

Indian Opinion

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THE TRANSVAAL ASIATIC LAND TENURE ACT 1932

THE following Act has been passed by the Union House of Assembly and Senate and awaits the assent of the Governor-General-in-Council:

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

AMENDMENT of SECTION 130 of ACT No. 35 of 1908 (TRANSVAAL)

1. Sub-section (1) of section *one hundred and thirty* of the Precious and Base Metals Act, 1908 (Transvaal) (hereinafter referred to as the Gold Law), is hereby amended—

- (a) by the insertion after the words "twenty-four" of the words "or *one hundred and thirty-one A*"; and
- (b) by the addition of the following words at the end of the sub-section "and no coloured person other than such *bona fide* servant may reside on or occupy any such ground."

AMENDMENT of SECTION 131 of ACT No. 35 of 1908 (TRANSVAAL)

2. Sub-section (1) of section *one hundred and thirty-one* of the Gold Law is hereby deleted and the following new sub-section substituted therefor:

"(1) Subject to the provisions of section *one hundred and thirty-one A*, no coloured person shall, in any mining district comprised in Class A referred to in sub-section (2) of section *seven*, reside on or occupy any land (including any place or ground referred to in section *fifty-two*) which has been or purports to have been proclaimed a public digging under any provision of this Act or Law No. 15 of 1898 or of a prior law and which has not been lawfully deproclaimed, whatever may be or may have been, on the date of such deproclamation, its situation, the nature of its tenure, the nature and extent of any rights in regard thereto under this Act or any other law, or the condition of its surface, except in a bazaar, location, mining compound or any such other place as the Mining Commissioner may permit."

INSERTION of NEW SECTION 131A in ACT No. 35 of 1908 (TRANSVAAL)

3. The following new section is hereby inserted in the Gold Law after section *one hundred and thirty-one*:

131A. (1) The Minister of the Interior, after consultation with the Minister of Mines and Industries, may issue a certificate withdrawing any land specified therein from the operation of the provisions of sections *one hundred and thirty* and *one hundred and thirty-one* in so far as they prohibit residence upon or occupation of any land by a coloured person, and thereupon those provisions shall not prohibit any coloured person from residing upon such land or from occupying it for any other lawful purpose.

(2) Whenever a certificate has been issued under sub-section (1) a duplicate original thereof shall be sent to the officer in charge of

the deeds registry in which there is registered the title deed to the land to which such certificate relates, and such officer shall thereupon register such certificate and note the registration on such title."

RETROSPECTIVE EFFECT of SECTIONS 1 and 2

4. The provisions of sections *one* and *two* shall be deemed to have come into operation on the first day of May, 1930; Provided that any coloured person (as defined in section *three* of the Gold Law) who was lawfully residing on, or occupying any ground or land referred to in either of those sections immediately prior to the date when their provisions became or are (in terms of this section) deemed to have become applicable to such ground or land shall be entitled to continue such residence or occupation and to transfer such right of residence or occupation to his lawful successor in title (whether such successor is or is not a coloured person), subject to compliance with the requirements of any other law.

PROHIBITION of OCCUPATION of PROCLAIMED LAND by COLOURED PERSONS to CONTINUE AFTER DEPROCLAMATION

5. (1) If any land which was at any time subject to the provisions of section *one hundred and thirty* or *one hundred and thirty-one* of the Gold Law, has before the first day of May, 1930, ceased to be a public digging it shall, nevertheless continue to be subject to those provisions as if it were still a public digging, as long as it is situate within the area of jurisdiction of any municipal council or village council or health committee: Provided that any coloured person (as defined in section *three* of the Gold Law) who was, on the first day of May, 1930, lawfully residing upon or occupying such land, shall be entitled to continue such residence or occupation subject to compliance with the requirements of any other law.

(2) If any land was at any time subject to any provisions of section *one hundred and thirty* or section *one hundred and thirty-one* of the Gold Law, it shall, subject to the provisions of section *one hundred and thirty-one A* of the Gold Law and to any provisions of the Transvaal Precious and Base Metals Act Amendment Act, 1913 (Act No. 18 of 1913), or of this Act, which may be applicable thereto, remain subject to the provisions of the said section *one hundred and thirty* or *one hundred and thirty-one*, even if it ceases to be a public digging, as long as it is situate within the area of jurisdiction of any municipal council or village council or health committee.

AMENDMENT of SECTION 1 of ACT No. 37 of 1919

6. Section *one* of the Asiatic (Land and Trading) Amendment (Transvaal) Act, 1919 (Act No. 37 of 1919), is hereby amended—

- (a) by the deletion of the expressions "British Indian" and "Indian" wherever they occur and the substitution therefor of the words "coloured person";

(b) by the addition of the following new sub-sections (2) and (3), the existing section, as hereby amended, becoming sub-section (1):

"(2) The provisions of sub-section (1) shall not exempt any coloured person from any provision of the said section *one hundred and thirty or one hundred and thirty-one*, in respect of any number of pieces of land in any township in excess of the number of pieces of land on which he lawfully resided or which he lawfully occupied in such township on the first day of May, 1930, or in respect of any area in such township in excess of the area on which he resided or which he occupied in such township on the said date.

(3) If any coloured person was, on the first day of May, 1930, residing upon or occupying any land and such residence or occupation was by virtue of any provision of the said section *one hundred and thirty or one hundred and thirty-one* or of this section unlawful, such coloured person may, subject to compliance with the requirements of any other law, nevertheless continue such residence or occupation till the thirtieth day of April, 1935: Provided that he has, before the first day of September, 1932, furnished the Minister of the Interior with a written notice, specifying the land which he unlawfully resides upon or occupies, the nature of such residence or occupation and the period during which he resided on or occupied such land and such other particulars in regard to such land, residence or occupation as the Minister may require him to furnish."

SUBSTITUTION for SECTION 2 of ACT No. 37 of 1919

7. Section *two* of this aforesaid Act No. 37 of 1919 is hereby repealed and the following new sections *two, three, four, five, six, seven, eight, nine, ten* and *eleven* substituted therefor, the existing section *three* becoming section *twelve*.—

Restrictions in connection with certain fixed property.

2. (1) The expression 'fixed property' in Law No. 3 of 1885 (Transvaal) and in this Act shall be construed as meaning any real right in immovable property in the Province of the Transvaal outside an area assigned for the occupation of Asiatics under paragraph (b) or (d) of article *two* of the said Law, other than a mortgage bond over immovable property securing a *bona fide* loan granted in the ordinary course of business, for an amount which either alone or together with any other mortgage bond having priority over the first mentioned mortgage bond, does not exceed one half of the value of such property as at the time of the registration of such mortgage bond, and shall include any lease of immovable property for a period of ten years or longer or any lease which empowers the lessee to renew it for any period or periods which, together with the period of the original lease, equal or exceed a period of ten years.

(2) No Asiatic company shall hold any fixed property.

(3) The provisions of sub-sections (1) and (2) shall not apply in respect of any fixed property which, on the first day of May 1930—

(a) stood lawfully registered in any deeds registry in favour of any Asiatic; or

(b) stood registered in any deeds registry in favour of an Asiatic company, while held by such company.

(4) No person shall hold any fixed property on behalf of or in the interest of an Asiatic or Asiatic company, and any person who purports or agrees to hold any fixed property

on behalf of or in the interest of an Asiatic or Asiatic company shall be guilty of an offence: Provided that the provisions of this sub-section shall not apply in respect of any fixed property held immediately prior to the fifteenth day of May, 1930, by any person on behalf or in the interest of an Asiatic or an Asiatic company, while so held by any person on behalf or in the interest of that same Asiatic or Asiatic company or on the sequestration or assignment of the estate of that Asiatic or on his death, on behalf or in the interest of his estate.

(5) Any fixed property registered in any deeds registry in favour of any Asiatic or Asiatic company which such Asiatic or company is debarred from holding by virtue of the provisions of Law No. 3 of 1885 (Transvaal) or of this Act, shall become the property of the State and any person other than the registrar of deeds or registrar of mining titles or any of their subordinate officers, who is in any way instrumental in effecting any such registration in favour of an Asiatic or in favour of a company which is, on the date of such registration, an Asiatic company, shall be guilty of an offence:

Provided that if any such Asiatic or company purports to transfer such property to a person who may lawfully hold it, the rights of the State under this sub-section in respect of such property shall terminate on the expiration of one year after the registration of such transfer in a deeds registry.

(6) Any condition or provision inserted after the fifteenth day of May, 1930, in any document whatever, purporting to empower any Asiatic or Asiatic company to exercise any influence upon the transfer of fixed property shall be void.

NOTIFICATION OF REGISTRAR OF COMPANIES

3. (1) Whenever any private company holds any fixed property, any share in or debenture of such company held by or pledged to—

(i) an Asiatic; or

(ii) an Asiatic company; or

(iii) any person on behalf or in the interest of an Asiatic or an Asiatic company, shall be forfeited to the State.

(2) It shall be the duty of the secretary and of every director of any company referred to in sub-section (1), which holds any fixed property, to notify the registrar of companies whenever any Asiatic or Asiatic company or any other person on behalf or in the interest of an Asiatic or Asiatic company holds any share in or debenture of such first-mentioned company.

(3) Any secretary or director who fails to comply with the requirements of sub-section (2) shall be guilty of an offence unless he proves that he was ignorant of the fact which it was his duty, in terms of sub-section (2), to convey to the registrar of companies and that he could not reasonably have ascertained that fact.

SAFEGUARDING OF EXISTING RIGHTS

4. The provisions of section *three* shall not apply in respect of any shares in or debenture of any company—

(a) if they were, on the first day of May, 1932, held by an Asiatic and not transferred by him since that date; or

(b) which are held by an Asiatic if he inherited them from an Asiatic who lawfully held them.

ACTION TO GIVE EFFECT TO FORFEITURE OF SHARES

5. (1) The secretary of any company a share wherein or a debenture whereof has been forfeited to the State in terms of section three shall make such entries in any register, book or document under the control of such company and issue such document as the registrar of companies may direct for the purpose of giving effect to such forfeiture.

2. Whenever any such secretary fails to comply with any direction given to him by the registrar of companies in terms of sub-section (1), such secretary shall be guilty of an offence.

ONUS OF PROOF

6. Whenever it has been proved in any proceeding under this Act, whether civil or criminal, that an Asiatic holds any share in or debenture of any company or that any other person holds any such share or debenture on behalf or in the interest of an Asiatic, such company shall be deemed to be an Asiatic company, unless the contrary is proved.

CERTAIN FOREIGN COMPANIES NOT TO HOLD
FIXED PROPERTY

7. (1) No foreign company (as defined in section two hundred and twenty-nine of the Companies Act, 1926, (Act No. 46 of 1926)) shall acquire any fixed property or shall be capable of holding any fixed property acquired after the first day of May, 1930, unless it has a place of business in the Union and has complied with the requirements of section two hundred and one of the said Act.

(2) No Asiatic may occupy any land (other than land situate in an area wherein an Asiatic may hold fixed property) if such land is held by any foreign company or by any company in which a foreign company holds a controlling interest or if any such company holds any real right in respect of such land other than a mortgage bond referred to in sub-section (1) of section two or if any such company holds in respect of such land a lease referred to in that sub-section: Provided that the provisions of this sub-section shall not apply to any Asiatic who is the *bona fide* servant of any person in lawful occupation of such land. Any Asiatic contravening this sub-section shall be guilty of an offence.

COMPANY WITH BEARER SHARES OR DEBENTURES
MAY NOT PERMIT ASIATICS TO OCCUPY ITS
FIXED PROPERTY

8. If any company which has issued any shares or share warrants or debentures entitling the bearer thereof to any rights in regard thereto, holds any land (other than land situate in an area wherein an Asiatic may hold fixed property) or a real right in respect of such land other than a mortgage bond referred to in sub-section (1) of section two or holds in respect of such land a lease referred to in that sub-section, no Asiatic shall occupy such land (except as a *bona fide* servant of any person in lawful occupation thereof) and if any Asiatic occupies any such land in contravention of this section he shall be guilty of an offence and if such occupation was permitted or could have been prevented by such company, the secretary and every director thereof shall likewise be guilty of an offence.

PROOF OF AUTHORITY TO TRADE BEFORE ISSUE
OF CERTIFICATE FOR LICENCE.

9. (1) Any authority entrusted by law with the issue of any certificate which any person desirous to take out a licence to carry on any business or trade in the Province of the Transvaal is required to produce before such licence may lawfully be issued to him, shall, subject to the provisions of sub-section (3) of section one, not issue any such certificate to any person applying therefor unless such person proves that the proposed holder of such licence and the person who will be in actual control of the business or trade to be licensed, are not Asiatics, or if they are Asiatics, that they may lawfully carry on the business or trade for which a licence is desired on the premises whereon such business or trade is to be carried on:

Provided that a copy of a certificate issued in terms of section one hundred and thirty-one A of the Gold Law, certified by the officer in charge of the deeds registry wherein such certificate is registered, shall for the purpose of this section constitute proof that a coloured person may lawfully carry on business or trade on such premises.

(2) Any person whatever may, within two months after the issue of any such certificates by any such authority, and any applicant for such a certificate whose application therefor has been refused, may, within two months after such refusal, appeal against the decision of such authority to the magistrate of the district wherein the business or trade in question is to be carried on and such magistrate may on dealing with such appeal hear any evidence which such authority heard or might have heard and may cancel such certificate and any licence issued on the strength thereof or may in lieu of such authority issue such certificate and he may make *mutatis mutandis* such order as to the costs of the appeal as he could have made if the appeal had been a civil trial in his court, and such costs shall be taxable, *mutatis mutandis*, in the same manner as costs incurred in connection with such a trial. The decision of the magistrate on any such appeal shall be subject to an appeal to the Transvaal Provincial Division of the Supreme Court, as if it were a civil judgment of a magistrate's court.

PENALTIES

10. Any person who commits an offence under or contravenes any provision of this Act shall, on conviction, be liable to a fine not exceeding fifty pounds or in default of payment of such fine, to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

DEFINITIONS

11. In this Act—

'Asiatic' means any Turk and any member of a race or tribe whose national home is in Asia, but shall not include any member of the Jewish or the Syrian race or a male person belonging to the race or class known as the Cape Malays;

'Asiatic company' means any company wherein a controlling interest is held by an Asiatic;

'coloured person' has the meaning assigned to that expression in section *three* of the Gold Law;

'controlling interest,' in relation to any company, means a majority of the shares or shares representing more than half the share capital or shares of a value in excess of half the aggregate value of all the shares in such company or shares entitling the holders thereof to a majority or preponderance of votes, or debentures for an amount in excess of half the share capital of such company or the power to exercise any control whatsoever over the activities or assets of such company;

'deeds registry' includes the mining titles registry;

'Gold Law' means the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the Transvaal;

'licence' includes any renewal thereof."

CERTIFICATES OF EXEMPTION

8. (1) The Minister of the Interior may issue a certificate of exemption to any Asiatic or coloured person who is—

(a) a consular officer or public agent of any State; or

(b) the servant of any State, working under or in conjunction with a consular officer or public agent of that State,

and thereupon the provisions of any law prohibiting the residence upon or occupation of any land by an Asiatic or coloured person shall not apply to or in respect of the holder of such certificate or to or in respect of any member of the household of the holder, as long as the holder is a person to whom the said Minister may issue a certificate under this section.

(2) The said Minister may, by notice in writing given to the holder of any such certificate, cancel it and it shall thereupon become void.

(3) Notwithstanding the provisions of any law prohibiting the acquisition of ownership of any land by an Asiatic or coloured person, any person referred to in paragraph (a) or (b) of sub-section (1) may, with the consent in writing of the Minister of the Interior, acquire the ownership of any land or an interest in any land which he requires for the purposes of his office or residence.

(4) In this section—

"Asiatic" has the meaning assigned to that word in section *eleven* of the Asiatic (Land and Trading) Amendment (Transvaal) Act, 1919 (Act No. 37 of 1919);

"coloured person" has the meaning assigned to that expression in section *three* of the Gold Law.

REGULATIONS

9. The Minister may make regulations prescribing the manner and form in which any certificate required under this Act shall be prepared, issued and registered and the fees payable therefor.

SHORT TITLE

10. This Act may be cited as the Transvaal Asiatic Land Tenure Act, 1932.

INJUSTICE TO AN INDIAN TEACHER

WE have received a complaint from a qualified Indian teacher of Johannesburg to the effect that the Principal of the Johannesburg Government Indian School did him great injustice in rejecting his application for a post in the school. The applicant passed the Transvaal Teachers' Second Class Certificate examination which is the highest departmental examination for European teachers employed in the Primary or Secondary schools. Over and above it the applicant also possesses the Natal Indian Teachers Senior Certificate examination. It has been the policy of the Education Department in Pretoria to staff Indian schools with Indian teachers. It is the right policy because it is natural that an Indian teacher can understand the children well as they speak the same language. An Indian teacher therefore could be more useful and helpful than a European teacher, is beyond doubt. There are six temporary posts in that school which at present are filled with European teachers. These posts are being advertised for the last four years. Though highly qualified Indian teachers are available these posts remain unfilled. The qualified Indian teacher in question who complained to us sent two applications on the 10th of February last to the Witwatersrand Central School for a post in the Johannesburg Government Indian School. A few days later he received a letter from the Principal of the school asking him to see him with regard to his application. During the course of the interview the Principal asked him certain questions which were not in connection with the application and which clearly indicated that the Principal did not want him in the school. When the applicant came to know that his application was not approved by the School Board he requested the chairman of the School Board for an interview to explain his side of the question. But that request was refused. The School Board naturally acted on the recommendation of the Principal. We are at a loss to understand why the Principal has refused to consider the application of this qualified Indian teacher. He possesses the necessary qualification for the post. The policy of the Education Department is to engage qualified Indian teachers in Indian schools. hence we hope the Minister of Education will make an enquiry into this complaint and do justice to the applicant.

Penetration Of Asiatic

A petition against Asiatic penetration in residential areas has been sent to the Durban Town Council by the Ward IV. Burgesses Association. The petition reads:—

"We, the undersigned burgesses of Ward IV, property owners and residents of the district abutting Botanic Gardens Road, Botanic Avenue, Wayne's Avenue, Young's Avenue, St. Thomas's Road, Heswell Road, Mansfield Road, and Ritson Road being considerably alarmed at the rapid extension of the Indian penetration of the area in which our homes are situated, respectfully protest against any further land being granted to Asiatic or Coloured institutions or individuals in the vicinity of the European Housing Scheme No. 9.

"Many of our homes are erected on land in the

purchase of which an anti-Asiatic clause operates and were built in the belief that the district would be for all time free of Asiatic owners and residents.

"Such allocation of land for the Indian hospital, church, school and similar institutions will naturally be surrounded by the homes of the people interested in them."

The petition bears 123 signatures.

The South African Agreement

The *Tribune* (Lahore) writes:—

As we have said already, the agreement arrived at between the Union Government and the representatives of the Government of India is on the whole satisfactory, and we join Mr. C. F. Andrews whose knowledge of the Indian question in South Africa is next only to that of Mahatma Gandhi himself, in congratulating Sir Fazl-i-Hussain and his colleagues on what they have been able to achieve. The chief gain in the agreement, of course, is the frank acknowledgement by both Governments that repatriation has proved a failure. Repatriation, as every one knows, was among the weakest features of the Agreement of 1927, and neither the Indian community in South Africa nor their countrymen at home, though both had to agree to it in the actual circumstances of the case, ever took kindly to this scheme of assisted emigration to India. It is no small thing that both Governments have now frankly recognised that owing to the economic and climatic conditions of India as well as to the fact that 80 per cent. of the Indian population of the Union are now South African-born, the possibilities of this scheme are now practically exhausted. This recognition really sounds the death-knell of voluntary repatriation.

Next in importance to this achievement and arising out of it is the decision by both Governments to explore the possibilities of colonisation in countries other than South Africa and India. Such settlement was already contemplated in paragraph 3 of the Agreement of 1927, and the abandonment of repatriation now leaves this idea in more or less complete possession of the field. Here the initiative will be taken by the Union Government and the Government of India will co-operate with them. The idea is to find an outlet not only for Indians now resident in South Africa but for Indians from India; and in the investigation that will take place during the year a representative of the South African Indians will, if they so desire, take part along with the representatives of the two Governments. It appears that the country that is chiefly contemplated is Brazil, and we have it on the authority of Mr. Andrews that the exploration of the possibilities of an Indian colony in that country is fully approved by the South African Indian Congress. One can quite understand this approval on their part, when one remembers that Brazil has certain distinct advantages over many other countries. In the words of Mr. Andrews it has favourable climate, a fertile soil and no colour prejudice whatever. It is no doubt on this account that Japan has already undertaken land settlement in Brazil on a large scale with highly successful results. There is no reason why India should be less successful in this respect. Of course it is a far cry from India to South America, but Indians, who have already emigrated to so many distant lands including both Canada and the United States, are not likely to be deterred by considerations of distance from proceeding to Brazil. As a matter of fact Indians have

already emigrated to Brazil, and it is a matter of common knowledge that at a time when Indians generally and Bengalis in particular were rigidly excluded from the commissioned ranks in the Indian army, it was the privilege of a Bengali gentlemen to hold the post of an officer in the Brazil army.

Another gain is the withdrawal of clause 5 of the Land Tenure Bill, the effect of which, as Mr. Andrews points out, is to definitely prevent segregation. Segregation and repatriation are the two things most repugnant to our countrymen in South Africa and the virtual abandonment of both undoubtedly improves their position and enhances their self-respect. Of course, the colour bar is there. It is almost as rigid in many directions as it ever was. But even here there has been some improvement. The retired Agent-General told us the other day that at clubs where his predecessor had had no access he himself was received with open arms. Mr. Andrews says in his statement that at Capetown during the Conference it was quite noticeable that friendly relations between Indians and Europeans had advanced. We do not think the work so well begun by Mr. Sasri and Sir K. V. Reddi can be completed by their successor. No one man can do it. It can only be done by a change in India's own status. Once India becomes a self-governing Dominion she will have more than one way of securing social as well as political equality for her nationals in other countries, whether those countries be within or without the British Commonwealth of Nations.

The New Agent

The appointment has now been confirmed of Kunwar Maharaj Singh, Vice-President of the Jodhpur State Council, as Agent-General for India, in succession to Sir Kurma Reddi.

The new Agent-General was born in 1878. At an early age he went to England, to be educated at a private school. He then went to Harrow, and afterwards to Balliol College, Oxford. As a student at Oxford he gained his half-blue for boxing, and also his tennis colours.

In 1902 he was called to the Bar and returned to India to take up a position in the Indian Public Service. He spent several years in the United Provinces, where he gained great popularity as an administrator. In 1911 he was appointed Assistant Secretary to the Government of India, in the Education Department. In 1917 he was appointed magistrate and collector at Hamirpur, United Provinces. In 1920 he became Deputy Secretary to the Government of India, which position he held until 1927, when he was appointed Commissioner of Allahabad. Last year he became Vice-President of the Jodhpur State Council.

On several occasions he was invited by the Government of India to serve on special missions on behalf of Indians abroad. His first visit was to Mauritius, and he presented a report which was strongly adverse to the importation of any more Indian labour. His second mission was to British Guiana in 1924. On both occasions his report was well received by the people of India.

Kunwar Maharaj Singh was an excellent tennis player. For many years he held the amateur open championship at Simla.

He is a son of Raja Sir Harnam Singh, who was at one time in direct descent to the throne of the Kapurthala State, one of the largest kingdoms of

the Punjabs, but who gave up his right to the throne as a young man, when he became a Christian. Kunwar Maharaj Singh married an Indian Christian woman, who is an Oxford graduate and is well known for her charitable work.

An Indian Agent For Africa

(BY P. KODANDA RAO)

In his recent communication to the press Mr. C. F. Andrews, whose unflagging interest in Indians in Africa is beyond question, and who yields to none in his solicitude for their welfare and self-respect, remarked that it was quite possible that he would have heard nothing of the recent pieces of legislation passed or contemplated in Portuguese East Africa and in Tanganyika if he had not himself chanced to visit those countries on his way back to India. He also lamented the absence of responsible Indian Agents in those parts who would keep India promptly and accurately informed of happenings which affect the Indian communities settled there. Nothing could have been further from the thought of Mr. Andrews than to cast reflections on the zeal and efficiency of the Indian organisations in those territories. It was a mere acknowledgment of the fact that, taking all the circumstances into consideration, it was not possible to expect greater efficiency from them. They do their best, but that is unfortunately not adequate. Admirable as is the work of the Imperial Indian Citizenship Association in Bombay, the premier non-official organisation in India formed for the purpose of watching over the interests of Indians abroad, not much more efficiency can be expected of it in the matter of securing prompt and accurate information regarding the condition of Indians overseas which would enable India to take timely and useful action. Non-official organisations, such as they are, though indispensable, are not wholly adequate for the purpose they have in view, and need supplementary action by the Government of India.

Indians in Rhodesia would heartily welcome such actions. But the attitude of some Indian leaders in other territories towards the question is somewhat disconcerting if understandable. They apprehend that the presence of an Agent of the Government of India will tend to partially eclipse the importance of the local Indian political organisations and even impede, if not cut off, their direct access to the Government of the country. The experience of South Africa lends no justification for this apprehension. The Indian Agent there has not supplanted the Indian Congress; rather, he has lent weight to it. Granting for the sake of argument that local Indian political organisations might suffer in prestige, it seems somewhat unreasonable for Indians abroad to seek the assistance of the Government of India but turn down proposals which alone would enable the Government to render it effectively. After all, it is meant to be a temporary expedient. With them we look forward to the day—may it come soon—when they will themselves be able to protect their interests effectively and not need the assistance of the Government and peoples of India. Notwithstanding the unfortunate relations between the Government and the people of India over domestic affairs, Indians abroad have happily no reason to be suspicious of the goodwill and solicitude of the Government of India for their welfare. On this question all parties in India are at one; witness the composition of the recent Indian Delegation to the Cape Town Conference.

It is quite possible that the Governments of the territories in Africa such as Kenya, Uganda, Tanganyika, Portuguese East Africa and the Rhodesias may not welcome with enthusiasm the presence of representatives of the Government of India in their countries. But their scruples need be no insuperable bar. The example of South Africa, a Dominion extremely sensitive of its independence and resentful of external interference, should enable them to welcome the arrangement as an offer of helpful co-operation. It is wise to prevent trouble rather than to cure it. For the same reason, the powerful influence of the Colonial and Foreign Offices in London could not conceivably be adverse to the proposal.

In these days of economic depression and retrenchment, any proposal to appoint an Agent in each of the territories in Africa where Indians are settled in numbers and need protection is entirely out of the question. Even in better times, it will not be justified by the work to be done. (We are not thinking of trade commissioners at the moment.) It may be quite within practical range for the Indian Agent in South Africa to watch over the interests of Indians in the other territories. Normally an annual visit to each of them would be sufficient, and only very occasionally when a crisis impends, more frequent visits may be necessary to a particular territory. The extra expenditure will be limited to the travelling expenses of the Agent and his staff, and that will not be prohibitive even in these days of retrenchment, and will be well worthwhile.

Statement Submitted By S.A.I.G.

To Government Of India Delegation

(Continued)

HOUSING AND SANITATION

In accordance with the last paragraph of the Upliftment Clause in the Capetown Agreement the Union Government in October 1928 carried out, through its Central Housing Board, an inspection and investigation into the housing and sanitary conditions of Indians in and around Durban.

We shall here quote four paragraphs of the Report submitted by the Housing Board, viz:—

- (10) "Whereas the Corporation has done a great deal for the better housing of Europeans in its area, little or nothing in this respect has been done for the Indian population other than for those actually in Municipal employment."
- (12) "Although there is very little land available for building purposes which is owned by the Council, several vacant pieces of ground contiguous to Indian owned properties in Wards 4 and 6 of the Borough were inspected, certain of which it appeared could suitably be utilised for housing. If the latter were put up for sale as residential sites without the restrictive condition, it would not alienate to any great extent the overcrowding problem, but it would tend to remove the sense of injustice caused by previous land sales to which reference is made in paragraph 8."
- (13) "Amongst other land inspected was the Eastern Vlei near the Umgeni River. Your Committee considers that the higher portion of this land would be suitable for building"

purposes and that if the Council is really desirous of doing its duty towards the Indian population it might fairly consider the question of creating houses here which could either be sold or let to Indians. It is considered that not to spoil the amenities of the entrance to the Borough from Durban North."

- (21) "To this end and as a first step it is suggested that if the sum of £50,000 which is earmarked under the Housing Act for Indian Housing, an amount of £25,000 be made available to the Durban Council for erecting, under a scheme to be carried out on a suitable site on the Eastern Vlei, two and three roomed cottages for letting or sale on easy terms to Indians."

The question of Indian Housing in and around Durban has been agitating the minds of the Indian community in Durban for a long time. It has been the cause of much irritation between the Indian community and the Durban Town Council. The Durban Land Alienation Ordinance of 1922 conferred powers on the Durban Municipality to restrict ownership or occupation of Municipal land. The Natal Indian Congress lodged strenuous objections to the passage of the Ordinance but in vain. In intimating that the Government has assented to the Ordinance the Secretary for the Interior wrote to the Natal Indian Congress thus:—

"The Government considers it reasonable that the Administrator, in giving his approval to racial restrictions introduced into land sales, should see as far as possible that Asiatics are given reasonable opportunity of acquiring adequate residential sites."

Notwithstanding this assurance out of twenty sales of Municipal lands sold in freehold since passage of the said Ordinance only one was held without the restrictive clause. And out of twenty-four sales of Municipal lands sold in leasehold only six were without the restrictive clause entirely absent, and in the other three sales some of the lots were free from the clause and some subject to it. It would be seen therefore that the Durban Town Council has persistently refused to recognise the claims of the Indian community. Schemes after schemes for European Housing have been put forward for execution by the Durban Town Council within the Borough of Durban, but not a single scheme for the housing of Indians has been put forward. The Natal Indian Congress in its many interviews with the Durban Town Council has pointed out several sites contiguous to Indian properties, but in every case the Borough Engineer and the Estates Manager have always reported against the sale of such sites to Indians on the flimsy ground that such sites were required for public purposes or for the development of Municipal Works. Sites adjacent to the proposed Durban Indian Morning Market. The Carlisle Indian School were likewise objected to. In paragraph 13 of the Housing Board's Report given above, it would be noticed that reference is made to Eastern Vlei. Even this land has been objected to by the Durban Borough Engineer on the grounds that this land is low lying and that it would take fifteen years to raise it. It may be mentioned here that if the Eastern Vlei were required for European Housing the grounds would easily be raised within a very short period. There are over 800 acres of unalienated lands in Durban and yet a few acres could not be found for the housing of Indians.

In terms of the suggestion contained in paragraph 21 of the Report of the Housing Board the Minister of Health agreed to hand over to the Durban

Municipality the sum of £50,000 under the Housing Act for Indian Housing. Fearing that it would be called upon to build houses within the boundaries of Durban, the Durban Municipality did not stir to carry out the request of the Minister. It was only a few months ago that the Minister threatened the Municipality with the withdrawal of the sum unless the housing was proceeded with. This resulted in an attempt to do something for the Indian community. The Council has, in accordance with the suggestion of the Natal Indian Congress, agreed to lend the sum of £25,000 to the Indians owning freehold land outside the present Durban Borough boundaries but within the boundaries of Greater Durban. The balance of £25,000 is to be used for the building of houses for Indians.

We maintain that there are sufficient land within the present boundaries of Durban, which could be used for the building of houses. The Indian community of Durban holds more than one-sixteenth in value of the properties in that Town, they contribute their Rates and Taxes, they have contributed much to the development of Durban, and yet they are denied a few acres of land for the housing of the poorer section of their community. The Council has big parcels of land at Cato Manor, Springfield, and Wentworth purchased with the object of creating Indian Villages. The Natal Indian Congress has consistently opposed these schemes as it is felt that the creation of an Indian Village is the thin edge of the wedge leading ultimately to the segregation of Indians.

As from the 1st of August 1932, the Durban Borough Boundaries will be extended and the Municipality will absorb the Health Board Areas of Maville, Sydenham, Greenwood Park, South Coast Junction and Umhlatuzana. In some of these Health Board Areas the sanitary conditions of places where Indians reside are not at all desirable. In Municipalities and Health Board Areas there is a tendency to neglect the Indian areas. Even in Durban it was only a few years back that the Municipality turned its attention towards improving the Indian areas. Grey Street, one of the widest streets in Durban with greatly improved buildings on either side and owned by Indians, is just being hardened and asphalted. The Rates and Taxes that are being paid by our community in Grey and the adjoining streets compare very favourably with those that are paid in respect of other important streets, like West, Smith and Pine Streets in Durban. But it would appear that the locality in which the Indian resides is the last to receive any consideration. In the Borough of Durban Indian Voters in a few Wards fortunately hold the balance of power, as it were, and this is a factor that weighs on some of the Councillors resulting in consideration being given to the Indian Ratepayers.

And so in the Health Board Areas. Indians resident in these areas have no say in the administration of the Health Boards. Members to the Board are elected by Parliamentary Voters. With the exception of Umhlatuzana and Greenwood Park Health Board Areas, Indians predominate in number in all the Health Board areas. The contribution to the general Rates is greater than that of the Europeans. Notwithstanding this disparity Indian localities have received little or no consideration in the matter of sanitary and other conveniences. Despite the fact that the Health Boards have been in existence for the last seven years many localities in which Indians reside are in the same state as they were before the Health Boards were constituted. Camp's Drift in Maritzburg and Vrededorp, Boksburg and Germiston locations in the Transvaal to

mention a few instances, present pictures of the utter neglect of the Municipalities to provide proper sanitation and other conveniences. They are standing examples of the treatment that awaits for those who have no representation. The point that we desire to bring forth is that in about seven months time the Durban Municipality will take in the various Health Board Areas which we have referred to above. It will take in thousands of Indians who will have no votes. In the matter of the development of their areas and in the matter of sanitation they will share no less a fate than those our compatriots who live in Camp's Drift and in the location of Vrededorp, Boksburg and Germistown.

Our people living in the various Health Board Areas have of late shewn a desire to improve their housing conditions. Building of a good type are being put up in every District and there is a strong tendency to live up to the Western Standard of life. But any improvement on the part of the Indians would be of no use if the Municipalities do not help in providing proper sanitation.

We would therefore urge that in the provision of sanitation amenities and other conveniences the Municipalities should be made to show no discrimination as between the European and the Indian.

(To be continued)

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મેરીવેલ ડેરી માંથી.

ફોન ૧૪૬૦ અને ૧૮૪૫.

૧૨૬ બીરીયા રોડ, ડરબન.

તમારા દુકાનદારની પાસેથી એજ ઘી માંગજો.

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રેશમી માલ અને સ્વદેશી કપડાં

તરેહવાર રંજબેરંજી મન પસંદ કપડાં

સ્વદેશી મોટા જથ્થામાં આવી પહોંચ્યાં છે. અને હવેથી દરેક સ્ટીમરમાં આવશે.

ચોળી, સબલાં વિગેરેને માટે જાત જાતનું રેશમ.

મોળાં, રમાલ, સાડી, મખમલ, શાલ, ટાઇ, કોદાર, કોર, શર્ટ, મુટરે માટે સર્જ, આસામ

સીલક વિગેરે વિગેરે. પુરેવા, સીઓ અને બચ્ચાંઓને પહેરવા બોધતી દરેક ચીજો

અમારી ત્રણે બાન્સોમાંથી અસ્તામાં અસ્તા આવે હંમેશા મળી શકશે.

ફોન ૫૬૫૪.

સી. કેવલરામ એન્ડ કું.,

બોક્સ ૫૧૬૯.

૬૩ ધલોફ સ્ટ્રીટ,

કોનરે માર્કેટ એન્ડ ધલોફ સ્ટ્રીટ,

બેહાનીસબર્ગ.

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