

Indian Opinion

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NOTES AND NEWS

EXCHANGES from India report the death in Rangoon of Mr. V. Madanjit. The older generation of Indians in South Africa is well acquainted with the name of Mr. Madanjit. He was in this country from about 1896 to 1905. He was very enterprising and had travelled miles on foot and had gained a great deal of experience of the country and its people. The late Mr. Madanjit's name is connected with the *INDIAN OPINION* and to quote but one instance of his enterprising spirit he was the original founder of this paper and of the International Printing Press which publishes this paper. As an Indian printing establishment it was the only one of its kind in those days and his public spirit was so ardent that he published the paper in all the Indian languages so that no section would be left in ignorance. It was in 1904 that the proprietorship of the paper and the press was taken from Mr. Madanjit by Mahatma Gandhi and transferred from Durban to Phoenix. In India too Mr. Madanjit plunged into politics and started a paper in Burma. During his lifetime in India there was hardly a single session of the Indian National Congress that was not attended by Mr. Madanjit as a delegate from Burma. He was simple in his mode of living, a hard worker and frank and fearless. He died in Rangoon last March at the age of 72. All those who have known Mr. Madanjit in this country will always cherish his memory. Peace be to his Soul.

We have received the following for publication:—

The Imperial Indian Citizenship Association has received several letters from Indians from Strait Settlement, Federated Malaya State, Borneo and Johore State offering to go to Brazil under a misapprehension of one of the terms of the recent Cape Town Agreement. That Agreement provides only for the exploration of the possibilities of Indian emigration to Brazil and other countries from India and South Africa. Further the present position is that the Brazilian Government has stopped immigration for one year. The Association has not undertaken to subsidise Indian emigrants to Brazil either from India or elsewhere.

A correspondent of the *Leader* (Allahabad) wires from London interesting views of two important weeklies on the situation in India. He says the *Spectator* urges that the only effective way to disarm mistrust is to deal with both federal and provincial autonomy simultaneously in one bill. The *New Statesman* in a strong editorial says that if Mr. Gandhi remains in prison and if the Government continues to apply in general the Ordinances, only justified in a few districts, and if it regards the recognition of the real leaders of opinion as beneath its pride, then the constitution which is now nearly ready for acceptance is so much waste paper. It concludes that self-government means government by the people, whom Indians themselves desire to govern them. If the Government cannot realise that all hope of peace in India is over,

NATAL ADVERTISER'S SERMON

IN its issue of June 15, the *Natal Advertiser* has devoted its leading columns to a discussion of Indian Congress problems. We reproduce the article elsewhere in this issue. It will have been read by many Indians already and also by those at the helm of the Congress to whom it is mainly addressed. We have no doubt the *Natal Advertiser* always writes in good faith. Unlike our morning contemporary we have found it to be sympathetic and always desirous of giving justice to all alike without distinction of class or colour. We have no reason to doubt, therefore, that the article in question, too, is written with the best of motives and out of sympathy for the Indian community. We, however, have to differ from many of the views expressed by our contemporary.

We are not prepared to view our question from a materialistic point of view. Nor can we advise our brethren to do so. If it were a question of only seeking a livelihood for ourselves and our children the holding of Round Table Conferences and establishing an Agency of the Government of India in the Union was unnecessary and a criminal waste of money in the present days of depression. But there is something higher than the mere consideration of livelihood for which we human beings are supposed to live. And it is to that path that we would wish to lead our brethren.

The average white man in South Africa to-day is suffering for his own sins or for the sins of the State. There is a cry of unemployment among the white men. We fully sympathise with them; but at the same time we are amazed at their callousness. They are the rulers; they can make and break laws at their will. They have, therefore, the machinery to adjust matters in their own hands. But yet they cry about themselves. They have not the slightest concern about the poor Natives, the real sons of the soil, nor for the Indians—the descendants of those whom they brought from India to slave for them under the lash of the sjambok in order to make Natal a Garden Colony. It was not then grudged that 'the Indian held his job primarily because he did it for less money than the white man asked. No, he was made to do his job under conditions of slavery. And now that the purpose is served the Indian is not wanted. The fear is expressed that 'the prosperity of the brown man means the eclipse of the white.' In our humble opinion, the position taken up by the white men is highly selfish and therefore most unnatural and their way of solving the unemployment problem, which they complain

of the most at the present time, seems to us to be most stupid. Perhaps the State is to blame for it. While there is unemployment among the rank and file there is very little economy to be seen among the aristocrats. When human beings are out of work one would expect them to take the place of machinery wherever that is possible, but one hears of and sees constantly the creation of new machinery resulting in the displacement of many human hands.

It is argued that the white man is anxious about his own economic position in South Africa. That is the wrong way. "Those whom the gods wish to destroy they first make mad" and we fear the white man is on the path of destruction. Why should he consider himself? Has he no duty to the other races that consider this country their own by adoption or by birth? Why is not the future of the country as a whole considered? Why only as it affects the white man? As the ruling race do they owe no duty to the voiceless people living amongst them?

Speaking as Indians we contend that having consented to a closed door policy, the resident Indian population in this country should be treated fairly and justly and given every opportunity of progressing that the white man enjoys. It is only fair that they should be given political franchise. They would then consider this country their own and would not have to seek the aid of India to get redress. But the question of franchise is still too far. The rulers themselves in that respect do not seem to have passed their barbaric stage to understand their duty. In 1914 we contended that we were entitled to full civic rights but we did not press for them as European public opinion was adverse. Within the eighteen years that have passed since instead of gaining we have been gradually losing ground. In fact, our position is much worse than it was in 1914. We have gained nothing. It surprises us that the Union should be so utterly selfish that with its area of 473,000 square miles and a total population of about 8,013,697 it cannot find room to accommodate a hundred and seventy thousand Asiatics and to allow them to earn an honest livelihood; that the Transvaal with its area of 110,450 square miles and a total population of 2,087,636 should begrudge eighteen to twenty thousand Asiatics remaining in their midst, and that mean methods of closing every avenue whereby they could make the slightest progress should be adopted to render them utterly helpless so that they may be compelled to leave the country. We cannot advise our brethren to drink this cup of humiliation light-heartedly and seek new pastures if they cannot bear it any longer. If they are human beings with any self-respect in them they should resist and suffer every hardship to uphold the honour of the land that gave them and their forefathers birth and thus teach a lesson to the Union. If our contemporary does not think "it is a humane thing or even a decent thing to suggest that the second or third generation of Natal Indians should be asked coolly to contemplate seeking a new land under alien skies where a better deal would be assured them than they get in South Africa," why, we would ask, does it suggest such a thing at all; why does it

rather not preach a sermon to those who most need it. We are not out to martyr our brethren for a political fetish. We wish them to die honourably than to live dishonourably. "What doth it profit a man who gains the whole world but loseth his own soul?" We do not wish our brethren in South Africa to look for material gains at the risk of losing their own soul.

Indian Congress Problems

'Natal Advertiser' On Indian Question

The *Natal Advertiser* in its issue of June 15 has the following leading article under the caption 'Indian Congress Problems':—

It is satisfactory to know that the forthcoming meeting of the South African Indian Congress has been postponed so that the new Agent-General, Mr. Kunwar Maharej Singh, may be in this country in time to attend it. It is more satisfactory still to know that the Union Government has asked Congress to send a representative to serve on a Commission to be appointed to enquire into the colonisation scheme which was mooted at the recent Round Table Conference at Capetown. Congress will be wise to accept that invitation whether or not it approves of the underlying idea at the root of this colonisation proposal. Our European politicians in this country occasionally set the non-Europeans some very reprehensible examples, notably in the direction of boycotting inquiries which the said politicians do not themselves approve. We hope the Indians in our midst, whatever their views on those colonisation ideas mooted at Capetown a little while ago, will at least be represented in whatever discussions may later take place on them. Nothing is to be gained by the mulish attitude of those who, having their own cherished opinions, refuse to hear the opinions of others.

Ground Lost And Won

As a matter of fact, we are disposed to think the near future may be full of fate for some of those Indian problems which have at times seemed insoluble; and that the coming of the new Agent-General may easily prove a landmark in the development of Indian affairs in our midst. Looking at the Indian question from a detached and yet consistently sympathetic point of view, it seems to us that much has been won and much has been lost since Mr. Sastri came here five years ago and the first Capetown agreement seemed to herald a new era in Natal. The ground won is chiefly represented in the contact that has been established between the Indian and the Union Governments through the medium of successive Agents-General. There is no question that the status of the Natal Indian to-day is a more clearly defined one than was the case six years ago. He enjoys to-day what he lacked then. a channel of direct and official approach to the Government which rules him; and though this may seem a barren sort of privilege it at least gives the nationals of India resident in South Africa a place in the sun that formerly they did not enjoy.

But the past few years have seen ground lost as well as gained; and, measured by material standards the losses outweigh the gains. A few years ago, extravagant hopes were entertained that the regime auspiciously begun by Mr. Sastri might speedily win for the Asiatic some slight instalment of suffrage right. Some people were sanguine enough to think that, with the power of India behind him, the Agent-General would win for his people very substantial privileges of a political kind; and that as they responded to his efforts to raise their educational

and social levels; a corresponding promotion of their political status would be at least forthshadowed.

Canker Of Helotry

These hopes have been rudely dispelled. The recent Capetown Conference revealed that the Union Government is not only resolved to be master in its own house but, in respect of the Indian in Natal, is bent rather on quenching than on promoting any political hopes the non-European in our midst has hitherto nursed. The recent Conference not only revealed the Union Government in an implacable mood towards Indian aspirations but also showed that even the Indian Government itself is powerless to deflect South African political opinion from its present resolute course. The two Capetown Conferences find the Indian in Africa further away from, rather than nearer to, the political aspirations that once he nursed. It is, we maintain, an evil thing that this should be so; for, in a country divided between barbarians and potentially civilised men, helotry is a menacing canker. But the fact must be recognised even by those who deplore it most.

It also happens that, at the time when the State is most harshly inflexible in its resolve not to encourage the extension of Indian privileges in this country, the present unprecedented depression has further widened the gulf between the white man and the brown. So little faith have many Europeans in the immediate future of South Africa that they dare not, even if they would, raise a finger to promote further the welfare of the Asiatic. They claim that there is not at present room in South Africa for brown as well as white; and that liberality of view which might be held by Europeans in those prosperous times than these is wholly superseded by a tense and anxious economic fear that the prosperity of the brown man means the eclipse of the white.

The One Problem

We believe that far-seeing Indians in Natal to-day realise sufficiently the truth of this foregoing to put behind them at the present time any of the political ambitions that stirred them in less desperate days a few years ago. In this they are wise. There is a time to speak and a time to be silent; and it would be imprudent, to say the least, for any organised body of Indian opinion in Natal to discuss franchise questions or franchise privileges at a moment when the white man feels his own economic survival is literally in danger. Other matters should, we think, occupy the minds of the thinking elements among the Asiatics in our midst.

This is why we hope Congress, when it meets, will for once get away from political or constitutional abstractions, and devote its attention to the economic problems of the Indian in Natal. Unemployment is widespread in their ranks. Door after door is being barred against them; not primarily because the European himself is to-day fighting for work and there are not enough jobs to go round. For the same reason the future of the Asiatic is still less certain in our midst; because, once the white man wins back those employment trenches he lost hereafter to the Indian he will consolidate his gains so that they can never again be imperilled. For it has to be remembered (what is too often forgotten) that the social sense of the community is bound to harden as the years go by towards the employment of underpaid toil and the Indian holds his job primarily because he does it for less money than the white man asks.

Finally we beg of the Congress, when it meets, not to adopt an utterly intransigent attitude towards the principle of Indian colonisation elsewhere than in South Africa. We do not say it is a humane thing or even a decent thing to suggest that the

second or third generation of Natal Indians should be asked coolly to contemplate seeking a new land under alien skies where a better deal would be assured them than they get in South Africa. But it must always be remembered that the lawful things are not always the expedient things; and that a man owes something more to his children than that they should be martyred for a political fetish. The problem of every one of us more and more as the days go by is not a problem of flags, of tongues, of constitutions or of political rights. It is a problem of making a livelihood for ourselves and our children, with the maximum opportunity we can secure for their advancement when their generation succeeds ours. This is the European's problem to-day; and it is no less the Indian's also.

Parliamentary Debate On Asiatic Land Tenure Bill

We published in our last week's issue Dr. Malan's speech in the Union House of Assembly when he introduced the Transvaal Asiatic Land Tenure Bill on May 23. The debate on the motion for second reading was resumed on May 26.

Col. Collin's Speech

Col. Collins made the following speech:—

It would, perhaps, be pertinent to remind the House that this is the first serious attempt at legislation on this matter since 1924, when the present Government came into power. One would almost find it in one's heart to sympathise with the Minister of the Interior in his efforts to try and settle this vexed question. It is almost impossible for him to put anything before this House that would solve the Asiatic question to the satisfaction of both Europeans and Asiatics. The undertakings and promises of the Nationalist party were so extravagant, and so definite were the promises they made which undoubtedly assisted them to come into power, while the failure of the Government has been so glaring and flagrant that it amounts to an absolute betrayal of the white man and his interests. Let me remind the House of one or two of these promises. Clause 14, of the programme of action of the Nationalist party, confirmed at its congress of the 14th September, 1923, reads—

Repatriation with proper compensation of Asiatics born outside the Union and segregation of all other Asiatics. Prohibition of the issue of trading licences to Asiatics born in or outside the Union, except in bazaars, exclusively set aside for their use.

The Prime Minister promised at Upington, on the 14th of April, 1924—

The Nationalist party will most certainly tackle the question.

After the Nationalist party had succeeded to power in October 1925, *Ons Vaderland* wrote—

The Transvaal members in the Government are bound to a very definite and decisive anti-Asiatic policy. They have laid down this policy repeatedly in unmistakable terms.

The Minister himself, even after he had published his Bill, following very much on the lines of that of the South African Party government which most of them ridiculed as weak and inadequate, spoke as follows in the Afrikaanse Koffiehuis on the 11th December, 1925—

Transvaal and Natal are more interested in it than the Cape. But if the Transvaal and Natal must feel that our native problem is also theirs, then we in the Cape must also look upon the Indian question as a Union question and not as a provincial one. The intention of the Bill is

to put a stop to the continuous penetration of the Indian into European spheres of trade and otherwise to reduce the numbers of Indians in the country. This is no new policy. For years thousands of pounds have been spent to induce Indians to leave the country, and in this manner 20,000 to 30,000 Indians have been repatriated.

But the then Minister of Justice, Mr. Tielman Roos, went further. At Trichardt on 25th November, 1925, he said—

The Asiatics will be put out of the country or kept in bazaars and will not be allowed to trade with Europeans.

The next day at Wakkerstroom he said—

The Government's intention is to tax Asiatics more and more and if necessary compulsorily repatriate them, even if compensation has to be paid.

On the 9th of April, 1926, he said—

The Asiatic question must be solved in the interest of South Africa alone, and we shall not listen to any hints from India.

And in reply to a question the same day he said—

The ordinance of the provincial council of Natal providing against increase of trading licences will be included in the Union legislation.

Well, these are the promises; you know how they were kept. A deputation was sent to India. A delegation was invited from India and a round table conference held. I am not going to keep the House in order to describe the sense of disappointment and resentment with which we received the news of the so-called gentlemen's agreement. I am afraid you might pull me up, Mr. Speaker, if I gave you my opinion of the members of the Government who signed that agreement. I am for the moment content to give you the present Minister of Justice's opinion as published by him in *Ons Vaderland* on the 30th June, 1927. He says—

We have now given the coolies of the Transvaal a highly civilised and intelligent leader who will have to be received by every white man on a footing of equality. The Asiatic problem was until now very difficult, how impossible it is going to be in future, only time will teach us. One thing is certain however, and I hope we Nationalists will all realise it early—our next congress will have to take the full responsibilities of a decision for or against the new position of affairs.

Not a word, however, at the next Nationalist provincial congress of the Transvaal or any other of the congresses. The party chiefs saw to that. The Minister of Justice was a member of the last round table conference. I leave it to him to justify the agreement arrived at. I certainly cannot think of anything more futile or puerile, but again I don't want to come into conflict with you, sir, so I won't express any further opinion. Perhaps the House will be interested in knowing what the Indians think of this agreement. Indians, both here and in India, were very pleased with the gentleman's agreement. The leader of the delegation put it on record that General Hertzog showed great breadth of vision. I wonder whether it would have been so if he were a Transvaaler or a Natalian. Then this Indian delegation leader, Sir Mahomed Somebody, says that "Dr. Malan shows the godliness of a Minister of religion." He, however, agreed with one of his countrymen that though the political and municipal franchise had not yet been granted to Indians in South Africa, the feeling of friendship was such that an atmosphere has been created which could be taken to foreshadow the possibility of their acquiring those rights. I leave it at that, so that members might digest it. If it were not so tragic one could laugh at it. At any rate, the result

of eight years of office by this Government is that the Asiatic problem is much worse than it ever was. The repatriation scheme has broken down, the Indians have secured greater advantages, and they have penetrated further and further into European trade and social amenities. They are holding perhaps twice as many trading licences in the Transvaal, and have secured such a footing that I almost despair of the white man ever holding his own again in the Transvaal. In order to understand the position in the Transvaal, I think it is necessary in a few words to remind the House of the history of this question there. The taunt is often flung at Natal that Indians were deliberately brought in for the purpose of the enrichment of the white man. Natal members are competent to deal with this argument, and I won't express an opinion on it, but there is certainly not a vestige of evidence that there was such a policy in the Transvaal. From the very beginning the entrance of the Asiatics in the Transvaal was looked askance at, and they were given to understand very plainly that they were not wanted there. As early as 1885 a law was passed by the South African Republic prohibiting the acquisition of land by Asiatics and wherein it was laid down that Asiatics had to live and trade in bazaars. These bazaars were actually set aside in several towns of the South Africa Republic. The Asiatics mostly refused to occupy them and most of these areas are lying idle. Stands were set aside in Barberton, Belfast, Amersfoort, Belfort, Carolina, Christiana, Ermelo and in other places, and very few of these stands were occupied. In Ermelo, for instance, 90 were set aside and two were occupied. The republican Government did their share when they laid it down in the law that Asiatics in the towns should live and trade in bazaars only. Ever since 1885 it has been a fight between the white man and the Asiatic in the Transvaal, and more than once the British Government threatened war with the South African Republic on this very question. The Indians did not seriously oppose living in bazaars, but somehow or other, they did not do it to any extent, and they strenuously fought for the right to trade in the towns outside the bazaars. This has been the policy of the Asiatic right through the piece. Not in one single instance has the Asiatic in the Transvaal created his own trading centre. He has always waited for the white man and then crept in and wrested trade from the white man. I don't know that I can give the House a better example of this insidious policy than by citing the position of the new townships laid out after the Boer war. I take my own district. The townships of Morgenzon, Breyon, Lake Chrissie, Davel and Sheepmoor were laid out. Knowing the danger of Asiatic competition, we sold the townships subject to the condition that no Asiatic or non-European would be allowed to own, hire or occupy erven or to trade in the townships. This condition was registered as a servitude on all erven sold and transferred. We thought we were safe when this condition was made. Centres of trade were created, and Europeans did well, but the Asiatic made a plan to get this trade. At every one of these townships they hired a bit of ground of a farm on the main road entering the township, and to-day you find their stores at the gate of every one of these townships. They have taken away the bulk of the trade from the white man. Not only that, they have increased in the older towns. At first they were satisfied with a footing on the fringes of the business centres of the towns, but whenever an opportunity offered, when a store became vacant, they would offer perhaps double the rent and get hold of the premises. The result inevitably in such a case is that the European next door must go, and very soon they have entire possession of the street or block. The Minister says that the Transvaal provincial council could prohibit

such action on the part of the Indians. I know that they tried to do so on one or two occasions, but in every case their ordinance was held to be *ultra vires*. I have brought this question to the Minister's attention for two or three years now, and he promised to look into it. The result, however, is that to-day Indians have taken away the bulk of the trade. They have increased in all the towns. Let members of the Transvaal constituencies look back 25 years, and they will admit that European traders have become fewer and fewer, and that in some of the outside towns there are hardly any left, while in the rest of the towns the white man is only hanging on by his eyebrows, so to speak. In these bad times it is very much worse. The Indian is making the effort of his life, and is now winning all along the line. He is making use of these bad times to get all the trade, and when the white man cuts the price, an Indian cuts it lower. I need not explain to the House how much cheaper he lives than the European. I have no doubt whatsoever in my mind that if we cannot do something to stop it, in ten years' time in the Transvaal, outside Johannesburg and Pretoria, there will not be a white man in the trade, and that avenue of industry will be closed to our sons and daughters. Is it fair? It is our trade created by the white man. The Indians had come in as parasites, as pariahs, and stolen our heritage, and are still allowed to enter into this in the Transvaal. You should treat them with fairness and kindness, it is said; yes, I agree to that, but I say my own race first. Do not blame us when we fight for our existence against an enemy who has insidiously in season and out of season made use of every privilege he got to down us. We must have fairplay to the white man—

AN HON. MEMBER: Wait until the hon. member for Woodstock (Mr. Alexander) gets upon your track.

COL.-CDD. COLLINS: How is this Bill going to help us? Do not blame us if we say fairplay to the white man first, and to the devil with our enemies. Now how is this Bill going to help us? I must say I cannot find any fault with the provisions to stop the Asiatic from becoming the owner of fixed property, and from getting round these laws by fair means or foul, as has been done all these years, and as has been done up to now. The provisions seem to be very effective, and it seems to me they should stop even the Asiatic. But I am not so sure of the other provisions of the Bill. It seems to me that if the Bill succeeds in what it purports to effect—the reduction or the elimination of the Asiatic who is to-day trading and residing illegally on the Rand,—it will mean that they will overflow and spread over the rest of the Transvaal. I would like to remind the House that in 1919 when the law was passed which the Minister now seeks to amend, I put the view before the House that every Indian who is ousted from the Rand goes to the rural districts of the Transvaal and obtains a trading licence in one of the country towns or in the country. At that time I put the following amendment before the House, and this House evidently agreed with me. I moved, on that occasion,—

That the following be a new clause to follow clause 1—*notwithstanding anything contained in any law, any authority which in the Transvaal or any part thereof issues or authorises the issue of licences to carry on any trade or business in that province or part thereof, may lawfully refuse without reason assigned the application of any Asiatic, as described in Act No. 36 of 1908 of that province, who was not on the first day of May, 1919, carrying on business in*

the area for which such authority issues such licences, for any new licence or for the transfer to an Asiatic (as so defined) of any licence existing at the date of the application.

The Bill reached the report stage, and the third reading was taken, but the other place had other opinions, and the Senate refused to pass the Bill, and we arrived almost at a constitutional crisis on this question. I am sorry the Government did not stick to its guns in 1919, and if it had, what a different proposition the Asiatic problem would have been in the Transvaal. It is quite clear to me that the number of Asiatic trading licences has increased enormously in the rest of the Transvaal since 1919, and more particularly this has been accentuated since 1927—the date of the "gentleman's agreement." In my own town the number has been doubled in five years.

THE MINISTER OF THE INTERIOR: That has nothing to do with it.

COL.-CDD. COLLINS: I do not agree with the Minister, that that has nothing to do with it. Representatives of the Asiatics that met our Government at the round table conference tried to get certain advantages from the Government, and Asiatics made use of this attempt to get as many new licences as they could in the Transvaal. If the hon. member for Carolina (Mr. W. H. Rood) and the hon. member for Barberton (Col. D. Reitz) were here, they would confirm what I am saying. These Indians have redoubled and, in fact, made every effort to obtain more licences. Now, as a representative and resident of an outside district, I am not quite sure whether it is my duty to have this present Bill as strong or as weak as possible. At any rate, I am satisfied that if it succeeds on the Rand, it must have its bad effects in the country. If this Bill is passed with the clause the Minister has put in, since it was before the select committee, which reported to the House in 1930, the House might as well save itself the trouble. I am not very much impressed with the Minister's argument. Frankly, I am not prepared to entrust the Minister or, indeed, any commission, judicial or otherwise, which he may appoint, with the power and to have the right to nullify the provisions of that Bill, because that is what it means. We have had enough of condonation. The only right the white man has on the Rand is what the gold law gives him, and if you pass the Bill with this clause, it seems to me the Minister will have the right of giving any Asiatic a licence to remain there to trade. Clause 3 says that the following new section is hereby inserted in the gold law, after section 131—

The Minister of the Interior, after consultation with the Minister of Mines and Industries, may issue a certificate withdrawing any land specified therein from operation of the provisions of sections 130 and 131 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 occupying it for any other lawful purpose.

Now, I say this seems to me, and I would remind my hon. friends who are representatives of the Witwatersrand, that you are giving away the only rights they have. The Minister has already intimated that the chairman of this commission will be a judge. No doubt they have properly exercised their duties, and of course I do not criticise their verdicts, but so far the judges have been rather the friends of the Asiatic than of the white man.

THE MINISTER OF THE INTERIOR: It is not bad judgment, it is bad law!

Col.-Cdt. COLLINS: I would not venture to say it is good law, but every time an Asiatic has taken us to court he has knocked us out. I do not know that it is any great recommendation to say that you are going to have a judge to decide. I am not willing for my part and I doubt whether Rand members would be willing to give the Minister with or without a commission this power. I also urge that as far as the rest of the Transvaal is concerned, it is not fair for the Minister to leave out the clause that the select committee put into the Bill making provision for the Indians in certain areas being removed for illegal occupation. The select committee in 1931 put in a clause that the municipalities would be bound to furnish certain areas and if they did not do so the Minister could prescribe those areas over their heads. The Minister may be right in saying it is not feasible, but I think an effort in that direction should be made, because in the outside districts of the Transvaal they are saying: "Let the Rand keep its own Asiatics, we have enough of our own. Do not let them pass their surplus on to us." I do not think it is fair to the rest of that country to drop that clause. Supposing the House passes the Bill, are we going to have it at that? Are we going to leave the Asiatics to continue to trade and to penetrate more and more into our avenues of trade? Are we going to allow them to penetrate into other avenues of trade and industry? I understand the members of the select committee in 1930 wanted to go into the wider question, but the Minister said no.

The MINISTER OF THE INTERIOR: It would have been against the terms of reference.

Col.-Cdt. COLLINS: That is so, but I believe there was a sort of understanding that after five years from 1926 there would be another conference and then the whole question of Asiatics in the Transvaal would be gone into. I think that was the promise that the Minister made. More than five years have passed, the conference has taken place and where are we? Very much in the same place. But I have not told the whole story. The Indian is not satisfied with what he has obtained. He is now striving for social and political equality with the white man. We had it in evidence before the select committee that Asiatics where they employ Europeans only employ white girls, and the result is that the superiority complex of the white against the Asiatic disappears. We had it also in evidence that the result of the white man owing the Asiatic money tends to raise the Asiatic to the same social level. I think it is stating the case fairly, to say that 10 or 15 years ago you hardly heard of the Asiatic. It was his wish to keep as quiet as possible, not to obtrude in any way if he could just be allowed to carry on his trade. Well, that position has completely changed. To-day he is striving for equality and is demanding it. I want to give one instance, also from my own town. The proprietor of the principal hotel there built an up-to-date cinema hall. Very soon the Asiatics asked for the right of entry. The proprietor called them together and said: "You will ruin my business because white people object to sitting with Asiatics." The Asiatics at once issued orders that every commercial traveller coming to Ermelo if he stopped at that hotel would be boycotted by the Indian stores. This man had to eat humble pie and compromise. He gave them one night a week but they are not satisfied with that. The Bill before the House is not going to help us very far. I hope the Minister will meet me on this point and that he will put in the clause that was rejected in 1919. The Minister kindly spoke to me a few hours ago and pointed

out that this clause is unnecessary and that the new licensing ordinance of the Transvaal province will provide for that. I do not think it goes nearly as far as that and I can see very many loopholes and I can see the Asiatics getting us in the courts time and again. I understand the urgency of this Bill in the case that has been decided against the Asiatics at Roo-depoort and the Minister is afraid of a state of confusion. One must naturally look upon these matters with a certain amount of responsibility. I would not like to see chaos created, but at the same time if these Asiatics are removed and have to scatter over the Transvaal that will not suit us a bit. It will make our position quite untenable. I think the Minister should consider, perhaps at the committee stage, putting in this clause. If he would like to see it amended I would be glad to meet him, but I cannot allow the Bill to pass with the danger to the rest of the Transvaal becoming greater. I do not think the Witwatersrand is going to be satisfied to leave the enforcement of this Bill in the hands of Minister and the commission. I do not think you will satisfy the public of the Witwatersrand by practically taking away, as you are doing in this Bill, the only right they have against Asiatics. Under these circumstances I am not able to support the Bill and I shall have to fight it with all the power I have.

(To be continued)

Statement Submitted By S.A.I.C.

To Government Of India Delegation

(Continued from last week)

LICENSING CONTROL ORDINANCE (Transvaal)

The Transvaal Provincial Council has passed the Licensing Control Draft Ordinance of 1931 which has not come into force as it has not yet received the assent of the Governor-General-in-Council. This Ordinance gives the Municipalities, Health Boards, and Village Councils the right to refuse licenses without assigning any reason whatever, and also deprives Indians of the right of appeal hitherto enjoyed. It also repeals the General Dealers (Control Ordinance) of 1926, and makes drastic changes in the issue of licenses. The fear is expressed that if the Governor-General's assent to the Ordinance is obtained, a calamity awaits the Indian traders in the Transvaal. Moreover, the Ordinance is against the spirit and letter of the Cape Town Agreement.

We respectfully urge the Deputation that they should secure a veto of this Ordinance.

FLOWERS SELLERS

In Natal, and in some of the Transvaal towns, Indians were carrying on the business of flower sellers without let or hindrance. Recently in Pietermaritzburg, Johannesburg and Pretoria, restriction has been imposed on their trade and they are confined to 'defined' areas in which alone they could carry on their business. As the poorer section of Indians is engaged in this class, and derives their sole source of livelihood, this restriction hits them hard. We urge that representations be made to remove this restriction, which in effect is based on grounds of colour.

LICENCE CLAUSE IN AGREEMENT

We now deal with the Licence Clause of the Agreement, which lays down for consideration three important points:

1. The grounds on which a licence may be refused should be laid down by Statute.
2. The reasons for which a licence is refused should be recorded.

3. There should be a right of appeal in cases of first applications and transfers, as well as in cases of renewals, to the Courts or to some impartial tribunal.

Relying on this clause, the Congress in Conference assembled passed a resolution urging upon the Union Government that

"it may be pleased to implement the undertaking given in the Capetown Agreement to revise the existing licensing laws of the several Provinces."

To our astonishment, the Department of Interior, in a letter dated 16th March 1929, placed an interpretation on this clause to mean that the undertaking to "give all due consideration to the suggestion" was to be honoured at the time of the revision of the existing trade licensing laws, and as no suggestions had come from the various Provincial Authorities for the revision of such Laws, the time for "giving due consideration" had manifestly not arrived.

This interpretation leads to but one conclusion, namely, that the Union Government will only consider revision of the laws when the Provincial Authorities ask for it. The Congress was not prepared to accept this view, and communicated to the Agent, and the Government of India, but with no result. If the view of the Union Government is correct, then the chances of the initiative being taken by the Provincial Authorities are remote, and may never come to pass. What faintest hope is there of securing the support of a Provincial Council to revise the Licensing Laws, when the Provincial Authorities, like the Transvaal Province actually enact an Ordinance curtailing the existing rights of appeal.

In the Natal Province, where licence difficulties are keenly felt by Indians, there does not appear to be any ground for hoping that the Province is ever likely to ask for a revision of laws to embody the principles laid down in the Capetown Agreement.

There is nothing, we venture to say, in the Licence 'Clause' to support the view of the Department of the Interior, the terms of this Clause are clear, that when the time arrives for the revision of trade laws, the Union Government will embody the three principles enumerated in the Agreement.

We venture to ask the Delegation that it should urge upon the Union Government that the time has arrived for the revision of the existing trade licences, and that the Union Government should implement its undertaking without delay.

We have all along asked for the right of appeal to be given to the Supreme Court in all cases, and we urge in the revision of the Licensing Laws we should be given that right of appeal.

LIQUOR ACT

In 1927 a consolidated measure was introduced into Parliament, known as the Liquor Bill. Among other objectionable and discriminating features in this Bill was Clause 104, which prohibited the employment of Indians in any licensed premises such as hotels, clubs, breweries, etc. On strong representations made by the first Agent, supported by meetings of protest held throughout the Union, on the ground that the enactment of the clause violated the letter and spirit of the Agreement, this clause was withdrawn.

Section 95 of the Liquor Act enacts that in the Province of the Transvaal "no person shall sell or supply or deliver any liquor to Asiatics or coloured persons, and no Asiatic or coloured person shall obtain or be in possession of liquor."

Indians in the Transvaal were subject to this

restriction before the passing of the new Act, Section 102 (2) (a) enacts that:

"no holder of a bottle-store liquor licence or of an on-consumption licence shall employ in, or in connection with the sale of liquor, or during the hours when liquor may be sold or supplied by him in any bar or other portion of his premises from which liquor is supplied, any person to whom individually or as a member of a class, the sale or supply of liquor is totally prohibited, whether such prohibition is general or imposed only in respect of the licence pertaining to the premises at which the employment takes place."

This section, read with section 95, through a process of interaction, brought the same effect in the Transvaal Province as was intended in clause 104, namely, prohibition of employment of Indians in licensed premises.

Under this section Indians were threatened with displacement at the end of December 1928. Representations made by the Congress, Licensed Victuallers Association, the Indo-European Council of Johannesburg and by the Agent, brought forth the reply from the Minister of Justice that the principle that "totally prohibited persons should not be employed in or in connection with the sale of liquor" was adopted by the Legislature, and therefore it was legally incompetent for him to take any action to defeat its intention.

This question of displacement of Indian waiters, cooks and wine stewards, whose sole source of livelihood was from employment in catering trades, affected at least 80 men and was discussed at the Durban Conference of 1929. The Congress, supported by the new Agent, made representations to the Acting Minister of Justice in February 1929, with the result that the Acting Minister addressed the following letter dated the 28th February 1929 to the Congress:—

"With reference to the interview which a Deputation from the South African Indian Congress had with the Acting Minister on the 22nd instant. I have the honour by direction to inform you that Mr. Havenga has come to the conclusion that a good case was made out for not enforcing literally the provisions of section 102 (2) (a) of the Liquor Act, 1928, in regard to Indians who were at the commencement of the Act employed as wine stewards." The Acting Minister therefore intends to convey to Magistrates of the Transvaal and the Orange Free State, which are the Provinces concerned, that it is not the Government's policy to prevent the employment of Asiatics who were actually employed as waiters and wine-stewards at the time when the Act came into force, and to suggest that letters of exemption be granted by them under section 101 (3) in all cases in which it is proved to their satisfaction that the applicant was at the time, or at the commencement of the Act, employed as a waiter on on-consumption liquor premises."

While the Congress is grateful to the Minister for relaxing the restriction, it fears that the situation has not been fully met. The sting of the now deleted clause 104 is still felt in section 102 (2) (a). Moreover, whilst it gives relief, by way of yearly exemption to Indians who were in employment in the Transvaal at the commencement of the Act, the restriction is still applied to newcomers. We notice in the proposed amendments to the Liquor Act, no attempt has been made to repeal section 102 (2) (a).

We earnestly request that the Delegation will press for the repeal of this section, which entails severe hardships on a section of our community.

(To be continued)

Pagel's Circus

Opening On Monday June 27, at Durban

Famed throughout South Africa as the leading circus Pagel's maintain a performance second to none. This new programme promises to surpass any previous show put on and is abounding with thrilling acts and new animal features. The season in Durban will commence on Monday June 27th and will continue for about 2 weeks. The site on this occasion will be on a space of ground directly opposite Cartwright's Flats. Among the many new acts to be seen will be the famous Six brothers Gridneffs, a band of Russian performers who have lately enjoyed such success in the Far East and Europe. They will be seen working on ladders which are only supported by themselves, a very unique and very clever act. The Goodalls are also newcomers who have also just been imported, they perform on very high perches and are very sensational. The Regnalls show what acrobatic work should really be like. The Emanuels are also a new act in which some very clever polar Bears are presented doing a unique cycle act. Mr. W. Pagel who, as everyone now knows, is a follower of the strict vegetarian creed and being abstemious introduces for the first time in Durban 20 lions, tigers, and leopards in the arena at the same time. His work in the wild animal dens has been in the past always very daring but this new act surpasses all he has done before. No one should miss watching this man in his work. His creed of clean living, not eating meat of any description has made him a master indeed over wild animals and his will power enables him through kindness and good treatment to his animals, to present an act which will please every race and creed. Special facilities will be afforded our Indian patrons at prices 5/-, 3/-, and 2/- plus tax. Children half price. Matinees are advertised for Wednesdays and Saturdays at 3-15 p.m. Don't miss Pagel's new programme this year.

Pure Butter Ghee

By D. McKellar, Manager, Merrivale Dairy,
(Durban.)

For many years the possibility of manufacturing Pure Butter Ghee has been under consideration by the leading South African Dairy Companies. From time to time small supplies and experiments have been made in order to produce a Ghee suitable for the Indian community and high class European cooks who know how to use Ghee in cooking.

Last year with a complete plant, Pure Butter Ghee was made on a commercial scale for the first time. It had a most favourable reception.

This year larger supplies have been manufactured and enquiries have been received for the product from distances as far afield as India. There is something interesting in being the first to manufacture and market a new commodity. Ghee has been no exception, indeed in some respects it has been the most interesting. It has meant our bringing our scientific knowledge of Dairying and butter making to bear on the manufacture of a commodity which has been known and made in the East from time immemorial.

And there is every reason that we should be successful, South Africa has become a Dairy country. Our Butter under the supervision of skilled and expert Government graders is now produced in such large quantities that export to Europe has been fairly established. In other words not only sufficient butter made for the requirements of this country, but we have a large quantity over to sell to other countries. It is always a good feature in business to find a market that will buy our surplus commodities. If at present world conditions are such that only low prices are obtainable, we can look forward to the day when better conditions will prevail. There is just the slightest indication of such a change.

Meantime as manufacturers these dull times have some advantages. We are stimulated to improve our methods, having more time to study and explore new suggestions and ideas.

The king of Pure Butter Ghee at this stage has had more attention therefore, than probably it would have had in better times. Made from Pure Butter, subject to the severe test of expert control, Pure Butter Ghee is being manufactured which must in the future meet with the success it deserves. It is remarkable that Europeans when they learn that Ghee is simply the pure fat of butter from which all moisture has been expelled soon appreciate its value in cooking and realise that it is more economical than butter and superior to all other fats.

This is our story of the making of Pure Butter Ghee in Natal. In telling it we make no comparison with the Porebunder Ghee of India, a white Ghee because of the exceptional white colour of Buffalo Milk from which the Ghee of India is made. Indian

Ghee is comparatively very expensive being handicapped by the conditions under which it is made, a long sea journey and heavy duties. There must be some patriotic Indians who having the means will continue to buy Porebunder, but on the other hand there are a bigger number who only know this country and desire to see Natal industries prosper.

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