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In March 1939 the Market Master recommended that the flower sellers be moved from Railway Street and into the market extension in Warwick Avenue. While this was supported by the Markets and Abattoir Committee, the Finance Committee granted flower sellers a reprieve and ruled that they could stay where they were "at the pleasure of the Council" until further notice. Flower sellers continued to attract criticism. J. Griffin of the Horse Shoe Hotel considered the flower sellers "an eyesore to Durban.... Stallholders can be correctly described as unkempt and slovenly in appearance and towards the end of the day, when under the influence of liquor, they are abusive." A. Williams of the Durban Publicity Association replied to Griffin that his opinion was "not shared by most people. The beautiful display of flowers is a joy to the thousands who see and buy them and are regarded as one of the sights of Durban." For once, even the Chief Constable was on the side of flower sellers, reporting that he had "never seen any Indian intoxicated or dirty or unkempt.... The area is kept clean by the Indians and all rubbish is placed in drums provided by the Corporation. I have personally seen the stallholders, after a dusty day, swilling the area concerned with water from a trough, thereby making sure that the area is left clean."

Flower sellers adopted aggressive selling techniques to overcome the twin handicaps of limited stands and confined area in which they had to operate. They employed additional labour to sell flowers beyond the limits imposed by fixed stands. The Durban Florists, Nurserymen and Seedsmen Association complained in August 1944 that Indians were hawking their flowers illegally in prohibited areas and going from office to office to sell flowers. Some had even hired rooms in Commercial Road where they made bouquets and wreaths, thus "encroaching on the legitimate business of the Florists of the City who pay heavy rentals and employ a considerable amount of European labour." The police were powerless because flower sellers posted one man at the corner of a street with a basket of flowers and another as a "lookout". As soon as a constable approached a signal was given and both men disappeared. While there had been some arrests, this was not effective because of the "small amount of the fine." The Chief Constable agreed that this was a problem and pointed out that 41 Indian flower hawkers had been charged with hawking in prohibited areas in West and Smith streets in the period 1 January 1943 to 28 August 1944. He also remarked that because of the "look-out" it was difficult to apprehend hawkers with uniformed police; plain-clothe African police were being used. Since the fine did not act as a deterrent, it had been doubled. Further, while flower sellers admitted that the rooms in Commercial Road were storerooms, there was no conclusive proof that they were used to make wreaths and bouquets.

Following complaints from the Durban Publicity Association in 1948 that the awnings in Railway Street were old, the Town Clerk personally visited the area and agreed that they were in "bits and pieces and very unsightly" and needed replacing. When the awnings were replaced, the Durban Publicity Association thanked the Town Clerk: "the awnings have now been renewed and are a great improvement to this particularly colourful area." The story of Indian flower sellers shows that the DTC was willing to tolerate Indian street traders who served white needs and added beauty and colour to the streets. Where this was not the case, they acted ruthlessly to stamp out street trading, as was the case with hawkers of fruit and vegetables.

Durban's reputation for effectively controlling its streets vendors was well known throughout Southern Africa, hence the Bulawayo municipality wrote to the Town Clerk in 1942 to "assist the Council" in drawing up measures to control street vending in Bulawayo. After explaining the various laws the Licencing Officer added that "it should be pointed out that the Authorities in Natal have powers that do not exist in the other Provinces of the Union and there is clear measure of control over traders generally. The Powers that exist appear to work very well in the best interests of all concerned."

Indians did not simply accept the laws without resistance. For example shortly after the DTC declared "Lower Marine Parade"

a restricted area in 1945, an Indian hawker named G. Sookdhaw was fined for hawking on that street. Sookdhaw served summons on the Chief Constable on the grounds that "there is no road with such a name." The Legal Adviser considered this an "embarrassment" for the DTC because this area was never "specifically given this name by any resolution of the City Council". However it was "generally" known by this name and was marked such on the official map of Durban. The Legal Adviser suggested that a member of the City and Water Engineer's Department be called to testify to this effect. However, the Court did not accept this and the bye-law was declared void for vagueness. The DTC rectified this by officially approving the naming of the thoroughfare "Lower Marine Parade" and including this as a prohibited area in December 1945.

By the end of the Second World War the tide had turned against hawkers. White traders and the local state were no longer willing to tolerate them. Even the last few remaining unrestricted areas were attacked by whites. The Station Master at Berea road, for example, complained in July 1948 that Indian hawkers were "continuously creating a nuisance in Brook Street.... The whole vicinity is strewn with dirt, bad fruit, straw and filthy papers... which is most unhealthy and unhygienic. I have on many occasions observed that passengers, when hurrying for trains, slip on banana skins and many of these passengers have fallen.... The entrance to the station near the parcels office is on some days blocked with these hawker carts." When police arrived the hawkers would move away for a few minutes but return as soon as the police departed. The Station master wanted Brook Street to be declared a prohibited area. G. Viljoen, a Stableman in the Animal Transport Department of the Municipality, who lived on municipal premises in Brook Street, also complained that hawkers' activities left the street "in a disgusting condition." Aside from the health point of view, the hawkers presented a danger to the public: "The barrows are very ramshackle and made up of bits and pieces. Many are in the charge of lads in their early teens or women who have no knowledge of the rules of the road. With a number of "stalls" (I refer to those that are stationary nearly all day) and moving barrows, wobbling all over the place, it is a mercy that a serious accident has not yet occurred.

Over time the restricted areas became larger and the movements of hawkers were severely restricted as the DTC tried to contain hawking to levels acceptable to whites. Hawkers were peripheralised from the best trading areas and vigilantly monitored. In 1943 when the Chief Constable complained that the number of hawkers operating outside the Indian Market had increased considerably, Warwick Avenue between Alice Street and the road north of the City Market was prohibited. In August 1944 as a result of further complaints by the Chief Constable the following areas were added to the prohibited list: Cathedral Road between West Street and Pine Street, Davis Lane between West Street and Saville Street, Alexandra Street between West and Smith Streets, Russell Street between West Street and Victoria Embankment, Aliwal Street between Pine Street and Victoria Embankment, Point Road between West Street and Smith Street and Brickhill Road between West Street and Pine Street. In December 1945 the following areas were prohibited: Lower Marine Parade between West Street and Somtseu Road and West Street between Gardiner Street and Lower Marine Parade.

Notwithstanding this, many whites still felt that the action of the DTC was indecisive. Even the City and Water Engineer, H. A. Smith joined the chorus of opposition to hawkers complaining to the Town Clerk that the activities of hawkers results in "litter and continues despite persistent efforts by cleansing officials.... Hawkers are a great deal of labour is wasted and unsightliness created by their activities in various areas of the City." Smith wanted action against hawkers "intensified" by the following: refuse licences to those guilty of contravening bye-laws, renewal of licences be restricted, restrict operational areas, and stop semi-permanent stands. Roy Albert of Shirley Brothers felt that the police and Licensing Department were only acting because of the "numerous complaints we have made.... We also feel that this matter is still not being pursued with the vigour that it deserves. We still find hawkers plying their trade in all parts of the City. The time has now come for a drastic reduction in the number of licenses issued so that business houses like ourselves, who pay standard wages and contribute considerably to the City Treasury may have some protection."

The Acting Licensing Officer, for example, responding to claims that the DTC did not do enough to get rid of the "plague" of hawkers reported during 1941, 813 persons were prosecuted for offenses such as exposing food on the pavement, taking up a fixed stand or not possessing a hawker's licence. The figure for 1942 was 1422. In February 1944 there were 222 prosecutions. In all cases about half of these prosecutions were for hawking without a licence. "Generally speaking, this Department does not encourage trading on the streets ... Hawkers are being supervised and controlled ... The number of hawkers is kept within certain limits through controlling the issuing of such licences." During 1945, 814 persons were prosecuted, while 1019 hawkers were charged in 1946. However, as the Licencing Officer explained, the problems would

persist until the Municipality was given greater power over hawkers. Licensing Inspectors should be given restricted powers of arrest to enable them to deal more effectively with unlicensed hawkers. To eliminate the problem of hawkers taking up fixed positions, more convictions were needed. This was difficult because inspectors and their vehicles were well known to hawkers. The Licensing Department needed to employ African constables to observe hawkers. The Department had unofficially begun refusing licences to convicted offenders.

By 1948 whites felt that existing regulations were ineffective and that the time had arrived to adopt a new set of bye-laws to enable the Licensing Department to take action against hawkers without referring defaulters to the Receiver's office. Discussion on the new laws began in 1948 though the regulations only became law in August 1949. The new law effectively closed all the loopholes. Hawkers had to obtain a licence from the Licensing Officer. To prevent several persons operating under one licence, licences had to be accompanied by a photograph of the applicant, which was to be of the full face, and approved by the Licensing Officer. Hawkers had to carry these licences at all times. The new law also stipulated that vehicles had to be approved by the Licensing Officer. If the vehicle was deemed "suitable" the name and address of the hawker and the number of the Certificate of Registration had to be impressed on both sides of the vehicle. Limits were placed on the size of vehicles. Before a licence was granted the hawker had to provide a "room, place or receptacle" for the storage of goods, which had to be approved by the M.O.H. Hawkers could not remain in one spot for longer than 20 minutes, and had to move to another spot at least 50 yards away. The city of Durban was also divided into eight zones and hawkers had to stipulate the area where they intended to trade, and could not trade in any other area. Limits were placed on the numbers of hawkers that could operate in each area. Hawkers contravening these regulations could be fined or jailed. Most important, as far as the DTC was concerned, in future it could proceed against hawkers and the fines would be paid to the municipality. It was no longer necessary to refer such cases to the Receiver.

The Natal Indian Organisation, a body formed by Indian traders after the NIC was taken over by more radical elements of the Indian middle class, viewed these new laws "with grave apprehension". It felt that in general the new laws were against the "spirit and intention" of the Licences Consolidation Act 32 of 1925; the affixing of photographs was "demeaning, unnecessary and cumbersome"; restrictions on the size of vehicles "adversely affects" those who possess motor vehicles; the provision that hawkers could not be stationary for longer than 20 minutes prejudiced those who supplied blocks of flats; the placing of limits on the numbers of hawkers allowed in each area took no account of historical trends as hawkers were established in certain areas and also failed to take heed of the needs of the people in these areas; finally, a fine of £10 was far in excess of what hawkers earned while imprisonment was not commensurate with the offence. Such protests were in vain. The DTC finally had the legal basis and legal muscle to clear streets of traders. Again, it is noteworthy that richer Indians intervened in the plight of the poorer members of their community.

## CONCLUSION

This study has focused on Indian flower sellers and hawkers of fruit and vegetables who operated on the streets of Durban during the first half of this century. While both groups were affected by legislation, flower sellers achieved a degree of permanence and stability, and better and improved facilities. Hawkers were not so lucky. Repressive policies designed to contain and eliminate, successfully achieved their objective. According to Rogerson, with the victory of the National Party in 1948 and its implementation of Grand Apartheid, the informal sector was seen as dysfunctional with "respect to the desired socio-economic order of the apartheid state" because it was seen as a stimulus to rural-urban migration. In fact, the NP directed local authorities that "Natives must trade in Native areas only."

What this study has shown is that local initiatives to curb urban small-scale enterprise was not a response to directives from the apartheid central government but that such imperatives had their origins in local factors and pre-dated formal apartheid. Durban's planners and policy-makers were determined to suppress and restrict hawking in the CBD and they passed an array of laws in the period 1910-1948 to effect this. Hawking was an important avenue of employment for large numbers of Indians, and was often transitional between indenture and industrial employment. The white-dominated local state did not see hawking as a means of alleviating unemployment and poverty for large numbers of Indians, and took no cognisance of the consequences of its repressive policies, namely that it was reducing or destroying the ability of people to earn a living. Rather street traders were seen as a distasteful and repulsive anomaly, and an impediment to achieving a 'beautiful' modern city.

A critical factor influencing official policy were complaints of unfair competition from licenced traders, mainly white. Every complaint swayed the authorities further in the direction of suppressing hawkers. It usually resulted in a new assault on hawkers as the areas in which they could trade were further curtailed. State policy moved from partial tolerance to suppression, and the full weight of the law was thrown at hawkers to eliminate them. With few exceptions, no thought was given to creating an environment conducive to street trading. The state used the twin strategies of individual prosecutions as well as blocking out entire streets to hawkers to contain street trading. Negative policies included restrictions on the types of vehicles used, limitations on the areas in which hawking was allowed, employment of regulatory individuals such as licencing personnel, constables, and health inspectors tasked with eliminating street trading, and even the utilisation of plain-clothes undercover policemen to pursue and harass defaulters.

Although large numbers of Indians took to hawking, this activity did not allow for autonomous development. Hawkers operated in areas controlled by the state, and under strict regulations, with the result that there were limited opportunities for independent development. Hawkers operated in an unequal structure that repressed all initiatives undertaken by them. Their day-to-day activities and actions were governed by a host of repressive laws designed to appease and serve the interests of formal traders, white civilians and town planners. Hawkers lived a life of bare existence, hard work and long grind. While hawking enabled Indians to avoid wage labor, it placed Indians at the bottom of the economic structure. The stock of hawkers and pedlars was worth less than £5 each during the 1940s. Castells and Portes description of informal work is very applicable to Indian hawkers; it "simultaneously encompasses flexibility and exploitation, productivity and abuse, aggressive entrepreneurs and defenceless workers, libertarianism and greed." The struggle of Indian hawkers against the local state was largely in vain and resulted in what Beavon refers to as the "underdevelopment of the 'informal sector' in the South African city." Finally, what this study has also revealed is that politics was clearly racialised during this pre-apartheid era. The local state was clearly motivated to protect its white citizens who saw Indians as an economic threat, Africans conceptualised the problem in racial terms while all classes of Indians came to see that they comprised a racial 'community' in their dealings with Africans and whites, notwithstanding marked differences of language, region, class and so on amongst Indians.

