING TO AGE GROUP 5-9 AND 10-14

Male	Female	Total
22,711	20,673	43,384

Of which according to the Census Report of 1922 the following were receiving education in the last quarter of the year 1922.

	Male	Female	Total
Natal	6,709	1,149	
Transvaal	472	86	8,416

There are 12 Government Schools and 39 Government Aided Schools for the Indians in the Union, while for the Europeans 4,833 schools are provided. The average expenditure on Indian education is £2 3s. 10d. per child, while the expenditure on European education is £17 17s. 9d. per child.

It will be noticed from the above that a small percentage of Indian children attend school and receive education compared with the total number of children of school going age. There are, according to statistics, 34,968 Indian children who do not receive the benefits of even primary education. The reason for this can only be attributed to the fact that the State refuses to recognise its duty towards affording facilities of education for these children. In brief the position of Indian education may be stated as follows:—

1. In Aided schools conducted by European Missionaries, education is given up to Standard 4 and the curriculum is inferior to that of European schools of the same standard.
2. Government Indian schools which are only 12 in number in the Union impart education from 4th to 7th Standard in some four of these schools, and in the rest of them to the 4th and 5th Standards only.
3. No higher education of any kind is given.
4. Colleges and universities are closed against the entry of Indian students as residents.
5. The benefits of free and compulsory education given to European children are denied to Indians.
6. No technical or industrial education is given to Indians.
7. An Indian desiring to enter the Natal University College to study medicine was refused admission, merely because he was an Indian.
8. No Training Schools exist to prepare Indians to take up the teaching profession.

9. An Indian named B. Somer applied to the Natal Supreme Court for admission as a Candidate Attorney. The Law Society opposed his application on the ground that the applicant being an Indian, will not have access to the University to go through the course of Law Lectures to enable him to qualify for the profession. The case has been postponed for further consideration

10. The Cape Art School as well as those in other provinces is closed to non-Europeans.

The Indian community requires a complete revision of the system of education as applied to Indians now, and instead of throttling the desire of the community for better and improved facilities for education, the Government should show a generous spirit towards improving Indian education in all its branches.

Repeated requests have been made to the Provincial Authorities which control education to advance the cause of education, but nothing can move them to give favourable consideration to the desires of the community.

ECONOMIC CONDITION OF THE INDIAN COMMUNITY

In this regard we submit that the tendency of legislation in the Union since the termination of the Great War, has been to reserve all skilled and semi-skilled industries to the exclusive employment of Europeans. This tendency has culminated in the passing of the Mines and Works Amendment Act of 1926, commonly known as the Colour Bar Act. The passing of this Act places for the first time on the Statute Book of the country a statutory Colour Bar. This Act, we submit, is the most retrogressive piece of legislation that has ever been passed by a civilised country in modern times to repress the natural and progressive advancement of a community that has no voice in the legislature of the country.

The Act gives powers to the Governor-General-in-Council which if fully exercised will not leave a single industry requiring skilled or semi-skilled labour in which Indians could be employed, as this Law bars them from obtaining a certificate of competency on account of their race. We give below a table of figures as supplied to us by the Director of Census, giving the number of Indians employed in the various industries in the Cape, Natal and Transvaal Provinces.

AVERAGE NUMBER OF ASIATICS EMPLOYED IN CONNECTION WITH EACH CLASS OF INDUSTRY IN THE CAPE, NATAL AND TRANSVAAL PROVINCES FOR THE YEAR 1924-25

	Private Firms						Government, Municipal and Railway.					
	Cape		Natal		Transvaal		Cape		Natal		Transvaal	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
1.	7	—	185	40	7	—	—	—	—	—	—	—
2.	1	—	411	2	7	—	—	—	—	—	—	—
3.	31	2	425	81	—	—	—	—	5	—	—	—
4.	6	1	492	—	11	—	—	—	169	—	—	1
5.	27	7	4137	389	28	—	—	—	—	—	—	—
6.	213	22	596	14	135	7	—	—	39	21	—	—
7.	7	—	333	—	2	—	—	—	—	—	—	—
8.	5	—	56	—	2	—	—	—	7	—	—	—
9.	—	—	15	—	—	—	—	—	4	—	—	—
10.	16	1	422	1	23	—	—	—	—	—	—	1
11.	3	—	710	60	5	—	—	—	—	—	—	—
12.	—	—	—	—	—	—	—	—	—	—	—	—
13.	—	—	17	—	—	—	—	—	—	—	—	—
14.	2	—	101	—	3	—	1	—	70	—	—	—
15.	18	—	178	—	2	—	—	—	—	—	—	—
16.	54	—	32	—	—	—	—	—	543	94	—	—
17.	—	—	15	—	—	—	—	—	—	—	—	—
Total	390	23	8126	587	225	7	1	—	837	115	2	—

NOTE :

1. Treatment of Raw Material etc. 2. Process in stone &c. 3. Working in wood. 4. Metal engineering work &c. 5. Preparation of food &c. 6. Clothing and textile fabrics. 7. Books, paper printing &c. 8. Vehicles &c. 9. Ships and boats. 10. Furniture &c. 11. Drugs, chemicals &c. 12. Surgical instruments &c. 13. Jewellery &c. 14. Heat light and power. 15. Leather and leather ware. 16. Building and contractors. 17. Other industries.

The total number of Indians, both male and female employed in the different branches of industries is 10,332. The Colour Bar Act renders the existence of this number of people very precarious and places them in a state of insecurity. It can never be alleged, much less proved, that out of a total population of 161,239 the 10,322 employed in industries could be a menace to the security of the European community, and to its standard of life, the more so when the population of that community is 1,519,488. It is one of the strange artificial anomalies of the Legislative tendencies of this country that such legislation is passed in spite of recommendations and findings of eminent economists, sitting as commission appointed by the Government, to enquire into the question of wages, employment, and their compatibility with the civilised standard of life.

The Economic Commission of 1914 observed as follows:

“Your commissioners are of opinion that there should be no legal barriers to prevent natives or others of the non-white population, from engaging in any work above the grade of unskilled.”

The Economic Commission of 1925 speaking on the panic that was created in the country by

the evidence of the Director of Census, as to there being no openings for European youths leaving schools, observes on page 101 paragraphs 173 and 174:—

"The condition of panic, which misunderstanding of the correct and careful statement in the Report on the Census excited over the perfectly normal process of absorbing an increase of the population into industry deserves notice because it is typical of a misunderstanding of the normal processes of industrial development which we observed in other connections. Employment in the main is provided, not directly by Government action since Governments do not run most industries, but by the spontaneous development of industries to meet a certain of anticipated wants. The existence of a want by itself is not sufficient to stimulate production to satisfy it; the person or community that feels it must also be able to back its demand by the offer of payment. The greater the means of payment at the disposal of a community, therefore the greater is the power of demand, and therefore of the stimulus it can give to production.

"The means of payment are obtained by producing and selling; the greater the production of a person or a community therefore the greater the stimulus he (or it) can give to production to others, and so to employment. Every increase in production, whether due to increased supply of labour, increased efficiency of workers, better organisation or better equipment, increases the demand for labour; since the increased output has to be sold and the proceeds of the sale are spent. If we look below the surface of the monetary transactions through which business is carried on it is clear that the reality of industry is a co-operative production and exchange of goods and service. Every one who works or whose capital increases the capacity of industry contributes to the stream of goods and services on which all consumers draw. Anything that increases the volume of the stream increases the funds available for employment; anything that reduces it restricts them.

"These are the most elementary truisms of economics. We make no apology for re-stating them, because we met so frequently the notion—not clearly formulated but obviously the witness's attitude—that there was only a fixed amount of employment, so that if a native or a woman or a juvenile secured a job, there was one job less for white men, and that if the natives, or women or juveniles were excluded from some part of the field of employment, there would be more openings for white men. The fallacy of this view is obvious, if we consider that the native population increased by nearly 700,000 persons between 1911 and 1921, most of whom are now in some work or other, without causing any displacement of white workers who also increased in numbers."

On page 196 paragraph 64 of their conclusions and recommendations they say:—

"It appears to us that the Colour Bar Regulations when in force, have no important effect, and that the decision of the Court that they were *ultra vires* has not made any significant difference to the actual practice of the mines."

The above observation and the findings of other commissions go to prove that the Indian is not a menace to the maintenance of civilised standard in the industries of the Union. If equal opportunities of obtaining education and employment are provided for the Indian community, and if the Trade Unions of the country, both for men and masters, allow Indians to become members of the respective Unions, then in that event it is the opinion of the Congress that no objection can be taken to the Wages Act and the Union Industrial Conciliation Act being applied to Indians. But as matters go at present these Acts are not seldom used as instruments whereby Indians are thrown out of employment, by raising the wages to a level which in the first place changes the whole basis on which an industry employing Indians has its foundation, and secondly employers being Europeans prefer to employ members of their own race unless it is a case of no choice.

So far the operation of the Wages Act and Industrial Conciliation Act has been confined to industries and trades where the masters are wholly Europeans, but the time is not far distant when commercial workers and employers are brought under the operation of these Acts. In fact a movement is on foot to organise European shop assistants, and immediately these Unions are established in three of the large urban centres of the Union a federation will be the result, the formation of a National Board to determine rates of wages, conditions and hours of employment will follow, with the force of law confirming its actions under the above Acts.

As the members of the Delegation are aware, the prosperity of the Indian community in Natal is to a large extent, and in the Transvaal and in the Cape in its entirety, dependent on commercial activities. The Deputation can well imagine how far-reaching and disastrous will be the effect on Indian store-keepers, merchants and their employees, unless they are allowed to have a voice in the decisions and findings in the National Boards. This can only come about when the Indian masters and men are allowed to join the respective Unions. In case it is maintained that Indians can form their own Unions, and make the necessary representations for recognition, apart from the objection to this procedure on principles, we beg to submit that such Unions could not possibly be recognised as the Law at present stands. In support of this contention we quote below the opinion of the Economic and Wage Commission of 1925 at Page 43, paragraph 70. The Commission says:—

"The Industrial Act of 1924 contains, as we have mentioned, the provisions for the Registration and Regulation of Trade Unions and of employers' Organisations. There is statutory obligation (Section 14 (2) upon such bodies to apply for registration, and an obligation upon the Registrar to effect such registration if he is satisfied that the requirements of the Act have been complied with; that the rules of the Applicant Associations are in accordance with Law and that there is no Trade Union or Employers Organisation already registered under the Act, which is sufficiently representative of the interests concerned."

According to the Census figures of 1921 giving the occupation of the Indian population of the Union which we attach herewith for the information of the Delegation, there are 11,849 male Indians and 525 female Indians employed in commercial pursuits and the existence of this large number of Indians will become a very precarious and insecure one unless they are allowed to be a party to any arrangement that may be arrived at as regards the fixing of wages etc.

In brief, our views as regards the Economic condition of our people are that the Colour Bar Act which is a stigma to the honour of Indians as a race be repealed and that in the operation of all wages and Industrial Acts we be given equal opportunities and a share of representation, and above all education, industry and enterprise, which is the basis of all advancement and progress, be not denied to us as in the case of present.

OCCUPATION OF THE INDIAN POPULATION OF THE UNION CENSUS 1921

Occupation	Cape		Natal		Transvaal		Orange Free State		Union	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Fishing	9	—	131	2	—	—	—	—	140	2
Agricultural	68	—	18903	1766	284	7	6	—	10261	1773
Industrial	359	13	6326	134	518	8	3	—	7206	155
Transport and Communication	471	—	2918	21	58	—	1	—	3448	21
Commercial	2273	64	5304	406	4269	55	3	—	11849	525
Public Administration and Defence	13	—	261	—	9	—	—	—	283	—
Professional	24	—	364	72	57	—	—	—	445	72
Non-Productive	732	802	7099	27889	1458	2002	29	11	9318	30709
Indefinite	67	10	7486	613	120	4	—	—	7673	627

Immigration

Act No. 22 of 1913 controls Immigration into the Union and so far as Indians are concerned they as a community are declared by the Minister as prohibited immigrants and unsuited to the requirements of the Union on economic grounds.

The complaint of the Indian community is not so much against the Act itself but against the administration of the Act. The provisions of the Act are administered unsympathetically and arbitrarily, especially towards Indians, thereby subjecting them to indignities and unnecessary trouble and expense.

Some of the disabilities under which the Indians suffer may be mentioned here:—

- (1) The Appeal Boards in many cases are comprised of men who have no legal training and experience, and grave injustice is done to the appellants in that reasons for prohibition are only given to them, after appeal had been lodged and just at the time of hearing.
- (2) That the form of application required to be filled in by an Indian desiring to make a temporary visit overseas is intricate and irksome, and any discrepancy in facts owing to lack of memory renders him liable to be declared a prohibited immigrant.
- (3) That although documentary evidence is supplied from high official sources in India as to the proof of relationship of a wife or child under the age of 16 years, as the case may be, of an Indian domiciled in the Union to enter South Africa, the entrants are subjected to further examination on arrival, and in some cases reports of X-Ray experts are asked by the Immigration Officers to prove the correctness of the age of the minor child. The unreliability of the test can be shewn by the fact that an expert's findings of the age of a child born in the Union considerably disagreed with the age shewn on the birth certificate.
- (4) That although provision is made for legalisation of Indian marriages under the Relief Act 1914, yet no recognition of the divorce laws, according to their religious tenets is given and consequently Indians, who have divorced their wives, are not allowed to bring into the Union the wives they have subsequently married in India.

We ask that the following redress be given in the Administration of the Immigration Laws.

- (a) That the deposit of £10 for inter-Provincial visits be dispensed with wherever the Immigration Officer is satisfied with the educational, commercial professional or social standing of the applicant.
- (b) That the form D.I. 7 with the elimination of the requirements on the back thereof be used in the case of applicants who have already filled in D.I. 90 form and to whom a certificate of identity has already been issued. That the form in the Transvaal with regard to the issue of certificates of registration otherwise be simplified and unnecessary questions be avoided.
- (c) That a certificate of identity if once granted to an Indian should remain in his possession, and be his property like the Domicile Certificate issued under the new repealed Natal Immigration Restriction Acts, as conclusive evidence of his domicile.
- (d) That the Government of India dispense with Certificate of identity required by it in lieu of passports, as a war measure, as the continuance of such a demand is not justified, and is a source of trouble to Indians and that such certificate should not be demanded by India of its own nationals.
- (e) That the time within which to appeal against the decision of an Immigration Officer be extended from three to seven days in the discretion of the Immigration Officer in the event of the ship not leaving at the date on which it was expected to leave, when the time limit to appeal was fixed by the Immigration Officer.
- (f) That the Immigrants Appeal Board should, in view of the jurisdiction of the Courts being ousted be constituted of men of legal training and experience in fairness to applicants, and that an appeal from the Immigrant Appeal Board be allowed to the Supreme Court both on facts and law.
- (g) That in view of the liberty of the subject being affected in Immigration cases, sittings of the Board should take place in the Courthouse and every facility afforded for the attendance of the public.
- (h) That the form D.I. 91, if certified by an Indian authority be accepted by the Immigration Officers as conclusive proof of the relationship of the wife or children as the case may be and also of the age of the Indian, who seeks their entry into the Union.
- (i) That when an immigrant is unable to find bail, he or she be detained and not be deported and be given an opportunity to take the order of prohibition before the Immigrants Appeal Board, without being required to find either bail or appeal or other fees in view of the liberty of the subject being at stake. That the appeal fee be reduced to such a sum as is usually found to cover the cost of the appeal before the Immigrants Appeal Board.
- (j) That Women examiners to the Immigration Department be appointed to meet the religious susceptibilities of Indians in regard to their women. That proper waiting rooms be provided for them and women in the Immigration Offices.
- (k) That in regard to the issue of Transit Permits, Immigration Officers be empowered to expedite

their discretion in the extension of such permits on reasonable grounds being shown and not on medical grounds alone.

- (l) That the dual domiciliary rights enjoyed by Indians should not be interfered with.
- (m) That the Indian Relief Act be amended so as to legalise the Divorce Laws as laid down by the Religious Tenents of Indians and the word "woman" appearing in sub-section 2 section 3 of the Relief Act be altered to read "wife" as defined therein.
- (n) Privilege documents in possession of Immigration Officers used in the matter of an appeal should be disclosed on application.
- (o) That qualified and competent interpreters in the Indian languages be provided in the Department of the Principal Immigration Officers.
- (p) Inspection of Indians returning to the Transvaal via Delagoa Bay should take place on board the train and not at the Komatie Poort border as the present procedure of detaining them there for that purpose is both inconvenient and harassing to Indians, their wives and children.
- (q) Holders of letters of exemption in the Transvaal and their wives and children should be treated in the same way as holders of registration certificates and should enjoy all rights enjoyed by the latter, and should not be bound to any conditions respecting their entry into any Province.

Commercial Morality of Indians

We dealt with this aspect of the question in our statement to the Paddison Deputation, and also supplied statistical figures to disprove the allegation by rival and interested European shop-keepers that commercial morality among Indians is lacking. We should again like to make a reference to this question, in view of the mis-statement of figures quoted by Mr. Marwick in paragraphs 2706 and 2908 in the Select Committee's Report, wherein examining the members of the Deputation he asserted that in the figures of insolvencies for the year 1921 there were 26 Asiatic insolvencies out of 32. The accuracy of these figures is disproved by a quotation from the statistics relating to European and Asiatic insolvencies in Natal for the year 1921.

The European figures were:—

Voluntary Surrender	Compulsory Sequestrations	Assignments	Liabilities	Assets
32	37	3	£386,828	£275,776

The Asiatic figures were:—

12	13	—	£97,246	£50,724
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A comparison of these figures will show that whereas the number of European insolvencies was 78 the number of Indian insolvencies was 25.

A reference to the sub-joined statement of European and Indian insolvencies in Cape, Natal and Transvaal Provinces for the year 1925, and for the first six months of the year 1926 will prove that the figures in themselves are a refutation of the allegation of bad business morals of the Indian trading community.

STATEMENT SHOWING THE NUMBER OF EUROPEAN AND ASIATIC INSOLVENCIES IN THE CAPE, NATAL AND TRANSVAAL PROVINCES DURING THE YEAR 1925 AND THE FIRST SIX MONTHS OF 1926

Year	Province	EUROPEAN					ASIATIC						
		Voluntary Surrenders	Compulsory Sequestrations	Assignments	Total	Liabilities £	Assets £	Voluntary Surrenders	Compulsory Sequestration	Assignments	Total	Liabilities £	Assets £
1925	Cape	242	158	36	436	1644379	830971	7	16	3	26	28060	18503
	Natal	39	24	4	67	148548	95353	7	15	—	22	31835	22849
	Transvaal (5)	171	387	44	602	845414	556537	4	39	3	46	47006	36736
1926	Cape	87	35	5	127	230354	129765	6	6	1	13	16425	14042
	Jan. Natal	17	13	—	35	97208	75569	1	12	3	16	35748	28920
	June Transvaal (6)	84	160	25	269	326937	197087	5	12	7	24	24686	17474

(5) Includes 95 cases in which Liabilities and Assets were not specified.

(6) " 41 " " " " " " " " " " " "

Franchise

In Natal, Indians enjoyed Parliamentary Franchise, which was taken away from them by Act No. 8 of 1896. They also enjoyed Municipal Franchise in Boroughs and Townships until recently, as owners and renters of property. This Franchise has also been taken away.

Section 13 of the Boroughs Ordinance lays down the qualifications of a voter:—

"13 (1) Every person male or female

- (a) Who is the owner of rateable property within any ward of the Borough of assessed value of £50, or
- (b) Who has occupied for a continuous period of 3 months' time lately prior to the 1st day of June in the current year any rateable property within any ward of the Borough of a gross annual value of £10, and who, being a male, is entitled to be registered as a Parliamentary voter, or being a female, would be entitled to be so registered, if she were a male, shall be entitled to be enrolled as a Burgess and to vote at the election of Councillors for such ward as aforesaid subject to the qualifications hereinafter stated.

Provided, however, that no person who at the first day of July 1924 was enrolled as a Burgess of any

Borough shall be disqualified for or disentitled to such enrolment at that Borough merely by reason of not being a British subject, or for non-compliance with the foregoing provision in regard to Parliamentary qualifications."

It will be observed from the proviso, that Indian voters who are enrolled as Burgesses at the first day of July 1924 are protected from the disqualifications, which would otherwise debar them from having a vote.

In view of the clear terms of Act No. 8 of 1896, which disentitles an Indian to register as a Parliamentary voter, he is, *ipso facto* debarred, although otherwise qualified, from becoming a voter in a Municipality or Township. The effect of this measure is to exclude at all times any further or fresh names of Indians being placed on the voter's roll, regardless of his rights as owner or renter of property. In this way the status of Indians has further been lowered. A reference to the statistics supplied to the Paddison Deputation will show the value of property owned by Indians in Natal. In other Municipalities and Townships, Indians own properties to a considerable value. Although as owners they are required to pay rates assessed by Municipalities, and conform to laws applicable to them, yet they are given no voice or say in the affairs of such Municipalities. The principle of no taxation without representation is not only completely ignored, but on the other hand, all canons of the British Constitution are abused by imposing taxation, but excluding representation. The legality of the provisions affecting the Municipal Franchise hitherto enjoyed is being tested by the Natal Indian Congress. The Supreme Court of Natal in the case of *S. W. Abraham vs. the Town Council of Durban* gave an adverse decision but the matter is being taken further on appeal to the Appellate Court of South Africa.

TRANSVAAL

Indians in this Province neither have Parliamentary nor Municipal Franchise.

CAPE

Indians in this Province enjoy both Municipal and Parliamentary Franchise. The colour line against them is the disqualification to sit in Parliament. In other respects Indians, as well as the coloured population, are given the right and benefit of public institutions.

We respectfully urge that in the case of Natal the Municipal Franchise be restored to Indians, in the Transvaal Province this Franchise be extended to Indians, and in the Cape Province, both the Municipal and Parliamentary Franchise enjoyed by Indians be entrenched and safeguarded, and the spirit of the Union Act maintained in this regard.

Requirements of the Indian Community

The grievances and disabilities under which the Indian community labours may be divided into two heads, namely:—(1) Legislative and (2) Administrative.

Those that require Legislative action may be grouped as follows:

- (1) The restoration to us of all rights taken away since the Gandhi-Smuts Settlement of 1914.
- (2) The repeal of the provisions of the law relating to unalienated land in Municipal and Township areas in Natal.
- (3) The restoration of Municipal Franchise to Indians in Natal and the extension of the said Franchise based on property and rental qualifications to Indians in the Transvaal.
- (4) The repeal of Law 3 of 1885 removing all disabilities it imposes upon the Indian community in the Transvaal and the repeal of Sections 130 and 131 of No. 35 of 1908 (Gold Law.)
- (5) The repeal of Law No. 37 of 1919 making the ownership of land by Indian Limited Liability Company legal.
- (6) The right of appeal, whether on merits or on question of facts, in all licensing cases to Superior Courts.
- (7) A thorough revision of the system of education given to Indians to meet the wishes of the Indian community as set forth in this statement.
- (8) The law relating to the payment of witness' fees in law courts of the Union be so amended as to allow fees paid to Indians to be placed on the same footing as Europeans and that no differentiation be made based on the racial grounds, but on the status of witnesses.
- (9) (a) That in view of the stoppage of the system of Indian indenture to Natal, there exists no necessity for a continuation of the Indian Immigration Laws, which regulate and control such system. It is therefore asked that all such laws be repealed so that Indians as British subjects may come under the ordinary laws of the country.
(b) The immediate repeal of the provision of Indian immigration laws which impose a tax of 1/6 per month per employee on employers of Indian labour as medical fees. There exists no necessity for a continuance of this imposition, as Indians who are entitled to take advantage under it, are becoming more and more Colonial-born in character and therefore do not seek medical aid provided under the law. Moreover it is a stigma on Indians and puts their employers to considerable inconvenience and expense in complying with the law.
(c) That the office of the Immigration Trust Board be abolished as it is no longer necessary to maintain such a Department, in view of the complete stoppage of the indentured labour to Natal, and that all monies accumulated and paid into the Trust Funds under the provisions of the Indian immigration laws be utilised to promote and further Indian education, as the purposes for which the trust was created to administer the funds no longer exist.
- (10) The repeal of Act 36 of 1908 (Transvaal) in so far as it relates to the issue of registration certificates to Indian residents in the Transvaal as it is degrading to Indians to carry registration certificates with them.
- (11) The amendment to Act 35 of 1908 (Transvaal) known as the Gold Law which debars Indian goldsmiths from conducting their legitimate calling in the Transvaal.
- (12) Necessary amendments to both the Immigrants Regulation Act No. 22 of 1913 and the Relief Act No. 22 of 1914 affording relief on points mentioned in this statement under heading "Immigration."
- (13) The extension of political franchise wherever it is denied to Indians.

Those that require administrative and sympathetic treatment may be grouped as follows:—

- (1) The administration in a just manner of the provisions of the Immigrants Regulation Act No. 22 of 1913 and the regulations framed thereunder with a view to the removal of hardships and complaints as fully detailed in this statement under the heading "Immigration."
- (2) The withdrawal of all differential treatment based on colour and race under the Railway Laws of the country meted out to Indians in trains, platforms, waiting rooms etc.
- (3) The removal of the colour bar placed on Indians in Post Offices, Law Courts and other public institutions.
- (4) In view of the fact that Indian interpreters are expected to qualify themselves in several languages to assist in the administration of justice, the scale of salary fixed by the Government for them is inadequate and beggarly, and is in direct disregard of the recommendations made by the Public Service Commission. Fair and reasonable remuneration should be paid to interpreters to live in decency and comfort consistent with their position.

Conclusion

We again in conclusion, desire to tender you our heartfelt thanks for the kindness you have shown us and for the sympathetic manner in which you have listened to our case.

We hardly think that in the treatment of the Indian problem in the Union one is able within so short a time at one's disposal, to go over fully the wide ground it covers. However, we hope we have given you in this statement sufficient material brought up to date as far as possible, a study of which in the light of your knowledge and experience you are able to bring to bear upon the problem, will be profitable, and will indicate to you the wishes so heartily cherished by the community.

We desire to state that if any further information is required, or points contained in this statement elucidated, we shall only be too pleased to do so.

We beg to remain, Sirs,

Your obedient servants,

J. W. GODFREY.

Deputy-President.

A. I. KAJEE,

Hon. General Secretary,

South African Indian Congress.

7, Buitensingel, Capetown.
27th December 1926.

Headquarters:—

175 Grey Street, Durban.

THE S.A.I.C. STATEMENT

ELSEWHERE in this issue we publish extracts from the Statement submitted by the South African Indian Congress to the Government of India Deputation. The Statement is an extensive one and covers the whole ground. The arguments adduced to refute the allegations that the Indian is a menace to South Africa, are sound and are bound to weigh upon the Habibullah Deputation in their deliberations at the Round Table Conference. This statement as an addition to the bulky volume submitted to the Paddison Deputation, will be of material help to the present Deputation to grasp the Indian situation in its true perspective.

The business morality of the Indian has been touched upon, and the insolvency figures quoted deal a staggering blow to those who say that the Indian business man should be hounded out because of his bad business morals.

The Industrial Conciliation Act though general in character, has been the cause of strangling the poorer section of the Indian community. We have nothing against any Law which is of general application, but the Indian is certainly entitled to an equal opportunity. How the Indian could be asked to conform to the Western standard when all the avenues to rise to that standard are cut off, certainly passes our comprehension. This is one of the most serious questions affecting the Indian community, and needs remedying.

The most interesting part of the statement is that which deals on education. The Indian's education has been curtailed to an extent that the whole educational system is nothing short of a farce. To-day over seventy-five per cent of the Indian community in South Africa are South African in character, and as a component part of the population of South Africa, they are entitled to the same education that is afforded to the other sections of the community. And we say it is imperative for the Government to impart that education. Education constitutes the chief factor in the advancement of any section of the community, and when that is denied by the Government authorities, we fail to see how that section can keep pace with the other sections. A sum of over half a million pounds are lying idle with the Indian Immigration Trust Board, for the purposes for which they were collected have been served. Now that the Indian Immigration had been stopped, we should think that there is no necessity for the Trust Board to operate. This amount should be set apart for Indian education. And what more useful purpose could this huge sum serve?

The Statement is undoubtedly an admirable document, and we congratulate the officials of the S.A.I.C. on their splendid achievement.

We are glad to announce that the members of the Government of India delegation are expected in Durban on 15th instant, and returning again on the 16th to the Transvaal. It is very likely that some of the members of the delegation will proceed to Stanger for a few hours. Arrangements are being made in Durban by the Natal Indian Congress to accord a very hearty welcome to the delegation.