

# Indian Opinion

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## NOTES AND NEWS

**T**HE Hon. E. Baring, Acting Agent of the Government of India, sailed for India last Monday morning by *s.s. Kenya*. The officials of the South African Indian Congress, we understand, had made urgent requests to the Government of India to get Mr. Baring's departure postponed owing to the urgency of the question in the Transvaal. Their representations have, however, failed. An eleventh hour cable, we understand, was sent to His Excellency the Viceroy but no reply was received up to the time Mr. Baring got on board on Sunday night. Some of the officials of the Congress were present at the wharf to say goodbye to Mr. Baring who was garlanded and presented with a bouquet of roses by Mr. S. Rustomjee, the president.

The Orient Club at Isipingo entertained the members of Science Congress to lunch last Sunday. The Hon. E. Baring was also among the honoured guests. The members of the Club in wishing him farewell presented him with a bouquet.

Mr. Ismail Goolam Rasool, acting for the Indian community of Pietersburg, brought a test case against the Minister of Posts and Telegraphs and the Postmaster-General in the Supreme Court, Pretoria, last week before Mr. Justice Barry. He asked that the Court should order the Postmaster-General to rescind certain instructions given by him, with the Minister's approval, debarring Indians from using the same counter as Europeans at the Pietersburg post office. The case was postponed until Thursday.

In the absence of the Postmaster-General, his deputy, Mr. J. N. Redelinghuys, is reported to have said that the Pietersburg changes had been carried out after due consideration by his department and with the full concurrence of the Minister. These arrangements promoted harmony and facilitated the carrying out of postal work and were essential to proper conduct of post office affairs. In requiring Indians to attend at the space set aside for non-Europeans the right of access was not denied them, nor was their treatment in any way inferior to that of Europeans.

Mr. Joseph Edelman, an attorney, chairman of the Pietersburg Chamber of Commerce and editor of the *Zoutpansberg Review* filed an affidavit to the effect that as far as he knew there had never been any complaint from the public against the system as previously existing, whereby Europeans and Indians were served at the same counter. That system had never disturbed the harmony existing between the races at Pietersburg. From a public point of view the work had always been carried out satisfactorily under that system. The present system had not tended to promote harmony or to facilitate the carrying out of postal activities.

With the death of Mr. Hoosen Cassim which took place last Wednesday there passed away from the life of Durban one of the pioneer Indian merchants. The late Mr. Hoosen Cassim was 82 years of age and came from Mauritius in 1879. He was highly respected among the Indian merchants in particular and the community in general. He leaves behind a widow, a son and five daughters. We extend to them our heartfelt sympathy.

### SHOW YOUR MANHOOD!

**A** D.I. 29 Form is the outcome of the recently passed Asiatic Land Tenure Act in the Transvaal. It is a notification form regarding residence upon or occupation of proclaimed land by coloured persons in the Province of the Transvaal to be completed and forwarded to the Commissioner for Immigration and Asiatic Affairs, Pretoria. The text of the form appears elsewhere in this issue. One thing we cannot understand about this form is what the Commissioner for Immigration and Asiatic Affairs has got to do with it. What has this matter to do with the Immigration Department? The correct person to deal with it, we should imagine, would be the Mining Commissioner. But this is by the way. It is a mystery which requires to be solved.

The next question is whether Indians in the Transvaal are to be advised to submit to this? If they have accepted the Land Tenure Act then they will certainly have to submit to it. The South African Indian Congress whose president waxed eloquent at the last emergency conference against the Bill has shirked his responsibility of guiding the Transvaal Indians. While the authorities have commenced operating the law the Congress is still awaiting the arrival of the new Agent before it can give its final verdict. If the Transvaal Indians are to be left to stew in their own juice then it were better that the South African Indian Congress ceased to be unless it is meant only for holding high positions. This criminal negli-

gence on the part of the parent body towards one of the Provinces marks the first nail in the coffin of the Indian community of South Africa.

Then the question is what have the Transvaal Indians themselves done in the matter? Are they united or divided? Are they going to view this question as affecting the whole community or are they going to look to their own individual interests? If it is the former there is some hope for them in South Africa. But if it is the latter we assure them that notwithstanding whatever immediate material gain they may seem to derive they will have invited upon themselves a living death. Their lot in this country will be worse than the aborigines. They will be looked down upon by the rulers and the people of this country as being the worst type of human beings not worthy of being treated any better than animals for they do not possess the good qualities that one finds even in some animals. They will realise that they lack the qualities that make a nation; that they are by no means the representatives of the India with its great and ancient civilisation Mr. Sastri and Mrs. Naidu so often spoke of; that they are therefore in no way a good example to the people of this country but that they are a burden to this country and therefore they must either be extinct or if they choose to remain they must be given a status to suit their merits. Nor will our brethren have room to live with their heads raised in their Motherland. India will be ashamed of them and will very deservingly disown them. She will justifiably declare that they were not her real representatives but the scum of India and they have met with a deserving fate.

We have reached a stage in this country when we must think in this strain and realise our duty. We may have erred in the past, we may have done dishonourable things in the past. Let us not continue them any longer. Let us bury the past and resolve now to sink or swim together and with one voice actively protest against the humiliations the authorities propose to impose upon us. We will not be mocked for putting up a manly fight for our legitimate rights in this country but if we cowardly submit to all the humiliations we will truly be mocked by all the civilized world. Let it not be forgotten that this is the hour of our supreme test. Not only is the whole of India

watching our actions but many Europeans in this country who are in sympathy with the cause of the voiceless people are also watching our actions, and if we are found wanting at this hour of our trial we will for ever lose their sympathy. Let us be true to ourselves and to our God and show our manhood and we will see the light shining over us from the dark clouds that at present seem to frighten us so much.

We do not know what the Transvaal Indians have decided to do. We will certainly not advise them to submit to the Asiatic Land Tenure Act and their acceptance of the above mentioned form will amount to their having accepted the Act.

### WHAT THE TRANSVAAL INDIANS SHOULD DO

(By L. W. RITCH)

"Make thine acts thy piety—putting all self aside."

(B. Gita)

The writer is frequently asked by one or other member of the community what, in the writer's opinion, the consultant ought to do about the Transvaal Asiatic Land Tenure Act. The question is an embarrassing one, because it involves moral and ethical consideration; because it brings once more into play the old-time conflict between Principle and Expediency.

That the Act constitutes a statutory reassertion of "undesirability," of racial inferiority, is unquestionable, being for all practical purposes the coping-stone of a long catalogue of anti-Asiatic legislation dating back to 1885.

Yet after all, it is but of a piece with the avowed policy of the Transvaal, if not of the Union, that there shall be no equality in Church or State between white and non-white; that the former shall have preserved to it the privileges of a privileged order; that the latter shall be disabled and rendered impotent to poach upon the preserves of the former. The spoils to the victors! Dominion to the strong! A re-affirmation of the same old jungle ethics that have landed mankind in the bog where it finds itself to-day! The anti-social policy in terms of race and colour!

"What should be done about it?" necessarily depends upon the view-point of the enquirer. As is but natural the loaves-and-fishes aspect of the question is what appeals to the majority. The property-owner, the trader, big or small, each is anxious to preserve his belongings; to escape from ruin and beggary.

The new Act has not entirely been made confis-catory. Certain vested rights in regard both to property interests and trading licences have been treated with forbearance. It would not have done to have had it said that a civilised government was wholly blind to every consideration of equality.

To those then, whose worldly possessions are not imperilled, the problem of how to avoid

pecuniary loss does not occur. To the much larger section whose property interests or whose licences are in jeopardy unless they conform to the requirements of the Act, the problem is grave.

Both sections are, however, confronted with an aspect of the problem common to them both. The former whether their own safety shall leave them indifferent to the racial stigma that still remains and to the material losses of their less fortunate brothers; the latter whether honour or material possessions are the more precious.

And, these being matters of conscience are questions that no one person can answer for another.

He who prizes liberty finds slavery, even wealthy slavery, intolerable. The flunkey to whom tips are adequate compensation for every and any humiliation has small regard for the self-respect others prize.

In the final result it comes down to just this: Where do you look for your gains? How big or how narrow is the Self of you? Is your soul of the earth earthy, or are you able to reject the mess of pottage rather than barter away your birthright?

One hears it suggested, again and again, that the individual should be guided by the decision of the majority. Such attitude is characteristic of the slave-mentality that is the bane of our civilisation. True individuality is impossible without initiative. Liberty is inconsistent with indifference, or lazy acquiescence in the conventional. He alone is free who thinks and acts for himself, honestly and fearlessly; heedless of consequences because to him the full reward of Right consists in doing right.

## Parliamentary Debate On Asiatic Land Tenure Bill

(Continued from last week)

The MINISTER OF THE INTERIOR: I think that I have every reason to be pleased with the way in which the Bill has been received by the House. I know that the hon. member for Ermelo (Col.-Cdt. Collins) and other hon. members feel very strongly in connection with the Asiatic question in general. I feel that the hon. member for Ermelo in several respects is labouring under a misapprehension. I know he feels strongly against certain parts of the Bill, but on the whole I think that he and other hon. members have debated the Bill in a good spirit. I listened to the hon. member for Woodstock (Mr. Alexander) and I agree with him that hon. member for Ermelo could not resist the temptation of thinking too much during his speech of the effect it would have on the electors in his division and on the electors in the Transvaal in general. The hon. member commenced by saying, "that the party to which I belonged in former years made great promises in connection with what would happen if we got into power." Well, this party is no exception in regard to the making of promises in connection with the matter. On the contrary, I hear that in certain parts of the Transvaal and especially in Ermelo, there was very great rivalry as to who could make the most promises.

Col.-Cdt. COLLINS: You always won.

The MINISTER OF THE INTERIOR: That may be so, and the making of big promises was certainly due to the

fact that the hon. member for Ermelo and his side had made such tremendously big promises. But it shows us precisely how necessary it is to remove a matter of this kind from the arena of party politics, and to consider it outside of that arena. I am glad to say that hon. members opposite have met us on this side of the question, and that of late years we have managed to keep the question out of party politics; I want to go further and say that I am certain that the hon. member for Ermelo can help us in the future in that matter also; but while I am on this point I want to call the attention of the House to the fact that it cannot be said that the present Government has done nothing to solve the question. Even the Capetown agreement which the hon. member for Ermelo so strongly condemned, and which he condemns again now, was surely the cause of 10,000 Indians having left the country in four-and-a-half years.

Col.-Cdt. COLLINS: And double as many came into the Transvaal.

The MINISTER OF THE INTERIOR: I will come to that. Under the Capetown Agreement during that period more Indians left this country for good than in any other similar period in the whole history of the Asiatic question. From the point of view that we must as much as possible keep the number of Asiatics stable or reduce them, the contribution to the solution of the general question made by the Capetown Agreement was undoubtedly of great value. As I have said in the House before, we see that the possibilities of the emigration scheme are becoming exhausted, but this does not detract from the fact that during the past four-and-a-half or five years we have sent more Asiatics out of this country than in any equal period in the past. The hon. member for Dundee (Mr. Friend) said that in respect of Natal the Government had as yet done nothing to solve the question. I want to remind him of a certain ordinance which time and again was passed by the Natal provincial council; I think it was unanimously passed twice or three times, and time after time it was vetoed by the previous Government. It was an ordinance in connection with the municipal franchise. This Government, however, had the courage to pass the ordinance, and from the standpoint of the Natal members it is a tremendous step in advance, and I think that Natal has the least cause for complaining that the present Government has done nothing to solve the question. The hon. member for Ermelo complains about the increase of licences in the Transvaal. Directly or indirectly, he thinks we are responsible for there being no change in the position. I interrupted the hon. member when he said that, and reminded him that it was a provincial question. The passing of legislation in connection with the issue of licences was delegated by the constitution of the Union to the provinces. When we came into office in 1924 I gave more and more attention to this matter and to the Asiatic question, because it came under my department. I made enquiries and found that while in the three other provinces control was exercised over the issue of licences, there was the greatest confusion in the Transvaal. There was no ordinance in connection with the matter that was worthy of the name. Anybody, an Asiatic or a European, anyone could go to the post office and take out a licence for a pound, and no one could make any enquiries about it. Can we then be surprised that the Asiatics made use of that opportunity, and that they obtained a large number of trading licences in the Transvaal? The hon. member for Ermelo (Col.-Cdt. Collins) must not, therefore, come and put the blame for those licences on the present Government. It was I who urged the Transvaal provincial administration to exercise control over the position. Now he comes here and talks of our being the cause of so many licences being issued to Asiatics, although in the Transvaal there was no control over the matter, and although it was the present Government which brought the matter to their notice.

**Col.-Cdt. COLLINS:** The Minister of Justice undertook to apply the Natal ordinance throughout the Union.

**The MINISTER OF THE INTERIOR:** I know nothing about that. In any case the matter was tackled, and considerable order was established, and I do not doubt that in future the same control will be exercised in the Transvaal as in the other provinces. It is, however, there where the fault lay, and not with the present Government. A great deal of the criticism of the hon. member for Ermelo and the hon. member for Dundee has actually nothing to do with this Bill. It seems they are under the misapprehension that this Bill has been introduced as a contribution to solve the Asiatic question in the Union as a whole. It is nothing of the kind. We are, in the first place, concerned here with a specific position which arose in the Transvaal in consequence of the contravention of the existing Act on a large scale. That is one matter. The other is that we discovered that the existing Act in connection with the ownership of land by Asiatics in the Transvaal left openings which resulted in the Asiatics using them in such a way that the whole object of the Act was rendered futile. The Act was evaded. True, it was legally evaded, but that does not detract from the fact that the whole object of the Act was rendered futile. For that reason the Act of 1919 was passed to rectify those clauses, and what we are now proposing here is to rectify the other clause that remained as well. The hon. member for Ermelo and the hon. member for Springs (Sir Robert Kotze) made a few objections—the one only a few, and the other in  *toto* —to Clause 8 of the Bill. It is possibly necessary to make Clause 8 clearer than what it is at the moment. At first it was the idea of the select committee that a period of five years should be allowed within which all the illegal businesses on the Witwatersrand should be closed down, and provision was then to be made for those people who were so thrown out on the Witwatersrand itself if they wanted to stop there.

**Col.-Cdt. COLLINS:** To carry on business or to reside?

**The MINISTER OF THE INTERIOR:** To reside, but also to carry on business to a certain extent. The select committee wanted to do that in the first instance because they felt that if we by a lax application of the Act allowed people to act as dealers or to do something else, then it is very hard to throw them out again, and this is all the more so when we have to do with a large number. It is calculated that there are between 500 and 700 Asiatics who would be affected in this way. That was the first reason. We wanted, as much as possible, to mitigate the hardship in these cases. There is also another reason, and it is the most important one. Members of the select committee, such as the hon. member for Bethal (Mr. Jooste), the hon. member for Heidelberg (Mr. S. D. de Wep), and the hon. member for Verpenning (Mr. K. Rood) strongly urged that the Witwatersrand itself should provide for these people, because they felt that if we were now to throw out all the Asiatics who had been trading illegally it could not be otherwise but that they would go to the Transvaal countryside villages, and then we would possibly be rendering a service to the Witwatersrand, but none to the rest of the Transvaal, because every Asiatic has, according to the Transvaal law, the fullest right to establish himself in any of those villages wherever he wishes.

**Col.-Cdt. COLLINS:** And to trade?

**The MINISTER OF THE INTERIOR:** Yes, and to trade. Accordingly, we want to make provision ourselves as far as possible on the Witwatersrand for the people that are thrown out. The first scheme was to reserve certain areas, and if the town councils would not do so, then the Minister had to go over their heads and do it. We could then allow the people to live in those areas, and they could then trade there. We went into the matter a little, and it appeared that that proposal would not be practicable. You cannot, if the town councils cannot

find room for the people, just give the Minister the power to proclaim an Asiatic area within the town area. That would cause the greatest friction, and we therefore thought that it was better to follow a different scheme. Let the Asiatics who live in a street which is chiefly occupied by Asiatics, coloured people and natives, remain there. You have in any case to provide for them, and why then not leave them there. Ferreira Town is a place where almost exclusively coloured people and natives live. Why not then leave them there? We, therefore, only eject them when they live amongst Europeans, and when they know that they have no right to remain there, and where their presence gives offence. But we allow them to remain where their presence gives no offence. In order to be able to do this, the legal advisers said that we required this amendment in the clause. If we do not have it, it cannot be done, hence it has been included here. Ministers are given greater powers under different Acts.

**Col.-Cdt. COLLINS:** You are taking away all the force of the gold law.

**The MINISTER OF THE INTERIOR:** No. Under many Acts Ministers get very large powers of granting exemptions, etc., but we are doing this simply because the Minister cannot act arbitrarily. The Minister is responsible for all his acts to Parliament, and as everybody knows the feeling in the Transvaal on the Asiatic question I can assure the hon. member that neither I nor any Minister who may succeed me can exercise this power. He dare not do so. No, I do not think that there is the least danger in giving this power to the Minister. Such power is, moreover, to a great extent already given to the mining commissioner under the Gold Law and the mining commissioner has not abused it. Now, if the mining commissioner, who is not directly responsible to this House, can have such power, how much more then should the Minister have it, who is directly responsible to Parliament. The hon. member for Woodstock (Mr. Alexander) referred to the position of the coloured people on the Witwatersrand. Well, there has been a great deal of suspicion on the part of the coloured people, not only in the Transvaal, but also here in the Cape, that this Bill injuriously affects them, but is actually to their advantage, and I think that they understand this to day. The Act of 1919 protected the illegal trade on the part of Asiatics on proclaimed ground, i.e., not the Asiatics in general, but only the British Indians. The Chinese did not come under the protection, and there are Chinese businesses which have already existed for 40 years on the Witwatersrand. No one has made any objection to it; but although no one has noticed it, the Chinese could have been thrown out in 1919, although the British Indians were protected. The coloured people of the Cape who had established themselves in large numbers on the Witwatersrand were in the same position; they also were unprotected. The coloured people did actually have freedom of owning land outside the proclaimed areas in the Transvaal, but on proclaimed ground they stood on exactly the same footing as the Asiatics and the Chinese; but they had no protection. What this proposal aims at is only to put the coloured people, so far as protection is concerned, on the same footing on proclaimed ground as Asiatics. The coloured people have, therefore, nothing to lose by this, but can only gain. There are places such as Ferreira Town and others, like Sophia Town, I think, which are inhabited exclusively by non-Europeans, and to a great extent also by coloured people, and if there is such an area where coloured people have long been established and give offence to no one, and where the Witwatersrand in general thinks that it is a good thing for the coloured people to live there, no one can object to the Minister under the powers given him in Clause 2 allowing the people to go and live there. That is all I wanted to say on the matter, and I hope that the second reading will

now be passed. I may just add this: that it is absolutely necessary for the Bill to be passed, otherwise in consequence of a recent judgment of the Transvaal supreme court in a Boodepoort case, great confusion will arise, and the municipalities throughout the whole of the Witwatersrand will be able to take active steps and to put all the people—Asiatics, coloured people, and natives—on the streets, they get the right of ejecting them; and then we shall have precisely what the representatives of the Transvaal countryside on the select committee wanted to prevent, viz., that those thrown out on the Witwatersrand would go into the Transvaal countryside.

Motion put and agreed to.

Bill read a second time.

(To be continued)

## Transvaal Land Tenure Act

### A Special Form

The following is a copy of a form to be filled in by coloured persons residing on or occupying proclaimed land in the Transvaal referred to in our leading article:—

D.I. 29.

#### NOTIFICATION REGARDING RESIDENCE UPON OR OCCUPATION OF PROCLAIMED LAND BY COLOURED PERSONS IN THE PROVINCE OF THE TRANSVAAL

(To be forwarded to the Commissioner for Immigration and Asiatic Affairs, P.O. Box 244, Pretoria.)

NOTE.—The completion of this form does not necessarily imply that the occupant is in unlawful occupation.

1. Full name of occupant.....
2. Race.....  
(State whether South African Coloured, Indian or Chinese)
3. If Asiatic, state number of Transvaal Registration Certificate.....
4. Township.....
5. Name of Street.....
6. Municipal number of building.....
7. Stand or erf number.....  
(If sub-divided also state number of sub-division)
8. Extent.....
9. State name of owner of property.....
10. State whether rented or leased, and for what period.....
11. State whether used for residential, trade, or other purposes.....
12. If used for trade purposes, state nature of trade carried on.....
13. (a) State date from which occupant has resided upon or occupied land mentioned in reply to question 7 above.....  
(b) If after 1st May, 1919, state whether occupant is proprietor in title, and, if so, to whom.....
14. (a) State whether occupant resided upon or occupied any other stand or erf in the same township on 1st May, 1919.....  
(b) If so, state number and Street.....

Signature of Occupant.

Place.....  
Date.....

N.B.—A separate form should be submitted in respect of each stand or erf occupied, whether in the same township or not.

## Licences (Control) Ordinance 1931

### Regulations

The Administrator in Executive Committee is pleased, under the provisions of section eighteen of the Licences (Control) Ordinance, 1931 (No. 3 of 1932), to make the regulations set forth in the Schedule hereto.

#### SCHEDULE

#### REGULATIONS FRAMED UNDER THE PROVISIONS OF THE LICENCES (CONTROL) ORDINANCE, 1931 (No. 2 OF 1932.)

##### Notice of Intention to apply for a Certificate to be Exhibited.

1. Before an application is made for a certificate for a licence in terms of section five of the Licences (Control) Ordinance, 1931 (No. 3 of 1932), the applicant shall exhibit in a prominent place on the premises in which the proposed business is to be carried on a notice in the form prescribed in Schedule I to these regulations every day for fourteen days before he makes such an application to the local authority or rural licensing board concerned.

##### Form of Application for a Certificate Prescribed.

2. The applicant in making any such application shall complete the form of application prescribed in Schedule II to these regulations and shall forward it, together with remittance of the fee prescribed by by-law if the proposed trade or business is situated or to be carried on within a municipality or by Section four of these regulations if the proposed trade or business is situated or to be carried on within a rural area to the local authority or to the rural licensing board, as the case may be.

##### Payment of Prescribed Fee

3. The fee prescribed for a certificate by by-law in the case of a municipality or by section four of these regulations shall be paid either in cash or by means of a postal order. Postal orders which should be crossed and money orders should be made out in favour of the local authority or rural licensing board concerned. Payment by means of cheques other than bank initialled cheques, postage or revenue stamps is not allowed.

Fees for Certificates Issued by Rural Licensing Board Prescribed

4. The following fees are hereby prescribed for certificates issued by a rural licensing board:—

|                                           | s. | d. |
|-------------------------------------------|----|----|
| Aerated or mineral water manufacturer     | 5  | 0  |
| Aerated or mineral water dealer           | 5  | 0  |
| Apothecary                                | 5  | 0  |
| Baker                                     | 5  | 0  |
| Butcher                                   | 5  | 0  |
| Eating-house keeper                       | 5  | 0  |
| Fresh produce dealer                      | 5  | 0  |
| General dealer                            | 5  | 0  |
| Hawker                                    | 2  | 0  |
| Laundry                                   | 5  | 0  |
| Miller                                    | 5  | 0  |
| Motor garage                              | 5  | 0  |
| Pawnbroker                                | 5  | 0  |
| Pedlar                                    | 2  | 0  |
| Restaurant, refreshment or tearoom keeper | 5  | 0  |

##### Fees received by Rural Licensing Board to be paid into Provincial Revenue Fund

5. All fees received by a rural licensing board for certificates shall be paid into the Provincial Revenue Fund.

##### Form of Certificate Prescribed.

6. The certificate authorizing the issue of a licence in respect of any of the trades or businesses specified in the Second Schedule to the Licences (Control) Ordinance, 1931, shall be made out in triplicate. The original shall be handed to the applicant, who, when applying for the licence, shall produce such original certificate to the Receiver of Revenue, by whom it shall be returned to the applicant with the relative licence. The duplicate copy shall be forwarded to and be retained by the Receiver of Revenue of the district in which the applicant's business is to be carried on and the triplicate copy shall be retained for record by the local authority or rural licensing board, as the case may be. The original, duplicate and triplicate copies of the certificate shall be in the forms prescribed by Schedule III to these regulations.

##### Rural Licensing Boards: Provisions Governing Period of Office, etc.

7. (1) Members of the Board, as defined in the Ordinance, shall hold office for a period of two years from date of notice of appointment in the Provincial Gazette, provided that the Administrator may, at his discretion, cancel the appointment of any member, and further provided that any member who absents himself from three consecutive meetings of the Board shall, ipso facto, cease to be a member unless such member has been granted leave of absence by the Board.

(2) Meetings of the Board shall be held on such dates and at such hours as may be decided by the Board, provided that the chairman may on his own initiative summon a special meeting of the Board at any time; provided further that if there are applications to be considered, a meeting shall be held once in each calendar month, and further provided that if an applicant so desires, the chairman may call a special meeting of the Board, in which case all expenses incurred in holding such special meeting shall be borne by the applicant.

At least twenty-four hours' notice shall be given of all meetings called by the chairman.

(3) Two members of the Board, including the chairman, shall form a quorum, and no business shall be transacted unless a quorum is present.

(4) Vacancies on the Board shall be filled by the Administrator, and any person appointed to fill a vacancy shall hold office for the remainder of the period for which the member who vacated office would have continued in office.

(5) The chairman shall have a deliberative vote as well as a casting vote.

(6) Minutes of the proceedings of every meeting of a Board shall be regularly kept in a book set apart for the purpose, and such minutes shall be submitted for confirmation at the first subsequent meeting and, if confirmed, signed by the chairman.

(7) Members of the Board, other than the chairman, shall be entitled to the following allowances, subject to the following conditions:—

(i) *Subsistence Allowance.*—A subsistence allowance of 15s. per day is payable, subject to the following conditions:—

(a) For each completed day of twenty-four hours (reckoned from the time the member leaves his residence) the full daily rates shall be payable.

(b) For each completed hour in excess of twenty-four hours, one-twenty-fourth of the daily rate shall be payable.

(c) For a period of less than twenty-four hours, but not less than twelve hours, provided the member is required to hire sleeping accommodation, a full day's allowance shall be payable; if the member is not required to hire such accommodation, half day's allowance shall be payable.

(d) For a period of less than twelve hours, but not less than six hours, half a day's allowance shall be payable.

(e) For a period of less than six hours, only reasonable out-of-pocket expenses actually incurred shall be payable.

(ii) *Transport Allowance.*—A member travelling from his permanent residence to attend a meeting of the Rural Licensing Board, or to carry out the business of the Board shall be entitled to—

(a) a first-class return ticket between the station nearest to his residence and the station to the place where his duties require him, if he travels by rail;

(b) a transport allowance at the rate of 10s. a day, if he travels by road;

(c) a ticket as provided in sub-section (a) hereof and an allowance as provided in sub-section (b) hereof, if he travels both by rail and road; provided that he travels outside a boundary determined by a radius of four miles from such residence;

(d) members using their own motor-cars will be paid a mileage allowance at the rate applicable from time to time to officers of the Public Service, together with an allowance of 2d. per mile for official passengers, i.e. other members of the Board up to but not exceeding three; payment of this allowance will not be made in those cases where it is possible for the member to travel by train, but in the event of the member using his car in preference to travelling by train, a sum equal to the rail fare at Government rates will be paid; provided that, in special cases, on the recommendation of the chairman of the Rural Licensing Board, the Administrator may authorize the hire of such transport and at such rates as he may decide.

(iii) In the case of members travelling by road and using their own animal transport, for the purposes of calculating the allowances payable under sections (i) and (ii) (b), the distance from the member's residence to the place where the meeting is to be held will be reckoned as follows:—

(a) For distances up to thirty miles inclusive in the case of the Waterberg District and up to thirty-five miles inclusive in the case of all other districts, only one day's subsistence and transport allowance will be paid, irrespective of the time occupied on the journey. In the case of the journey from the member's residence to the place where the meeting is held and return not exceeding thirty miles, allowance will be paid for the actual period the member was absent from his residence, including time detained at the meeting, but not exceeding one day's allowance.

(b) For distances exceeding thirty or thirty-five miles, as the case may be, one-eighth of the daily rate for transport and subsistence will be paid in respect of each additional five miles or portion thereof, provided that not more than four days' subsistence and transport allowance will be paid for the single journey and time occupied at the meeting, irrespective of the distance travelled or the time occupied on the journey. In the event of a meeting lasting more

than one day, a further day's subsistence allowance will be paid, but in no case will more than nine days' subsistence be paid in respect of the double journey and the time occupied at the meeting.

(iv) In the case of members using their own motor-cars, the subsistence allowance payable under section (i) will be calculated as follows:—

(a) In the case of the journey from the member's residence to the place where the meeting is held and return not exceeding thirty miles, the allowance will be paid for the actual period the member was absent from his residence, including time detained at the meeting, but not exceeding one day's allowance.

(b) For distances exceeding thirty miles, for the actual period the member was absent from his residence, but not exceeding two days' allowance.

In the event of a meeting lasting more than one day, the allowance will be paid for the actual period during which the member was absent, but not exceeding two or three days' allowance, according to (a) or (b), as the case may be.

#### SCHEDULE I

##### PROVINCE OF TRANSVAAL

#### LICENCES (CONTROL) ORDINANCE, 1931

*In accordance with the provisions of section five (2) of the Licences (Control) Ordinance, 1931, this form must be exhibited in a prominent place every day for fourteen days before application is made for a certificate for a licence,*

#### NOTICE

Notice is hereby given that it is the intention of the undersigned, in terms of section five of the Licences (Control) Ordinance, 1931, to apply to the (1).....at.....for the grant of a certificate for a licence to carry on the business or trade of a (2).....in these premises.

The trade name, designation or style under which the business or trade will be carried on is.....

The full name of the person who will be in actual control of the business or trade is.....

Signature of Applicant.

Postal address.....  
Date.....

#### NOTES.

(1) Here state the name of the local authority or rural licensing board concerned.

(2) Here state whether the trade or business is that of an aerated or mineral water manufacturer, aerated or mineral water dealer, apothecary, baker, butcher, eating-house keeper, fresh produce dealer, general dealer, laundry, miller, motor garage, pawnbroker, restaurant, refreshment or tearoom keeper.

#### SCHEDULE II

##### PROVINCE OF TRANSVAAL

#### LICENCES (CONTROL) ORDINANCE, 1931 FORM OF APPLICATION FOR A CERTIFICATE FOR A LICENCE

*To be completed by applicant for the issue of a certificate in terms of section five (3) of the Licences (Control) Ordinance, 1931, and forwarded to the local authority or rural licensing board concerned, together with the prescribed fee.*

Full name of applicant.....  
(State whether Mr., Mrs. or Miss.)

Postal address of applicant.....

Residential address of applicant.....

Trade name, designation or style under which applicant proposes to carry on the business.....

Full names of all the members of the firm or partnership.....

.....

Full name and address of person who will be in actual control of the business;

Name.....  
Address.....

The nature or class of business [see Note (5)].....

The following questions must be answered by applicant:—

(1) Have you ever traded under any other name and where?.....  
(2) Have you ever been known by any other name?.....

(3) What is your registered name?.....

(4) Has your estate ever been insolvent or assigned?.....

(5) If so, have you been rehabilitated?.....

(6) If so, please furnish Trustee's name and address.....

The following questions must be answered by the applicant if she is a female;

(1) Are you married or single?

(2) If married, please state your husband's full name.....



- (3) Are you married in or out of community?.....  
 (4) Has your husband ever held a licence to trade and does he hold one now?.....  
 (5) Has your husband ever been insolvent or has his estate ever been assigned?.....  
 (6) Has he been rehabilitated?.....  
 (7) Who was his trustee?.....  
 (8) What is your husband's registered name?.....

If the applicant is a native, are the premises hired from a person other than a native? Yes or no.....

If the applicant is *not* a native, are the premises hired from a native?.....

Should the answer to the two preceding questions above be in the affirmative, has the approval of the Governor-General been obtained in terms of Section 1 of Act No. 27 of 1913 (Native Land Act)?.....

Have you exhibited in a prominent place on the premises in which the business is proposed to be carried on a notice in the prescribed form and during the prescribed period of your intention to apply for a certificate? [See Section 5 (2) of the Licences (Control) Ordinance, 1931.] [See Note (6)]

Situation of premises:

If within a municipality, state—

- (a) Number of stand or erf.....  
 (b) Name of street and street number.....  
 (c) Name of township.....  
 (d) Name of town, mine or farm.....

If outside a municipality, state—

- (a) Name and number of farm and magisterial district.....  
 (b) Or if in a township give information as in (a), (b) and (c) in the case of a municipality.....

State material used in construction of premises.....

Material of which floor is constructed—whether wood, brick, stone, cement, earth or other material.....

Height of building from floor to ceiling.....

Are separate quarters used for salesmen, clerks or servants and distance from store?.....

Distance from store of sanitary premises and of what material they are constructed.....

Sanitary system employed:

Open pit, bucket or water-borne sewerage.....

Signature of Applicant.

Place.....

Date.....

#### NOTES

(1) In the case of premises within a municipality this form must be sent to the town clerk with the prescribed fee.

(2) In the case of premises outside a municipality, this form must be sent to the Rural Licensing Board for the area in which the premises are situate and must be accompanied by a plan of the buildings drawn to scale and the prescribed fee.

(3) The fee for a certificate in the case of premises within a municipality is the amount prescribed by by-law. The applicant should ascertain the amount from the town clerk.

(4) The fee for a certificate in the case of premises outside a municipality is 5s., except in the case of hawkers or pedlars. The fee for a certificate to be paid by a hawker or pedlar is 2s.

(5) State whether business is that of an aerated or mineral water manufacturer, aerated or mineral water dealer, apothecary, baker, butcher, eating-house keeper, fresh produce dealer, general dealer, hawker, laundry, miller, motor garage, pawnbroker, pedlar, restaurant, refreshment or tearoom keeper.

(6) Section five (2) of the Licences (Control) Ordinance, 1931 reads—

"Before an application is made, such person shall exhibit in a prominent place on the premises in which the business is proposed to be carried on a notice in the prescribed form and during the prescribed period of his intention to apply for such a certificate. The provisions of this sub-section shall not apply to any person desirous of obtaining a licence to trade as a hawker or as a pedlar."

FOR USE BY LOCAL AUTHORITY OR RURAL LICENSING BOARD ONLY

Was notice posted at time of inspection?.....

Remarks.....

Recommendation.....

Signature of Inspector.

Date.....

#### SCHEDULE III.

PROVINCE OF TRANSVAAL.

LICENCES (CONTROL) ORDINANCE, 1931

ORIGINAL CERTIFICATE OF AUTHORITY FOR THE ISSUE

OF A (1)..... LICENCE

TO BE HANDED TO APPLICANT

N.B.—This certificate is not a licence to carry on the above Trade or Business. (See the conditions and notes on the reverse hereof.)

To the Receiver of Revenue at.....  
 You are hereby authorised to issue a renewal/new (2) licence as described above to (3).....

of (4).....  
 to carry on the said trade or business at or within (5).....

for the year ending 31st December, 19.....

The trade name, designation or style under which the said trade or business will be carried on is.....

The name and postal address of the person who will be in actual control of the trade or business are:—

Name.....

Address.....

This certificate is issued subject to compliance by the applicant with the conditions set forth herein made in terms of Section 14 of the Licences Control Ordinance, 1931.

Authorised Officer.

City or Town or Village Council.

Rural Licensing Board.

Date Stamp of Officer issuing this Certificate.

#### NOTES.

(1) Here insert description of licence, using only the actual description employed in the relative Licence Act.

(2) Delete whichever is inapplicable. Hawkers and pedlars are required to take out a certificate annually.

(3) Insert full name or names, not initials.

(4) Insert full postal address.

(5) Insert the address, place or area to which the licence is to apply, e.g., for a general dealer "198 Church Street, Pretoria"; for a pedlar (urban) "the Municipality of Pretoria"; for a hawker (rural) "the rural area of Rustenburg only", and so on.

Conditions endorsed in terms of Section 14 of the Licences (Control) Ordinance, 1931.

Signature of Authorised Officer.

City or Town or Village Council.

Rural Licensing Board.

Date Stamp.

(To be printed on the back of the form.)

The licence will upon application be issued by the Receiver of Revenue. In order to obtain the licence you must produce this certificate to the Receiver of Revenue, complete the form of application which he will give you and pay the licence duty to him. This certificate will be handed back to you with the licence and you should carefully preserve it for future reference. The licence duty must be paid within one month of the commencement of business, or, in the case of the renewal of a licence, on or before 31st January, annually; failing which you will be liable to (a) a penalty of 10 per cent. of the licence duty for each month or part of a month of default and (b) prosecution for trading without a licence.

The Local Authority or Rural Licensing Board, as the case may be, is empowered by Section 14 of the Ordinance to endorse on this certificate "conditions defining and limiting the class of business to be carried on in the premises or conditions in respect of the premises or such other conditions as may be prescribed by by-law or regulation in respect of the trade or business to be carried on."

In terms of Section 14 you are required to obtain the approval in writing of the local authority or rural licensing board, as the case may be, before making any alterations to your premises.

In terms of Section 11 you must notify the local authority or board immediately you commence to carry on the trade or business in respect of which a licence has been granted under this certificate.

Under Section 17 any contraventions of Sections 11 and 14 or of the conditions endorsed on this licence is an offence punishable by a fine not exceeding £50, or imprisonment not exceeding six months or both such fine and imprisonment.

In terms of Section 8 the licence for which this certificate is granted must be taken out within three months. If not, this certificate lapses but may be renewed for a further three months on payment of a fee of 5s.

[Then there is the "advice copy" and the "counterfoil" of the above certificate, the former to be forwarded to the Receiver of Revenue and the latter to be retained by the issuing authority given in the *Gazette* which we do not reproduce here as the wording contained in them is precisely the same as in the original with the exception of the sections of the Ordinance given at the back of the original copy.—Ed. I.O.]

## Statement Submitted By S.A.I.C.

### To Government Of India Delegation

(Continued from last week)

In the South African Railways the elimination of the Indian has been going on consistently. In June 1927 Natal had 1,338 Indian Railway Employees, and in June 1931 there were only 804 Indians. The Heads of Department have received instructions that if an Indian leaves or dies in the service his place should be filled, not by an Indian but by an European. If these instructions are strictly carried out, as no doubt they are, in a few years' time there would be no Indian employees on the Railways. It would, therefore, seem that the Authorities are working in a spirit which is contrary to that intended in the Clause.

As one of the results of unequal opportunities that our people suffer from, and owing to the prevailing depression, thousands of our countrymen are out of work in Natal. With the invaluable help of the present Agent of the Government of India, Sir Kurma Reddi, an Indian Unemployment Relief Fund bearing his name has been founded. Relief by way of giving foodstuffs to the workless, who are in distress is being given. A similar Relief Committee, under the Congress, is working in Maritzburg.

As we have stated above, we accepted the Clause in the belief that in the fulness of time things will so adjust themselves that the Indian will take his rightful place alongside the European worker; but if no opportunities are given the Indian worker, and if all the avenues of employment are closed to him, how is he to be expected to conform to the Western Standard of life?

The backbone of the Indian community is the Indian Worker and if it is desired that the community should be allowed to develop itself to its fullest opportunity and capacity then we submit with all emphasis, that he should be given every opportunity to raise himself. If the Indian worker is restricted in his development, it would be utterly futile to expect the Indian community to rise to the level of the European.

Our community, even at the risk of being placed at a disadvantage in the labour market, has accepted the principle of equal pay for equal work, and all we ask is that our community should be given equal opportunities.

#### OTHER DISABILITIES AND GRIEVANCES

The Indian Immigration Laws of Natal are now obsolete. Indentured labour from India was stopped in 1911. Twenty years have elapsed since then. A large number of Indian Immigrants who were subject to these Laws have either been repatriated under the Repatriation and Assisted Emigration Scheme, or have died. Of the total Indian population of South Africa it is estimated that only fifteen per cent. now represent the Indian Immigrants, and in the course of the next decade or so South Africa will have no Indian Immigrants left. Our Congress have all along pressed for the repeal of these Laws. Under Act 15 of 1931 some of the sections of these Immigration Laws have been repealed, but there are still various other sections which are just as obsolete as those that have been repealed.

For instance, there is the question of the registration of marriages, births and deaths. Though most of the descendants of the Indian Immigrants are South African born they are still required to effect the registration of marriages, births and deaths at the Office of the Protector of Indian Immigrants.

Again, there is the question of divorces, which have still to be applied for before the Magistrate.

The most degrading provision in the Immigration Laws is that having reference to the age of contracting

parties. In the case of the male the age of consent is 16 and in the case of the girl it is 13.

In these times, when social reforms are taking place in every country, we submit it is against all moral ethics for any community to be subjected to a law such as the one we have just quoted.

There is also the question of the payment of the monthly tax by the Employer in respect of Employees who are Indian Immigrants or their descendants. The tax payable is 1/3 per head. This is a medical fee and is to be used for the purpose of maintaining hospitals for indentured Indians. This system may have served its purpose when there was a regular flow of indentured labour from India, but at present except for those who are engaged in the coal mines and on the cane fields no person takes advantage of the hospitals. There are thousands of our people who are descendants of Indian Immigrants who have never at any time availed themselves of hospitals established under the Immigration Laws.

In Natal the Registrar of Deeds in respect of transfer of properties or passing of Bonds requires an Indian Transferor and Transferee Mortgagor and Mortgagee to state whether he is a Passenger Indian or an Indian Immigrant. In the case of the latter the Colonial numbers have to be given. In some cases descendants of Indian Immigrants have been described as follows:

Munsamy, Colonial Born Indian No. 6358/Deed/6360/ A more absurd and degrading requirement cannot be imagined. Even in respect of prominent and respectable Indians this requirement is insisted upon.

If an Indian desires to affix his surname before his Christian name, he is precluded from doing so by the Registrar. In other words, as is the custom among Indians, the Indian Immigrant and his descendants are not permitted to have Surname before their baptismal names.

We submit, therefore, that much of this irritation and annoyance would vanish if the whole of the Immigration Laws were repealed and the people affected thereunder were brought under the general Laws of the country.

## Mass Meeting

### UNEMPLOYMENT

A mass meeting of Indians will be held on Sunday the 17th July, 1932 at the Victoria Picture Palace, Victoria Street at 2 p. m.

#### AGENDA:

1. Appeal to Government for relief.
2. Tea and Soup Kitchen.
3. Unemployment Bureau.
4. Men wanted on Sugar Estates and Wattle Plantations.
5. General.

R. K. KHAN) Vice Chairman  
A. I. KAJEE)  
B. A. MEGRAJH) Hon.  
S. L. SINGH) Secretaries.

Sir Kurma Reddi Unemployment Committee.  
in co-operation with the Natal Indian Congress

Food Kitchen for Indian unemployed will be open from 12 a.m. to 2 p.m. from 18th July 1932 on Indian Sports Ground (near Sastri College)

Unemployment Headquarters:  
Indian Sports Ground.