Hawkers And Market Traders

Control and Repression: The Plight of Indian Hawkers and Flower Sellers in the Durban CBD, 1910-1948

by

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This paper will examine the position of Indians who attempted to make a living on the streets of Durban as hawkers and flower sellers. In doing do it will explore a pivotal intermediate phase in the economic lives of Indians between indenture and urban industrial wage labour, as well as the role of the local state, which "scarcely received a footnote in the works of both the 'liberals' and 'revisionists' (social scientists) who dominated the critical intellectual agenda on South Africa during the 1960s and 1970s." The lack of analysis of the local state has shrouded an understanding of the characteristics of local state and politics, a weakness that needs remedying. The activities of Indian hawkers brought them into conflict with a local government committed to its white electorate and which passed a myriad of laws to peripheralise hawkers. The theme is primarily one of state repression and attempts by Indians to forge an existence in spite of state policies. There were few instances of government promoting street trading to provide employment opportunities in the absence of formal industrial development. Another dimension to this study is the racialising of politics during this period. The issues surrounding street trading were framed and conceived in racial terms. Hawkers turned to educated Indians and Indian traders, whom they viewed as 'community' leaders, to intervene on their behalf in their conflict with the state. Politics was clearly racialised, and this paper will explore the parameters within which these racialised politics operated.

Between 1860 and 1911, 152,641 Indians arrived in Natal as indentured labourers to work on sugar plantations. In terms of their contracts they were to work for five years for the employer to whom they were assigned. Thereafter, they could either reindenture or seek work elsewhere in Natal. At the end of ten years Indians were entitled to a free return passage. However, almost 58% remained in the colony. The Wragg Commission of 1886 noted that "an Indian, drawing the first breath of freedom after five years of indentured service, will, in almost every instance, prove unwilling to re-indenture.... His fellow countrymen will direct his attention to the profits obtainable by the cultivation of a small tract of land easily procurable on lease, to the freedom and gains of peddling, and to the dignity and solid profits of shopkeeping. By 1910 Indians owned about 10,000 acres of land in Natal, while the acreage held by Indian tenant farmers and landowners increased from 11,722 acres in 1896 to 42,000 acres in 1909. White opinion was divided over indentured labor. While sugar planters welcomed Indians, other whites were hostile because of the presence of non-indentured Indian itinerant hawkers, petty shopkeepers, artisans and...
market gardeners who threatened the existing exploitative relationship of whites with Africans and indentured Indians. Whites generally viewed the independent economic activity of Indians, and their attempts to avoid wage labour, very reproachfully. According to the Clayton Commission of 1909, Indians had been allowed to remain in Natal after indenture in order for them to take over the work performed by indentured Indians and thus eliminate the need to import indentured labour. However, the Commission noted, "the Natal born Indian will not do the work of indentured Indians. He considers it too hard, and menial. They prefer to settle about the towns earning a precariously livelihood, and many lead an entirely idle and vagrant life."

Indians did not lead an "idle and vagrant life". The transition from plantation labor to urban wage employment was not linear, partly because the industrial sector had not yet developed and partly because Indians made a conscious attempt to avoid wage labor, or what Rogerson refers to as "hidden resistance" to capitalist exploitation. Most were self-employed as hawkers and petty commodity producers. Hawkers of fruit and vegetables were a feature of Durban life from the 1880s. The produce of small cultivators was sold by men and women hawkers, known as "vegetable Sammy" and "Basket Vallas" respectively by whites, who piled their fruits and vegetables in baskets which they carried on their heads from house to house each day in "rain or sunshine, spring or winter..." "Australian" commented on this invaluable service:

The Indian hawker is a great convenience especially to the poor white. A rich lady can bowl down to the market in her carriage and purchase all her requirements in the vegetable line for the day, but where does the poor woman come in who perhaps has a child or two to nurse at home, besides having to go through the drudgery of her household duties. To her "Sammy" is a very welcome sight and a saving of time and trouble. Her marketing is done at the door and she hasn't to hurry and scurry away to make purchases. You can really imagine what the abolishing of the Indian hawker would mean to poor people living on the outskirts of the city.

Hawking was an important avenue of Indian employment. It appealed to Indians because it required little capital or expertise. Most hawkers sold fruit and vegetables that they bought very early in the morning at the Indian Market for re-sale during the day. They formed an important link between the market and the public, and helped deliver produce to the customer. However, this brought them into conflict with organised business whom they undercut in prices, and the local state which saw them as the cause of pedestrian and vehicular traffic and as constituting a public health nuisance. The activities of Indian street traders did not tie in with white ideas of a "civilized" city and every effort was made to eliminate and restrict their activities. It will also be seen that organised white trade, local state planners, Africans and Indians all framed and articulated the conflict in racial terms. Hawkers formed an "Indian Hawkers Association". Little is known about this body except that it organised a public meeting on 1 January 1914 that was attended by Gandhi, Rustomjee and whites like C.F. Andrews and Polak. £60 was collected from the Association's "poorest members" for the Passive Resistance Fund of 1913/1914. At that stage the president was Kalidas Parshotam and the secretary Parag Doga.

From the beginning hawkers were monitored very strictly by the state. From 1912 they had take out a licence, which they considered unfair since they were "already sufficiently taxed' and "merely ekeing out a living and could not afford licences." They also felt that their plight had not been "sufficiently and prominently" taken up by Indian leaders, that the "great men have not defended their rights to make a living in the country unfettered." This reference to Indian politicians as their 'leaders' indicates that even during this early period racial identity was mobilised in the political arena. Indians existed as Indians in relation to whites and Africans even though they were fragmented along religious, language, region and class lines for other purposes. In addition to bringing in revenue, the licencing of hawkers enabled the DTC to be selective about who and how many people were allowed to trade. It was also a deterrent to those who repeatedly broke the law because they could be denied a licence. When hawkers paid for their licence the DTC supplied them with a badge that they had to wear on "their arm above the elbow, or exhibit on their basket or pack." It was an offence not to display the badge. It should be noted that the DTC distinguished between "hawkers" and "pedlars". In 1916 the annual cost of a "hawkers" licence was £6, which allowed for the sale of a wide range of goods, and 5/- for pedlars, who could only sell "South African Fruits and Vegetables". The authorities took this distinction seriously as can be seen from the case of Gesset Goolam who had a pedlars licence and was therefore arrested and charged with contravening a bye-law when he was caught selling eggs. While the DTC distinguished between hawkers and pedlars, this paper will refer to both as hawkers since the overwhelming majority only sold fruit and
vegetables, and this is a term more commonly used in the literature. The following table shows the number of licensed Indian hawkers and pedlars in Durban.

### Licensed Indian Hawkers and Pedlars, Durban

<table>
<thead>
<tr>
<th>Year</th>
<th>Pedlars Hawkers</th>
</tr>
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<tbody>
<tr>
<td>1916</td>
<td>1361 (joint)</td>
</tr>
<tr>
<td>1918</td>
<td>1342 (joint)</td>
</tr>
<tr>
<td>1921</td>
<td>1365 (joint)</td>
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<tr>
<td>1928</td>
<td>1358 (joint)</td>
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<tr>
<td>1939</td>
<td>1222 60</td>
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<tr>
<td>1940</td>
<td>1188 61</td>
</tr>
<tr>
<td>1943</td>
<td>1248 55</td>
</tr>
<tr>
<td>1944</td>
<td>1236 58</td>
</tr>
</tbody>
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Although the Indian population of Durban increased from 17,015 in 1911 to 123,165 in 1949, the number of hawkers did not increase proportionately. If anything it decreased. This illustrates just how effectively the licencing procedure was used to limit hawkers in the CBD. In fact, the Licencing Officer admitted in 1944 that "this Department does not encourage trading in the streets and keeps the number of hawkers' and pedlars' licenses within certain limits." In 1947 the same official remarked that "there has been a decrease in licences and no new licences are at present being granted, unless there is a surrender of an existing licence."

To lessen the competition that hawkers posed to established trade, a bye-law prohibited them from taking up a "fixed or permanent stand, station or position, but must be itinerant vendors of goods." Constant movement meant that they could not build up a clientele, and limited the amount and types of goods that they could carry. This remained a contentious provision as hawkers tended to be stationed in one place and move a short distance when faced by the law. The Natal Supreme Court ruled in 1933 that the law required "continual movement with the goods when it is intended to offer them for sale." The movement from one's residence to the locality where the sale was to take place did not cover the requirements of the law. Further, by "place" the law referred to "something considerably larger than the area of ground covered by the licence holder's person and vehicle. It would be a misuse of language to say that a man travels with his goods when he moves only a few yards to another such area of a like size…"

Like fruit and vegetable vendors, Indian flower sellers were also prominent on Durban's streets. Flowers were grown by White and Indian farmers in Pinetown who cut and bunched their flowers each morning before making a 20-30 mile trip to Durban to auction their flowers at the Borough Market between 3 P.M. and 5 P.M. After purchasing flowers, Indian flower sellers would sort, strip and re-bunch the flowers at home for sale the following day. The range of flowers depended on the season but included daffodils, tulips, gladioli, roses, proteas, carnations and chrysanthemums. Both Indian and White flower growers sold their flowers at the white Borough Market where they were bought by whites and Indians.

As far as flower sellers are concerned, a 1915 bye-law treated them as ordinary hawkers and barred them from placing their flowers in a specific spot. They were also compelled to be on the move. Flower sellers wrote to the Mayor in 1915 that hawking flowers in the ordinary way was difficult because water had to be carried around to keep the flowers fresh. They
requested permission to place their "baskets of flowers on the edge of the water drainage." Permission was refused because the Chief Constable reported that "there has already been considerable complaints made by European florists…. It would be highly injudicious to deviate from the bye-law, especially as regards Indians who are prone to take advantage of any little concession." Flower sellers continued to petition the DTC on this issue and, in 1921, were finally allowed to place their baskets on the pavement kerb in the West, Gardiner and Church Streets fronting the Post Office for one day in each week. This was the first introduction of fixed stands for flower sellers. The Africans' League objected to this "privilege":

The Gardiner Street frontage of the Post Office is one of the most valuable business sites in the borough - and a spot where the presence of 20 Indians with their baths and baskets filled with flowers causes an obstruction in a street where the traffic is often congested to a dangerous degree. If any stands are permitted in this area they should be allotted to European ex-soldiers now dependent on charity or the hard work of casual labour to avoid starvation.... The flowers that the Indians sell are not grown by them, but by Europeans, and these Orientals make a profit of 200% to 300% when retailed at their prices. In view of the wide-spread unemployment amongst our deserving White population they should be allotted to ex-soldiers now dependent on charity. The Pea-nut vendors should be dealt with on similar lines, as also the Fruit hawkers who can be seen squatting with their dirty unwholesome products at various points in the borough, causing assemblages of natives and Indians, and the littering of the sidewalks and gutters with nut-shells, and fruit rinds. Compel them [Indians] to vend goods from house to house only, or allot them positions where they will not be attended by danger of disease, accident or annoyance to Europeans.

The Licensing Officer, however, believed that whites could not make a living from selling flowers. He pointed to an incident where he had allowed three returning soldiers to hawk flowers without a licence and had even obtained the flowers for them: "In no case were the men able to knock a living." An additional reason for allowing flower sellers to continue was that that they "give a touch of colour and beauty to an otherwise dull street."

In October 1924 white florists petitioned the DTC to put a stop to street flower selling "which interferes with our legitimate business for which we pay rent and rates for the use of our shops. The competition is unfair in every way…. Those who desire to sell flowers should do so in shops which are rated by the Corporation..." In response, Councilor Kemp influenced the DTC to remove flower sellers from Gardiner Street and compel them to observe the law requiring hawkers to be perpetually moving. The removal of flower sellers from Gardiner Street yielded a response from white growers who, in a petition to the DTC in December, pointed out that the bulk of their flowers had been sold to Indian flower sellers with stands in Gardiner Street. With the closing of the stands the public was not prepared to "spend the time to attend morning sales at the Market." This resulted in a drop in flower sales. The petition also mentioned that although Indians dominated the flower trade there was "open competition": "Europeans decline to compete because of false pride… this should not be sufficient reason to cause serious damage to the Flower Growers." It is ironical that white farmers, who were otherwise anti-Indian, should intervene on behalf of Indians when they were affected economically. The Market Master verified the drop in sales. Between May and October 1924 the average sales of flowers was £1571 per month. In November, after the restrictions had come into effect, sales dropped to £1096. The Master remarked that many "of the growers curtailed their supplies, some have even ceased to supply us..." In view of this, Councilor Benson requested that the DTC remove the restrictions because the flower growers, flower sellers and public were losing; only a few florists benefited and even "this is doubtful." In January the DTC rescinded the original decision and allowed Indians back in Gardiner Street until a new site was prepared for them outside the Borough Market on Railway street. The new site was opened on 2 June 1925 and comprised of 24 stalls, two of which were occupied by whites. Even this did not satisfy whites. J. Hammond, for example, complained in 1930 that:

For ages and ages we have had Indian flower sellers. They are not the same ones I have seen during the past 30 years. As the Good Kind Durban Corporation allow those poor Indians free rent, I presume they have made a fortune, and unlike the whites, have retired before the age limit to make room for the generations following.
Now what about the Durban Corporation giving notice to those Indians to move on because there is now too much motor traffic at that corner…. It comes a bit awkward to those poor walking Whites who have to jump over flowers, banks and Indians to safety. I have seen Durban's Police looking on, but not doing anything - I wonder why?

Why? Because flower sellers were useful to whites for a number of reasons. First, they were aesthetically appealing and added beauty to the city. The director of the Durban Publicity Association remarked that "one of the many attractive sights that meets the eye of the visitor to Durban, particularly those arriving from overseas, is the display of bright flowers on sale by Indians in front of the Borough Market." Second, flower sellers were an outlet for white farmers to dispose of their flowers and for white citizens to purchase flowers without having to go out of their way. Mrs. D. Wood of Florida Road, for example, wrote to the DTC that "in these days of slogans such as "Say it with Flowers" I regret that Indian sellers have been ordered away from selling in Gardiner Street. The sellers were always very polite…Trust that the "old order" may be restored." Third, because their numbers were very small flower sellers could be tolerated. Whites only tolerated Indians when it suited them; otherwise they were determined to eliminate them as a factor in Durban. For example, in March 1928 S..M. Ponting and 17 other white flower growers petitioned the DTC to place the flowers of Indian and white growers separately at the market where they were sold. The Markets and Abbatoir Committee advised that this would lead to "results of a disastrous nature" since the largest purchasers of flowers were Indians. To "alienate the largest buyers of flowers is to invite retaliation, a boycott would recoil on the petitioners." Instead the DTC decided that when flowers were put up for sale the name of the grower would be announced so that buyers would be aware whose flowers were being sold and could buy "in the direction in which their sympathies lay." This incident serves to illustrate the racism of white growers which was being manipulated in this instance to achieve an economic advantage over Indians.

White traders were also opposed to hawkers. In January 1915 McIntosh & Co. complained that Indian trolley and cart owners in Commercial Road were a "nuisance" because they used the area as a resting place for animals; "the odour emanating therefrom is both objectionable and unhealthy." According to the Inspector of Nuisances 15 carts had been placed in a "single line" from Grey Street to Albert Street all along Commercial Road since 1903. These were hired from the DTC. Until 1915 there had never been a complaint which "gave it a measure of public recognition." As McIntosh's office was 60 feet from the animals, and Indian business owners in the area did not think the smell "affects their business" the Inspector considered the "removal of the stand a harsh proceeding." When McIntosh persisted with his complaints, the Chief Constable reported that the stand was situated in "an entirely Indian quarter and eminently suited for the purpose … the complaint of McIntosh is rather unreasonable." The DTC decided not to take any further action in this matter. This was not the end of the matter as McIntosh took this issue up with Councilor Hooper who confirmed that there was a "strong smell". Since an alternative site could not be found, the DTC sanctioned the spending of a large sum of money to improve the sanitary condition of the area to reduce the smell. This early example shows the influence that whites exerted on local politics. Whenever they complained Councilors reacted and introduced new restrictions on Indians.

Hawkers used inventive means to get around the law. Hassan Ebrahim, for example, placed his goods in a cart that he positioned in an "old, dilapidated ricksha shed" in Queen Street where he paid a daily rental to the owner. He was charged for not being mobile, and accused of running a "business" instead of hawking. The magistrate visited the site and ruled that while the defendant conducted his trade like a private retailer, in that he had a specific spot and paid rent, he did not have "private and proper accommodation" and found Ebrahim not guilty, but warned him not to repeat this practice. Hawkers were also innovative in their attempts to circumvent the requirement that they be mobile. The Acting Licensing Officer reported in 1916 that many hawkers were using a "peculiar form of handcart" constructed of two pieces of wood, five feet long, between which were narrow strips of wood. These acted as receptacles for "four or more" baskets of fruit and vegetables. The handcart, mounted on two wheels, was "unsightly" and posed a danger to motorists and pedestrians "as hawkers do not care how or where they move or leave their carts when selling their wares." However hawkers could not be charged under existing legislation. As a result of this report, the vehicle bye-laws were amended so that hand-carts had to be licenced at a cost of £2.10 per annum. Most hawkers could not afford this fee and this practice gradually decreased. A visitor from Johannesburg described his experience of hawkers during a visit to Durban thus.
The heat was intense, the air drowsily sweetened with the humid smell of over-ripe fruit… Those Oriental hawkers! I might have been coated with molasses. They might have been famished flies. They swarmed around me. They all talked at once. They jostled one another. They gesticulated. They chewed garlic. Each one declared the prices of his wares cheaper than those of all the others… They implored me to buy. "How much?" "Half Crown-very cheeep". "Good Heavens, you can get beads cheaper than that in Johannesburg". It was a fatal retort to make. There was a chorus at once, Phew, Johannesburg - o-o-oh-you Johannesburg, eh! Plentie money, eh plentie?"… These old women on the street were, to me, the most interesting. There was something extraordinary about them. They were at once sinister and pathetic. They appeared to be scowling unuttered imprecations at everyone who passed, to be brooding incessantly over dark thoughts, to be meditating uncanny evil. They were living embodiments of a hopeless life.

With many hawkers hovering below the poverty line, families resorted to the use of child labor to supplement family incomes. Children were used to sell nuts and were on the street until as late as midnight. A perturbed Chief Constable felt that "when children of this age are employed at this work their associates and surroundings are bound to have a most injurious affect on their character. In fact they are certain to grow up evil-doers." The DTC banned children under 13 from street trading. Parents were to be fined £10 or 30 days imprisonment if their children were caught. Although the Children's Act of 1937 raised the age limit to sixteen, this did not resolve the problem. The use of children was a feature throughout this period. The Chief Constable reported in 1941 that "during the last ten years Indian juveniles between the ages six and ten hawk around Grey and Victoria Streets selling pencils, shoe laces, razor blades studs, etc." The problem was that the parents fled as soon as the police arrived and the children refused to divulge their names and addresses. This made it impossible to punish the parents. Another investigation revealed that adult Indians employed by the Central News Agency to sell newspapers employed a total of 58 boys under the age of 14 who worked on Saturday evenings near cinemas and clubs until after midnight selling newspapers. As the Durban Juvenile Affairs Board and the Union Probation Officer advised the Town Clerk that any legislation was doomed to failure until compulsory education was introduced for Indian children, no further legislation was introduced.

In April 1928 19 white-owned retail businesses in West, Field, Pine and Gardiner streets petitioned the DTC that they were "very seriously prejudiced by the indiscriminate and unchecked manner in which the Indian Hawkers are now carrying on business." They protested that as their rents, overheads and living expenses "are very high" compared to hawkers, the latter should be prohibited from operating in "the same neighbourhood where there are established European businesses". The Chief Constable reported that part of the reason for the failure to eliminate the problem of hawkers taking up a fixed position was the difficulty of getting a conviction because proof was needed that the offender had stayed in one position for an extended period. As inspectors and their vehicles were well known to hawkers, it was difficult for inspectors to keep observation for a lengthy period.

Responding to this complaint by white traders the Licencing Officer reported that hawkers did not fall under his jurisdiction because they obtained their licence from the Receiver of Revenue. Until 1925 licences had been issued by the DTC and hawkers were the responsibility of the Licensing Department. This changed with the Licenses Consolidated Act No. 32 of 1925, which came into force on 1 January 1926. Thereafter licences were issued by the Receiver of Revenue, a central government office, after a Certificate of Authority had been obtained from the Licencing Department, a municipal office. This latter proviso was to allow the DTC to exercise a measure of control over trade by virtue of being able to refuse a Certificate to hawkers. The Receiver of Revenue relied on the Licencing Inspector and police to eliminate unlicenced hawking. This was impossible because one inspector covered the entire area, while police officers were under the impression that this was a Municipal affair and outside the scope of their duties. Although the Licencing Office did not have a legal responsibility to control unlicenced hawking, inspectors did intervene but were ineffective because they lacked the power of arrest. When inspectors came across unlicenced hawkers they gave the names of offenders to the Receiver of Revenue to institute legal proceedings. In most cases Indians provided fictitious names and addresses. The Licencing Officer felt that the problem could only be solved by adding hawkers' licences to the list of municipal licences and giving the Municipality the power to control both licenced and unlicenced hawkers.
Although the DTC had no legal basis for making a Certificate of Authority a pre-requisite for a licence, it enforced this regulation for fourteen years until a Court ruled in June 1939 that this bye-law was ultra vires of the Act. The Town Solicitor also advised that there was no legal basis for making a Certificate of Authority a prerequisite for a licence and concluded that "the sooner the Corporation gives up its efforts in this direction the better, because I am afraid it is simply kicking against the pricks." The Licencing Officer considered it "absurd " that the DTC could not have "full measure of control for regulation, inspection and control of licences" and advised the Town Clerk to introduce legislation to put the "position on a proper legal basis." The DTC was finally given the legal clout to insist on a Certificate of Authority by Ordinance 19 of October 1942. This did not solve another of the DTC's problems, namely that although it had to incur expenses to monitor trading, fines were paid to the Receiver of Revenue which deprived it of income. In fact, when the law was passed in 1925 the Mayor remarked in a "Municipal Notice" in the local press that there was "no arrangement as to compensation for expense, for the benefit of the Provincial Revenue." The only compensation for the DTC was that it could charge ten pence per licence issued, which was an additional expense for poor hawkers.

That racist practice against Indians pre-dated apartheid is also illustrated by the fact that as a result of complaints by whites, the Finance Committee instructed the Licencing Officer to erect barriers in the Licencing Office to provide separate queues for whites and Blacks. The Licencing Officer responded on 11 January 1946 that although there were no barriers in place "every endeavour is made to keep the Europeans separate from the non-European." In fact, an official was "assigned the duty of attending to the queues and it is his duty to see that Europeans are kept separate from other races." However the Finance Committee was not satisfied with this arrangement and formal barriers were erected in January 1946.

Whites continued to protest against Indian hawkers. In September 1929, the African Theatres Limited complained of the "unpleasant state of affairs" created outside its theatres by hawkers: "We do not think that it is necessary to stress the fact that our company pays your Council heavy dues by way of rates, light, water charges, etc. and that we employ in our Tea Rooms white staff to sell such commodities." The manager also complained that the peanuts and toffee apples sold by Indian vendors polluted their theatres because patrons threw dirt on the floors. In February 1929 a petition by W.B. Raymond and ten other White-owned fruit and vegetable stores complained that hawking by Indians in the vicinity of the Borough Market "seriously prejudiced" their businesses:

These people are allowed to go round to the various offices, banks and other business premises in the Town, and also waylay pedestrians. As these hawkers have no expenses in the way of rent, wages, etc. we do not consider it fair trade competition, and therefore request that they should not be allowed this freedom in the business centre of Town.

When asked for his opinion the Chief Constable reported that the police were doing their best but the "paltry nature of the contravention" and the "elusiveness of the movements" did not warrant the "special police vigilance that the detection would require; especially in view of the more serious crime which has to be attended to by the small force at my disposal." Commenting on these complaints "The Natal Advertiser" remarked that hawkers did not only pose an economic problem, but were a public nuisance:

The petitioners have an extremely strong case for relief from a public nuisance. The community needs protection against a form of service which ignores ordinary observances of hygiene and cleanliness. It is a public nuisance to be pestered by itinerant vendors …. By persistent evasion of the health by-laws it also verges on a public danger…. Whites vehemently opposed Indian street trading. The freedom of private enterprise does not necessarily mean urban hordes of itinerant hawkers should be allowed to congest busy thoroughfares. Liberty ends where licence begins.

The editor of "Indian Opinion" argued strongly against any action:
If the hawkers are prevented from plying their trade in Pine Street, where will the line be drawn? If the precedent of "protection" for one group of traders alone is granted there is no apparent reason why half a dozen other groups should not be given protection against competition they might describe as unfair.

However the DTC had decided that since hawkers could not be stopped "as the law stands at present… to secure better control of hawkers and to reduce the present inconvenience and annoyance" the DTC would request the Provincial Council to introduce new legislation. DTC solicitors advised that the Durban General Extended Powers Ordinance of 1929 made provision for introducing by-laws to restrict hawkers; while hawking in offices and business premises could only be stopped by "the occupiers of these premises." The NIC pleaded with the Town Clerk that legislation would "affect in great measure the very poor members of our community who earn their livelihood by hawking and peddling, and who are because of their poverty least able to protect their rights and interests; we appeal to you and to your Council that consideration of these bye-laws be postponed." Another appeal by the NIC to "represent the case of these poor Indians prior to the confirmation of these bye-laws" was ignored and the new regulations became law in April 1930. Hawkers were prohibited from areas where white trade predominated: West Street between Gardiner and Grey Streets; Pine Street between Railway Streets and Field Streets; Gardiner Street between Smith and Pine Streets and lower Marine Parade between Beach Road and Depot Road. What these exchanges illustrate is that the battle lines were drawn along racial lines. The hawkers were Indians and as the "Natal Advertiser" pointed out "whites vehemently opposed Indian street trading." On the other side, the repression of Indian hawkers became a 'community' affair. The middle class "Indian Opinion" and trader dominated NIC intervened on behalf of their poorer members of the Indian community.

The "Indian Opinion" remarked that this legislation was a means to "deprive the honest livelihood of the poorest section of the Indian community, the majority of whom are women." The total value of their goods being "hardly thirty shillings, how can they affect shopkeepers particularly if, as the law requires, they have to keep moving?" There were 45 hawkers in this area, mainly women, who each only made between three and five shillings per day, "so how can they constitute a threat or nuisance to pedestrians, motorists or shopkeepers." The effect of the law would be to increase the number of unemployed. The editor was surprised that "lady councillors did not raise their voices for the sake of women hawkers".

Complaints against Indian hawkers persisted and it was not confined to whites. Even African traders were boisterous in their outcry against Indian hawkers. In 1920 the overseer of the native Eating House complained to the Native Affairs Department that "there is a tendency towards friction between the Natives and Indians on account of their [Indian] occupation in the mornings of our verandah, and an old standing sore exists over the ground on which the present Fish Market stands." In February 1930, the overseer of the Victoria Street Native Market wrote to the DTC that the 17 tenants of stores in the Native Market wanted the police to remove Indian hawkers operating outside the Market who "take away a certain amount of trade which would come to them in the ordinary way, were it not for these people." The Chief Constable replied that police were vigilant in this area and had convicted 35 individuals in that month. The problem was that hawkers stayed stationary for 30 minutes and moved to another spot in the vicinity. Magistrates considered this a reasonable time period and were reluctant to prosecute. The Native Advisory Board petitioned the DTC in January 1931 to designate roads in the vicinity of the Native Meat Market in Queen and Victoria Streets as restricted areas. A Mr. Ngcobo complained to the Native Advisory Board in 1948 that most hawkers in Dalton road were Indians. He felt that since the customers were African, only Africans should be allowed to hawk in the area. These are not isolated examples. Africans believed that Indians were receiving favorable treatment in relation to themselves and as the competition for sparse resources intensified, it was defined in racial terms. What we have during this early period is that tension and differences were conceptualised in racial terms. While the local state responded positively to white complaints, the grievances and objections of Africans were ignored. This added to the frustration of Africans. Tension built up gradually until it exploded into the 1949 Indian-African riots.

In February 1931 the Chief Constable complained that because only a portion of West Street was prohibited, hawkers congregated in the unprohibited area around the Post Office causing "considerable traffic trouble," a problem which could be resolved by extending the prohibited areas. The Chief Constable also mentioned that it was becoming more difficult to prosecute hawkers. In a recent case, when hawkers were charged with obstruction, the magistrate said that he could not convict unless those members of the public who had been obstructed were brought to court to give evidence. This demotivated police from arresting offenders. As a result of this report the following areas were added to the prohibited list in July 1931:
that portion of West Street between Gardiner and Aliwal Streets; Queen Street between Grey Street and Cemetery Lane; 
Cemetery Lane between Queen and Brook Streets; Brook Street between Cemetery lane and Victoria Street and Victoria 
Street between Brook and Grey Streets. In October 1931 the NIC petitioned the DTC on behalf of nineteen hawkers who had 
been operating in the area now prohibited. Two of the petitioners were widows of Indian men who had died in East Africa 
during World War One, while another three had themselves served in the war. They had all been in the area for over a decade. 
The new restrictions had caused "great hardship" to the petitioners, most of whom were "married men with large families." On 
the advice of the Licensing Officer who felt that to allow these hawkers to remain would be to "allow Peter to rob Paul" 
because they would affect the business of legitimate traders, the DTC did not depart from its new laws.

This legislation served to restrict and concentrate hawkers to areas where Indian trade predominated. The addition of areas 
like Queen Street, Brook Street, Victoria Street and Cemetery Lane was not due to the DTC seeing to the needs of Indian 
traders who predominated in this area. Rather it was an attempt to protect the Indian Market which was an important source of 
revenue for the DTC. Not surprisingly, M. Lall and 7 other Indian traders of Victoria street complained that since "you 
brought the hawkers in near our shops our business has suffered." In September 1931 R.B Poley and "other traders" of 
Victoria Street requested the DTC to send the hawkers "back to where there are no stores nearby." The Licensing Officer had a 
"great deal of sympathy with these petitioners. The action of the Council in closing certain streets to hawkers accentuated 
the competition in other streets and I know that they are feeling the competition very badly." The DTC was resolving the 
problem of whites by restricting areas where white traders predominated. But it was pushing these hawkers into Indian areas, 
as if Indian traders did not suffer the same problems as their white counterparts. The DTC clearly viewed the situation in 
racial terms because it did not expect Indian traders to complain about Indian hawkers.

The action of the DTC also accentuated the dual racial CBD comprising of a white area in the image that planners had of the 'beautiful' city, and another where Indians could exist in conditions which did not quite match up to the ideal, but which was tolerated because Indians were involved. A racially segregated urban environment existed in Durban long before the 
introduction of formal apartheid in 1948. When free and passenger Indians first began establishing stores in the CBD in the 
1870s they could not compete with the established white CBD and built their shops and shacks on swampy land at the 
northwestern periphery of the white CBD. The "Indian" and "white" CBD's impinged as they expanded. The 1897 Dealer's Licence Act was used to segregate Indian traders in central Durban, resulting in the racial and structural duality of the CBD. As the Licencing Officer himself pointed out "there can be no law on the Statute Book which gives such arbitrary and 
uncontrolled powers as does the Act of 1897…. Innumerable appeals have been taken. The Town Council has generally 
supported me, and in thirty years no decision of mine has been reversed by the Supreme Court." The use of this law to 
systematically and methodically segregate Indians was acknowledged by G. Molyneux, Borough Licencing Officer between 
1903 and 1934. According to Molyneux:

The Durban Licensing Department has steadily worked to a definite policy over a long period…. Thirty years 
ago when I took control of the Licensing Department, and only seven years after powers of control had been 
granted to it by Act 18 of 1897, overtrading in Durban was marked. It was then that we first established the 
policy which has since been pursued. Indian traders were indiscriminately mixed with Europeans all over the 
town, large areas of which were entirely given over to Asiatic trade, nor was the central portion of the town any 
different to the rest. It seemed undesirable that the class of shoppers which mainly avails itself of Indian shops 
should be scattered all over the town,… as a result of 30 years patient work and adherence to this plan, the 
Asiatic licenses which then were considered a menace have ceased to do so. Today the so-called Grey Street 
area and Umgeni Road are the recognised tading areas for Asiatics.

I have tried to divide the town into areas where the various types of customers can trade,… spread over a 
number of years it has resulted in the segregation of races and traders. For example, the Council recently 
opened a new Indian Market on Lancers Road. I have steadily refused new licenses there, for all my experience 
shows that Indian penetration does not end with the opening of a new store. Every new license granted in an 
area to an Asiatic will mean the eventual influx of more Asiatics until they gradually extend.
During the period under review there was continuity of policy because those making the decisions occupied their positions for extended periods. Molyneux was Licencing Officer from 1903-1934, his successor B.R. Lagerwell had joined the department in September 1904, Chief Inspector Roger Hunter worked between 1903 and 1928, Inspector Sidney Eales joined in 1907 while A.E. Constable, Inspector of Motor Vehicles, had joined in 1908.

New restrictions did not mark the end of hawkers' troubles because white traders in unrestricted areas continued to complain. In August 1933 eleven white traders in Field Street, between West and Pine Streets, complained that "intending purchasers were accosted and waylaid by the hawkers about whom we complain." This area was added to the list of restricted areas, as was Smith Street between Aliwal and Grey Streets, Church Street between Smith and Pine Streets, Church Lane, Mercury Lane, Murchies Passage and Greenacre's Passage. The Colonial Born & Settlers Indian Association (CBSIA), a political body formed by educated Indians, took up the cause of poor Indians. The CBSIA complained that the "increase in areas banned for hawkers" amplified the difficulty and the "numbers of unemployed whose problem is already very acute. The DTC is not justified in weeding these people off the streets." Protest was in vain and the prohibited area continued to increase in response to white complaints. In June 1938 Victoria Street between Brook Street and Warwick Avenue, Warwick Avenue between Victoria Street and Berea road, and Berea Road between Warwick Avenue and Berea road station were added to the prohibited list; The NIC informed the Town Clerk that the new bye-laws were viewed "with concern … as a large number of Indian women hawkers find themselves in a predicament. These women are mostly poor and hawking is the only means of their livelihood. We appeal to the City Council for the repeal of the laws." This appeal was in vain. The DTC continued to take a hard line against hawkers. For example, when about 200 hawkers failed to renew their licences at the end of 1938, something that happened every year, the Licensing Office decided that these would be treated as new applications which meant an additional charge of 15/- . The CBSIA considered this injunction a "distinct hardship - the creation of an unnecessary expense which these poor people can ill afford. They are ignorant and hitherto no objection was taken to their applying for their renewals late." The Licensing officer reported that of 1276 licenses issued the previous year, 1013 had renewed their licenses within the specified period, which suggested that hawkers were aware of the regulations and failure to apply was due entirely to neglect. Since the law "makes no discrimination between those who are neglectful and those who are ignorant," the Licensing Officer did not want to deviate from the bye law. The Town Clerk met with the CBSIA but upheld the ruling.

During the 1940s complaints against Indian hawkers intensified. In July 1940 the Durban Tea Room Owner's Association played the public health card when it complained that Indian hawkers were supplying foodstuffs in "unhygienic conditions". It accused them of storing "food in their own sleeping room prior to their daily rounds. To allow such a practice at a time when many of our doctors and nurses are on Active Service is nothing short of a crime on the part of those responsible." No action was taken on the advice of the M.O.H. who said that the "hygienic objective was being used as an excuse for indulging in a trade war…." Complaints continued unabated and from a variety of sources. In September 1942 the Adjutant, South African Women's Voluntary Air Force, Natal Command, complained that when troops were coming off their boats, "Indian women and fruit hawkers are charging ridiculous prices for fruits…. Troops just landing do not know the market value of local fruit. Surely something can be done by the City Police to stop this profiteering by a certain section of the Community?" The Chief Constable advised the Town Clerk that the police could not take any action because the price of fruit was not controlled. In July 1942 Colonel Sherwood of the Imperial Forces Transhipment Camp requested that the Town Clerk prevent Indian hawkers from selling fruit at gates of the camp because they "grossly overcharge and the quality of their wares constitutes a grave menace to the health of Imperial troops who are in transit at the camp."

When S. Naidoo applied to the Town Clerk in 1942 for permission to hawk fruit close to Mitchell Park, the Chief Constable informed the Town Clerk that since January 1939 the Durban Women's Municipal Association had complained on many occasions that Indian hawkers littered the entrance to the park. As a result two "Native" constables were placed on special duty every Saturday and Sunday to prevent littering. As the situation would be "exacerbated" by the granting of a licence, the application was rejected. In March 1943, 24 Indian women hawkers selling fruit on vacant land on the West side of the railway near Victoria Street requested permission to stand in a fixed position with baskets because the density of traffic made it impossible to move constantly. The Licencing Officer advised that he had refused these hawkers licences in 1939 because they left "refuse comprising banana skins, citrus skins, and old papers and litter lying about" but the DTC had overturned his refusal. He wanted the request refused because these hawkers created a 'nuisance', allowing them to take up a fixed position was contrary to law and would set a dangerous precedent, and it would impact negatively on the business of the Market.
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Flower sellers were not spared the new protest by whites. The Market Master reported in November 1935 that a deputation of whites had complained that Indian flower sellers were at an advantage over flower sellers inside the Borough Market because of their excellent location, the fact that they could trade all day, and their low rentals. The Master agreed with this and recommended a rental increase of 400%. A joint deputation of the Natal Indian Congress (NIC) and flower sellers met with the Town Clerk on 14 February 1936 to discuss this huge increase. V. Pather, speaking for the delegation, pointed out that on average flower sellers made a profit of between £4 to £10 per month. The new rentals would put most of them out of business and also affect Indian flower growers whose flowers were bought mainly by Indian flower sellers. The delegation failed because the Committee decided to impose the increase by a vote of 3 to 2. Rent increases and restrictions on the areas in which they could trade made it very difficult for flower sellers to survive economically.

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 Stablesman 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 betweenWest 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 he 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
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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 unlicenced 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 Licencing 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 Licencing 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 Licencing Officer. Hawkers had to carry these licences at all times. The new law also stipulated that vehicles had to be approved by the Licencing 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 stationery 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 in 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.