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20th August, 1948.

The Secretary to the
High Commissioner for India,
P.O. Box 1245,
CAPETOWN.

Dear Sir,

We refer to our letter of the 2nd ultimo in regard to Ordinance No. 11 of 1948 (Natal).

This afternoon the writer was sent for by Mr De Wet, the Principal Immigration Officer, Natal, to whom evidently the Minister of the Interior has referred the matter. The writer had an hours discussion with him and pointed out the difficulties that the Indian people would encounter if the Ordinance were assented to.

Briefly a Local Authority prepares a plan for a Housing Scheme within and under its jurisdiction. The scheme is passed by the Council. Then it goes to the Minister of Health for approval. The Minister before giving his approval must be satisfied that there is no other land available for the purpose and that no other land can be acquired by the Council on reasonable terms. On approval by the Minister the Local Authority negotiates with the owners concerned with a view to arriving at a figure for acquisition by the Council. If these negotiations fail and the owner exhibits unreasonableness the Local Authority approaches the Minister for an order to expropriate the land concerned. The Minister then gives power to the Local Authority to expropriate. Even after receiving this power the Council must in terms of Section 140 of the Local Government Ordinance receive authority for expropriation by a resolution passed by a majority of the whole number of the Councilors for the borough, at a meeting held not less than 2 weeks after the previous meeting at which notice to move such a resolution was given.

Under the Extended Powers Ordinance the Council sought powers to obviate the restriction placed under the said Section 140.

Under the existing Ordinance the Durban City Council cannot prevent the passing of a plan for a building within the area of an approved scheme nor can it prevent the passing of a subdivisional plan. The Extended Powers Ordinance seeks to obtain these powers.

The writer pointed out to Mr De Wet that if the Ordinance were assented to it would mean that the building of homes by Indians for Indians would be completely stopped. A Housing Scheme has no time limit and the Durban City Council can if it wants drag on the completion of Housing Schemes for the next 50 years and the Minister concerned can do nothing. The effect of this would be that if a

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Housing Scheme takes 50 years to complete an Indian would be prevented from building within the area of a Housing Scheme for 50 years. Hemmed as they are within certain Scheduled areas Indians would be seriously affected and all the Housing Scheme fall within the Scheduled areas. The same argument applies to the passing of subdivisional plans.

Mr. De wet was satisfied that the Natal Indian Organisation had a very strong case.

Yours faithfully,

FOR SELF AND CO-SECRETARY
NATAL INDIAN ORGANISATION.

UKZN
Gandhi-Luthuli
Documentation
Centre

