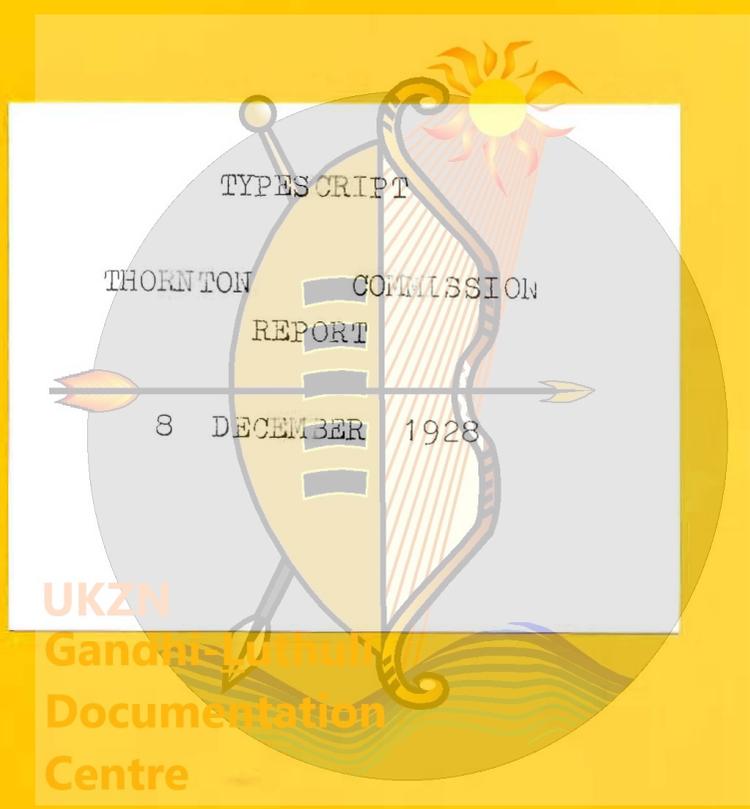


74. p. 19(a) & 48(c)



THE HONOURABLE THE MINISTER OF PUBLIC HEALTH:

ENQUIRY INTO SANITARY AND HOUSING CONDITIONS
OF INDIANS IN AND AROUND DURBAN.

EX LIBRIS
D. BAGWANDEEN

1. In accordance with your instructions as conveyed by the Secretary for Public Health in his minute dated 19th September, 1928, the Central Housing Board, through its three members constituting the Executive Committee of the Board, has carried out an inspection and investigation of the housing and sanitary conditions of Indians in and around Durban.

2. The enquiry was the outcome of one of the conclusions reached at the Round Table Conference on the Indian Question in South Africa, held at Cape Town in 1926, under which the Union Government expressed its willingness

"to take special steps under the Public Health Act for an investigation into sanitary and housing conditions in and around Durban, which will include the question of (i) the appointment of advisory committees of representative Indians and (ii) the limitation of the sale of municipal land subject to restrictive conditions."

3. The enquiry opened on Tuesday the 23rd October, 1928, and concluded on the Friday following. The Durban Corporation kindly placed a committee room in the Town Hall at the Board's disposal where evidence was heard on the Tuesday and Wednesday. The Thursday and Friday were devoted to making a tour of inspection of various localities in the Borough and peri-Durban area.

4. Evidence was given by representatives of each of the local authorities concerned, namely: the Durban Corporation and the seven Local Administration and Health Boards established in the peri-Durban area at Greenwood Park, Sydenham, Mayville, South Coast Junction, Umhlatuzana, Malvern and Pinetown.

5. The Indian community was afforded full opportunity of expressing its views through representatives who attended on behalf of the Natal Indian Congress and the Natal Branch of the South African Indian Federation. Each local authority also extended an invitation to representative Indians or designated members of the Indian Advisory Committee in its area to attend the enquiry at the same time as the local authority's representatives. It is to be mentioned that the Indian Advisory Committee in question were primarily established for the purpose of watching the interest of Indians as affected by local government measures enforced by the Health Boards functioning in the peri-Durban area.

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The somewhat hostile attitude of some of these Committees should, it is thought, disappear once it is recognised that the Health Boards are trying, as your Committee believes they are, to bring about an improvement in existing conditions and are prepared to consult the Committees and refer to them for opinion proposals affecting the Indian population. The fact that the Indian community is in no way represented on the Health Boards and that even the Indian Advisory Committees have no official recognition remains, however, a very real grievance.

6. Dealing first with the position as it obtains in the Durban Borough Area it is necessary to refer to the correspondence which passed between the Government and the Corporation in 1922 as an outcome of representations made by the Natal Indian Congress regarding the Durban Land Alienation Ordinance passed by the Provincial Council which empowered the Council to restrict ownership or occupation of municipal land and which it was contended would operate against the interests of the Indian community. In a letter dated 3rd July, 1922, the Town Clerk pointed out that it was the Council's policy "to separate the population of European descent, so far as possible, from Asiatics and Natives in residential areas - no to segregate any section or class entirely in parts of the Borough - or from areas where at the present time any section has property or interests;" further, that "all sales of immovable property belonging to this borough are subject to the consent of the Administrator, and should the Council impose any condition in any land sale that would seriously affect the interests of the Europeans, Asiatics or Natives, the persons affected could petition the Administrator to refuse consent until such interests were safeguarded." In intimating to the Indian Congress that the Government had advised assent to the Ordinance the Secretary for the Interior in letter dated 19th July, 1922, added that, "the Government considers it reasonable that the Administrator, in giving his approval to racial restrictions introduced into land sales, should see as far as possible that Asiatics are given reasonable opportunity of acquiring adequate residential sites."

7. It was represented, inter alia, on the Council's side that the available land in the Borough is very small and, apart from low-lying ground which it was contended is unsuitable for residential sites, that there is no land in Durban today which can be utilised for housing the poorer class of Indian as an economic proposition; that the Corporation had bought at a reasonable price land outside the Borough area at Wentworth, Springfield and Cato Manor, suitable for the housing of Natives and Indians, which land will be made available for these purposes in fulfilment of the Council's undertaking to the Administrator upon the passage of Ordinance No. 14 of ~~the Natal Indian Congress~~ of 1922 which gave the Council power to introduce a restrictive clause into its conditions of sale; that the leaders of the Indian community are not, however, inclined to co-operate with the Council in the proposed establishment

of an Indian Village at Cato Manor; and that consequently the claim of the poorer class of Indian, whom the Council is anxious to assist as being in greatest need of better housing conditions, remains unmet up to the present.

8. On the other hand it was stated, inter alia, by the Indian representatives that the Council undertook to provide land for Indians within the Borough; that out of 14 municipal land sales all the land was earmarked for Europeans and none for Indians which was held to be a breach of the undertaking by the Council to the Government, particularly as some of the land sold might clearly be regarded as situated in Indianized quarters of the town, and that as Cato Manor, where it was proposed to establish an Indian Village, was outside the Durban Borough and the Council would accordingly not be able to exercise any rights over it as a local authority, there was the consideration that, apart from the opposition to the scheme on the score of segregation, the Village would likely be neglected in the matter of the provision of roads and other essential services which would thus tend to the creation of slum conditions.

9. In 1927 the Durban Corporation endeavoured unsuccessfully to promote the passage through the Provincial Council of an Ordinance providing for the extension of the Borough boundaries by including therein all areas already acquired or to be acquired by the Council outside the existing Borough, for the housing of its employees or others. Differences had arisen between the Council and certain Health Boards in the per-Durban area regarding the use of the land owned by the Corporation in their jurisdiction and the Council's object was to secure municipal control over such land. Thus, to maintain one point of difference, the Corporation wished to dispose of the land in building plots of one-eighth acre each whereas the by-laws of the Local Board concerned required that building plots should not be less than one-quarter of an acre each.

10. Whereas the Corporation has done a great deal for the better housing of Europeans in its area, little or nothing in this respect has been done for the Indian population other than for those actually in municipal employment. The new dwellings erected at the Tramway Barracks as also those under erection at the Magazine Barracks are of the double-storey type and a feature calling for criticism is the upstairs portion of the buildings which is designed for single quarters but in certain cases has been allowed to be occupied by families. Your Committee fears that it will be difficult to ensure adequate sanitary supervision over these quarters.

11. An inspection of the Barracks near the Power Station was also made; these Barracks had been condemned as unfit for human habitation and had apparently been evacuated, but were re-occupied temporarily by Indians employed by the Council's Waterworks Department pending accommodation being made available for them in the new dwellings under erection at the Magazine Barracks.

12. Although there is very little land available for building purposes which is owned by the Council, several vacant pieces of ground contiguous to Indian-owned properties in wards 4 and 6 of the Borough were inspected, certain of which it appeared could suitably be utilised for housing. If the latter were put up for sale as residential sites without the restrictive condition, it would not alleviate to any great extent the overcrowding problem, but it would tend to remove the sense of injustice caused by previous land sales to which reference is made in paragraph 8.

13. Amongst other land inspected was the Eastern Vlei near the Umgeni River. Your Committee considers that the higher portion of this land would be suitable for building purposes and that if the Council is really desirous of doing its duty towards the Indian population it might fairly consider the question of erecting houses here which could either be sold or let to Indians. It is considered that these houses could be erected in such a manner ~~that the amenities of the entrance to the Borough from Durban North.~~ as not to spoil the amenities of the entrance to the Borough from Durban North.

14. In the peri-Durban area the real difficulty lies in the Indians not having title to the ground. A considerable proportion of the area is leasehold land let out in small allotments by big landowners. The plots in many cases are very small and often contain more than one dwelling. Bad housing and insanitary conditions were unquestionably seen at their worst on leasehold land, whereas the conditions on freehold land were very much better. The explanation lies in the fact that leases are usually only annual ones and as there is no security of tenure ~~there is no incentive to improve conditions.~~ there is no incentive to improve conditions. Freehold land at any rate carries with it security of tenure and improvements effected are not subject to abandonment at the whim of the landlord. The barrack system of housing is very prevalent in some parts of the area and undoubtedly is one of the greatest evils the local authority has to cope with. The barracks generally consist of rows of rooms badly planned and constructed and often having no light or ventilation. Each room is usually occupied by a separate family and the sanitary conditions surrounding many of the barracks are very bad and a ~~menace~~ menace to health.

15. In none of the peri-Durban areas has a valuation of properties been carried out on account of the expense involved, and the local authority's main source of revenue is a flat rate levied on each dwelling. The system of imposing a flat rate was criticised by Indian representatives as being unfair on the poor men who occupied a small dwelling, and their contention can hardly be controverted.

16. On the whole the peri-Durban local authorities have done a good deal in effecting improvements in their areas, but it is clear that they are not strong enough financially to inaugurate any large measures of reform in the matter of housing and sanitation. There was one direction in which it was suggested that the local authorities in the outside areas could assist and that was by utilizing funds placed at their disposal under the

Housing Act for the purpose of granting loans to Indians who owned ground and wished to erect thereon small cottages for personal occupation.

17. There is unquestionably an overwhelming case for the enlargement of the Borough boundaries but there are vested interests in the way and opposition from such quarters is to be expected from both within and without the Borough. Generally, however, public opinion in Durban appears to be ripe for an extension of the city boundaries, but owing to likely opposition from the quarters mentioned it is very doubtful whether the proposal for extension can be expected to come from the people themselves.

18. Although the question of the need for extension hardly falls within the terms of reference of your Committee, it is quite apparent to any impartial observer that from a public health point of view the Borough boundaries should be extended to include at least the whole of the areas falling under the jurisdiction of the Health Boards of Sydenham and South Coast Junction and possibly also a portion of Greenwood Park. In this connection also the question of including Durban North should be considered.

19. In fact the principle of the need for extending the Borough boundaries should be accepted by the Provincial Administration which should in your Committee's opinion appoint a Commission to decide definitely what should be the extended boundaries and to prepare a draft Ordinance for criticism by the local authorities concerned prior to its introduction to the Provincial Council.

20. While your Committee is convinced that the main solution of the problem lies in the extension of the Borough boundaries, it recognizes that some considerable time may elapse before such extension becomes an accomplished fact and that it is necessary to consider in what other directions useful action can be taken meanwhile with a view to easing the acute position which obtains in regard to the housing of Indians.

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

22. Subject to adequate steps being taken by the local authority for safeguarding itself from possible loss, it is recommended that the balance of £25,000 out of the £50,000 referred to in the preceding paragraph be placed at the disposal of the Durban Council and of the Health Boards in the areas immediately adjoining Durban for the purpose of granting loans in terms of Section 6 of the Housing Act to selected Indians who own small plots of ground in freehold and desire to erect thereon small cottages for personal occupation. It is to be pointed out, however, that the power which the Housing Act confers on local authorities to grant loans to individuals is purely permissive and not compulsory and that in any case the sanction of the Administrator must

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must first be obtained before such loans can be granted.

23. During the hearing of evidence a matter that was specially stressed by Indian representatives was the Indian Advisory Committee system to which reference is made in paragraph 5. These Committees are not expressly provided for by law and as organised it seems doubtful whether they are the useful bodies they might be in procuring the co-operation of the Indian community in matters of ~~sanitation~~ sanitation and housing. The Local Urban Areas Administration Ordinance No. 4 of 1926 lays down the procedure for the constitution and periodical re-election of Health Boards, and if provision on similar lines could be made by law for the constitution and re-election of Indian Advisory Committees the status of the latter bodies would be considerably raised which would be for the general good. It was also asked whether in the event of the Health Board rejecting advice formally tendered by the Indian Advisory Committee, the Administrator could be empowered on appeal to remit the matter to the Board for reconsideration or after due enquiry to overrule the Board. Such a procedure it was contended would ensure that advice tendered by the Advisory Committee would not be lightly set aside.

24. There were several other matters brought to the notice of your Committee which are, strictly speaking, not cognate to the enquiry, but which it is considered might fairly be reviewed by the Provincial Administration. Among such was the hardship created on the very poor through the operation of section No. 42 of the Local Urban Areas Administration Ordinance No. 4 of 1926 which lays down that 'all rates remaining unpaid for one month after such rates become due and payable shall become charged with interest at the rate of ten per centum per mensem, provided such interest shall not exceed the amount of the rate unpaid.'

25. Another matter was the unanimous request on the part of the Indian community that in place of the flatrate at present levied the rating by the Health Boards in the par-Durban area be based on the valuation of property.

26. In conducting its enquiry your Committee is indebted for the assistance received from His Worship the Mayor of Durban, as also from the Town Clerk who accompanied the Committee on its inspections and was present throughout at the taking of evidence. The thanks of the Committee are due also to Mr. J. D. Tyson, representing the Agent of the Government of India in South Africa, who did much to assist the labours of the Committee, particularly in ensuring that it received

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evidence from individuals who were really representative of the Indian community. Your Committee also cordially acknowledges the help and assistance it received from the Chairman and others representing the Natal Indian Congress.

(Sgd) "E.N. THORNTON"	Chairman.
(Sgd) "J. LOCKWOOD HALL".	Member.
(Sgd) "R.S. GORDON"	Member and Secretary.

PRETORIA.

8th December, 1928.

