

SOME DOCUMENTS

ON

INDIANS IN SOUTH AFRICA

AND

**INDIA'S SUPPORT TO THE
STRUGGLE FOR FREEDOM IN
SOUTH AFRICA**

1914-1988

Compiled by: E. S. Reddy

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SMUTS-GANDHI AGREEMENT, JUNE 30, 1914

(The agreement consists of a letter from E. M. Gorges, Secretary of the Ministry of the Interior, to M.K. Gandhi on behalf of the Minister of the Interior, General J. C. Smuts, and the reply of M.K. Gandhi)

Letter from E. M. Gorges to M.K. Gandhi

Cape Town,
June 30, 1914

Dear Mr. Gandhi,

Adverting to the discussions you have lately had with General Smuts on the subject of the position of the Indian community in the Union, at the first of which you expressed yourself as satisfied with the provisions of the Indians' Relief Bill and accepted it as a definite settlement of the points, which required legislative action, at issue between that community and the Government; and at the second of which you submitted for the consideration of the Government a list of other matters requiring administrative action, over and above those specifically dealt with in that Bill; I am desired by General Smuts to state with reference to those matters that:

1. He sees no difficulty in arranging that the Protector of Indian Immigrants in Natal will in future issue to every Indian, who is subject to the provisions of Natal Act 17 of 1895, on completion of his period of indenture, or re-indenture, a certificate of discharge, free of charge, similar in form to that issued under the provisions of Section 106 of Natal Law No. 25 of 1891.

2. On the question of allowing existing plural wives and the children of such wives to join their husbands (or fathers) in South Africa, no difficulty will be raised by the Government if, on enquiry, it is found, as you stated, that the number is a very limited one.

3. In administering the provisions of Section (4) (1) (a) of the Union Immigrants' Regulation Act, No. 22 of 1913, the practice hitherto existing at the Cape will be continued in respect of South Africa-born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in the past; the Government, however, reserve the right, as soon as the number of such entrants sensibly increase, to apply the provisions of the Immigration Act.

4. In the case of the "specially exempted educated entrants into the Union" (i.e., the limited number who will be allowed by the Government to enter the Union each year for

some purpose connected with the general welfare of the Indian community), the declarations to be made by such persons will not be required at Provincial borders, as the general declarations which are made in terms of Section 19 of the Immigrants' Regulation Act at the port of entry are sufficient.

5. Those Indians who have been admitted within the last three years, either to the Cape Province or Natal, after passing the education tests imposed by the Immigration Laws which were in force therein prior to the coming into effect of Act 22 of 1913, but who, by reason of the wording of Section 20 thereof, are not regarded as being "domiciled" in the sense in which that term is defined in the Section in question, shall, in the event of their absencing themselves temporarily from the Province in which they are lawfully resident, be treated, on their return, as if the term "domicile" as so defined did apply to them.

6. He will submit to the Minister of Justice the cases of those persons who have in the past been convicted of "bona fide passive resistance offences" (a term which is mutually understood) and that he anticipates no objection on Mr. De Wet's part to the suggestion that convictions for such offences will not be used by the Government against such persons in the future.

7. A document will be issued to every "specially exempted educated entrant" who is passed by the Immigration Officers under the instructions of the Minister issued under Section 25 of Act No. 22 of 1913.

8. All the recommendations of the Indian Grievances Commission enumerated at the conclusion of their Report, which remain over and above the points dealt with in the Indians' Relief Bill, will be adopted by the Government;

and subject to the stipulation contained in the last paragraph of this letter the necessary further action in regard to those matters will be issued without delay.

With regard to the administration of existing laws, the Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner and with due regard to vested rights.

In conclusion, General Smuts desires me to say that it is, of course, understood, and he wishes no doubts on the subject to remain, that the placing of the Indians' Relief Bill on the Statute Book of the Union, coupled with the fulfilment of the assurances he is giving in this letter in regard to the other matters referred to herein, touched upon at the recent interviews, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long, and will be unreservedly accepted as such by the Indian community.

I am, etc.,
E. M. Gorges

M. K. Gandhi, Esq.
Cape Town

Letter from M.K. Gandhi to E. M. Gorges, June 30, 1914

Cape Town,
June 30, 1914

Dear Mr. Gorges,

I beg to acknowledge receipt of your letter of even date herewith setting forth the substance of the interview that General Smuts was pleased, notwithstanding many other pressing calls upon his time, to grant me on Saturday last. I feel deeply grateful for the patience and courtesy which the Minister showed during the discussion of the several points submitted by me.

The passing of the Indians' Relief Bill and this correspondence finally closes the passive resistance struggle which commenced in the September of 1906 and which to the Indian community cost much physical suffering and pecuniary loss and the Government much anxious thought and consideration.

As the Minister is aware, some of my countrymen have wished me to go further. They are dissatisfied that the trade licences laws of the different provinces, the Transvaal Gold Law, the Transvaal Townships Act, the Transvaal Law 3 of 1885 have not been altered, so as to give them full rights of residence, trade and ownership of land. Some of them are dissatisfied that full inter-provincial migration is not permitted, and some are dissatisfied that, on the marriage question, the Relief Bill goes no further than it does. They have asked me that all the above matters might be included in the passive resistance struggle. I have been unable to comply with their wishes. Whilst, therefore, they have not been included in the programme of passive resistance, it will not be denied that some day or other these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights have been conceded to the resident Indian population. I have told my countrymen that they will have to exercise patience and by all honourable means at their disposal educate public opinion so as to enable the Government of the day to go further than the present correspondence does. I shall hope that, when the Europeans of South Africa fully appreciate the fact that now, as the importation of indentured labour from India is prohibited and as the Immigration Regulation Act of last year has in practice all but stopped further free Indian immigration and that my countrymen do not aspire to any political ambition, they, the Europeans, will see the justice and, indeed, the necessity of my countrymen being granted the rights I have just referred to.

Meanwhile, if the generous spirit that the Government have applied to the treatment of the problem during the past few months continues to be applied, as promised in your letter, in the administration of the existing laws, I am quite certain that the Indian

community throughout the Union will be able to enjoy some measure of peace and never be a source of trouble to the Government.

I am,
Yours faithfully,

M. K. Gandhi

LETTER FROM M.K. GANDHI TO E. M. GORGES, JULY 7, 1914

Phoenix,
Natal,
July 7, 1914

Dear Mr. Gorges,

I have now got a moment to submit my note upon the Gold Law. As you know, after maturer consideration, I refrained from pressing for the insertion of a special clause defining "vested rights" in connection with the Gold Law and Townships Amendment Act, because I felt that any definition in the correspondence might result in restricting the future action of my countrymen. However, so far as my interpretation of "vested rights" is concerned, I think that I shall reduce it to writing. General Smuts was good enough to say that he would endeavour to protect vested rights as defined by me. The following is the definition I submitted to Sir Benjamin Robertson, who, I understood, submitted it to General Smuts. My letter containing, among other matters, the definition, is dated the 4th March, 1914. | "By 'vested rights` I understand the right of an Indian and his successors to live and trade in the townships in which he was living and trading, no matter how often he shifts his residence or business from place to place in the same township." I am fortified in my interpretation by the answer given by Mr. Harcourt in connection with the matter, in the House of Commons, on the 27th June, 1911:

"Complaints against that legislation (the Gold Law and Townships Amendment Act) have been made and are now being investigated by the Government of the Union of South Africa, who have lately stated that there is no intention of interfering with any business or right to carry on business acquired and exercised by Indians prior to the date of the legislation."

I have also now traced the note by Mr. de Villiers which I alluded to in our conversation. It is contained in a White Paper published in London in March, 1912, and has the following:

"No right or privilege which a Coloured person has at the present time is taken away by the new Act (Act 35 of 1908)."

And again,

"Section 131, which, before the Bill was introduced into Parliament, formed the subject of questions in the English House of Commons and of despatches from the Secretary of State to the Governor, has been amended in Committee so as to safeguard any rights which a Coloured person may, at the present time, have of occupying land in mining areas."

Certainly, prior to the passing of the Gold Law, no restrictions were, to my knowledge, placed upon the movement or the trade of British Indians in the Gold Areas. There can, therefore, be no justification for any restriction now, especially in regard to those who are already settled in their respective townships.

I am,
Yours truly,

M. K. Gandhi

E. M. Gorges, Esq.
Pretoria

AREAS RESERVATION AND IMMIGRATION AND REGISTRATION (FURTHER PROVISION) BILL, 1925: STATEMENT BY THE NATAL INDIAN CONGRESS |

The South African Indian Community are faced with impending repressive legislation which vitally affects their residence both legal and otherwise in this country.

The vested interests of the Indian Community who have been here since the year 1860 are large enough to necessitate immediate action and protest, but Indians being voteless, their protest so far can only be raised ineffectively. Salvation lies wholly and entirely on the sober influences that might exerted by the sober Indian and British Governments, and for this reason, apart from other efforts here, immediate steps should be adopted to prevent the proposed legislation ever becoming law.

The present bill is divided into four chapters, the first Chapter deals with the reservation of areas, the second with amendments to the Immigrants regulation Act, the third with the registration of Asiatics in the Transvaal, and the fourth being supplementary.

CHAPTER I

Before discussing this Chapter, the reader must be told that at present in Natal and Cape Provinces, an Indian is free to buy, sell or lease land. In Orange free state and Transvaal certain limitations in this respect exist, but the avowed object of the Bill being to affect Indians, as openly admitted by the Minister upon the first reading, as will be seen from his speech, as will be seen from his speech printed herewith, and Natal having a population of one hundred and forty thousand Indians, it is clear that Indians in Natal will particularly and immediately suffer, because the present Bill provides for:

(a) Areas to be set apart in towns and cities, and only in such areas shall Indians be permitted to buy and sell and. They will also have to trade in these areas only and no other. All businesses now existing elsewhere under leases shall cease by effluxion of time of current leases or by death of present lessees. This means that within a very short period of time most Indian businesses will cease to exist outside the area. Indian property owners who to-day are receiving fair rents will be deprived of their reasonable income because their business and residential places will not be taken up by the European Community at a fair rental and competition will be lessened. It may be pointed out that this portion of the Bill deliberately takes away what is now possessed, and practically compulsory forces Indians into segregated areas in towns and cities.

(b) This Chapter further provides that the Governor-General may proclaim that no Indian shall buy or lease land more than 30 miles away from the coast line except from an Indian within that 30 miles, and on the application of a Health Board or Local Board areas may be set apart within those 30 miles. Then Indians will gradually, in the same way as in townships and cities, by force of circumstances be compelled to go into these areas. This means that Indians will be debarred from purchasing or leasing properties anywhere in the Province as they now are entitled to do, and will upon the completion of their present leases, be compelled to give up their residence and to close down their businesses unless they are able to purchase or lease land from other Indians within the 30 miles, or go into the area if there is one within the said 30 miles, and if there is no such area proclaimed, or no land to be leased or purchased, then those businesses must necessarily cease. On a hurried computation it is estimated that 500 to 700 Indian business premises in the country are likely to be affected: apart from this an Indian business or landed property outside of the 30 miles cannot be sold or leased to another Indian.

Moreover the Bill empowers the Governor-General not only to proclaim areas but also to deproclaim such area in part or in whole, which means that even after an area has been proclaimed and occupied, no sense of security is enjoyed, because the Governor-General can deproclaim such area. It is clear the intention of the Bill is to oust the Indian from his present vested proprietary rights and give him practically nothing substantial in place thereof, but virtually makes him a squatter and that is at the wish and will of the Minister.

The effect of the operation of these two clauses alone will cripple the whole life and trade of the Indian Community and absolutely without the shadow of a doubt crush out all Indian agriculture work, progress and prospects. In plain language, without considering any other phase of the Bill, the fate of the Indian is sealed and he is doomed.

This Chapter is based upon the recent Class Areas Bill which the late Smuts' Government had on the tapis, but which fell through when the Government changes.

CHAPTER II

This Chapter deals with Immigrants' Regulation. The drastic changes suggested absolutely place in the hands of the Minister and Immigration Officer almost unlimited power to deal with the entry and possible deportation of Indians who have lived in this country for many years.

At present an Indian who outstays for a period of three years upon entering the port is required to prove his domicile notwithstanding he may already then actually have his Certificate of Domicile. He is declared a prohibited immigrant and upon payment of a sum of money, which by practice is £31 (Thirty one pounds Stg.) and is found sufficient to cover, and as up till now accepted, he is allowed to procure the necessary evidence and prove his domicile. Experience has shown that even this amount was not always easily obtained, and the Indian Community is unaware of any Indians forfeiting this deposit and

absconding and remaining in the country; the Community therefore sees no reason for the Immigration Officer being empowered to make the deposit anything up to £100 (One Hundred Pounds Stg.), as this Section provides for. It is quite conceivable, and with the present tension of feeling against Indians as a Community, that the Officer might impose such an amount of bail as to effectively preclude an Indian immigrant being free from custody to procure the necessary evidence to prove his domicile.

It is felt that a capricious officer can easily do tremendous injury to a large number of bona fide domicile Indians who may seek entry.

By this Section it is sought to revert certain two Districts of Natal, namely, Utrecht and Vryheid, to the Transvaal province, but only for the purposes of enabling the Indian to come under the meaning of Section 4 of Act 22 of 1913.

The hundreds of Indians there to-day are persons working on the coal mines and other industries. They are Indians recruited mostly from Natal proper. They have acquired a domicile there, and so long as these two Districts remain part of Natal they cannot be removed except to be put in the proposed areas. By reverting these Districts to Transvaal these Indians can be told under Section 17 of the Bill that they must return to the domicile of birth, which in most cases will be Natal.

It may be possible that if such an order be made hundreds of these Indians will not be able to claim Natal as their place of domicile although born there, because of Section 17 they are persons who at the time of their birth, which in most cases will be Natal.

It may be possible that if such an order be made hundreds of these Indians will not be able to claim Natal as their place of domicile although born there, because by Section 17 they are persons who at the time of their birth were born of persons who were in Natal under conditional residence and never therefore acquired a domicile. [Note: Such Indians were expressly protected under the Gandhi-Smuts Agreement, 1914 (q.v.). - H. S. L. P.] If this view be taken, then hundreds of these Indians cannot claim any domicile here and must go away presumably to India. This is evidently what the Government seeks to do by this Section 16.

With regard to Section 16 Sub-section (c) in this Bill it is sought to delete paragraph (d) of Sub-section 2 of Section 4 of Act 22 of 1913 which means that a large number of Indians who have entered Natal and Cape Colony under the Education Test may be declared prohibited immigrants under the "deeming Order" (this order was made by the previous Minister under Section 4 Sub-section 1 paragraph (a) of the Immigrants Regulation Act of 1913 by virtue of which he declared all Asiatics to be economically unsuited to the requirements of the Union and therefore prohibited immigrants. The validity of this order was tested in the South African Appellate Court, but it held the Minister's Order was correct in terms of the said Section) if they applied at the ports of the Union for entry. The deletion clearly takes away a right which is today enjoyed.

Section 17 requires very close study and investigation to understand the full meaning and effect of it. It is far-reaching, and fraught with the gravest consequences. The previous Minister as aforesaid has declared all Indians to be economically unsuitable. The present Minister in introducing the Bill has referred to Indians as aliens. He has repeated this in an interview as published in the "Natal Mercury" of the 27th August, 1925, and alleges that it was not a new idea to regard the Indian as such because the British Government in 1896 tacitly agreed that the Indian was an alien element by consenting to the withdrawal of franchise. He further alleges that all subsequent legislation was based upon this principle. He says that by use of the word alien he means "that the Asiatic population was an alien element and could never be absorbed by the South African population."

Without digressing or appearing to be prolix it is submitted that the Minister's presumptions are incorrect.

The British Government did not withdraw the franchise from Indians as such. The withdrawal was general, and applied to all such as whose countries of origin of domicile had no elective representative institutions founded on the Parliamentary franchise. India at that time had no such institutions, and Indians were therefore debarred the franchise.

The Indian Community learns for the first time that Asiatic legislation was based upon the principle that they were aliens.

The British Indians maintain that they can be for all useful and progressive purposes absorbed into the general community of South Africa.

The Government's present Bill is proof positive and adequate enough to show that the Indians have created such strongly absorbing ties with the other sections here, which the Government now seek to minimise.

The Indian community, without giving up its own identity, claim to be equally good South Africans as the Minister himself.

The Minister, however, in his interview says, "The Bill is generally intended to stop effectually the further encroachment of Indians, and he hoped it would go further than that, that is as a result of the exercise of pressure on the Indian he will take advantage of the inducements which are held out to him to leave the country, so that the Bill is meant not only to stop further encroachment, but actually to reduce the Indian population of the country."

With these declared ideas of the Union Government one is able to understand the *raison d'être* of the Bill.

The proposed new section (e) speaks of prohibiting any person whose parents were at the time of his birth restricted to temporary or conditional residence by any law then in force.

Under Act 17 of 1895 large numbers of Indians came here under terms of conditional residence, and their offspring, now the cream of the Natal-born Indians numbering thousands born within the past 30 years, may possibly be also prohibited immigrants, because at the time of their birth their parents were restricted to conditional residence.

It is, however, proper to point out that the Indian Community may successfully meet this position by claiming that the Government through its Ministers has issued certificates of discharge to those who came conditional residence under Act 17 of 1895, thus waiving all claims against conditional residence. It is one of the points raised immediately after the 1914 settlement with Mr. Gandhi, and correspondence shows that it was the Government's view to grant these Indians complete domicile, and the community certainly resents to have to face the ordeal of any test cases, not because of the result, but because of the inconvenience and expense. The question is why should a settled right be interfered with.

The proposed amendment continues to make a person a prohibited immigrant if he is a person who comes under the Deeming Order and/or who has acquired a domicile in a Province of the Union where he was not born. All Asiatics as such may be at the port of entry declared prohibited immigrants and hundreds of Indians have acquired domicile with vested interests in other Provinces of the Union, and any such persons either returning to this union or entering one province of the Union, and any such persons either returning to this Union or entering our Province of the Union from another will be declared prohibited immigrants; this means his domicile in the one Province counts for nothing, and he cannot take advantage of his birthplace because:

(a) He has already given up his domicile of birth;

(b) He is a prohibited immigrant;
he cannot therefore enter at all, notwithstanding any right of vested interests.

This Section proceeds to say that the wife or child of an exempted person coming to the Union within 5 years from 1st August, 1925, or within 10 years of the first entry of such exempted person shall not be prohibited. This means that every Indian now in this Union must either before 1st August, 1930, bring back his wife and children into the Union, or within 10 years of his first own entry into the Union. This is clearly an infringement and restriction of personal right and liberty.

Notwithstanding this new Bill gives an exempted Indian the right to bring back his wife within 5 or 10 years as the case may be, yet by further provision in this new Bill he would be prevented from bringing in such wife if it could be shown that :

(a) he already has a woman still living in the Union with whom there exists a Union recognised by this Government, or

(b) any child or children in the Union by any woman who is still living.

This means that an Indian marrying under the tenets of an Indian religion and not registering such marriage may have children and thereafter divorce this wife according to the Indian religion, and she may thereafter become the wife of some other man or remain unmarried; then the first husband cannot go to India and bring a legitimate wife because he has a child resident in the Union by a woman who is still living, though not his wife. This heavy punishment is unjustifiable and disproportionate, and is a ban not imposed upon any community in the world.

With regard to Section 18 of the new Bill which seeks to make an addition to Section 10 of Act 22 of 1913, it is pointed out that the addition is quite unnecessary, as the present practice is that an Indian even already in the Union may be arrested and declared a prohibited immigrant and dealt with under Section 19 of Act 22 of 1913. Many cases have already dealt with.

Section 19 of this Bill makes the addition to Section 22 that for an offence under that Section for which imprisonment without a fine is imposed, such offender may be declared a prohibited immigrant. It may be said that with this addition and the whole Section being read together, any person in the Union who has ever been sentenced to imprisonment without the option of the fine, whether before or after the passing of Act 22 of 1923, can be declared by the Minister to be an undesirable inhabitant and be deported.

If for any reason the Government does not exercise its authority, harsh though it may be, the addition still is an incentive to the judicial functionaries influenced by the administrative section to impose punishments without the option of a fine so as to provide ground for the Minister to secure his necessary number of victims for deportation. This power should never be given to anybody because many of the offences are sometimes best suitably dealt with by imprisonment only, but the circumstances of such offence may never be so grave as to justify deportation. The discretion given to the Minister may never be nor can be from past experience expected to be exercised in favour of Indians.

Section 20 of the present Bill will affect a large number of Indians, in that they will be compelled to give up a dual domicile in the Union, because many persons hold a [legal] domicile, for instance, in the Transvaal by birth or residence and have also similarly by birth or residence a [legal] domicile in Natal. This right of dual domicile will by operation of law cease to exist in three years, which means that large vested interests in one or other of the Provinces cannot be effectively dealt with or protected by the owner, and such businesses must necessarily be closed down.

Again, Indians, including those born in the Union, by their mere absence from the Union for more than 3 years at a time lose their domicile. This appears to be in conflict with all known law as regards to domicile, because this Bill takes away and does not give effect to a man's legal intention as to his own domicile. It also entirely takes away the present established right preserved to an Indian by virtue of his Certificate of Domicile. In order to preserve a domicile a person must return within the three years and then

immediately leave again for another three years. What is to be done with a South African born Indian who absents himself for more than three years and thus loses domicile? Where is he to go? This surely renders the Act farcical and places the Indian under great inconvenience and unnecessary expenses with no corresponding benefits to anyone. The same argument applies to those who under the amendment are required to return before the 1st August, 1928.

The provision empowering the Minister to issue permits for a longer period than three years is not obligatory, and should he, as we expect, refuse all application as a matter of course, then there is no relief from such decision. It is clear that the whole of this section deprives Indians of their common law rights of freedom and restricts personal movement.

CHAPTER III

Chapter III applies to registration of Asiatics, but deals only with those whose registration should be effected in the Transvaal. The present provisions of Act 36 of 1908 (Transvaal) gives a Magistrate a right to grant a period of eight days to an Indian to have himself registered, but the present amendment takes away this right and places an Indian's application wholly at the discretion of the Minister. It is felt that this is likely to operate adversely to the Indian, and the present law should be disturbed.

CONCLUSION

The last comment on the Bill is that it is to be made retrospective as from the 1st day of August, 1925. The Minister in his first reading explains that he was doing this so as to prevent a scramble by the Asiatic to become possessed of vested interests before the Bill could become law. This retrospective operation is bound to effect all transactions in regard to land amongst the Indian community. As a matter of fact it has already crippled and effectively restricted transactions in the buying and selling of freehold properties. It is superfluous to remark that this position is unprecedented in the annals of any country.

Every endeavour will be made to calmly and constitutionally protest against this Bill, but from the past experience and from present knowledge of the existing race prejudice, Indians are constrained to believe that their representation will be futile. Concrete action, however, of Indian influence from India and its Government acting with the British Government, may secure the protection which was preserved to Indians in the South Africa Act, Section 147, which provides that:

"The control and administration of Native Affairs and of matters specially or differentially affecting Asiatic throughout the Union shall vest in the Governor-General-in-Council...."

IS THIS PROTECTION TO MEAN NOTHING TO INDIANS?

IS THE BRITISH EMPIRE WEAKENED AND UNABLE TODAY TO PROTECT ITS
BRITISH INDIAN SUBJECTS?

IS THE INDIAN GOVERNMENT UNMINDFUL OF OR INDIFFERENT TO
INDIANS OUTSIDE OF INDIA?

IS INDIAN REPRESENTATION ON THE LEAGUE OF NATIONS TO COUNT FOR
NOUGHT?

If the answer to the foregoing questions are important, then Indians expect the
leaders of Public opinion to insist upon the Imperial Government doing its clear duty.

| Indian Overseas Association, London. The South African Indian: Helot or Citizen?, n.d. [1925?]

THE SOUTH AFRICAN INDIAN DEPUTATION TO INDIA IN 1925

A. STATEMENT SUBMITTED BY THE DEPUTATION TO THE VICEROY, LORD READING, IN CALCUTTA, DECEMBER 19, 1925 |

To

His Excellency the Right Honourable
RUFUS DANIEL ISAACS, EARL OF READING,
P.C., G.M.S.I., G.M.I.E., K.C.V.O., etc.,
Viceroy and Governor-General of India,

May it Please Your Excellency,

We, the undersigned, A. Abdur Rahman, J.W. Godfrey, Amod Bayat, Sorabjee Rustomjee, V.S.C. Pather, Bhawani Dayal, and A.A. Mirza, delegates to the South African Indian Congress, duly appointed at the fifth session held in Capetown on the 9th November, desire to thank your Excellency for receiving the deputation, and respectfully beg to submit to you a short statement of the present position of Indians in South Africa and of the effect of the Areas Reservation and Immigration and Registration (Further Provision) Bill on their future status.

Sir, you will doubtless, recollect that you were pleased in March, 1922, to receive a deputation of South African Indians, supported by Sir Jamsetji Jeejibhoy and other prominent and influential leaders of Indian public opinion. That deputation not only placed before Your Excellency very fully the position of Indians as it existed then, but they also stated that, in the light of the sustained and irrational anti-Asiatic campaign in South Africa, the Indians viewed the future outlook with the gravest apprehension.

We feel assured that Your Excellency has since then watched with more than ordinary care the trend of South African legislation; that you are acquainted with and have viewed with disapprobation the promulgation of two Provincial Ordinances which quite recently deprived Indians of the Municipal and Township franchise in Natal, and the adoption of other Ordinances which place further restrictions on their trading and proprietary rights. Convinced that Your Excellency knows all this, and being aware that you have also kept in close touch with the South African Government, we feel that it would almost be an act of supererogation to restate the case of Indians as it exists today.

Nevertheless, Sir, permit us to summarise briefly our existing grievances. This will show up more glaringly the impossibility of Indians to survive and retain their manhood under any further imposition of restrictions, and moreover, it will emphasise more fully

and clearly the dire effects on them of the Areas Reservation and Immigration and Registration (Further Provision) Bill - the Bill which has driven us, as a last resource, to seek your aid in the calamity which stares us in the face and which threatens to overwhelm the whole Indian community. Briefly then the position is as follows:

Cape Province

In the Cape Province there are approximately 8,000 Indians, who enjoy equally with other non-Europeans both the parliamentary and the municipal franchise. No restrictions have so far been placed upon them which do not also apply equally to other non-Europeans. They are still free to purchase fixed property, to trade and to reside where they choose; and, except that applications by them for permits to trade are frequently refused solely because they are Indians, as was pointed out by the Asiatic Inquiry Commission of 1921, we are glad to say Indians have no complaint to make either against Europeans in that Province or the Government.

Orange Free State

In the Orange Free State there are only about 200 Indians, who were allowed to enter that Province on the strict understanding that they remained in the domestic service of Europeans. Immigration on any other condition is strictly forbidden.

Transvaal

The Transvaal has a population of approximately 12,000 Indians. They have never enjoyed either the parliamentary or the municipal franchise, and they are prohibited by Act 3 of 1885 and Act 37 of 1919 from acquiring immovable property. So far, however, there has been little difficulty in obtaining trading licences. But in 1925 the Provincial Council passed the General Dealers Control Ordinance, which, according to the Administrator, is intended to regulate, control and restrict the granting of licences to Asiatics in future. The effect of the Ordinance has not yet been felt by the Indian community. But in view of the manner in which a similar law is being administered in the Cape Province where the anti-Asiatic feeling is comparatively mild, we have no hesitation in predicting that very few or no new licences will be granted in future. Furthermore, the Ordinance has been made retrospective. All licences, therefore, issued since July, 1925, will in 1926 be regarded as new licences and will probably be refused when they come up for renewal, and in the case of refusal of new licences there is no right of appeal. |

Natal

Natal has an Indian population of about 140,000, of whom a large proportion are born in the country, being descendants of those who by their labour and industry transformed that Province from a wilderness into a garden. In the year 1896, Indians were deprived without the slightest justification of their Parliamentary Franchise, but no restriction was placed upon them with respect to the acquisition of fixed property or the right to trade

and to reside where they chose. In 1908, however, the Natal Legislature passed two drastic measures; one was designed to stop the issue of new trading licences to Asiatics forthwith, and the other to prevent the renewal of existing licences after 1918. These measures, needless to say, did not receive the Imperial Government's assent and the trading rights of Indians were left undisturbed.

Thus, Sir, when the deputation waited upon you in 1922, although Indians experienced some difficulty in obtaining new licences to trade, and despite the fact that they suffered many minor indignities as a result of vexatious and restrictive regulations then in operation, nevertheless, they still enjoyed the full municipal and township franchise equally with Europeans, and they still retained the right to own fixed property and to reside where they chose without let or hindrance.

Since then a change for the worse has taken place. Three Provincial Ordinances, the provisions of which are intended to be applied to the Indian community almost exclusively, have received the assent of the Governor-General-in-Council, despite very strong protests against them. Two of these Ordinances, namely, the Boroughs Ordinance of 1924 and the Townships Franchise Amendment Ordinance, 1925, taken together, by one stroke of the pen, deprive all Indians of their municipal and township franchise rights respectively, although they possess the necessary qualifications, if their names are not already on the voters' roll. By a further clause in the first of these Ordinances, Municipalities have the power to prohibit the ownership or occupation or both of unalienated municipal lands by persons of Asiatic descent. The third Ordinance, namely, the Rural Dealers' Licensing Ordinance, creates Boards, whose duty it is to consider all applications for licences to trade. Against the decision of the Boards in the case of new applications, as well as applications for transfer from one premises to another, there is no right of appeal. As this Ordinance is specially designed to restrict trading by Asiatics, and as it is administered in that spirit, it is not difficult for Your Excellency to conceive how Indians are suffering thereunder.

From this brief and consequently inadequate summary of the oppressive and differential laws in operation today in South Africa, it will be seen that further restrictions have been placed on Indians after the interview of 1922, and that the fears which Indians then entertained had been well-founded. But, Sir, we are to have no respite, and once again we are confronted with an outlook that seems even darker and more dismal. As if the cumulative effect of the many irksome regulations, the indignities we suffer, the curtailment of our rights, the abridgment of our privileges - as if the cumulative effect of all these was not sufficient to crush the Indians in time, a section of Europeans are prosecuting their one-sided and unjust racial warfare with such intensity and vigour as to convince us that they will not halt until they reach a point just short of wholesale extermination of Indians.

In response to the clamorous demands of these racialists, the Union Government introduced last Session into Parliament, and have promised to place on the Statute Books during the forthcoming Session, what is known as the Areas Reservation and Immigration Restriction (Further Provision) Bill, which, as Your Excellency knows, is

the primary, if not the sole cause, of our having been deputed to seek your aid in the hour of need.

The Bill on the face of it is pure "class legislation". That it is intended to be administered solely against Indians, is quite clear from the fact that all other non-Europeans, namely Cape coloureds, natives, Malays, Mauritian Creoles and St. Helenas are exempted from its operation. Its object, as is plainly stated, is to drive Indians into locations or areas, reduce them to industrial serfs, and thus ultimately hunt them out of South Africa. This is clear not only from the various sections of the Bill itself, but also from the speech of the Minister, who, when introducing it into Parliament, said "that the Bill frankly starts from the general supposition that the Indian as a race in this country is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country".

The principle of compulsory segregation for trading and residential purposes, which is distinctly laid down in the Bill, is one which the Indian community cannot, nay, dare not accept. Your Excellency assured the deputation of 1922 that you also were opposed to the principle of segregation, and you inspired the Indian community in South Africa and the people of India with hope when you expressed yourself thus: "They (the Indian Government) are equally at one with you in the objection you take to the Commission's suggestion regarding voluntary segregation whether residential or commercial." It is not difficult, therefore, for Your Excellency to gauge the bitterness and intensity of the feeling in South Africa against this Bill.

We desire also to state that the conditions which prevail in "locations" in which natives are compelled to live in many parts of the Union are appalling, due in every instance to the neglect on the part of municipalities to supply and attend to the essential services requisite for a healthy and clean life. The Asiatic Inquiry Commission of 1921 reported against segregation as follows: "We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result eventually in reducing them to helotry. Such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European." Moreover, the Bill is in violation of the spirit and intention of the Gandhi-Smuts Settlement; for it was understood that no further anti-Indian legislation would be imposed, and that the then existing laws would be administered in a just manner with due regard to vested rights.

For these reasons alone the Indian community cannot accept the Bill.

Furthermore, the tightening up of the immigration laws, the interference with the trading rights, the new restrictions with regard to acquiring ownership of land and acquiring leases, and the utter disregard of vested rights - all these taken together constitute such a formidable catalogue of new injustices that Indians are sure to be crushed under its weight. There is also no doubt that the clauses relating to the ownership

of land, renewal of leases and of trading rights will spell financial ruin to the Indian community.

After the first reading of the Bill, the Indian community in the Union of South Africa, through the South African Indian Congress, passed the two following resolutions:

1. That the South African Indian Congress in conference views with alarm the Areas Reservation and Immigration (Further Provision) Bill which is in violation of the 1914 Gandhi-Smuts agreement, and which has for its object the compulsory segregation of Indians, deprivation of their proprietary rights and the ultimate elimination of the Indian community as openly declared by the Minister of Interior, and begs to submit to the Government that on a matter of principle the Indian community of South Africa opposes this Bill in toto.

2. That this Congress urges upon the Union Government to consent to a round table conference of representatives of the Union and Imperial Governments, the representatives of India, the Indian Government and representatives of the South African Indian Congress to consider the whole position of the Indians here and arrive at an honourable settlement.

These resolutions were presented by a deputation to the Minister of Interior on the 16th November, 1925, who replied that he was not prepared to depart from the principles of the Bill; that as all political parties in the Union were unanimous on the Bill, he hoped to have it placed on the Statute Book and that he was unable to state what final view either the Union Government or Your Excellency's Government would take in regard to the round table conference as the matter was under discussion.

Our object today is, therefore, to impress upon the Indian Government the urgency of securing the Union Government's consent to a round table conference in terms of the resolution aforementioned.

We would point out that even if this Bill does not become law, there still remains unsolved the question of Franchise Rights, Immigration, Education Trading Licences, etc., and these are questions that call for an early solution.

The Indian community have at all times been law-abiding, and are prepared even now to submit to any and all laws to which all other sections are made amenable. They have always been prepared to assist by every means to promote the welfare and progress of the Union.

We beg to place before Your Excellency our demands as law-abiding and respectful citizens of the Union and as South Africans, to restore to us in the Cape Province and Natal the political rights of which we have been deprived, and to grant to us full political and civil rights in the Transvaal and the O.F.S. as enjoyed by the other communities of the Union. This will be one of the means of solving the Indian problem in South Africa.

In the event of the Union Government not acceding to the request for a round table conference and forcing the Bill through Parliament in spite of Your Excellency's and our objections, then we would respectfully ask you to secure the King-Emperor's disallowance of the Bill in terms of Section 65 of the South Africa Act, failing which to appeal to the League of Nations, as the Bill contravenes the spirit and intention of Clause XXIII of the Covenant of the League of Nations, to which the Indian Government is a signatory.

In conclusion, we again beg to thank Your Excellency for granting us this interview, and sincerely pray that Your Excellency's efforts to secure for the South African Indians a status consistent with the honour and dignity of the Indian nation will be crowned with success.

We have the honour to be,
Sir,
Your obedient servants,

A. ABDUR RAHMAN
J.W. GODFREY
AMOD BAYAT
SORABJEE RUSTOMJEE
V.S.C. PATHER
BHAWANI DAYAL
A.A. MIRZA

B. DR. ABDURAHMAN'S SPEECH |

Compare the position of the Indians today with that of the "Outlanders" in the Transvaal in 1898. Their grievances were nothing in comparison with what we suffer. The Indian grievances were made one of the causes for going to war. England must today take a firm stand. I am assured from what you, Sir, have seen in the statement and from what you know of the special grievances under which the Indians suffer, and from what you know of this Bill, that you yourself will today say to me and to us that the Indians are already suffering enough, and that they cannot bear any more. But we have not told you the whole of the horrible picture of the suffering of the Indians under the many legislative enactments. Having been segregated in areas and prevented from adding and acquiring lands outside the areas, what are the Indians then to do? There are no educational facilities for the Indian children. The Government spend something like £6,000,000 on education, and out of that vast amount I think something like nearly £4,000,000 are spent in the Transvaal, Natal and Orange Free State. But of this latter amount about £100,000 are spent on Indian and coloured education and £100,000 on the native education. In the Cape it is different. That province is more liberal. In the Orange Free State, to give you some idea of the attitude of some of the Europeans, out of every pound that is spent on education the huge sum of three-farthings is spent on the non-European

child and nineteen shillings and eleven pence on the white child! There are practically no educational facilities at all for the Indian child or for any other non-European child to go beyond the sixth standard. To bar the Indian and other non-European child from learning a skilled trade, an Apprenticeship Act was passed, which says that before a child can be apprenticed in the printing trade, he must have passed the seventh standard. So it is also in other trades. In some trades it has been fixed at the sixth standard, and very few non-European children reach that standard because there are no educational facilities. Take again the Liquor Law Amendment Bill. Here the Indians and the natives are specially excluded from being employed on premises where liquor is manufactured, stored or sold. This is done because the Indians are the waiters in most of the big hotels and in order to oust them from this work, the Bill provides that no native or Indian shall be permitted to work in a place where liquor is manufactured, stored or where it is sold. Then comes the Colour Bar Bill which was rejected by the Senate last session, but which will be passed this session. Then again, no Indian may be in charge of a machine. I will go into further details, but I wish to say that there are so many restrictive laws that it is impossible for us to hope for an honest living in the future. I think I have exhausted my time-limit. I know Your Excellency is exceedingly busy. You quite understand that we are coming all this distance because we are compelled to seek your aid in this crisis. I am glad that Your Excellency is indulgent, and has permitted me to amplify our statement. I now desire to say, in conclusion, that if India finds that she is impotent, that she cannot help us in South Africa, for some reason or other that she cannot, though she might wish to do so, and that if she had the power she would do so, I would go so far as to say that I interpret Your Excellency's views on this point when I say that Your Government would do everything possible if it could, to prevent this Bill from going through. I say if you are in such a position here that you cannot help us, if the position of India is such, her relationship with the rest of the British Empire is such that she must submit and allow her sons to suffer, then I hope one of these days that relationship will be changed, so that India can speak, as she ought to speak, like a free man and say: "We will not allow our sons to be humiliated any longer because we have got the power to say no."

C. THE VICEROY'S REPLY

Dr. Abdur Rahman and gentlemen,

I am glad to have this opportunity of meeting you here today and of discussing the grave situation to which you have referred in your petition and observations. I have read and examined an advance copy of your petition with great care and have listened with deep interest to the further observations with which you have now laid it before me. Let me assure you that I have watched the position of Indians in South Africa with anxiety and sympathy for some years past and have taken all measures as opportunity offered from time to time which appeared to me and my Government calculated to ameliorate their condition. I am deeply grieved at the present situation. It is natural that you should seek to ascertain at first hand in India the feelings of the people and the Government of India on these questions and to fortify your cause with what you will undoubtedly carry

away with you - the warm sympathy of the people and the Government of India. Great indignation has been felt and expressed in India, and public opinion has been deeply pained.

It has been observed with apprehension that in introducing the Bill, Indians have been described as an alien element in the population of the Dominion, and intentions have been expressed of solving the problem by securing a very considerable reduction in the Indian population of the Union. Your deputation lays stress, and rightly so, on the necessity for a round table conference. This suggestion has been repeatedly pressed by me and my Government since it was first put forward by Mr. Thomas during his visit to South Africa. We urged the Government of South Africa, in addition, to agree to our despatching a deputation to South Africa to ascertain facts regarding the economic conditions of Indians and the effect upon them of the contemplated legislation, so that we might be in the best position to make representations concerning these measures based on accurate local and latest information regarding the situation. Our concrete proposals regarding the deputation to that Government were made on 9th October last and accepted by that Government on 10th November. We at once took steps to constitute a deputation and informed the Government of South Africa that we were despatching it on the 25th November. The first information of your deputation which we received was in a Reuter's telegram of the 19th November. The decision to send the Government deputation was thus reached before we had heard of your deputation. We attribute importance to our deputation both because of the information it may be expected to procure and because we desired to lose no time in taking advantage of the assent of the Union Government to its visit. Although in many respects it would undoubtedly have been preferable if these two deputations had not crossed each other, yet there is no real duplication of functions, as we once apprehended, in a deputation from the Government of this country visiting South Africa at the same time as a deputation from Indians in South Africa visits India. The more light that can be shed on this difficult question the better. The fuller the understanding the more likely that some avenue may be found to remedy the situation. I and my Government greatly hope that the deputation we have sent to South Africa may collect facts and make suggestions which may serve as a basis for fresh proposals on lines to which the Union Government may be disposed to agree. We also confidently expect that your deputation may help us with some constructive suggestions of value to the same end. I fully understand the depth of the feeling by which your community and Indian opinion generally is exercised.

I do not under-rate the strength of the apprehensions you entertain. Nevertheless, whilst it is natural that you should present your case with considerable vigour, it must be remembered that the issue is now in South Africa. South Africa is a Dominion. Its Parliament has full powers to pass legislation regarding its internal affairs. Feeling in South Africa is naturally sensitive of interference from outside in these affairs. I have never in my experience known a good case to suffer by sober presentment. I and my Government emphatically held that we have a right to make representation regarding a measure prejudicial to Indians domiciled in South Africa. It is a duty from which we shall never shrink, and we claim that our views should be heard and considered. We have reason to know that our right to make representations and be heard is not disputed by the

Union Government. Indeed, I gratefully acknowledge that they have on various occasions given effect to our suggestions. At the same time we recognise that the position of that Government must be respected and that no claim can be sustained by us of a right to interfere in their domestic affairs. Should the Union Government be unable in the end to accede to our request, we reserve to ourselves freedom to take such action as may seem desirable in the circumstances of the case. We have always kept His Majesty's Government fully informed through the Secretary of State for India of the strength of feeling in India on the question of Asiatic legislation in the Union, and of our own views on these questions. I cannot consider the prospects hopeless. I believe that the Union Government will give careful consideration to our views, based as they are on facts and equitable consideration.

It is evident that in the absence of the Indian franchise the Union Government recognises that they have a special responsibility for Indians in South Africa. The present Union Government have not yet carried any anti-Asiatic legislation. The Colour Bar Bill was rejected by the Senate. The fate of the present Bill is still undecided. Let me remind you that I and my Government have carefully watched all proposals in the past for anti-Asiatic legislation. We have kept the Union fully apprised of Indian sentiment regarding these measures and of the objections to them. They have just received our representatives with the greatest courtesy, and I gladly acknowledge that in the past, action has frequently been taken to meet our suggestions regarding specific measures.

I am not sure that it is generally recognised that the Union Government have from time to time to meet representations made by my Government and the extent to which our protests and representations have achieved some success. Let me give a few instances. First as regards draft ordinances to amend the Natal Townships law of 1881 in such a way as to deprive Indians of the township franchise, various drafts were introduced in 1921, 1922, 1923, and 1924, and regarding each in turn the Government of India cabled representations. The Governor-General-in-Council withheld assent to the first, reserved the second and fourth for further consideration, and the third was not proceeded with. The fifth ordinance of 1925 received the sanction of the Governor-General-in-Council before our representations reached him. In 1925 also a draft ordinance to consolidate the Natal townships law was introduced which would have had the effect of disenfranchising Indians already on the electoral roll of townships. In response to our representations we have been informed that the ordinance is standing over until next year, and that when it is proceeded with the franchise of Indians at present on the voters' roll will be adequately safeguarded. Again, as regards the Natal Boroughs Ordinance of 1925 we cabled representations. The Governor-General-in-Council at first reserved the Bill for further consideration but ultimately assented on the ground that they were unwilling to curtail the power of a provincial council to deal with a purely domestic legislation. Another instance is the Natal Rural Dealers' Licensing Ordinance. Various drafts were introduced, all of which were likely to affect adversely the trading rights of Indians. The Governor-General-in-Council withheld assent to the draft of 1921, reserved for consideration the draft of 1922, and assented to the draft of 1923 after explaining how far he had been able to go in meeting our wishes. In the case of the Durban Land Alienation Ordinance of 1922 we cabled representations. The Governor-General-in-Council assented, but

instructed the Administrator in Natal to satisfy himself before approving racial restrictions in land sales that Asiatics were given reasonable opportunity for acquiring adequate residential sites. Take finally the Areas Reservation and Immigration and Registration (Further Provision) Bill, 1925. The position is that the Government of India have already telegraphed very full representations regarding this Bill, which they consider of the utmost importance, and have received an assurance that their representations will receive the earnest consideration of the Ministers. It may also be noted that the Government of India has addressed a detailed despatch containing their views on the Asiatic Enquiry Commission's Report, 1921. This despatch has given rise to a long correspondence, in the course of which the Union Government have explained their general policy towards Asiatics. We are still engaged in discussion. I freely admit that in some cases the representations of my Government have been unavailing, as, for example, in the Natal Public Health Committee's Ordinance (1925). In the case of the South African Mines and Works Amendment Act of 1925 also, we made representations, and though some changes were introduced to meet Asiatic susceptibilities, the principle of the Bill remained unchanged. Fortunately, however, the Bill was rejected in the Senate. In the case of the Class Areas Bill of 1924 we have also made representations, but the Bill lapsed owing to the dissolution of the Union Parliament.

I have said enough to show that I and my Government, though not always successful, have been able to achieve something in the past, and have every reason to believe that the Union Government will give the closest consideration to any proposals we may decide to put forward. Our deputation in South Africa is working to provide us with material to make and support our representations. We look to you also, and shall welcome any constructive suggestion you are able to give us. The member of my Government in charge of this subject, Sir Mohammed Habibullah, and the Secretary of the Department, Mr. Ewbank, are present here today. I invite you to keep in close touch with them and give your views as regards all clauses of the Bill and their effect upon Indians. This is not the place to go into the question of details, but it is important that they should hear your views upon these questions also. You may be assured that any detailed criticism of the Bill you may have to offer will be most carefully examined by them both. I and my Government will welcome your assistance in giving through them concrete illustrations of the manner in which specific provisions adversely affect the position of Indians. As I hope I have already made clear to you, you may rely on receiving a very sympathetic hearing from the officers of my Government. We shall carefully and anxiously consider the best course to follow. It would be premature on my part to attempt to indicate the exact measures we may adopt, but you may confidently count on my warm personal interest in your difficulties and on the sincere desire of my Government to find a way to remedy those anxieties by which you are now oppressed. You may already be aware, and if not let me assure you, that whatever the differences that may exist in India on other political questions, there is unanimity of opinion regarding the position of Indians in South Africa. I and my Government believe that any representations that may be made and any action that may be taken in the interests of India and the Empire on behalf of Indians in South Africa will have the whole-hearted support of the people. No course which can legitimately and constitutionally be taken will be left unexplored, and all reasonable measures calculated to ameliorate the situation will be taken.

D. SPEECH BY LORD READING AT THE OPENING OF THE INDIAN LEGISLATIVE ASSEMBLY, JANUARY 20, 1926 |

Speaking of the position of Indians in South Africa, Lord Reading said that there had been continuous progress in the legislation in South Africa prejudicial to the position of Indians, and tending to make it increasingly difficult for them to prosper or even exist in the Dominion, and further anti-Asiatic legislation had been recently introduced, and was now pending before the Union Parliament. The purpose of this legislation was to empower urban authorities compulsorily to segregate Indians and confine their rights of trading and of acquiring property to the limits of the areas assigned to them. The Bill also contained further restrictive provisions in regard to the acquiring or leasing of land outside the coastal belt in Natal, the immigration and importation of wives and families, and inter-provincial movements.

"The Townships Bill (the Viceroy continued) contains what appears to my Government to be a radically objectionable principle, and the existing aversion from this policy has been intensified by the statement of Dr. Malan, in introducing the Bill in the Union Assembly last July, that the measure was based on the general proposition that the Indian was an alien element in the population of the Union and that no solution of the question would be acceptable unless it resulted in a very considerable reduction of the Indian population.

"Since April last we have been in continuous correspondence with the Union Government in regard to this legislation, and communications are still passing. We have repeatedly pressed upon them the suggestion that the situation, in our view, calls for a conference as regards their general policy towards Indians. In the alternative, we invited them to make other suggestions likely to result in a permanent and satisfactory settlement. The Union Government have not found themselves able to agree to our proposals for a conference, although they seem inclined to agree to a conference restricted to the consideration of a more effective repatriation scheme which, in their words, will result in a considerable reduction of the Indian population in South Africa, and to proposals for the mitigation of economic competition between Indians and other classes in South Africa, and they asked us to formulate concrete suggestions regarding the latter.

"We could not accept a conference whose main object would be to reduce considerably the numbers of Indians in South Africa. We were, however, prepared to consider the possibility of smoothing any difficulties that may have been found in the existing scheme of purely voluntary repatriation and to make suggestions in regard to vocational employment when we had sufficient data, but we asked for their assent, before entering upon any discussion about voluntary repatriation or making suggestions regarding competition, to our sending a deputation to South Africa to collect information regarding the economic and general position of Indians in the Union.

"On November 10 the Union Government acceded to this request, and we forthwith dispatched our deputation. In sending the deputation the immediate object we had in mind was the collection of information urgently required by us, and we still kept in view the possibility of a conference, to which we attach the greatest weight. The interim reports received from the deputation have given us valuable information, and the deputation has collected facts which have been most useful to us in our representations and may assist in suggesting eventually a basis for fresh proposals. We still do not despair of persuading the Union Government that there is the strongest ground for a conference, or, in the alternative, for an inquiry, before further Parliamentary steps are taken in regard to pending legislation.

"We have never doubted the right of South Africa to guide the course of their own domestic and economic legislation, but in our view there are far wider considerations involved in this legislation than local economic policy alone. In our opinion they have an important bearing upon the Empire as a whole. The proposed measures are not, in our view, in accordance with those principles which bind the Empire together in a community of sentiment, and we hope this aspect of the proposals may yet commend itself to South African opinion. Even on the narrower issue of economic necessity, we believe, from information now received by us, that the situation may be capable of adjustment in other ways. Our negotiations are still proceeding, and we shall continue to press our views to the utmost of our ability. We cannot say whether we shall succeed in our endeavours, but I hope that a cause which, as it appears to us, has reason and equity on its side will ultimately prevail. Meanwhile I rely on the Legislature to give me and my Government their confidence and support in a question upon which they are aware that our sentiments are agreed, and especially to remember, as I gratefully acknowledge they have hitherto borne in mind, that we are still in course of negotiations with the Government of the Union, in whose hands the initiative in conducting their own legislative programme lies."

| From: The South African Indian, Helot or Citizen, London: Indians Overseas Association, 1926.

The South African Indian Deputation headed by Dr. Abdurahman was received by the Viceroy, Lord Reading, on Saturday, December 19, 1925, at Calcutta. The following is the full text of the statement submitted by the Deputation.

| A note by H.S.L. Polak in the pamphlet from which this document is taken reads:

"A telegram from the Transvaal British Indian Association to the Indians Overseas Association since received states that the municipalities have begun to refuse both to issue and to renew licences wholesale to Indian applicants - H.S.L.P."

| From: Ibid.

The following is the concluding portion of the speech Dr. Abdur Rahman delivered in submitting the deputation's statement to the Viceroy.

| From: Ibid.

The following is a Reuter's report of the speech by the Viceroy at the opening of the Indian Legislative Assembly.

CAPE TOWN AGREEMENT, 1927

Joint Communiqué issued by the South African and Indian Governments, February 21, 1927

1. It was announced in April, 1926, that the Government of India and the Government of the Union of South Africa had agreed to hold a Round Table Conference to explore all possible methods of settling the Indian question in the Union in a manner which would safeguard the maintenance of Western standards of life in South Africa by just and legitimate means. The Conference assembled at Cape Town on December 17th and its session finished on January 12th. There was, in these meetings, a full and frank exchange of views which has resulted in a truer appreciation of mutual difficulties and a united understanding to cooperate in the solution of a common problem in a spirit of friendliness and goodwill.

Both Governments affirm their recognition of the right of South Africa to use all just and legitimate means for the maintenance of Western standards of life.

2. The Union Government recognizes that Indians domiciled in the Union who are prepared to conform to Western standards of life, should be enabled to do so.

3. For those Indians in the Union who may desire to avail themselves of it, the Union Government will organize a scheme of assisted emigration to India or other countries where Western standards are not required. Union domicile will be lost after three years' continuous absence from the Union, in agreement with the proposed revision of the law relating to domicile which will be of general application. Emigrants under the assisted emigration scheme who desire to return to the Union within three years will only be allowed to do so on refund to the Union Government of the cost of assistance received by them.

4. The Government of India recognize their obligation to look after such emigrants on their arrival in India.

5. The admission into the Union of the wives and minor children of Indians permanently domiciled in the Union will be regulated by paragraph 3 of Resolution XXI of the Imperial Conference of 1918.

6. In the expectation that the difficulties with which the Union has been confronted will be materially lessened by the agreement now happily reached between the two Governments, and in order that the agreement may come into operation under the most favourable auspices and have a fair trial, the Government of the Union of South Africa have decided not to proceed further with the Areas Reservation and Immigration and Registration (Further Provision) Bill.

7. The two Governments have agreed to watch the working of the agreement now reached and to exchange views from time to time as to any changes that experience may suggest.

8. The Government of the Union of South Africa have requested the Government of India to appoint an agent in order to secure continuous and effective cooperation between the two Governments.

(The Annexure containing the summary of conclusions reached by the Round Table Conference is omitted here).

LETTER FROM THE JOINT HONORARY SECRETARY OF THE SOUTH AFRICAN
INDIAN CONGRESS TO THE SECRETARY TO THE MINISTER OF THE
INTERIOR (CONVEYING THE DECISIONS OF THE 15TH SESSION OF THE
SAIC (DURBAN, FEBRUARY 7-19, 1935), MARCH 1, 1935

1st, March 1935.

The Secretary,

To the Minister of Interior,
Capetown.

Dear Sir,

I am directed to forward you herewith a resolution passed at the fifteenth session of the South African Indian Congress held at Durban on the 17th, 18th and 19th ultimo, which is as follows:

(1) "This Conference of the South African Indian Congress respectfully desires to draw the attention of the Union Government that in its opinion the continuance of the Assisted Emigration Scheme under the Statutory provision of the Relief Act is in direct conflict with the Agreement arrived at in 1932, by the Governments of the Union and of India which declared that:

'it was recognised that the possibilities of the Union Scheme of Assisted Emigration to India are now practically exhausted, owing to the economic and climatic conditions of India, as well as to the fact that 80% of the Indian population of the Union are now South African born.'

This conference therefore, urges the Union Government to consider seriously whether the Statutory provision providing for immigration to India should not be repealed."

(2) "Notwithstanding the Union Government's interpretation of the Licensing clause in the Capetown Agreement, this Conference of the South African Indian Congress takes the view that the initiative to revise the Licensing laws of the Union lies with the Union Government and further as this Conference is of the opinion that as such revision is long overdue, it respectfully asks the immediate steps to be taken to give effect to the revision contemplated in the Capetown Agreement."

(3) "The Conference empowers the Executive to go into the question of the introduction of wives and minor children of the Condonees into Union and makes such representations to the Hon. the Minister as it may deem fit."

In forwarding you this resolution, I beg to intimate to you that it was the wish of the Conference that this resolution should be submitted to the Hon. Minister and that a deputation from the Congress wait upon him to make representations in amplification of this resolution.

It is proposed that the Congress deputation arrive in Capetown on the 21st instant, and interview the different Ministers concerned during a period of one week, in connection with the resolutions passed at the Conference.

I have requested the Secretary for the Government of India to arrange the dates in succession for the Ministers to receive our deputation this week.

I shall therefore be glad if you will kindly consult Mr. Williams and arrange a date for our interview with the Hon. Minister as aforesaid.

Thanking you in anticipation.

I beg to remain,
Yours faithfully,

Joint Hon. General Secretary

SOURCE : F No. 154/35 - Misc.
Agent General of India, Cape Town.

NATAL INDIAN ASSOCIATION: CONSTITUTION AND RULES

(Adopted at the joint meeting of the members of the Natal Indian Congress and of the Colonial Born and Settlers Indian Association, Durban, October 8, 1939)

NAME

1. The organisation herein constituted shall be known as The Natal Indian Association (with which are amalgamated The Natal Indian Congress and The Colonial Born and Settlers Indian Association) and shall be referred to as the Association.

HEADQUARTERS

2. The Headquarters of the Association shall be at Durban, in the province of Natal.

OBJECTS

3. (a) To promote and advance the cause of the Indians in the Province of Natal; to improve their condition and status, both politically and socially; to guard against any encroachment upon existing rights and privileges; to work for and foster peace, goodwill and co-operation as far as possible between the various sections and races of the population of South Africa.

(b) To further educational facilities for the Indian community, especially technical, industrial and agricultural.

(c) To work for the improvement of the conditions of Indian farmers, especially peasant farmers.

(d) To work for and secure better trading facilities.

(e) To further the interests of the workers.

- (f) To work for the restoration of the franchise.
- (g) To work for the removal of the prohibition against Indians joining the Defence Force.
- (h) And generally to perform all such acts as are incidental to the aforesaid objects and to do such other work as may appear to be in the best interests of the Indian community.

CONSTITUTION

- 4. The Association shall consist of:
 - (1) The Association.
 - (2) Branches.
 - (3) Women`s Branches.
 - (4) Members.

AFFILIATION AND CO-OPERATION

- 5. The Association may affiliate to or co-operate with any other organisation having objects similar to those of this Association, and appoint such representatives as may be necessary to serve on such affiliated organisation.

MEMBERSHIP

- 6. Any Indian of not less than eighteen (18) years of age and resident in the Province of Natal may become a Member of the Association on payment of the subscription laid down in rule 17 hereof. The membership of the Natal Indian Congress and of the Colonial Born and Settlers Indian Association as at the date of the passing of this Constitution together with the members who enrol thereafter, shall constitute the membership of the Association.

OFFICIALS

- 7. The Officials of the Association shall be:
 - (a) A Patron.
 - (b) President.
 - (c) Sixty-five Vice-Presidents. Branch Presidents shall ipso facto be additional Vice-Presidents of the Association.
 - (d) Two Joint Hon. Secretaries.
 - (e) Two Joint Hon. Treasurers.

COMMITTEE

- 8. The Committee shall consist of:
 - (a) Officials.
 - (b) Seventy-five Members elected at the Annual General Meeting as herein provided.

(c) Representatives from Branches and Women's Branches.

POWERS OF COMMITTEE

9. The administrative and executive powers of the Association shall be vested in the Committee.

MEETINGS OF COMMITTEE

10. The Committee shall meet at the Office of the Association at Headquarters or at any other place once every month and on such other dates as the Secretaries may decide upon or as the Committee may direct. Twenty members shall form a quorum.

VACANCY ON THE COMMITTEE

11. Any vacancy occurring on the Committee shall be filled by the Committee and any vacancy in the representation of a Branch on the Committee shall be filled by the Branch concerned.

PROCEDURE AT FIRST MEETING OF COMMITTEE

12. At the first meeting of the Committee following its election, the following shall be appointed by it:

(a) An Emergency Committee consisting of the President, four Vice-Presidents, both Secretaries, both Treasurers and seven members of the Committee, which shall act in matters of urgency. Such Emergency Committee shall report its doings to the next Committee meeting. Seven members shall form a quorum.

(b) Councillors to represent the Association on the Executive of the South African Indian Congress or on any other organisation to which it is affiliated.

(c) An Auditor, who shall be a registered Chartered Accountant.

SUB-COMMITTEE

13. The Committee may appoint one or more sub-committees and delegate any of its powers to a sub-committee, and may also withdraw such powers.

ABSENCE WITHOUT LEAVE

14. Any member of the Committee who, without leave or just cause being shown, fails to attend three consecutive meetings of the Committee, shall cease to be a member of the Committee. Representatives of Branches outside the Durban City Area shall not be subject to this rule.

BYE-LAWS AND REGULATIONS

15. The Committee shall be entitled to frame Bye-Laws and Regulations for the effective management of the affairs of the Association, not inconsistent with or repugnant to these rules.

MASS MEETINGS

16. On vital matters affecting the Indian community, Mass Meetings shall be held to ascertain the views and wishes of the Indian community.

SUBSCRIPTION

17. Membership subscription shall be the sum of One Shilling. Written application shall be made for membership.

DUTIES OF SECRETARIES AND TREASURERS

18. The Secretaries shall keep a Minute Book reflecting the proceedings of all meetings, and copies of such Minutes shall be sent to all Branches.

19. The Secretaries shall be responsible for the safe custody of all records and correspondence and shall generally do acts and things which fall within Secretarial duties.

20. The Treasurers shall keep proper books of Account reflecting the financial transactions of the Association. An audited Statement of Account shall be presented by them for adoption at the Annual General Meeting.

21. The Treasurers shall have power, without the sanction of the Committee, to incur expenses to the extent of 5 Pounds Sterling during any calendar month; such expenditure shall be reported at the next Committee Meeting for confirmation.

BANK ACCOUNT

22. All moneys of the Association shall be deposited in a Bank approved by the Committee, and withdrawn on the authority of the Committee by cheques signed by the President, either of the Treasurers and either of the Secretaries. Cheques in favour of the Association may be endorsed by one of the Treasurers for the purpose of depositing in the Bank.

ANNUAL AND SPECIAL GENERAL MEETINGS

23. The Annual General Meeting of the Association shall be held during the month of October in each year, or so soon as possible thereafter, at such time and place as the Committee may decide. Notification to the members shall be given 15 days prior to the meeting through the medium of the Press and in such other manner as the Committee may decide.

24. The Agenda of the Annual General Meeting shall include the following:

- (a) Minutes of the last Annual General Meeting.
- (b) Receiving Secretaries' Annual Report and adoption thereof.

- (c) Receiving Treasurers` Financial Statement and adoption thereof.
- (d) Amendment to Constitution and Rules if any.
- (e) Election of Officials and Committee.
- (f) Any other matter at the instance of the Committee.

25. The Secretary shall call a Special General Meeting at the direction of the Committee or on receipt of a requisition signed by more than 250 members setting out the purposes of such a Meeting. If the Secretaries fail to call such a Meeting requisitioned by more than 250 members within a month from the date of receipt of such requisition, the requisitionists themselves may in that event convene the Meeting. The Secretaries shall on receipt of a requisition signed by 100 to 250 members setting out the purposes of such a Meeting submit such a requisition to the Committee, who shall decide whether such a Meeting shall be called or not.

BRANCH ASSOCIATION

26. Where there are fifty or more members resident in any area, the Association Committee on its own initiative, or on the application of twenty-five or more members in such area, may proceed to the formation of a Branch for such area, subject to the following conditions:

- (a) Association Committee shall delimit the area for a Branch Association.
- (b) No member of the Association shall be regarded as such in a Branch unless he or she is registered as a member in such Branch Association.
- (c) A Branch shall be governed by a Chairman (who shall in virtue of the office become one of the Vice-Presidents referred to in Rule No. 4); not more than five Vice Chairmen, one or two Joint Hon. Secretaries and an Hon. Treasurer and 11 Committeemen, who shall be elected at their meeting annually.
- (d) Subscriptions of members (1s. each) shall be collected by a Branch in its area.
- (e) A Branch shall be entitled to collect funds in its area for any special purpose, provided it has first obtained the approval of the Association Committee. It may also accept donations.
- (f) A Branch shall collect for the Association subscriptions for any particular object at the request of the Association.
- (g) A Branch shall manage and act in its local affairs and also give effect to the resolutions and acts of the Association.
- (h) A Branch shall be entitled to send four representatives being its members to all Committee meetings, and all its members shall be entitled to participate in the general meetings of the Association.
- (i) A Branch shall keep a detailed register of all its members, minutes and account books, together with copies of all correspondence for the recording of all its doings, and a report of such doings shall be sent to the Association Committee for its information.
- (j) A copy of the Annual Report and Financial Statement by each and every Branch, duly audited shall be forwarded to Association Committee immediately after submission to its annual general meeting.
- (k) Immediately on formation of a Branch it shall be regarded as having affiliated with the Association and pay an annual subscription of 10s. 6d. before the annual general

meeting of the Association and shall also pay 50 percent of its subscriptions as soon as same are received to the Association Treasurers.

(l) The minutes, correspondence and accounts of all Branches shall be open to inspection by the Secretaries or any duly authorised officials of the Association.

(m) If the Association Committee is convinced after investigation that a Branch is subject to hostile influence to the detriment of the Association, it may dissolve such Branch and report to the next general meeting or give such instructions that the names of such individual members be removed from the Branch register.

(n) A Branch shall be designated as follows: Natal Indian Association (with which are amalgamated the Natal Indian Congress and the Colonial Born and Settlers Indian Association), Maritzburg Branch, or so on in respect of each Branch Association.

(o) All property, movable or immovable, belonging to and registered in the name of a Branch, shall be exclusively the property of such Branch.

(p) A Branch shall be entitled to decide its own quorum for its Committee meetings, which number shall not be less than one-third of its elected Committee members, and shall also make its own rules and regulations, provided same be not inconsistent with the objects and constitution of the Natal Indian Association.

WOMEN`S BRANCH

27. Upon the application of ten Indian women members of the Association or Branch, the Association may form a Women`s Branch, subject to the following conditions:

(a) There shall be at least 50 Indian women resident in an area to constitute a Women`s Branch.

(b) Such Women`s Branch shall be subject to supervision of the Association Committee or Branch as the case may be. Such supervision shall be reasonably exercised, allowing a Women`s Branch the power to do everything for the women and generally to help its Committee or Branch, as the case may be.

(c) A Women`s Branch shall be governed by a Chairlady (who shall, by virtue of her office, become one of the Vice-Presidents referred to in Rule No. 4), Vice-Chairladies, a Secretary, a Treasurer and not less than five Committeewomen, and they shall be elected annually during the month of October or so soon thereafter by the women members of the Branch.

(d) The membership subscription to a Women`s Branch shall be 1s., and such subscription shall be used for its own purposes.

(e) A Women`s Branch shall be entitled to collect subscriptions for any special purpose after it has obtained the approval of its Branch for such purpose.

(f) Members of a Branch or Women`s Branch shall be called together from time to time by its Committee for the consideration of any matter. Such Committee shall be subject to the will of its members, provided nothing shall be done inconsistent with the Rules of the Association.

(g) A Women`s Branch shall be subject to Clause 26 (m) in regard to disciplinary action.

(h) Every Women`s Branch shall keep a minute book and an account book for the recording of its doings.

(i) A copy of the annual report and financial statement of each Women`s Branch, duly audited, shall be forwarded in duplicate to the Association or its Branch, as the case may be, and such Branch shall forward a copy with its annual report and financial statement to the Association.

(j) Five representatives from each Women`s Branch and the Chairlady and Secretary of the Women`s Branch shall be entitled to attend and participate at all general meetings of its Branch.

(k) A Women`s Branch shall be entitled to two representatives to all Committee meetings of the Association and all members of the Women`s Branch shall be entitled to attend and participate at all the general meetings of the Association.

(l) A Women`s Branch shall be designated as follows : Natal Indian Association (with which are amalgamated the Natal Indian Congress and the Colonial Born and Settlers Indian Association), Maritzburg, Women`s Branch and so on in respect of each delimited area.

IMMOVABLE PROPERTIES

28. All immovable properties of the Association shall be vested in the name of nine Indian Trustees, who shall be appointed among the members of the Association at the Annual or Special General Meeting of the Association called for that purpose. Such Trustees shall as far as possible be representatives of every section of the Indian community.

29. A Trust Deed shall be drawn up clearly defining the powers and duties of the Trustees, which shall be submitted to a general meeting of the Association for confirmation, and such Deed shall provide for the removal or re-election, in case of resignation, assignment, insolvency, death or otherwise.

RIGHT TO INSTITUTE AND DEFEND AN ACTION

30. The Association may institute any action in law or intervene in any action before the Courts wherein a principle adversely affecting the general Indian community is concerned or wherein the Committee considers the objects of the Association to be affected. The Association may sue or defend in any Court of Law and all documents necessary thereof shall be signed by the President and the Joint Secretaries.

INSPECTION OF BOOKS

31. Any member of the Association shall be entitled, after written notice to the Secretaries, to inspect all the books and/or correspondence, the property of the Association, and the same procedure shall apply to the Branches.

DONATIONS

32. The Association shall have the right to collect and accept any donation from the public.

DISCIPLINARY ACTION

33. The Committee shall be entitled on its own initiative or on receipt of any written complaint from any member of the Association to investigate the conduct or attitude of any member of the Association who may have said, acted or done anything which might be held to be derogatory or detrimental to the aims and objects or rules of the Association, and if found to have so said, acted or done, the Committee may suspend or have his name struck off the register of members, provided that two-thirds of those present at the Committee shall have voted against such a member. Such member, however, shall have the right to appeal to the next Annual General Meeting for the removal of his suspension, or reinstatement, provided he has given written notice to the Secretaries setting out the grounds within thirty days of his suspension or removal. If the Committee find that the complaints lodged by any member are frivolous, then the Committee shall have the power to deal with such complainant member in such a manner as it may deem fit.

GENERAL AND MISCELLANEOUS

34. The President shall preside at all meetings of the Association, or in his absence one of the Vice-Presidents, or in the absence of any of the Vice-Presidents, a member of the Committee shall preside. The Committee may, however, appoint one of its members as Chairman of the Committee.

35. No proxies shall be permitted at any meeting.

36. The proceedings of the meeting shall be carried on in English, but any member may speak in any of the Indian languages.

37. A copy of this constitution shall be supplied to any member of this Association on application. Badges and symbols of the Association, when decided upon by the Committee, may be had on payment of the cost thereof.

38. The foregoing Rules may be revised, amended or added to at the Annual General Meeting or Special General Meeting called for the purpose, by a two-thirds majority of those present thereat, provided notice of such a revision, amendment or addition be given to the Secretaries thirty days prior to such Annual General Meeting by any member desiring the amendment.

As passed at the joint meeting of the members of the Natal Indian Congress and of the Colonial Born and Settlers Indian Association, held at Durban, Natal, on the 8th day of October, 1939.

SOURCE : F. No. : 10 - A/HC/SA/40

STATEMENT BY DR. Y. M. DADOO, SECRETARY OF THE NON-EUROPEAN UNITED FRONT (TRANSVAAL), AT HIS TRIAL UNDER THE EMERGENCY REGULATIONS, SEPTEMBER 6, 1940

In submitting the following points for the consideration of the Court, I feel that this matter is not one that concerns me alone. It is one that concerns all the Non-European people, and this case is one that might set a precedent for similar actions against other Non-European people. In view of the fact that I am a public figure among the Non-European people, and one to whom many of them look for guidance, I feel that it is my duty to submit a statement to the Court.

One of the mass Non-European organisations, namely, the Non-European United Front of the Transvaal, of which I am the Secretary, works for the complete economic and political emancipation of all the Non-European peoples. When it was confronted with this question of the war, it had, in accordance with its avowed policy and principles, to give an honest and truthful lead to its people; and therefore the question was very seriously considered by its Council, and after proper deliberations it decided to issue a leaflet reflecting the true and accurate picture of the position and status of the Non-European people as a whole, and giving them a guidance on the necessity for certain definite conditions being fulfilled by the Government of this country before the Non-European people could be expected to participate in the war efforts of the Government. I was, in my capacity as Secretary of this body, accordingly instructed by my Council to carry this decision into effect, and I did so willingly and wholeheartedly.

In view of the oppression and tremendous disabilities of my Non-European people, I submit that if the Council had taken any other course than the one it did take it would have consciously and deliberately and against all canons of justice betrayed the very principle for which it stood, and it would also have, to its and its people's utter shame and degradation, lined itself up with reactionary and opportunist organisations. I am, indeed, proud to say that the Non-European United Front had the courage of its convictions to stand up and give the right guidance to its people, although it had to do so at a most trying and difficult time.

It is my contention that the contents of the leaflet which forms Annexure 2 of the Charge-Sheet, sets out the true position of the Non-European people and that the Non-European United Front had given, which it was entitled to do, the right and correct guidance to its people and therefore I desire to point out to the Court at this juncture by means of proof and examples that the leaflet in question was not mala fide or issued with any intention to mislead or defraud the public or a section of the public. Furthermore, I contend that "incitement" could be calculated to be caused or a "feeling of hostility" to be engendered only when attempts or appeals are made on malicious grounds and with the utilisation of all known methods of falsehood to warp the reason and rouse the base instincts of man to gain certain ulterior motive or motives by setting one section of the public against another section.

The appeal of the Non-European United Front, as contained in the leaflet, is based on facts and directed in a perfectly legitimate and righteous fashion to the conscience and the instincts of reason and justice inherent in the mind of man not to allow the further perpetuation of injustice and oppression, but to work for their removal.

Pass Laws and poll tax

The Pass System has inflicted an unbearable burden on the African people. An African has to carry a number of passes, including: (a) Native Service Contract Pass (b) permit to travel from one area to another to seek works; (c) a special Pass required to be on the streets after 9 p.m.; and (d) Poll Tax receipt.

If he has three passes on his person and one in his room, he is arrested and convicted for breaking the law.

Natives paid in taxes, 1938, (all males over 18)	œ 2,310,747
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Number of Non-Europeans prosecuted, 1938	700,000
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Out of the above number, the number convicted	588,329
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Approximately 66 percent of those convicted were sent to prison for paltry and, at times, inadvertent breaches of such iniquitous laws like Pass Laws, Municipal Bye-Regulations, Location Regulations, Municipal Bye-Laws etc. Such an intolerable state of affairs and indiscriminate convictions have tended to create a band of criminals out of a simple hard-working and honest race of men. Little wonder then that, from time to time, eminent authorities like Dr. Krause and even some of the leading newspapers like the Star and the Daily Mail have openly called for the abolition of the Pass Laws and Poll Tax.

Segregation

Africans must live in locations and they are prohibited from owning property or from conducting business in European areas. Coloureds and Indians are prohibited from living in many areas and are, in effect, segregated. Ownership of land and property is denied to Indians in the Transvaal and restricted for the Coloured people, The Asiatics (Transvaal Land and Trading) Act of 1939 has prohibited the issue of new licences and tremendous difficulties are put in the way of transfers of trade from one name to another or from one place to another.

White labour policy

This bug-bear is used to play up to the prejudices of the European people. Thousands of Africans and Coloureds have been displaced from work by Europeans. But instead of Europeans benefitting from such a policy, their standards are dragged down because it is the usual practice for employers to dismiss the Africans at one door and re-engage them at another door to force down wages of both Non-Europeans and Europeans. This policy is definitely aggravating the "poor white" problem.

Low wages

This is an undeniable fact. The average annual wage of 343,380 African workers employed on the gold mines was £40 in 1939; whereas in that year the average wage of 39,974 Europeans on the mines was £400.

On farms

The cash wages per annum average from £16 to £12.

Unskilled labour

26/6 per week in Cape Town; 17/11 per week in Durban; 19/7 per week on the Witwatersrand; 11/- per week in the sugar mills.

Thousands of Africans in engineering and building industry earn just over a pound per week on which an African is expected to bring up himself and family. The African workers have managed to obtain a slight increase in their wages in those industries or factories wherein they have been organised into trade unions.

The Indian labourers in the sugar industry are receiving very low wages. They receive 45/- per month. The Fact Finding Commission on the Coloured Question has reported on the poverty of the Coloured people due to low wages and unemployment.

The low wages have reduced the purchasing power of the vast majority of the South African population, particularly the Non-European people, to such a low level that the local manufacturers are finding home markets too small for the development of local industries; and therefore the Chamber of Industries and dozens of press editorials from time to time are demanding that there should be a rise in African wages.

Poverty, high rents and unemployment

Poverty is rife among Non-Europeans, especially Africans. Rents paid by Non-Europeans are very high. For example, the rents in Sophiatown and Vrededorp are as high as 5s. per room per month. The housing conditions are appalling. Most of the streets in Non-European areas, e.g., Sophiatown, Newclare, Alexandra Township and other locations are not streets at all but veritable mud-tracks. Sanitary services are negligible. Overcrowding is an undoubted fact. There is no unemployment relief. Unemployed are liable to be forcibly transferred to areas where labour shortage occurs. No accurate

statistics are kept which could give one some idea of the appalling misery of the Non-European people. The Unemployment Benefit Act operates in certain scheduled industries such as Mining and Motors but the Africans are deliberately excluded though they are the lowest paid and the first to lose their jobs.

Colour bar laws

These are too numerous to quote in full. Suffice it to say, one sees the revolting sign: "Europeans Only". Trams, lifts, hospitals, trains, places of amusement, libraries, universities, skilled jobs, parks, halls - in fact, all the essential requirements of the community are reserved exclusively for the Europeans whilst in some directions wholly inadequate facilities are provided for Non-Europeans. Yet the use of all these has only been made possible thanks to the labour of the Non-European people. They are not permitted to use the things which they have helped to build.

Education

Total expenditure on education in 1938	£9,819,804
of which on African education	£827,058
on Coloureds and Asiatics	£812,325
which means, in other words, that the amount spent on European per head of population was	£4-16-0
whereas African was	£0-2-9
Coloured and Asiatic was	£0-18-2

Democratic rights

Most legislation on the Statute Book is repressive class legislation in the interests of the governing wealthy class. And most of this repressive legislation is still more oppressive in its effect on Non-Europeans. The laws in question are too numerous to quote in full but the following list will serve to give us some idea; Pass Laws, Tax Laws, Segregation Laws, Native Urban Areas Act, Apprenticeship Act, Colour Bar Act (mining industries), Industrial Conciliation Act, Unemployment Benefit Act, Wage Act; Anti-Asiatic Acts like Law 3 of 1885, Gold Law of 1908, Transvaal Land Tenure Act of 1932, Land and Trading Act of 1939; the Riotous Assemblies Act.

This brief resume of the intolerable conditions under which the Non-European people have to live in this country conclusively proves that these conditions are deliberately created and fostered by the Government and European capitalists in order to reduce the mass labour power of the Non-European people into a commodity which could be used and utilised at will to increase the wealth, luxury and happiness of a small well-to-do

section of the European community. The Non-Europeans are used as one would use an orange - the labour to be mercilessly squeezed out and the skin and pips to be thrown aside.

Conclusion

In conclusion, I maintain before this Court that during the last World War of 1914-1918 the Non-Europeans played their part and thousands made the supreme sacrifice. But after the war, the promises for a better life were not fulfilled; on the contrary, the oppression has become worse. The profiteers and big industrialists waxed fat and the position is the same today. The gold mines, in 1938, paid in dividends œ15,573,904 or 35 per cent and the estimate for 1940 is œ20,000,000.

The "state of war" was declared by the Union Government after a very small majority decision of Parliament, but the part on which I desire to lay particular stress is this: that at no stage during the time that this momentous decision was being taken were the Non-European peoples who constitute over 80 per cent of the citizens of the Union, directly consulted or allowed the opportunity to declare their considered opinion on a vital question of life and death, that of whether this country should go to war or not.

I submit that on a question of such vast magnitude and severity, it was the supreme duty of the Government to directly consult every section of the citizens of the State. Despite this act of deliberate omission, the Union Government, in the prosecution of its war efforts, made an intensive and extensive drive to obtain the active services of the Non-European people. The war and peace aims were at no stage clearly defined by the Government but appeals were issued that it was a War for Democracy, Freedom and Independence of Nations, Countries and Peoples. These appeals were not clearly understood by the vast majority of the Non-European people since they were not allowed by the State to enjoy the fruits of Democracy, Freedom and Independence and, therefore, it fell on the shoulders of their mass organisations and leadership to explain to them the true position in relation to the war and then, after a full explanation, to give them a correct and proper guidance on the matter.

The workers are called upon to bear the greatest part of the brunt in this war; they have to go to the front and lay down their lives; they have to speed up in industries and factories but their wages are not raised, their lives not bettered.

The present war is an imperialist war, and therefore an unjust war. It is not a war to free the people, but to maintain and extend imperialist domination. Even at this critical juncture, the Union Government would not even consider the request to postpone the sitting of the Asiatic Penetration Commission for the duration of the war, thus showing that it is not one whit concerned about affording any relief to the Non-European people. Under these conditions, I submit to the Court, how could any representative body of Non-European public opinion, or I, as one of the leaders, be expected to acquiesce in the war efforts, if we are to remain truthful and loyal to our people?

This war could only be transformed into a just war for the preservation of democracy and the defeat of fascism when full and unfettered democratic rights are extended to the Non-European people of this country and when the oppressed peoples of India and the colonial and semi-colonial countries are granted their freedom and independence. If these conditions and rights are given them, only then, could we believe that this is a war for the preservation of Democracy and the institution of a new social order; and there would be no sacrifice too great and no risk too hazardous for us, the Non-Europeans, to offer for the defence of this new social order.

In view of these facts, I plead not guilty to both the charges alleged against me. Whatever the decision of the Court be, for us there is no cause so sacred, and no cause so noble, as the cause for which the Non-European United Front is fighting and shall go on fighting, surmounting every obstacle, suffering every consequence, till justice is vindicated and freedom won.

Source: Pamphlet published by the Non-European United Front, Transvaal, 1940

STATEMENT BY DR. Y. M. DADOO TO THE INDIAN PEOPLE ON THE EVE OF HIS TRIAL, JANUARY 30, 1941

On the eve of my court trial under the Emergency Regulations, I deem it my duty, as the leader of the Nationalist Group of the Transvaal Indian Congress, to make the following statement to my Indian brethren.

You elected me as your leader at the mass meeting held at the Patidar Hall on the 7th May, 1939, under the chairmanship of our respected champion of Passive Resistance, Mr. E.I. Aswat | , to lead a Passive Resistance campaign against what is now known as the Asiatic (Transvaal Land & Trading) Act of 1939. Mahatma Gandhi sent us this message: "You have to suffer, not I; therefore let God alone be your guide."

As you will no doubt recall, a definite decision to launch the Passive Resistance struggle on August 1st was taken at that historic gathering of 6,000 Indians held at the Indian Sports Ground on the 9th of July 1939. We had to postpone the struggle at the eleventh hour on the advice of Mahatma Gandhi. His message stated:

"I have no hesitation in asking the Passive Resistance Committee to postpone for a time the proposed launching of the struggle on August 1st.

"I do so because I have some hope of an honourable settlement. I know that the Government of India as well as the British Government are trying to obtain relief. I have put myself in touch with Ministers.

"In the circumstances I think a brief postponement of the struggle is necessary. I am fully aware of the enthusiasm of the resisters. They have proved their mettle before. They will do so again if it becomes necessary. But it is the code of passive resisters to seize every opportunity of avoiding resistance if it can be done honourably.

"Every cessation in search of peace adds to the strength of the real fighters. Let them remember that the settlement of 1914 was the outcome of the cessation of the struggle for the sake of peace.

"I hope that the proposed cessation will lead to a similar result. Should it unfortunately prove to be otherwise, and should the struggle begin, let Dr. Dadoo and his fellow-resisters know that the whole of India will be at their back."

In subsequent correspondence Mahatmaji revealed that there was not much hope of a satisfactory outcome from his efforts and that we should be the best judges of the course we may have to adopt.

As far as the operation of the provisions of the Interim Act of 1939 is concerned, our worst fears have been realised. The Act has proved disastrous. Our suffering has been made acute and unemployment has increased considerably, despite the assurance of the opponents of Passive Resistance.

The Act is due to expire in May and the Government proposes to bring before the present session another such to take its place. It is designed to maintain the existing restrictive measures affecting our rights of trade and movement. It has been reported that the Government supporters maintain that an extension of the Act is necessary as there has been no time to prepare new legislation incorporating the findings of the Penetration Commission.

Any extension of the existing Act would spell utter ruination. It is the duty of our community to resist it effectively. Besides, passive resisters are bound by their sacred pledge to their people to fulfill their duty by suffering sacrifice.

The time for action has come. There is only one alternative before us, that of Passive Resistance. In view of the fact that due to an enforced absence from your midst, I may not be able to participate in the struggle that lies ahead of us and therefore, I make this earnest appeal to you to actively cooperate and help the Passive Resistance Council to carry on our struggle. In my place I nominate Ismail Ahmed Cachalia to lead the movement. I hope that you will repose your trust and confidence in him and render him every assistance in the same loyal manner as you rendered me in the past. And, in that way demonstrate your solidarity.

I wish to outline a scheme in the hope that it may act as a guiding line in the programme of action that you will be called upon to formulate in the prosecution of the Passive Resistance struggle.

A communication must be addressed to the Prime Minister and the Minister of Interior stating the injustice that is meted out and showing plainly the intention and determination of the people to resist the proposed measure by means of Passive Resistance as the only course left open to us to safeguard our national honour and existence.

If, in its wisdom, the Government ignores the justice of our cause then we should tighten our belts and prepare ourselves for suffering as true and faithful Passive Resisters.

The Passive Resistance Council should undertake the task of enrolling and organising volunteers. The people must be kept informed of the day-to-day happenings by means of regular Bulletins. A fresh mandate must be obtained from the public and then the struggle launched at the zero hour with all the dignity and calm resignation demanded from all true passive resisters.

The path before passive resisters is one of suffering. They must be armed with the weapon of truth and so steeled in the school of self-discipline that they will be able to endure the trials of the struggle with calm dignity, unflagging determination, uncomplaining stoicism, ungrudging sacrifice and unswerving loyalty to the cause. Such an attitude of mind and such a behaviour will disarm all opposition and open the road to the vindication of justice.

Signed by me this day the 30th of January 1941 at 47 End Street, Johannesburg in the presence of the following witnesses.

(Signed) Y.M. Dadoo

(Signed) S.M. Desai; M.L. Patel; M.D. Bharoachi; E.S. Dangor; S.V. Patel; I.A. Cachalia.

STATEMENT BY DR. Y. M. DADOO IN COURT AT TRIAL FOR SPEECH AT BENONI, JANUARY 31, 1941 |

[Dr. Dadoo, then Secretary of the Non-European United Front, was sentenced to four months` imprisonment with hard labour on a charge of making statements at the Benoni Location calculated to incite the public to oppose the Government. He had been arrested under Emergency Regulations for making an anti-war speech.]

This is the second occasion on which I have been dictated by a sense of duty to submit a statement to Court.

The Non-European United Front, in duty bound to its principle of working for the emancipation of the Non-European people, and in honour bound to the confidence

reposed in it by the masses of the people, must carry on the struggle against pass laws, poll tax, pick-ups, anti-Asiatic legislation, segregation, colour bar in industries, low wages, sweated labour, poverty, unemployment, and all the other laws that oppress our people, and must fight for the recognition of African trade unions and full rights of citizenship. In other words, a relentless struggle for the democratic rights of the Non-European people must be carried on.

In pursuance of this sacred task, we have no other alternative but to explain to our people the true nature of the war that is raging in Europe, Africa and other parts of the world, and to give them a proper guidance as to the attitude they should adopt.

The rulers of the British Empire have time and again proclaimed that they are fighting the war for democracy and yet, when the hungry and starving millions of India, South Africa and other parts of the vast colonial empire ask that these democratic rights be extended to them first before they be asked to fight for what the imperialists call "the independence of small nations of Europe", they are beaten up, flung into prisons and concentration camps and subjected to all sorts of brutalities.

As D. N. Pritt, K.C., M.P., one of the outstanding leaders of the progressive section of British public opinion, points out:

"They wage war to preserve the system of exploitation at home and in the colonial Empire."

We maintain that it is our legitimate right to criticize a policy of the Government which affects the people adversely. Even the Cabinet Ministers are saying that the people have the freedom of criticism. To quote one example, may I be allowed to mention that Mr. J. H. Hofmeyr, the Minister of Finance, said in a broadcast speech on Tuesday, 21st January:

"Voltaire said: 'I don't agree with a word you say, but I shall fight to the death for your right to say it.' How utterly incongruous these words would sound in a dictator country today? How utterly in conflict they are with the spirit of Nazism, Fascism, or any other form of authoritarianism?"

"The first assault of dictatorship is on freedom of criticism. For the normal functioning of democracy, freedom of criticism is indispensable."

I wonder what Mr. Hofmeyr thinks of the Government of which he is a responsible member? The Government has not allowed the Non-Europeans the freedom of criticism which according to Mr. Hofmeyr, is the indispensable function of democracy; otherwise, I should not be standing here in the dock this morning.

Instead the Government has resorted to the weapons of oppression to suppress the right of the freedom of speech.

Anti-fascists who have all long stood and fought for the principles of democracy have been put into concentration camps whilst Nazis and Fascists are allowed to overrun the country to preach the dangerous and abhorrent doctrines of fascism.

Under the democracy of the Union Government there is a very big difference in the allowances given to the families of European soldiers compared with the Non-European soldiers.

The struggle of the Non-European people for liberation is not an isolated struggle; it is merely a continuation of the struggle of the oppressed masses carried on in many lands. Four hundred million Indian people are at this very moment carrying on the struggle. The President of the Indian National Congress, Moulana Abul Kalam Azad, is languishing in jail. That great-hearted and world respected leader, Pandit Jawaharlal Nehru, is undergoing four years` hard labour in the jail of British imperialism. Thousands of others are suffering the same fate. The people of South Africa are playing their part. The Government may imprison me, it can fling hundreds and thousands into jail and concentration camps, but it cannot and it shall not suppress the demand for freedom which arises from the crying hearts of the Non-Europeans and other oppressed people.

The struggle goes on.

In conclusion, I make this appeal to the Non-Europeans of South Africa. African, Coloured, Indian, Malay, all Non-Europeans unite! Create a fighting unity! Have confidence in your own mass strength, and carry on the struggle with unflagging determination until we have a People`s Government which will end the persecution of Non-Europeans and recognise our rights to live as human beings, institute real machinery of democracy and work for a just peace which will put an end to the devastation of war.

ARTICLE BY A. I. KAJEE ON "POSITION OF THE FRANCHISE" FOR INDIANS,
SEPTEMBER 1941 |

POSITION OF THE FRANCHISE

by A.I. Kajee

By letters patent of July 15, 1856, Natal was separated from the Cape Colony.

This Constitution provided that every man over the age of 21 who owned immovable property to the value of 50 Pounds, or who rented property to the value of 10 Pounds per annum should be entitled to a Parliamentary vote. (Paragraph II, letters patent 15th July, 1856.)

This franchise was extended by Law No. 2 of 1883 to those whose income inclusive of allowance was 8 Pounds per month or 96 Pounds per annum.

The same Law ordained that no person belonging to a class which was placed by special legislation under the Jurisdiction of Special Courts or was subject to special laws and tribunals should be entitled to a vote unless he was in addition to the qualifications able to write an application in English or Dutch before a competent authority for exemption from the operation of this clause (Law 2 of 1883, Section 6).

Thus the Indian introduced under indenture has to pass an educational test before he could claim the vote. But few Indians at that time had the necessary property or other qualification which would have entitled them to the vote.

It must be noticed that an indirect form of class legislation was introduced for the first time in the Franchise Laws of the Colony.

In 1892 responsible government was granted to Natal. The Franchise Laws remained the same under the new Constitution.

In the early nineties of the last century a strong wave of anti-Indian agitation was carried on by Europeans. This found expression amongst other things in an attempt to disfranchise the Indian.

In 1894 Act No. 25 was introduced seeking to deprive all persons of Asiatic extraction of the Parliamentary Franchise.

Royal assent was refused to this Bill on the ground that it introduced legislation against a class of Her Majesty's subjects and as such was in conflict with the Queen's Proclamation.

Mr. Chamberlain wrote in his despatch to the Natal Prime Minister as follows:

"Electors of important constituencies in Great Britain have considered Indian Gentlemen worthy not merely to exercise the Franchise, but to represent them in the House of Commons. I desire, however, to guard myself from the supposition that I regard this question merely from the point of view afforded by the experience of this country, and that I have not paid due regard to local considerations. It is manifestly the desire and intention of your Government that the destinies of the Colony of Natal shall continue to be shaped by the Anglo-Saxon race, and that the possibility of any preponderant influx of the Asiatic voters should be averted... But the Bill under consideration involves in a common disability all Natives of India without exception, and provides no machinery by which an Indian can free himself from this disability, whatever his intelligence, his education, or his state in the country; and to assent to this measure would be to put an affront on the people of India such as no British Parliament could be a party to."

A new Bill was accordingly introduced in 1896 which excluded from the voters roll all persons who (not being of European origin) are Natives or descendants in the male line of Natives of countries which have not hitherto (i.e., at the date of the passing of the

Act) possessed elective representative institutions founded on the Parliamentary Franchise unless they shall first obtain an order from the Governor in Council exempting them from the operation of this Act. In 1896 there were 251 Indian voters on the roll. Their rights were preserved. This number has decreased to four in 45 years.

The Indian population of the Union, according to the census of 1936, was 219,928. This represents 10.9 per cent of the European population. In Natal in 1921 the Indian population exceeded the European by 5,000. In 1936 the case was reversed and the European population exceeded the Indian by 7,000. The fear of preponderance of Indian voters no longer exists.

Every other group of the Union's population, including the Indians of Cape Province, have direct or indirect representation in both houses of Parliament.

But the 225,000 Indians, compulsorily confined in Natal and Transvaal by the Provincial barriers, have no vestige of representation in the Town Councils, Provincial Councils or the Parliament of the Union.

| Ebrahim Ismail Aswat (Asvat) was one of the leaders of the Satyagraha led by Mahatma Gandhi in South Africa, 1907-14, and was chairman of the Transvaal British Indian Association for several years. In 1938 he was elected President of the Non-European United Front of Transvaal with Dr. Dadoo as Secretary.

| From: The Guardian, Cape Town, February 6, 1941

| The Leader, Durban, September 20, 1941

SOUTH AFRICAN INDIAN CONGRESS; RESOLUTIONS PASSED AT THE 16TH SESSION

Gandhi Hall, Johannesburg, June 26-28, 1943

RESOLUTION No. 1

REPRESENTATION OF NATAL PROVINCE

This Conference hereby records its deep sense of disappointment with the Natal Indian Association at its non-fulfillment of the Agreement reached at Capetown on the 15th April 1943 signed by Councillor A. Ismail (Senior Vice-President - S.A.I. Congress), A.I. Kajeer & S.R. Naidoo (Joint Hon. Secretaries) & S.M. Nana (S.A.I.C. Executive Member representing Transvaal Indian Congress).

Proposed by Mr. K. Thambi

Seconded by Mr. H.K. Gool

RESOLUTION No. 2

CLAIMS OF NATAL INDIAN CONGRESS AND NATAL INDIAN ASSOCIATION FOR RECOGNITION

This Conference records its disapproval of the ruling of the late President quoted hereunder as being inconsistent with the President's own previous ruling of 7th October, 1941 and resolves that the resolution of the executive of the Congress on the subject of the dispute between the Natal Indian Congress and the Natal Indian Association at its meeting held on the 19th April, 1942 was within its powers and jurisdiction and accepts the decision on the subject.

(Resolution of Executive Dated 19th April, 1942:

"This meeting of the Executive of the South African Indian Congress after giving full and careful consideration to the submissions of the representatives of the Natal Indian Association and the NATal Indian Congress, and after receiving and considering the

report of the Sub-Committee referred to in the resolution of the Executive on the subject of the 7th October, 1941 resolves that the Motion of Mr. S.R. Naidoo adopted at the General Meeting of the Natal Indian Congress on the 27th August, 1939, did not lawfully affect or constitute an amalgamation of the Natal Indian Congress with the Natal Indian Association and that the Natal Indian Congress referred to as a constituent body of the South African Indian Congress continues to be a constituent body of the South African Indian Congress."

Late President's ruling reads:

"My ruling after giving full and weighty consideration to all facts and circumstances surrounding the issue, is that the proper body to finally adjudge the claim in dispute between the Natal Indian Congress and the Natal Indian Association is the South African Indian Congress in Conference assembled, and it is, therefore, the final tribunal to adjudge and decide upon the claim of the respective bodies.

In regard to the appeal lodged by the Natal Indian Association against the finding of the Sub-Committee, I hold that they as appellants should be heard before the South African Indian Congress in Conference in support of their appeal with, of course, the right to the Natal Indian Congress to contest the appeal.

The whole question to my mind is one of constitution and the proper body to decide the constitutional issue finally is the Conference of the South African Indian Congress".)

Proposed by Mr. Ismail Valiullah
Seconded by Mr. S. Cassoojee
and carried unanimously.

RESOLUTION No. 3

TRADING AND OCCUPATION OF LAND (TRANSVAAL & NATAL) RESTRICTION ACT

This Conference of the South African Indian Congress records its strong and emphatic protest against the Trading and Occupation of Land (Transvaal and Natal) Restriction Act and declares that the Act is a positive violation of the Uplift Clause of the Capetown Agreement and as wholly inconsistent with the principles of the Atlantic Charter and in disregard of the ideals of democracy, liberty, and freedom for which South Africa in association with India, China and other Allies of the United Nations is waging war.

This Conference urges the Government of India to sever diplomatic relations with the Union Government and recall its High Commissioner as a tangible mark of protest against the said Trading and Occupation Act and expresses its considered opinion that the enactment of the recent legislation by the Union Government in complete disregard of the

representations of the Government of India leaves no choice to the Government of India but to do so.

This Conference is not unmindful of the assistance rendered to the Indians of South Africa by the office of the High Commissioner for India but firmly believes that on this occasion the self-respect and honour of India should transcend local considerations and in order to maintain India's izzat in the eyes of the world calls upon the Government of India to sever relations with the Union Government.

This Conference empowers its Executive and affiliated bodies to take all possible steps of protest and to continue representations with a view to securing the repeal of this Act.

Proposed by Mr. S.M. Nana
Seconded by Mr. George Singh

RESOLUTION No. 4

COOPERATION WITH NON-EUROPEAN ORGANISATIONS

This Conference resolves that the time has arrived for this Conference and its affiliated bodies as representing the Indian community of South Africa to cooperate on such specific questions which the Executive of the South African Indian Congress or its affiliated bodies may deem fit and proper with representative non-European organisations with the object of safeguarding and promoting the Political, Economical and Educational interests of the Non-European peoples of South Africa.

Proposed by Councillor Mr. A. Ismail
Seconded by Mr. A. I. Kajee

RESOLUTION No. 5

CHARTER OF INDIAN RIGHTS IN THE UNION OF SOUTH AFRICA

This Conference of the South African Indian Congress instructs the Executive Committee to prepare and submit to the Honourable the Prime Minister and members of the Union Government a Memorandum styled "A Charter of Indian Rights in the Union of South Africa", the following to form the basis of the Charter:

- 1) The recognition of Indians as South African nationals and the extension to Indians of citizenship rights including Parliamentary, Provincial and Civic Franchise.
- 2) The repeal of all legislation adversely affecting Indian nationals in the Union of South Africa, and the removal of all statutory and administrative restrictions on their rights to ownership of land, trade, and residence.

3) The inclusion of Indians in the Old Age Pensions Act, the Blind Persons Act, and in all other existing social welfare legislation; the inclusion of Indians on a basis of equality in all legislation based on social security and social benefits, including free hospital and medical treatment, family allowance, unemployment and sick benefits.

4) The removal of all obstacles to the securing of employment in industry, trade and agriculture at a living wage to enable a decent family living standard.

5) Free primary and secondary education and admission of students to Universities and Technical Colleges.

This Executive Committee is empowered in this connection to make all necessary representations to the Hon. the Prime Minister and members of the Union Government. In the event of the legitimate requests not being conceded, the Executive Committee is authorised, to appoint a deputation to tour India, the United States of America and Britain, to enlighten public opinion in these countries on the disabilities of South African Indians, and to contact leaders of the United Nations at the Peace Conference after the War, with a view to placing before them the discriminatory treatment to which the Indian minority in the Union of South Africa is being subjected.

Proposed by Mr. S.M. Nana
Seconded by Mr. M.A. Badat
And Carried Unanimously.

RESOLUTION No. 6

THANKS TO THE HIGH COMMISSIONER FOR THE GOVERNMENT OF INDIA IN THE UNION OF SOUTH AFRICA

This Sixteenth Session of the South African Indian Congress places on the record its grateful recognition of the services of Sir Shafaat Ahmad Khan, High Commissioner for the Government of India in the Union of South Africa, towards the cause of S.A. Indians"

Moved by Mr. A.I. Kajee
Seconded by Mr. S.M. Nana

RESOLUTION No. 7

THANKS TO MRS. BALLINGER, MR. MOLTENO AND MR. HEMMING

The South African Indian Congress at its Sixteenth Session in Conference places on the record its sincere and grateful thanks to Mrs. Ballinger, Mr. Molteno and Mr. Hemming for their heroic and just stand in the House of Parliament against the Pegging Act.

Moved by the Chair - Councillor Mr.
A. Ismail
Seconded by Mr. M. Jajbhay
and carried unanimously.

RESOLUTION No. 8

OLD NATAL INDIAN CONGRESS PROPERTIES

This Sixteenth Session of the South African Indian Congress held at Johannesburg resolves that the incoming officials be empowered to take the necessary action as they may deem fit and proper to restore the properties and the large sum of money now accumulated in respect thereof in the name of the Old Natal Indian Congress in the Office of the Master of the Supreme Court.

Moved by Mr. Abdullah Moosa
Seconded by Mr. C.M. Anglia
and carried unanimously.

RESOLUTION No. 9

PROVINCIAL BARRIERS

This Conference of the South African Indian Congress resolves that the Provincial Barriers be removed as the Indian population is now regarded as a permanent section of the Community, and as the removal of these barriers will be in conformity with the spirit of goodwill emanating from the Capetown Agreement of 1927.

This Conference, therefore, respectfully asks the Union Government to give sympathetic consideration to the question of the removal of restriction of free inter-provincial movements of Indians within the Union.

Moved by Mr. Abdulla Moosa
Seconded by Mr. C.M. Anglia
and carried unanimously.

RESOLUTION No. 10

APPOINTMENT OF SUB-COMMITTEE

That in the opinion of this Conference the time has arrived when sustained activity must become the absolute basis of the South African Indian Congress in its future work

and feels that this is only possible with a membership which is fully aware of its responsibilities and by vesting authority in the South African Indian Congress at the Centre. With this in mind it is hereby resolved that a Sub-Committee of five persons be appointed to consider and report to the Executive within six months hereof, on the following:

a) Changes in the Constitution of the South African Indian Congress so as to increase its strength at the centre and to allow for control over its provincial Congresses and general membership.

b) To explore and report on the possibilities of creating a uniformed method of conducting elections in South Africa among the membership of the South African Indian Congress, as far as possible on Parliamentary lines.

c) That all steps be taken to devise a system whereby representative democracies (which alone is possible to function satisfactorily for the South African Indian Congress) be brought for work in its maximum.

d) To report on any matter which has a bearing to the foregoing.

That the Executive cause to be placed on the Agenda of the next Conference - "Report of Sub-Committee appointed at the June 1943 Conference."

Moved by Mr. G. Harbans
Seconded by Mr. Cassim Patel

RESOLUTION No. 11

UNITY

That this Conference directs its officials to continue in their efforts to achieve greater unity in the ranks of the Indian people of South Africa, particularly in Natal Province, and take all steps to make the affiliated bodies and the Congress more fully representative of the Indian community of South Africa.

Moved by Mr. Cassim Jadwat
Seconded by Mr. K. Thambi

RESOLUTION No. 12

RESTORATION OF MUNICIPAL VOTES

That this Conference hereby resolves that the Executive of the South African Indian Congress take all necessary steps for the restoration of the Municipal vote to Indians in

Natal and for the extension of such vote to Indians in the Transvaal, and that an immediate and simultaneous campaign be launched in this direction.

Moved by Mr. Geo. Singh
Seconded by Mr. H.A. Kharwa
Supported by Mr. J. Gokool

SOURCE : F No. 246/1943 - SA.
HCI, SA.

LETTER FROM D. MUIR, SECRETARY TO THE HIGH COMMISSIONER FOR INDIA, TO J. C. MACGILLIVRAY, SECRETARY TO THE HIGH COMMISSIONER FOR CANADA, SEPTEMBER 30, 1943

CONFIDENTIAL No. 1555

P.O. Box 8327,
JOHANNESBURG.
30th September, 1943

My dear MacGillivray,

Our telephone conversation

I enclose a copy of a resolution passed by the South African Indian Congress at its conference in Johannesburg on 28th June last. |

The resolution may be taken to represent the middle and also the majority opinion of South African Indians. Cooperation is to be only on specific questions and no attempt is to be made to frame a single programme for non-Europeans. Some of the older and more conservative Indians would not go so far, believing that their cultural background, greater intelligence, etc., makes all cooperation with the African races impossible. A much larger number of the younger men on the other hand favours the non-European front idea. They recognise that the immense numerical superiority of the Africans over all other groups is in itself a most formidable weapon, and that the African for that reason is not to be despised as an ally. They visualise a mass-movement directed and controlled by the Indian intelligentsia. Many of these young men are communists who preach complete social equality between the racial groups and in some cases practice what they preach.

Yours sincerely,

[(sd) D. Muir

Secretary to HC,India]

J.C. MacGillivray, Esq.,
Secretary to the High Commissioner for Canada,
24, Barclays Bank Bldgs.,
PRETORIA

SPEECH BY DR. Y. M. DADOO AT ANTI-PASS CONFERENCE,
JOHANNESBURG, DECEMBER 4, 1943 |

An Anti-Pass Conference called by the Communist Party was held in Johannesburg on November 21, 1943. One hundred and fifty-three delegates and an audience of over 200 visitors were present. Speaking from a platform decorated with banners - Mayibuye i Afrika! - and a portrait of Johannes Nkosi, the Communist leader who was killed by the police during the great anti-pass demonstration in Durban on Dingaan Day, 1930, the Chairman, Dr. Y. M. Dadoo, opened the Conference.

"This Conference", he said, "is one of the most important of recent times for the Non-European people. Today we realise that the basis of the brutal oppression of the African people is the pass laws. We have seen that during this war the war effort against Fascism has been hampered and hindered by the Government. There was only one way for a full war effort against Fascism, and that is by mobilising the entire population of the country. This can only be done properly and effectively if the oppression and exploitation of the Non-European people is removed. This is the only way of galvanising the Non-European people to rise in defence of their own country and in defence of freedom against the Axis. The Government has failed in this great task."

"As the danger of Fascism retreats from the shores of Africa, new dangers arise before the Non-European people. The time has come for the Non-European people to raise their voices, to carry on a campaign against the pass laws, the badge of slavery which humiliates them. You have come here determined to win the support of your organisations for a great anti-pass campaign as a step toward the liberation of our people. We who are here will not be alone. If we campaign properly we will win the support of the Indian and Coloured people; if we campaign properly we will win the support of the progressive Europeans. You are charged this morning with the responsibility of giving a lead to your people in the greatest of all fights, the fight for national liberation."

After discussion the following were elected to the committee: Messrs. Mofutsanyana, Bopape, Marks, Radebe, Moema, Pillay, Mafethe, Mabuse, Ramohanoe, Dadoo, Fish, Xaba, Mokoena, Monongoaha and Josie Palmer. The committee has been charged with the responsibility of setting up regional committees in all areas throughout South Africa as a preliminary to the convening of a national anti-pass conference in Easter 1944 in

cooperation with the African National Congress. The following resolution has been sent to the Prime Minister and the Minister of Native Affairs:

"The conference of African organisations on the Reef and Pretoria condemns the pass laws which are contrary to the promises of freedom contained in the Atlantic Charter, and calls for the immediate abolition of these laws which oppress and humiliate the African people."

The resolution was also sent to members of the Native Representative Council with the request that they take the matter up strongly with the Government. A further resolution requested the Native Representatives in Parliament and the Senate to introduce a Bill for the abolition of pass laws at the next session of Parliament.

In closing the conference Dr. Y. M. Dadoo, the Chairman, said: "This has been an historic conference which will deliver a tremendous blow and will shiver the chains that hold the African people. Our task will not be easy. But like the generals of an army, we must plan our campaign to remedy the weaknesses of past struggles and avoid past mistakes. The stage is set for the great offensive, the offensive of the African people for their rights. We will not rest until we have reached our objective."

| The texts of resolutions passed by the sixteenth session of SAIC were enclosed (for texts, see above). The reference is specifically to the resolution no. 4 on "Cooperation with Non-European organisations".

| South African Communists Speak, 1915-1980

DOCUMENTS CONSTITUTING THE PRETORIA AGREEMENT OF 1944 |

A. Memorandum submitted by the Natal Indian Congress, as representing the Indian community of Natal, to the Right Honourable Field Marshal J. C. Smuts, Prime Minister of the Union of South Africa

Sir,

We recall the Memorandum we submitted to you and the interview you graciously granted us at Cape Town on the 29th March, 1944, when we urged upon you the repeal of the Pegging Act, and made certain alternative proposals. Senator D.G. Shepstone, whom you delegated to make investigation, has, with the courageous help of Senator Clarkson, Minister of the Interior, and we understand, with the concurrence of His Honour the Administrator and the Provincial Executive, brought about an agreement that solution can be found to the one question to which all issues have been reduced, namely the control of juxtapositional residential occupation between Indians and Europeans in Durban.

2. We emphasise that the Indian Community, whilst in no way giving up its inherent right to ownership and occupation of property anywhere in Natal, recognise the threefold nature of the problem:

- (a) ownership and occupation in rural areas for trade, farming, and residential purposes;
- (b) ownership and acquisition of property for trade, commercial and investment purposes as distinct from;
- (c) occupation of property for residential purposes in urban areas where the question arises of Indians living in close proximity to Europeans.

3. There is, we understand, complete agreement that no question has arisen or exists in regard to (a) as to (b), it being purely an economic issue, the principles of economics forbid any restriction as have been imposed by the Pegging Act.

But in regard to (c) we agree that to meet the European attitude of mind though unreasonable - there is, arising therefrom, a situation to be faced. And for this purpose we agree to a voluntary arrangement whereby machinery can be set up to control and regulate future juxtapositional residential occupation of Europeans and Indians.

4. This machinery shall consist of a Board composed of five members, two of whom shall be Europeans and two Indians, with a European Chairman who shall be an Advocate or a Magistrate with no less than ten year`s experience.

(a) The Board`s jurisdiction shall be over all dwellings within the City of Durban only;

(b) The Board shall have power to exempt any dwellings either singly or collectively, situated in any streets, roads, localities or areas, from its jurisdiction, which in its discretion may deem desirable;

(c) whenever, after the fixed date, any dwelling is occupied by a person of a particular racial group, no person of another racial group shall occupy the said premises unless a licence authorising him so to do has been issued to him by the Board.

5. In exercising its powers the Board shall take into its consideration the factors of contiguity and natural expansion, and the relative needs of all racial groups in regard to housing, amenities of life, educational and recreational facilities, and any other matters which are relative to the question of granting an occupational licence.

6. The machinery of this control shall only be extended to other local authorities (Boroughs and Townships) after the Board has investigated and determined the necessity or otherwise of the extension of the provisions of the proposed Ordinance to any particular Borough or Township. A right of appeal shall lie to the Administrator.

7. It shall be an obligation on the part of the Board to record its reasons for granting or refusing occupational licences at the time that the decision is made. There shall be a right of appeal to the Administrator in Executive, on all decisions of the Board.

8. We have ascertained whether a Board, as envisaged, can be created under the War Measures Act. We consulted an eminent counsel (Advocate F.R. Shaw, M.C.) whose Opinion we attach hereto. He states that under Section 85 (xii) of the South Africa Act, the Union Government may originate in form the necessary legislation through the Provincial Council.

9. This machinery shall be of a general application, and of a temporary character. A permanent solution of this question can only be achieved by the provision of a progressive social and housing policy to meet the needs of our Community.

10. Above all, in our willingness to meet an immediate situation, we do not surrender the principle that any solution of the Indian question must rest in negotiations between the Union Government and the Indian Community. The assurance and protection given to us by the South Africa Act shall remain constant.

11. With the creation of this machinery the Government shall repeal the Pegging Act or deproclaim Durban from the operations of the Act.

We have the honour to remain,
Sir,
Your obedient Servants,

A.I. Kajee, P.R. Pather, S.R. Naidoo, T.N. Bhoola,
S.M. Paruk, Mohamed Ebrahim, A.B. Moosa.

Dated at Pretoria this 18th day of April, 1944

Natal Indian Congress
Headquarters: 37, Albert Street, P.O.Box 1384, Durban, Natal.

B. Prime Minister`s statement, published in Cape Argus, April 19, 1944

"The Prime Minister and the Minister of the Interior met the Administrator of Natal (Mr. C. Heaton Nicholls), Mr. D.E. Mitchell, M.E.C., Senator D.G. Shepstone, and the following representatives of the Natal Indian Congress: Messrs. A.I. Kajee, P.R. Pather, S.R. Naidoo, A.B. Moosa, T.N. Bhoola, Mahomed Ebrahim and S.M. Paruk, in connection with matters arising out of the application of the Pegging Act in Natal.

RESULT OF DISCUSSIONS

"The discussions took place as the result of representations made by the Indian Congress to find an alternative method of controlling the occupation of dwellings in towns and boroughs of Natal to that adopted under the Act mentioned.

"It was agreed that the situation would best be met by the introduction of an Ordinance into the Natal Provincial Council. This Ordinance would provide for the creation of a board consisting of two Europeans and two Indian Members, under the chairmanship of a third European who will be a man with legal training.

"The object of the legislation will be to create machinery for the board to control occupation by the licensing of dwellings in certain areas, the application of the Pegging Act in Durban to be withdrawn by a proclamation on the passing of this Ordinance."

C. Telegram from Senator Clarkson to Senator Shepstone, May 16, 1944

With reference to your telephone communications and my previous telegram and with reference to A.I. Kajee`s letter of 26 April, I have to advise that memorandum submitted by representatives of Congress to Prime Minister Pretoria on 18 April read with published statement issued by Prime Minister on that date constitutes Pretoria Agreement.

| United Nations Document A/68/Add.2 of November 16, 1946: Delegation of India, Addendum to the memorandum on the position of Indians in the Union of South Africa

1946.1

DOCUMENTS AND RESOLUTIONS OF THE SEVEENTH SESSION OF THE
SOUTH AFRICAN INDIAN CONGRESS

The Mayor`s Hall, Cape Town, February 8-13, 1946

A. Report of the deputation that waited on the Rt. Hon. General J. C. Smuts, on the 11th February, 1946|

Mr. President and Members of the Congress in conference assembled.

Your deputation waited upon the Prime Minister at 3 p.m. this afternoon. The conversations lasted for an hour and 20 minutes.

2. Mr. Kajee, your spokesman, submitted the Resolution passed by Conference last night, | to the Prime Minister and emphasised the request for holding a Round Table Conference by a recital of the events that led to the passing of the Transvaal Land and Trading Act in 1939 and the Pegging Act applicable to Durban in 1943. He submitted that the extension of the Act in the Transvaal was in conflict with the findings of the Murray and Broome Commissions and that the continuation of the Pegging Act in Durban was a violation of the Cape Town Agreement, and that its withdrawals was a demand of the Indian community.

3. Mr. Kajee submitted to the Prime Minister that he had stated in his note of the 30th November, 1944, when declaring the Pretoria Agreement dead, that "The Pretoria Agreement, having failed in its object, it was necessary to explore a settlement along other lines" - the lines of the Natal Indian Judicial Commission, and that now that the Natal Indian Judicial Commission had made the one and only recommendation that the solution of the problem lay in the holding of discussions between the Union and Indian Governments, and to that end an invitation be issued by the Union Government to the Indian Government to send a deputation to this country.

4. It was further submitted to the Prime Minister that the legislative proposals were in conflict with the recommendations of the Broome Commission and were in conflict with his own statement made in the House of Assembly on the 30th March, 1945, prior to his departure for San Francisco, when he said that a solution should be found on voluntary lines and not on compulsory lines. Therefore to enact legislation to create areas for Indians would tantamount to compulsory segregation and Mr. Kajee appealed to the

Prime Minister that he would be pleased to desist from proceeding with his proposals and convene a Round Table Conference.

5. Mr. Kajee appealed to General Smuts as the originator of the Preamble of the United Nations Organisation Charters to put into practice the principles of those Charters in his own country.

6. The Cape Town Agreement was a bilateral Agreement and that the present proposals meant the breaking of that agreement unilaterally hence the necessity of calling for a Round Table Conference.

7. Mr. Kajee said that Indians were already restricted in their economic activities by their confinement to the Natal Province in large numbers and that to create confined areas within that Province would deprive them of the present opportunities enjoyed by them of acquiring and occupying property in any part of Natal. It would accentuate the problem.

8. Mr. Kajee added that the Indian community, since 1927, had fulfilled its part of the Cape Town Agreement and that by self-help the community had marched towards western standards of life and was improving its economic standard so much so that the Europeans of Natal who formerly complained of the danger of the Indians' low standards of living, were now beginning to complain that the Indians were becoming an economic danger to them by reason of the improvement in the Indians' standard of living and by virtue of this fact the Indians needed land and houses to conform to the requirements of western standards. The European was trying to have it both ways. The European of Natal stands self-condemned.

9. Advocate Christopher, who followed Mr. Kajee, made a very earnest and heartfelt appeal to the Prime Minister that he, as the originator of world charters on freedom should not proceed with these legislative proposals which would react to the detriment of the Indian community, and pleaded with General Smuts that he apply the principle of personal discussion between the Union Government and representatives of the Government of India, as this method of Round Table Conference was the best method of settling human disputes.

10. Mr. Sorabjee Rustomjee, who followed, added to the appeal of Mr. Christopher and appealed to the greatness of General Smuts in world affairs not to let the Indian community suffer the indignities and added that Indians were his children as much as Europeans were and that he should see no injustice was done to them.

11. General Smuts in his reply said that though he agreed that Round Table talks were great things in human affairs, he regretted that he could not see his way to invite representatives of the Government of India for discussions to South Africa.

12. He said that the first Round Table Conference was convened as a result of the request made by the Government of India that they had some suggestion to make for the reduction of the Indian population in South Africa, that that portion of the Cape Town

Agreement was now dead in that there were no people who were going away from South Africa and rightly so, because Indians, like other people, were better in this country than they were in India. Only the Uplift Clause of the Cape Town Agreement remains.

13. To call a Round Table Conference with representatives of the Government of India means interference with the internal affairs of South Africa. The appeal of Indians to the Government of India will only be rubbing salt in the wounds. This was unthinkable. Imagine, he said, the Dutch appealing to Holland every time they were in trouble.

14. He said that as a result of the Cape Town Agreement an Agent-General was appointed whose status had been raised to that of High Commissioner, who occupied the same position as High Commissioners of the United Kingdom, Canada and Australia, in South Africa. He went on to say that representations have been and will be received from the Government of India. General Smuts added further that the sovereign status of South Africa demanded that this Indian problem be treated as a domestic affair without the interference of any outside parties, he appealed to the deputation to give consideration to his proposals which were to be formulated in a Bill to solve this problem which was now becoming very intense, by making provision for the setting aside of free areas where Indians and others could buy and occupy property which would thus not bring any indignity of segregation upon the Indian community.

15. That all other areas would be restricted for the occupation of Europeans only. That there would be a Commission of two Indians and two Europeans with an impartial and technical man as chairman, which would from time to time examine the situation in any given area for the setting side of areas which would meet the needs of Indians and other communities who may wish to buy and reside in those open areas.

16. He mentioned the example of voluntary agreements at Port Shepstone and Glencoe and said that such Agreements would be confirmed by that Commission and approved by Parliament.

17. The Government has a considerable amount of information at its disposal from the Broome Commission and Mitchell Post-War Commission, which would enable it and the proposed Commission to schedule areas which would meet the requirements and needs of the Indian people in and around Durban.

18. General Smuts in reply to a question by Mr. Kajee said that the position in the Transvaal was not being altered very much, but in terms of Law 3 of 1885, open areas would be made available where Indians would be allowed to buy and occupy properties. General Smuts emphatically added that the position of trade was not to be interfered with. This was controlled through the Licensing Laws. He added that no vested right in Natal or the Transvaal would be interfered with.

19. General Smuts then said that provision would be made in the Bill for the political representation of the Indian community of Natal and the Transvaal in Parliament, in the Provincial Councils, and in the Senate. He appealed to the deputation and conference

that they do not turn down these proposals. He said that there would be considerable trouble and that the Indians would suffer if they turned down these proposals because there would be, in the end, hell for all of us. This problem had to be settled. The Europeans of Natal were very restless and there was grave disquiet. They feared that they were going to be undermined. They were afraid of the Indian's economic competition. The Government had to face the facts and therefore these proposals were going to be enacted as a matter of policy.

20. Mr. Kajeer again appealed to General Smuts, that notwithstanding what he had said, he had not taken cognisance of his own words and his own assurances. Mr. Kajeer said that General Smuts was surrendering to the Europeans of Natal because they were vocal and had political power; that the Indian was being judged in the face of the findings of Commissions. The Indian community was being judged to its detriment through a European agitation which was baseless. The prima facie case accepted by the Government in 1943 as having been established against the Durban Corporation remains unanswered. He appealed to General Smuts not to proceed with his proposals and implant segregation on Indians but have consultations with the Government of India for a solution of this problem upon fair and equitable lines. Mr. Kajeer added that General Smuts may gain the support of Britishers in Natal but he would lose his international soul.

21. General Smuts added in conclusion that he was speaking as the friend of Indians and not as a neutral, and he wanted the deputation to consider his appeal and give consideration to his proposals in that light. He added that Congress should not lightly turn down these proposals.

22. I attach hereto copy of letter which I asked General Smuts to write for the information of conference and this is circularised with this report.

A.I. KAJEE

Dated at Capetown, 11th February, 1946.

B. Reply of General Smuts to South African Indian Congress deputation that waited on him on 11th February, 1946 |

General Smuts told the deputation:

"I welcome this meeting. I am not influenced by prejudice and passions. You are right in emphasising the need of this meeting. I never avoided you and I am glad to meet you.

"I am going to lay down in broad outline the policy which the Government is considering for you. The position is urgent, the Pegging Act was a temporary measure, and the Broome Commission was not able to produce any results. There was the negation of a solution they threw down their hands and gave a counsel of despair.

"Next month the Pegging Act will lapse and we lack a solution. We will be worse off. You have returned to the Broome Commission for a solution but it won't help us at all. A complete change has come over the solution of a round-table conference. At that time the Indian Government was not represented; there was no Agent or High Commissioner precedent. It is a constitutional means of consultation. Therefore, no joint conference can be called.

"To appeal to India adds salt to the wound. Over 80 percent of the Indian people of South Africa are South Africans in the same sense as I am. A South African appeal to India should now be an unheard of thing. It is the same as if the South African Dutch appealed overseas.

"Coming to the Broome Commission, it had found no solution. We must therefore, between ourselves, find a solution. It must be found. I have seen this matter getting worse. In the end you will be the victims. You have said that I recognise the multiplicity of the racial character of our population. I don't mistake the position - unless this question is settled and something is done for you, my Indian friends will be the worst sufferers.

"I want peace in this country. Tempers are getting worse.

"In the first place we must solve the land question, then we must have a political solution. You must get a political status; until then this sparring goes on.

"Trade I leave alone. The question today is not an economic question. This is controlled by the present licensing laws.

"With regard to the land question, you don't want to be segregated into special areas. You agree that separate living is essential. No stigma would be put on you. There would be some free contiguous areas.

"If social peace is to be secured, then there must be separate living. Let there be three areas, but they must not be jumbled up together. That is, to demarcate Natal no existing areas should be touched and present rights would be preserved.

"We have a good deal of information from the Broome Commission and the Mitchell Post-War Reconstruction Commission. It is quite possible to settle Durban. There was an arrangement in Port Shepstone and Glencoe. Maritzburg had some sort of arrangement until they repudiated it. There must be free areas scheduled.

"But you have a good deal more than that. A Commission consisting of two Europeans and two Indians, together with a chairman, which would have powers to recommend areas where there will be free buying and selling, should be appointed, and recommendations will be ratified by Parliament.

"The position in the Transvaal is not being altered very much, for in terms of Law 3 of 1885 open areas will be made available where Indians will be allowed to buy and occupy properties.

"Another part of this question is your political status. You are now politically altogether out of the picture. The Government proposes communal representation, but unfortunately you have rejected it. I don't think that any other basis is politically possible in this country. To mix you up with the common franchise this can never get through Parliament. You will be debarred by Legislature."

Answering a question, General Smuts added that the uplift clause of the Capetown Agreement only remained: the rest had been thrown overboard. Indians would be given all facilities, such as education and so forth, and the principles of progress as envisaged by the Atlantic and San Francisco Charters would apply to the Indians.

C. Letter from the Private Secretary to the Prime Minister to the South African Indian Congress, February 11, 1946

Prime Minister's Office
CAPETOWN
11th February, 1946.

Dear Sir,

I have the honour to inform you that the Prime Minister listened to the representations made to him this afternoon, Monday, the 11th February, by Mr. Kajee, Advocate Christopher and Mr. Rustomjee, requesting a round-table conference with representatives of the Indian Government, and he also perused the resolution carried at your Conference.

He explained to the delegation his reasons why a round-table conference with the Indian Government could not be held. He also made a statement of the proposals of the draft bill dealing with the land and franchise questions and he appealed to the delegation to consider seriously the appeal made to them in connection with the matter which was in the interests of both South African Indians and the Europeans. The present difficulties and differences between them should be eliminated.

Yours faithfully,
(Sd.) Henry W. H. Cooper
Private Secretary

The Secretary
South African Indian Congress
CAPETOWN

D. Resolutions passed at the seventeenth session of the South African Indian Congress, February 8-13, 1946

Resolution No.1

Resolution on the Subject Matter of Round Table Conference between India and South Africa

The South African Indian Congress in Conference assembled, is gravely perturbed at the proposals announced by Prime Minister to deal with land tenure in the Transvaal and Natal Provinces, which are to be embodied in a legislation to be introduced this session of the Union Parliament and which proposes seriously to limit the land rights and the free economic and social development of the Indian community in Natal and the Transvaal.

The proposals of the Prime Minister to deal with the Indian question are totally unacceptable to the Indian community in that they constitute an attack upon human rights and human freedom of an unrepresented substantial minority in South Africa, and they, moreover, violate the high principles underlying the Atlantic and United Nations Charters on which their authors pin their implicit faith for the future peace of the world.

This Conference authorises a deputation of Congress to interview the Prime Minister with a request not to introduce any legislation to the detriment of the Indian community, and respectfully ask that the Union Government invite forthwith the Government of India to send to the Union a delegation for the purpose of holding a Round Table Conference with the representatives of the Union Government in order to arrive at a solution of all matters affecting Indians in South Africa, in accordance with the only recommendation of the Natal Indian Judicial Commission to whose findings the Prime Minister attached so much importance, and moreover such a Round Table Conference would be a continuation of the Round Table Conferences already held between the Union and Indian Governments.

CARRIED UNANIMOUSLY

Resolution No.2

Resolution on the report of the Deputation that waited on the Prime Minister

This Conference of the South African Indian Congress after having heard the Report of the Deputation that waited on the Prime Minister expresses its grievous disappointment at his refusal to abandon the proposed legislation and to convene a Round Table Conference between India and South Africa.

This Conference interprets this refusal as the very negation of the principle of solving human problems by negotiations and mutual discussions and as indicating a legislative design of repressing the Indian community and settling its fate at the altar of political expediency and sacrificing it to appease extreme white reactionaries in this country. The legislation dealing with land tenure and communal representation to be introduced by the Prime Minister which is totally unacceptable is an insult to the national honour and dignity of the Indian nation.

This Conference of the South African Indian Congress, having regard to the Prime Minister's refusal, resolves to mobilise all the resources of the Indian people in this country in order to take every measure possible to secure the lapsing of the Pegging Act and to oppose the proposed legislation of the Government by:

1) Sending a deputation to India:

a) to urge upon the Government of India the convening of a Round Table Conference between the Governments of India and South Africa;

b) failing which to request the Government of India:

i) to withdraw the office of its High Commissioner in South Africa;

ii) to apply economic sanctions against South Africa.

c) to carry out a campaign of propaganda in India to secure the fullest support of India's millions.

d) to invite Indian leaders to come to South Africa.

2) Sending deputation to America, Britain and other parts of the world.

3) Proceeding immediately to prepare the Indian people of South Africa for a concerted and prolonged resistance, the details of which this Conference instructs its Executive to prepare for submission and action to its Constituent bodies.

Resolution No. 3

Resolution claiming right to be heard before the United Nations Organisation

This Conference of the South African Indian Congress affirms its faith and hope in the principles on which the foundation of the Charter of the United Nations is based, and as an unrepresented minority permanently settled in the Union of South Africa, claims its human rights to be heard before the General Assembly and the Security Council of the United Nations Organisation on the grounds among others:

a) of breach of understanding which assured equal treatment of Indians on their introduction to this country; and

b) breach of the Cape Town Agreement entered into between the Governments of India and the Union of South Africa in 1926.

Resolution No.4

Resolution appointing South African Indian Congress Deputations: (a) to India; and (b) to England and America

This Conference resolves that the following constitute the delegation to proceed to India in terms of Resolution No. 2:

Mr.Sorabjee Rustomjee
Advocate A. Christopher
Mr. S.R. Naidoo
Mr. M.D. Naidoo
Mr. A.S. Kajee
Mr. A.A. Mirza
Mr. S.M. Desai

with powers to co-opt any South Africans who are members of the Constituent bodies of the South African Indian Congress in India.

And that the following constitute the delegataion to proceed to England and America:

Mr. A.I. Kajee
Dr. Y.M. Dadoo
Mr. A.M. Moolla
Rev. B.L.E. Sigamoney
Mr. P.R. Pather

with powers to co-opt any South African Indians who are members of the Constituent bodies of the South African Indian Congress in England and America.

Resolution No.5.

Resolution expressing thanks to Mr. A.I. Kajee, Joint Honorary Secretary

This Conference hereby records its profound sense of appreciation of the invaluable services that Mr. A.I. Kajee has rendered to the Indian community in his capacity as the Joint Hony. Secretary of the South African Indian Congress which difficult position he

has held with such brilliance and ability for over nineteen years through the most difficult times in the history of Indians in South Africa.

1946.1A

MEMORANDUM BY SOUTH AFRICAN INDIAN CONGRESS DEPUTATION TO
THE VICEROY OF INDIA, MARCH 12, 1946

To,
HIS EXCELLENCY FIELD MARSHAL
THE RIGHT HONOURABLE VISCOUNT WAVELL
OF CYRENAICA AND WINCHESTER,
P.C., G.C.B., G.M.S.I., C.M.G., M.C.,
Viceroy and Governor-General of India,
NEW DELHI.

May It Please Your Excellency,

We, the undersigned, Sorabjee Rustomjee, Sooba Rama Naidoo, Azumshah Ahmed Mirza and Ahmed Sadeck M. Kajee, delegates of the South African Indian Congress, duly appointed at its Seventeenth Session of the Conference held in Capetown from the 8th to 13th February 1946, together with members coopted, being South African Indians at present in India, under authority of the Resolution of the Conference, respectfully beg to submit to you this Statement on the proposed legislation, as announced by Field Marshal Smuts, in Union Parliament on 21st January 1946, when he made known the intention of the Union Government to introduce legislation this session adversely affecting Indians in Natal and the Transvaal.

2. We are deeply grateful to Your Excellency for receiving us at short notice in spite of your multifarious pre-occupations.

3. The present intention of the Government of the Union of South Africa will, if carried out, degrade us to a status of inferiority against which we have put up a fight more definitely since 1893, the year in which an attempt was made to disfranchise the Indian community as such in Natal. We then looked upon it as a slur not only on the Indians in Natal but also on the Mother Country. Then there was no Union of South Africa. The Cape had practically no Indian question worth the name. Orange Free State had banished the few Indian traders it had and prided itself on its thorough anti-Asiatic policy. The Transvaal had a sprinkling of Indian traders, hawkers and others. The "location" system, later known as segregation, had its rise there. The Whites in Natal had deliberately and for their own sake invited the large number of indentured Indians for their sugar and tea plantations and other industries. In their wake followed the traders and others, and the Indian population today is therefore a composite one.

4. One would have thought that the advent of Union would mean the union of all the races of South Africa, i.e., the African (the Bantu), the European and the Asiatics (primarily and principally Indians). What a noble tradition such a union would have been for the world. But it was not to be. On the contrary, the Union became an anti-African and Asiatic combine. Ever year of the progress of the Union had definitely marked the progress of this combine, and the strenuous opposition to it by the Indian settlers and their descendants, as will be clearly seen by reference to the appendix `A' hereto attached.

5. We ask Your Excellency to approach the question from that standpoint and no other. The threatened legislation adumbrated by Field Marshal Smuts, which has hastily brought the delegation from South Africa, is a very large step, perhaps the largest yet made in the process of consigning the Asiatics to permanent inferiority. The wedge has now extended into all round inequality and inferiority. Thus, there are zones of segregation, one of which the Whites are reserving for themselves in order to force by legal compulsion the segregation of the other races. God has made man "one great human family". The White races of South Africa would make of it three separate parts based on colour.

6. Bad enough as the threatened land legislation is, the prospective franchise legislation is worse. It is a mockery of franchise and a poignant reminder of the low status to be accorded to us, so low that we are not to be deemed even fit enough to choose one of our own as our representative.

7. We have come all the way from South Africa not to seek protection of individual or property rights, dear as both are, but we have come definitely to ask Your Excellency and the people of the Mother Country to appreciate the fight for equality of status, which is theirs as much as ours, and to give us as much help as possible for you and them to give. What is attempted to be done in South Africa is a denial of the brave declarations made by the British and even the Field Marshal himself.

8. It has given us much pleasure to learn that the withdrawal of the British power in India in favour of elected Indian representatives is imminent. Then, may we ask whether it is not Your Excellency's double and special duty to enunciate your stand in favour of equality and, so far as possible, enforce it in no uncertain terms?

9. The announcement of the intention of the Union Government to introduce legislation so alarmed the Indian community that the South African Indian Congress at its Conference aforesaid resolved to send a Deputation to Field Marshal Smuts. This Deputation made representations to him not to proceed with the intended legislation, and to convene a Round Table Conference of the Union Government and the Government of India in fulfilment of the recommendation of the Natal Indian Judicial Commission made in March 1945. This request was refused by him, whereupon the Conference, after deliberating at great length, adopted the following resolution:

CAPETOWN,
12th February, 1946.

"This Conference of the South African Indian Congress, after having heard the Report of the Deputation that waited on the Prime Minister, expresses its grievous disappointment at his refusal to abandon the proposed legislation and to convene a Round Table Conference between India and South Africa.

"This Conference interprets this refusal as the very negation of the principle of solving human problems by negotiations and mutual discussions and as indicating a legislative design of repressing the Community and settling its fate at the altar of political expediency and sacrificing it to appease extreme white-reactionaries in this country. The legislation dealing with land tenure and communal representation, to be introduced by the Prime Minister, which is totally unacceptable, is an insult to the national honour and dignity of the Indian nation.

"This Conference of the South African Indian Congress having regard to the Prime Minister's refusal, resolves to mobilise all the resources of the Indian people in this country in order to take every measure possible to secure the lapsing of the Pegging Act and to oppose the proposed legislation of the Government by:

1. Sending a deputation to India:

(a) To urge the Government of India for the convening of a Round Table Conference between the Governments of India and South Africa.

(b) Failing which to request the Government of India:

(i) to withdraw the office of its High Commissioner in South Africa.

(ii) to apply economic sanctions against South Africa.

(c) To carry out a campaign of propaganda in India to secure the fullest support of India's millions.

(d) To invite Indian leaders to come to South Africa.

2. Sending deputations to America, Britain and other parts of the world.

3. Proceeding immediately to prepare the Indian people of South Africa for a concerted and prolonged resistance, the details of which this Conference instructs its Executive to prepare for submission and action to its constituent bodies."

10. We would, therefore, ask Your Excellency to use your influence to secure the holding of a Round Table Conference between the two Governments to settle, in the words of the Natal Indian Judicial Commission, "all matters affecting Indians in South Africa". But should your efforts in this connection unhappily fail, then we ask, in terms of our Resolution hereinbefore embodied, to withdraw the office of the High

Commissioner for India in the Union of South Africa and to enforce economic and political sanctions. We are not unaware that they may mean very little material loss to South Africa. We know that counter-measures will cause us hardship. But our loss we would count as nothing compared to the moral value of the enforcement of the sanctions.

Dated at NEW DELHI this TWELFTH day of MARCH, 1946

We have the honour to be,
Your Excellency's obedient servants

SORABJEE RUSTOMJEE

(Leader)

S. R. NAIDOO

A. S. M. KAJEE

A. A. MIRZA

1946.2

RESOLUTION OF THE WORKING COMMITTEE OF THE INDIAN NATIONAL CONGRESS, BOMBAY, MARCH 1946 |

The Working Committee of the Indian National Congress are of the opinion that the disabilities of the Indian settlers in South Africa constitute a blot on humanity and a slur on the civilisation of the West. As the submission to His Excellency the Viceroy of the Indian deputation from South Africa shows, the disabilities are an unbroken tale of progressive prejudice against Asiatics defined as "any Turk and any member of a race or tribe whose national home is in Asia but which does not include any member of the Jewish or the Syrian race or a person belonging to the race or class known as the Cape Malay", and of broken promises and declarations. A civilisation that requires for its protection a series of legal enactments imposing political and economic restrictions on coloured and Asiatic peoples must contain seeds of future wars and of its own destruction.

The Committee are of the opinion that the contemplated breach of trade relations between India and the Union of South Africa is the mildest step that the Government of India could have taken. The Committee would ask the Government of India forthwith to withdraw the High Commissioner, if the Union Government would not suspend the proposed legislation, pending the convening of a Round Table Conference between the two Governments to consider the whole policy of the Union Government against non-white peoples of the earth.

The Committee are painfully surprised to find Field Marshal Smuts, the Premier of the Union, dismissing, on the untenable plea of regarding the proposed anti-Asiatic bill as a domestic affair, the right of the Indian Government and, by parity of reasoning, of the other Allied Powers, of friendly intervention. The Committee hold that at this time of the

day it is not open to any State, however powerful it may be, to refuse to listen to the public opinion of the world as voiced through its different States with reference to any legislation regarded by them as of an inhuman character or as amounting to a slur on the self-respect of the races comprising such a State.

The Committee venture to advise the victorious Allies to take notice of the contemplated action of the Government of South Africa inasmuch as the late war would have been fought in vain if now the persistence by the Union Government of South Africa in the bar sinister against Asiatic races and coloured people inhabiting that sub-continent is maintained.

To the Indian deputation from South Africa the Committee would say that whilst they (the Committee) and, indeed, the whole of India, irrespective of parties and communities, are with them in their just struggle and would lend them all the moral weight they can, they should realise that the brunt of the unequal struggle will have to be borne by them, and the Committee feel assured that the Indians in South Africa will worthily carry out the example set by them years ago of vindicating their self-respect and that of the Motherland by the noble rule of suffering.

The Committee would, however, faint hope, even at the eleventh hour, that in the place of the indefensible law of the jungle, which the policy as revealed by the contemplated legislation enunciates, the Government of the Union of South Africa and its white settlers would listen to reason and the appeal of the moral law by which mankind lives.

1946.3

"THE INDIAN PEOPLE IN SOUTH AFRICA: FACTS ABOUT THE GHETTO ACT": PAMPHLET BY DR. Y. M. DADOO, JUNE 1946 |

Pamphlet by Dr. Y. M. Dadoo

The great majority of the South African Indians are descendants of the Indian labourers, who were indentured by the Government of Natal from 1860 onwards to work in the sugar fields.

We should note that these workers were invited to make South Africa their home. They came here under an agreement with the Government of India.

In terms of this agreement the Natal Government promised to help them settle as permanent residents of the country, and guaranteed them citizenship rights after their period of indenture was over.

Through their industry and efforts, the Indians have greatly contributed to the wealth and progress of Natal, and indeed of the country as a whole. But they have not reaped the benefit. What is the position of South African Indians today?

There are roughly 250,000 Indians in the Union of South Africa. Of these, 210,000 are in Natal, 31,000 in the Transvaal, 13,000 in the Cape and none in the Orange Free State.

The vast bulk of Natal Indians are workers engaged in the secondary and sugar industries. There are some farmers and professional people, and a few wealthy merchants.

Most Transvaal Indians are small traders or hawkers.

The average Indian worker receives wretchedly low wages, amounting to about £1. 10. 0. per week. Rural workers in Natal get as little as £3 per month.

Only 15.4 percent of South African Indian children receive education for which the annual subsidy per head is £16. 7. 6. for a European child and only £5. 5. 0. for an Indian child.

Despite the outcry about "penetration", in Durban the huge population of Indians own only 4 percent of the land. There, the City Council spends £7. 3. 4 per head on housing schemes for Europeans, only 17/6 for Indians.

In 1940 the average property per head owned by Europeans was £477. 19. 9; by Indians £43. 4. 11.

The fight against oppression

It must not be forgotten that the Indian people are sons and daughters of a country with a proud and cultured heritage. Their ancient motherland is the bearer of a tradition of civilisation as old as any in the world.

Never, either in India or South Africa, have Indians willingly submitted to laws and practices which brand them as inferior, or curtail their liberties.

On innumerable occasions, measures have been taken which discriminated against Indians in South Africa; beginning with a humiliating law to segregate Indians passed by the Transvaal Republic in 1885, and the Natal law of 1896 which deprived Indian citizens of the Parliamentary franchise.

Always the Indian people of our country have resisted these measures. It was indeed in South Africa that the method of Passive Resistance was born - a means of struggle since adopted by the people of India itself.

Passive resistance

Passive resistance takes the form of defying unjust and discriminatory laws and paying the penalty therefor by suffering imprisonment.

Under the leadership of Mahatma Gandhi, the first Passive Resistance struggle was launched in South Africa in 1906. It lasted for eight years and ended in a victory.

The Indian people cherish the memory of the heroes and martyrs, the many noble deeds of sacrifice and bravery, of that struggle.

Whilst serving imprisonment, a young girl of only 16 contracted a fatal fever. She died within a few days of her release. Her name was Valliamma R. Munuswami Mudaliar. |

In the coal mines and up and down the South and North Coast of Natal, Indian workers struck work. The police opened fire on some of them, and many died.

In 1913, the struggle came to a head over the question of the 3 annual tax which ex-indentured Indian labourers had to pay. Mahatma Gandhi led a gallant band of over 2,000 men, women and children in a great march from Newcastle to Charlestown, and thence - in order to defy the provincial barriers - across the border into the Transvaal.

During the march, the pilgrims had to suffer untold hardships. There were cases of babies being drowned whilst crossing spruits. The marchers were arrested.

But the struggle continued undaunted, and at last the Government had to give in. The 3 tax was repealed, and a settlement was arrived at, known as the Smuts-Gandhi Agreement.

During this great campaign, many supporters of liberty appeared amongst the European community. A committee of sympathisers was formed.

Men and women like Mr. Polak, Mr. Kallenbach, Rev. Doke, Mr. Ritch, Mr. Hosken, Mr. West, Miss Schlesin, Miss West and many others played an active part in the campaign. | Some of them suffered imprisonment with their Indian brothers.

This great struggle will always live on in the minds not only of the Indian people, but all who care for freedom. Names of martyrs like Valliamma and Nagappan | will live in South African history as an inspiration to all fighters in the cause of liberty.

We remember them now in 1946, when again the Indian people are being forced to take the path of struggle and sacrifice.

Disabilities of the Indian people

Despite this gallant and self-sacrificing record of struggle, however, and despite their success in defeating certain more obnoxious racial laws, Indians are discriminated against in many ways today in South Africa.

Apart from the Ghetto Act, there are 65 different laws restricting the rights of Indians in one way or another. These are some of them:

The Immigration Act of 1913 prohibits any further immigration from India.

All Indians are denied Parliamentary, Provincial and Municipal votes on the common roll, except the Indians in the Cape who enjoy the same restricted franchise rights as the Coloured people. With the "communal franchise" introduced by the new Act, I shall deal later.

Hitherto, Natal Indians had the right to acquire and occupy fixed properties and land anywhere in the Province. But in the Gold-proclaimed areas of the Transvaal they were denied the rights both of ownership and occupation, except in certain areas exempted by Parliament. Elsewhere in the Transvaal, they could not own land or property in their own names.

Provincial barriers prohibit the entry of Indians from one Province to another. The Orange Free State has since 1891 debarred Indians from residing within its boundaries.

The white labour policy of the Government precludes Indians from employment as skilled workers.

These are but a few of the types of racial discrimination practised against Indians in South Africa, who in addition suffer from the characteristic legal, economic, political and customary disabilities suffered by all Non-Europeans and dark-skinned races in the Union of South Africa.

The position of Indians under the Ghetto Act

The Asiatic Land Tenure and Indian Representation Act of 1946 is called and regarded universally by Indian people as the "Ghetto Act".

This Act condemns the Indian community to economic and social ruin. It takes away their fundamental and elementary right of land ownership and occupation.

It strikes at the heart of Indian commercial and economic life. Not only will it cripple Indian trade and bar progress in the acquisition of fixed property, it will also reduce the opportunities of the masses of the Indian people to earn a decent livelihood, and ultimately condemn them to existence in increasingly over-crowded slums and locations. It has been suggested that the Act affects adversely only a wealthy minority among the Indians. But this is not so. On the contrary, it will lead to the introduction of a whole string of new regulations and prohibitions, allowing perhaps the enrichment of a few Indian property-owners, but with the community as such being reduced to the level of paupers.

Social degradation would follow. The Act will confine Indians and other Asiatics into segregated areas. Limited as these areas will be, the Indian people will be faced with ever-increasing over-crowding and congestion. This must lead to poverty and disease.

Among the Indian youth, the degenerating and evil environment of segregated life will lead to crime and anti-social conduct. It will brand the Indian community with the stamp of inferiority. It casts a slur on India's national pride.

These inferences are not the figment of my imagination. They are facts. The life and conditions in African (Native) locations and Asiatic bazaars in the Witwatersrand and elsewhere are a living example of the poisonous fruits of segregation. Criminally neglected by the authorities, these cesspools of humanity are an indictment of the whole policy of the herrenvolk rulers; they are erupting volcanoes of epidemics and deadly diseases which may drown South Africans, white, brown and black, all alike, in a catastrophe of the greatest magnitude.

Communal representation

It is claimed that the Act gives a quid pro quo by providing for the representation of Indians, in the Senate by two European senators, in the House of Assembly by three European M.P.s, and by two members in the Natal Provincial Council.

There is to be a separate Voters' Roll for Indians, based upon educational and property qualifications which, it should be noted, are higher than those demanded of any other group of South African voters.

In practice, all this means is that there will be three out of 156 members of Parliament who will be elected by the Indians. They may make most excellent speeches. But, when it comes to voting, their effect will be negligible.

The voting on this very Act, when it was before Parliament, is a conclusive demonstration of how negligible their effect will be. With the honourable exception of the three Native Representatives and one Labour man (Mr. Wanless), the whole House was in favour of the principle of compulsory segregation of the Indian minority. The differences of opinion amongst the others related only to the degree of segregation, and to the question of representation. The Nationalists, the Dominionites and even some so-called Labour M.P.'s were against any Indian representation whatever.

If there had been three Indian representatives in the House, they would have been powerless to prevent the passing of the Ghetto Bill into law, or even to modify it.

This form of representation follows closely the pattern set for the African people in Gen. Hertzog's notorious and disgraceful Native Representation Act of 1936.

Communal representation for Africans has proved, after ten years, to be a dismal failure and a fiasco.

The three Europeans elected to the Assembly by the Africans have, it is true, spoken against one repressive measure after another. They have, for the most part, gallantly and faithfully defended the interests of their constituents.

But their voices have been drowned in a Parliament dependent upon European voters, which has become a circus ring for the display and practice of despicable colour prejudice and racial bias.

These shameful characteristics were never more evident than in the debate upon this Ghetto Bill.

Parliament speaks with Hitler's voice

Seldom have our legislators descended to such a low level. The real interests of the country, the noble principles of democracy and liberty, for which the war was fought - these things were forgotten and ignored. Weeks were spent in nauseating discussion between the United Party and its even more race-crazed opponents, as to whether the hard-working, honest, and already oppressed minority of South Africans who are of Asiatic descent, should be cast quickly or slowly into ghettos and economic ruination.

Blinded by race and colour prejudice, permeated with an evil passion for the maintenance of white supremacy and influenced in all its acts by the economic interest of powerful gold-mining capitalism and the wealthy farmers, the Union Parliament has shown itself oblivious of the tremendous revolution through which the world is passing.

In Europe and in Asia, the masses of humanity are on the march; their watch-words are democracy, liberty, socialism, and the abolition of racial and national discrimination.

But General Smuts talks of "the menace of Asiatic culture", presented to South Africa by 250,000 voteless Indians. Dr. Malan demands total segregation of all Non-Europeans. Mr. Madeley, the Dominionites and highly irresponsible members of all parties utter in Parliament the identical racialistic rubbish that is echoed outside Parliament by such unpleasant gentry as Pirow, van Rensburg and Weichardt. These rantings in our Parliament are not unfamiliar. The ghost of Hitler is haunting South Africa.

The principles of segregation

At present, a small minority among the Europeans own over 70 percent of the land in South Africa.

Africans, who constitute the great majority of the total population, are deprived of the right of land tenure outside segregated reserves, which amount to less than 13 per cent of the land area.

This is the essence and the kernel of the policy of segregation. Established by the Native Land Act of 1913, its purpose was and remains the impoverishment of the African people and their reduction to an economic level which compels them to work in the gold mines, the farms and the industries of South Africa for wages which barely suffice to ward off starvation.

The talk of "white civilisation", the spreading of the herrenvolk ideology and the inflaming of bestial racial and colour prejudices - all these things are done by the ruling class to win the support of the European population, and to conceal the true motive for colour oppression, the capitalists' greed and lust for profits.

Segregation means the cheap labour policy pursued by the great capitalists of the mining and farming industries. It is a policy which has already dragged down the African people to depths of poverty and disease, misery and starvation, which threaten to engulf all races in catastrophe and disaster.

This policy does not benefit the European worker, but on the contrary is a great menace to his living standards. It does not benefit the European commercial and professional classes, for low wages means limited markets and a poverty-stricken South Africa.

The essence of the new Indian Act is that it aims to drag down yet another section of the people to the economic level of the Africans. It is, therefore, a move to create another depressed group which will reduce the living standards of all. It is another nail in the coffin of South African economic development and prosperity.

The doctrine of white supremacy

Hitler, Rosenberg and Goebbels tried to justify their plans for world conquest, their barbarous treatment of non-Germans, by propagating the gruesome doctrine of "Aryan superiority" and "the master race". The totally unscientific and reactionary nature of these doctrines was equalled only by their terrifying and horrible results - not least for the Germans themselves.

Basically identical is the doctrine openly propounded by the Prime Minister and supported in practice by members of all parties in Parliament, the doctrine of "white supremacy".

After the most terrible war in the history of the human race, in which millions have died, to combat victoriously the odious lie of the Nazis, it should be unnecessary to explain the essential falsity and injustice of this doctrine. No race or nationality is inherently "superior" or "inferior" to any other. Individuals of any nationality are capable of achieving distinction and usefulness to the community, in any walk of life, provided they are granted equal opportunities. It is barbarous, undemocratic and unjust to deprive any citizen of such opportunities, or of any political or economic right, because of the circumstances of his birth, his nationality or his colour.

Moreover, the propagation of such a doctrine in a country like South Africa, based upon a multi-national population of many languages, creeds and colours, holds within it the dreadful menace of a future of hatred and strife, terror and bloodshed.

The retribution that has come upon the German people for accepting the fatal Hitlerite ideology, should be a warning to our South African advocates of white supremacy.

The road to a happy and united South Africa lies not through the segregation and oppression of the Non-European people. It lies through freedom, democratic rights and higher living standards for all sections of the population.

The Ghetto Act is a milestone along the way, not to happiness and progress, but to further suffering and backwardness for South Africa.

Sowing the seeds of war

The Smuts Government, by introducing this law, has violated the basic principles of the great United Nations Charter. This policy not only creates racial strife within the borders of South Africa, but has created friction between the Union and the great country of India.

Already, the Government of India, though not a free Government representative of the people, has been impelled by the patriotic feeling of the masses upon this matter to take active steps against the Union Government. The High Commissioner, the Indian representative in South Africa, has been recalled. Economic and other sanctions are being imposed by India against South Africa and South Africans. The Government of India has placed the question of South African Indians before the United Nations Organisation, to be considered by the General Assembly of that body in September.

It is idle to maintain that this is purely an internal affair of the South African Government, or that South African Indians have no right to appeal to India, or to world opinion, to support their cause.

The San Francisco Charter of the United Nations pledges member nations not only to maintain peace, but also to uphold certain social and economic principles of a democratic character. If these are more than pious words, then United Nations must be able to insist that its constituent nations implement those pledges. Furthermore, as an undeniable and bitter insult to the national pride and honour of India, as well as other Asiatic members of the United Nations, the Ghetto Act indeed constitutes a matter which "may threaten the maintenance of international peace and security."

These are stirring times.

Hitlerism lies in ruins. The common people of the world are on the march towards progress. In Eastern Europe, for the first time in history, real democracy has been

established, and throughout the European continent, Communist and other progressive parties are advancing to the fore, sharing in the Government, building friendship with the mighty Socialist Soviet Union, the vanguard of liberty.

Throughout Asia, the tide of patriotism is rising fast, compelling Mr. Attlee and the British Government into granting Indian independence, advancing Indonesia and all the countries of the East along the road to national freedom and the ending of imperialism.

It is at this juncture that the Smuts Government has raised in the Ghetto Act a fundamental issue which affronts and challenges all Asiatic, African and Coloured races throughout the world.

The Union Government is sowing the seeds of another war.

Is liberalism alive in South Africa?

Until a few decades ago, there existed amongst South African Europeans a virile and courageous liberalism which stood up and fought for the rights of man and against tyranny, or the oppression of individuals and groups.

This spirit did not manifest itself in Parliament in the debates on the ghetto law, except for the contribution of the Native Representatives.

The modern "liberals", of whom we may take Mr. J.H. Hofmeyr, the Minister of Finance, as a characteristic example, have neither the conviction nor the courage to put up an uncompromising fight for the ideals they claim to hold dear. It seems that their denunciations of injustice and the herrenvolk mentality are used merely as a shibboleth to salve their burning consciences.

Despite all Mr. Hofmeyr's moral misgivings, his practical support of this law has placed him on a par with the anti-democratic and reactionary forces of the Ossewa-Brandwag and the Nationalists.

As for the attitude and policy of the Labour Party, it has forfeited all claims to be a progressive party, and, as the statement of the Central Committee of the Communist Party says, "these leaders have not only betrayed the principles of socialism and the causes of the working-class movement, they have also associated themselves in the most intimate relationship with the anti-democratic and reactionary section of the capitalist parties."

In spite of all this, the spirit of liberalism is not dead in South Africa. The heritage of the great fighters for freedom of the past, men and women like Thomas Pringle, Read and van der Kemp, the Schreiners, and Harriet Colenso, lives on. Above all, their struggle for justice and freedom finds a higher, better organised and more militant expression in the courageous work and challenging outlook of the men and women of the Communist Party of South Africa.

Communist policy

The Indian people of South Africa have totally rejected the provisions of the Ghetto Act. They have determined to fight against it with all their might.

The Communist Party of South Africa upholds their decision, and pledges itself to give all support to them in the hard battles ahead.

We call upon all South Africans who believe in freedom and democracy, to render every aid to the Indian people in their struggle.

In view of the position of South African Indians, who are deprived of democratic citizenship rights in this, their own dear country, we fully endorse their right to take the action they have in appealing to the Government of India which has obligations towards Indians in South Africa, and through the Indian Government, to the United Nations Organisation.

But we would point out to the Indian people, as well as to all other South Africans of every race, that their battle for democracy is a common one. It is a battle which affects our countrymen of all races. And it is a battle which must be won in South Africa itself.

The Communist Party has a message for all in this vital and momentous year, 1946. To all South Africans, African, Coloured and Indian, of Afrikaner, English or Jewish descent, we say there is only one road to a free, prosperous and happy future for our country. That is the road of equal rights for all and of domination by none; the road of friendship, peace and cooperation among all nationalities; the road of the Communist Party.

Every adult in our land must have the right to elect and to be elected to our Parliament, our Provincial Councils and our Municipalities. All must enjoy the right to freedom of movement without Pass Laws or Provincial barriers. Every child born in our land must have the right to education, to good nutrition, a happy environment and the opportunity to enter into any skilled trade, occupation or profession.

There must be no restriction directed against anybody on racial or colour grounds, to the free occupation and ownership of land or property, or the right to engage in trade or commerce.

All workers must have their living standards defended and their wages improved by the assistance of free trade unions, recognised equally for all irrespective of race.

And to all races must be given their rights as citizens to a good education, decent housing and sufficient food.

Only upon these great sound foundations may we build the better socialist South Africa of the future.

This is the road, the true road of South Africa; the road to Food, Jobs and Homes for all, the road to a great and proud future for our beloved country.

1946.4

CIRCULAR LETTER BY PASSIVE RESISTANCE COUNCIL OF TRANSVAAL
INDIAN CONGRESS TO TRADE UNIONS, PROGRESSIVE ORGANISATIONS,
DEMOCRATS AND ANTI-FASCISTS, JUNE 10, 1946

Dear Sir/Madam,

The Asiatic Land Tenure and Indian Representation Bill has become law. The already so weak and feeble democratic structure of South Africa has received a further blow and our country's prestige in the international field has dropped to an even lower level.

250,000 South Africans are threatened with cultural, moral and economic ruin because of the fact that their skin is not white. A ghetto life with all its miseries, hardships and degradation is in store for them.

In the Union Parliament - with the honourable exception of the three Native representatives - everyone, irrespective of party affiliation - in principle approved of this reactionary piece of legislation which could easily have been conceived by the former leaders of fascist Germany.

This further strengthening of reactionary and pro-fascist elements is of vital concern to all progressive and democratic forces in our country. They should realise that the continued enslavement and lowering of the living conditions of one section of our people is not only a gross injustice and does not only make a mockery of our so-called democracy. It also constitutes an immediate threat to the rights, freedom and economic well-being of all sections of the people because there is no knowing which one will be attacked next, should the interests of those who benefit from the colour bar in this country demand so. Yesterday it was the turn of the African, today it is the turn of the Indian, tomorrow it will be the turn of the Coloured, **AND IT MIGHT VERY WELL BE THAT THE TIME WILL COME WHEN THE RIGHTS OF THE TRADE UNION MOVEMENT WILL BE CURTAILED OR WHEN LAWS WILL BE PROMULGATED AGAINST OTHER RACIAL GROUPS IN OUR MIDST, AS FOR INSTANCE AGAINST THE JEWISH COMMUNITY.**

However, it is still time to stop this dangerous development towards fascism - to sign on the dotted line for or against democracy.

The Indian community has unanimously decided to oppose this attack on their already so meagre rights. From the 13th June on, we will have begun our PASSIVE RESISTANCE CAMPAIGN which will be inaugurated by a mass meeting of Transvaal Indians on the 13th.

We appeal to all progressive organisations and individuals, to all trade unions and anti-fascist bodies, to send us a message of support for our meeting in order to assure us that we are not alone in our struggle, to assure us that other sections of the South African people too have understood the full implications of the attack which reactionary and anti-democratic forces are hurling at us.

We would also suggest that you should send a telegram of protest against the Asiatic Land Tenure and Indian Representation Law to the Acting Prime Minister, thereby adding your protest to ours.

Trusting that we will receive your message of support before our meeting on Thursday, 13th June and thanking you in anticipation.

Yours sincerely,

(sd.) Y.M. DADOO
For Passive Resistance Council
Transvaal Indian Congress

1946.5

RESOLUTION OF THE WORKING COMMITTEE OF THE INDIAN NATIONAL CONGRESS ON THE SOUTH AFRICAN PASSIVE RESISTANCE MOVEMENT, DELHI, JUNE 15, 1946 |

The Congress Working Committee note with satisfaction not unmixed with concern that Indians in South Africa have started the campaign of civil disobedience as a protest against the recently passed legislation by the South African Union Parliament imposing disabilities upon them. The Congress Working Committee are of the opinion that the campaign carries in it the seeds of success in so far as the honour of Indians is concerned as distinguished from the loss of material prospects.

The Committee expect that having begun the struggle the resisters will carry it to the end without yielding. The Committee assure the resisters of full sympathy in their brave struggle and hope that those who are not themselves resisters will not on any account succumb to the temptations contained in the legislation itself and such small concessions that may be held out by the Union Government. The inferior status assigned to the Indians by the Act can be wiped out only by its complete abrogation. The Committee hope and expect that while the Government of India remains in the British power, His Excellency the Viceroy will use his influence openly on behalf of the brave resisters and

thus secure for them the sympathy of the world in this noble struggle for the rights of man.

1946.6

TELEGRAM BY DR. Y. M. DADOO TO MAHATMA GANDHI, ON BEHALF OF THE JOINT PASSIVE RESISTANCE COUNCIL, ON ARREST OF THE FIRST BATCH OF PASSIVE RESISTERS, JUNE 1946 |

CONSIDER POLICE ACTION AND ARREST FIRST VICTORY. SPIRIT OF RESISTERS EXCELLENT. THEIR NON-VIOLENT BEHAVIOUR UNDER EXTREME PROVOCATION AND ASSAULTS MAGNIFICENT. STRUGGLE CONTINUES. MORE AND MORE VOLUNTEERS WILL GO INTO ACTION ACCORDING TO PLAN. WE SHALL RESIST.

1946.7

STATEMENT BY DR. Y. M. DADOO IN COURT, JUNE 1946 |

(Dr. Dadoo was sentenced in June 1946, at the beginning of the passive resistance campaign, to three months` imprisonment with hard labour. He had been charged under the Riotous Assemblies Act and pleaded guilty.)

Although I am pleading guilty against the charge I desire to make a statement to the Court in order to clarify the situation and explain my action.

I appear before the Court as a passive resister in response to the decision of the South African Indian Congress which totally opposes the Asiatic Land Tenure Act and resolved to carry out a Passive Resistance Struggle against the unjust Act.

It is in the carrying out of this decision for the removal of the difficulties of the Indian community and for the upholding of the honour of the Indians that we have launched upon this campaign by occupying a piece of land, land which was prohibited or restricted from Indian occupation by the new Asiatic Act.

In accordance with the code of the Passive Resistance we have committed a breach of the law in a passive and non-violent manner and are prepared to pay the penalty in full, but unfortunate incidents took place when there was organised hooliganism on the spot by mobs of Europeans. The Passive Resisters took no part in this at all but remained truthful to the rule of non-violence. We held to our duty without even raising a little finger in carrying out our struggle against this unjust, discriminatory and inhuman Act which we consider derogatory to the honour and dignity of the Indian community as a whole and to the Indian nation. This piece of legislation is against all the principles of

justice, human decency and democracy. Even if, in the defiance of the Asiatic Act we are confronted with another law we shall carry on, for our purpose is not with this law.

Magistrate`s question

The Magistrate: "For what reasons are you not concerned with that other law?"
(Riotous Assemblies Act).

Dr. Dadoo: "Because we are carrying out a campaign of Passive Resistance against the Ghetto Act and it is no fault of ours if the Government chooses to side-track the real issue and invoke the aid of the Riotous Assemblies Act.

"We shall continue carrying on the struggle against the Ghetto Act. Our struggle has the support and consent of the Indian people in South Africa, and is a struggle which has the widest support in India. We hope our action will show democratic-minded people all over the world that in discharging our duty as passive resisters, we are not only doing service to the Indian people, but that we are doing our duty to all true democrats and fighting for our rights in South Africa.

"To the Indian community I say that the struggle will be a hard one and a long one, but that should not daunt them; they should rally to the call and do nothing that will impair the self-respect and national honour of the Indian people. I hope they will continue their struggle with renewed vigour, but in a non-violent manner in keeping with their code of Passive Resistance and do what men and women have done in the war just concluded - a war that was fought for democracy and decency."

(Dr. Dadoo was then sentenced to three months` imprisonment with hard labour.)

1946.8

MESSAGE BY DR. Y. M. DADOO TO THE PEOPLE WHILE AWAITING
SENTENCE TO IMPRISONMENT IN THE PASSIVE RESISTANCE CAMPAIGN,
JUNE 1946 |

To my Indian brothers and sisters I give this parting message before being sentenced for opposing the obnoxious Asiatic Land Tenure and Indian Representation Act, 1946, which shall be known amongst our people as the "Ghetto Act."

I call upon you, every man and woman, to give whole-hearted support to the Passive Resistance Campaign which symbolises the struggle of the Indian people against the most vicious racial legislation in recent times.

This is but the beginning of the struggle. Dark and difficult days lie ahead and every Indian must place duty before self. History must record that in the greatest hour of trial, our people in this country were not found wanting in courage, duty, and devotion.

1946.9

TEXT OF LETTER FROM THE DELEGATION OF INDIA TO THE UNITED NATIONS, ADDRESSED TO THE SECRETARY-GENERAL OF THE UNITED NATIONS, REQUESTING THE INCLUSION OF AN ITEM, "TREATMENT OF INDIANS IN THE UNION OF SOUTH AFRICA", ON THE AGENDA OF THE GENERAL ASSEMBLY, JUNE 22, 1946|

22 June 1946

Mr. Trygve Lie,
Secretary-General,
United Nations,
New York, N.Y.

Dear Mr. Secretary-General,

I am directed by my Government (Government of India) to submit forthwith to you, as Secretary-General of the United Nations Organization, the request of my Government that the question of the treatment of Indians in the Union of South Africa be included in the provisional agenda for the second part of the first session of the General Assembly, which is to be held on 3 September 1946.

A brief resume of the case is given below:

1. Indians in South Africa, mostly residing in Natal province, number about a quarter of million as against two and a quarter million Europeans. They are mostly descendants of labourers who proceeded to South Africa between 1860 and 1911 under the agreement between the Government of India and the then Government of Natal and of traders who migrated in wake of indentured labourers prior to 1913. Although one of the conditions of the arrangement was that labourers would be allowed to live as free men, enjoying all rights and privileges of citizenship, Indian settlers in South Africa have progressively suffered discrimination and deprivation of elementary rights ever since 1885. Amongst their disabilities are lack of parliamentary and municipal franchise, restriction of rights of ownership and occupation of property, restriction on trading, employment in public services, and travel, and lack of education facilities. Discrimination against Indians reached its climax in recent enactment of Asiatic Land Tenure and Indian Representation Act, which is designed to segregate Indians into particular areas, for residence and for ownership and occupation of fixed property.

2. Government of India, being a party to arrangements which resulted in Indian emigration to South Africa, has felt continuing responsibility and has from time to time intervened on behalf of Indians with South African Government. The latter has frequently sought the Indian Government's comment and advice on proposals affecting Indians in South Africa. On two occasions, namely in 1926 and 1932, there were formal round-table conferences between the two Governments. In the former year over the question of segregation of Indians, agreement known as Capetown Agreement was concluded between the two Governments and in 1932 joint statement was issued to the effect that Capetown Agreement was to continue and there should be continued co-operation between the two Governments. Principle of segregation was, however, again embodied in Asiatic Land Tenure and Indian Representation Bill, but suggestion of Indian Government for another round-table conference to explore means of amicable settlement of outstanding questions was rejected by the South African Government. Passage of this bill into law constitutes unilateral repudiation of the Capetown Agreement and of joint statement of 1932.

3. Reactions to these measures have been so serious in India that the Government of India has had to give notice of termination of trade agreement between the two countries and recall their High Commissioner for consultation.

4. A situation has thus arisen which is likely to impair friendly relations between India and South Africa, and under Articles 10 and 14 of the Charter is submitted for consideration of General Assembly.

A detailed factual memorandum dealing with this subject is being sent to you by my Government.

I remain, etc.

(signed) A. Ramaswami Mudaliar

Leader of the Indian Delegation to the General
Assembly, and Member, Government of India

1946.9A

MEMORANDUM BY THE DELEGATION OF INDIA ON THE POSITION OF
INDIANS IN THE UNION OF SOUTH AFRICA, 1946 |

PART I

HISTORY OF INDIAN IMMIGRATION INTO SOUTH AFRICA

1. The existence of the Indian population in South Africa is not the result of any forcible or illegal entry of Indians into that country. It is, on the contrary, the result of

organised immigration mutually agreed upon between the Government of India and the Government of Natal.

2. About the middle of the last century there arose a great demand for labour for the newly started sugar plantations in Natal. Native labour was no longer available owing to the abolition of slavery by Parliament. Natal was then a colony. Efforts were therefore made by the Government of Natal to secure labour from India with the approval of His Majesty's Government. Neither the British Government nor the Government of India, however, showed any enthusiasm for sending Indian labour to Natal. At first the bills of the Natal Legislative Council providing for the importation of contract labour were vetoed by the Colonial Office. It was only after some years of agitation and correspondence that a law was at last enacted in Natal, to which the British Government gave its approval. The next step for Natal was to secure the Government of India's approval to emigration of Indian labourers. For this purpose Natal dispatched one of its leading officials to negotiate with the Indian Government, who, after some difficulty, was able to persuade the Government of India to agree to the importation of Indian labour into Natal.

The importation of such labour, however, was subject to certain conditions. These were that the labourers were to serve under contract for three years, which was subsequently raised to five years. After the expiry of five years they could work as free labourers. At the end of ten years they were entitled to claim a return passage to India, if they so wished. Once they were free from their indentures, Indians were, however, to be entitled to the protection and benefit of the ordinary laws of the colony.

3. The first batch of indentured Indian labourers arrived in Natal in 1860. The arrival was hailed in the Colony as guaranteeing its prosperity. "Coolie immigration," said the Natal Mercury, "is the vitalising principle."

4. Immigration of Indian labourers went on briskly until 1866. From 1866 to 1874 there was an interruption in the flow of Indian immigrants into Natal. This was partly due to the trade depression following upon the cessation of the American Civil War and partly to complaints of ill-treatment of the Indian labourers and violation of the terms of indenture by the employers. The stoppage of the immigration of Indian labourers resulted in considerable economic dislocation and distress in the Colony. "From 1866 to 1874, when immigration recommenced, the native labour of the Colony proved more and more unreliable. In 1874 crops were rotting on the ground, and although planters and others competed in endeavouring to obtain assistance from the chiefs, they could secure no labour at any price... This was the culminating point to a long series of protests and complaints and, in deference to the popular cry for the re-establishment of imported labour, the door was again opened to Indian immigration."

Attempts were therefore made again by the Natal Government to secure Indian labourers. Both the Indian Government and the Commissioners for Land and Emigration in London refused to authorise any further emigration until Natal had made better arrangements for the treatment of the Indians. The Government of India wrote in 1872:

"We cannot avoid expressing our hope... that the Government of Natal will show itself more sensible of its responsibility to Indian immigrants... than it has hitherto done. We cannot permit immigration thither to be resumed until we are certified that the colonial authorities are awake to their duty towards Indian emigrants and that effectual measures have been taken to ensure to that class of His Majesty's subjects full protection in Natal."

The Natal Government appointed a special commission to enquire into the treatment of Indians. This Commission found that there was considerable need for reform in Natal, and made certain recommendations. It recommended the appointment of a protector of Indian immigration in Natal, with responsibility for investigating the grievances of indentured labourers and for looking after their welfare generally. However, it required another mission by a leading official from Natal to India to persuade the Indian Government to permit the resumption of emigration of Indian labourers. To secure a steady flow of Indian labour, the Natal Government even undertook to pay from public funds £10,000 a year towards the cost of the transport of these immigrants. As a further inducement the Natal Government also passed a law to facilitate the grant of land to Indian labourers in lieu of a free passage to India, if they should wish to settle in the Colony after completing their terms of indenture.

5. After 1874, Indian indentured immigration continued steadily. In the wake of Indian labourers followed Indian traders, shopkeepers and others, to cater to the needs of the Indians in Natal. It has to be remembered that persons of these classes were free to proceed to Natal, as there was then no restriction on immigration into Natal. By dint of their industry and enterprise, such Indians, as also ex-indentured labourers who had settled in the Colony, gradually established themselves as moderately prosperous traders and farmers.

6. The settlement of the Indian as a free man, however, was not welcome to certain sections of the white population. As the numbers of permanent Indian settlers, including traders, increased, the opposition to both classes grew in volume and intensity. The years immediately preceding 1887 saw the beginning of anti-Indian agitation by the white settlers of South Africa. In 1887, a Commission appointed by the Government of Natal reported that "the majority of white colonists were strongly opposed to the presence of the free Indian as a rival and competitor, either in agricultural or commercial pursuits." Some demanded that Indian immigration should cease altogether; others favoured expedients which, while keeping open the supply of labour, would prevent the permanent settlement of Indians in the Colony. The latter view prevailed. In 1891 the Legislative Council of Natal recommended:

(a) That for the future Indians should continue in service during the whole of their residence in the Colony;

(b) That on the completion of their term of service, they should return to India;

(c) That if such changes in the law were found impracticable, the annual subsidy of £10,000 which the Natal Government had been paying since 1874 towards the cost of introducing Indian labour should cease.

The Government of India informed the Natal Government that they "found it impossible to approve the proposal". The Natal Government then deputed two representatives to India to discuss with the Government of India: (a) the terms of indenture of Indian labourers as provided by the law, and (b) the return to India of all indentured immigrants on the completion of their terms of service.

These representatives urged that unless "some plan could be arranged to prevent the settlement of emigrants, the growing hostility of the white population to Indian settlers was likely to result in the closure of Indian emigration altogether."

7. The Government of India agreed to a condition in the emigrant's contract that he would return to India at the end of his period of indenture, unless he re-engaged on a new indenture on a similar condition, but that if this was done, the Colony should undertake to provide a free passage at the end of the first and every other term of indenture at the end of which the emigrant might wish to return. The Government of India, however, was opposed to any proposal which would involve compulsion to return under penal laws.

8. The result of the delegation's visit was the passing by the Natal Legislature of Act 17 of 1895, which provided:

(a) That each new Indian immigrant who came under indenture should agree either to return to India on completion of the term of indenture, or to re-enter into a covenant to work for hire;

(b) That such immigrant should, on the expiry of the first or subsequent contract of indenture, be provided with a free passage to India;

(c) That, if such immigrant failed or refused to return to India and decided to stay in the Colony as a free man, he should take out each year a licence on payment of £3.

9. The passage of this act constitutes the first important attempt to prevent the settlement of Indians in Natal. In 1891 the concession of grant of land in lieu of return passage had already been withdrawn. Feeling against the Indians continued to grow. The Indian law did not regulate the emigration from India of persons who paid their own passage to an outside port. Therefore the entry into Natal of this class was subject to no legal restrictions. The Natal Government took further steps to discourage immigration and settlement of free Indians in the country by passing in 1897 the Immigration Act (1 of 1897) and the Trading Licensing Act (18 of 1897). The former prohibited the immigration into Natal of anyone who could not pass a prescribed dictation test in a European language and who was not in possession of a specified sum of money. The latter attempted to restrict Asiatic trading by imposing on traders the requirement of trading licences.

10. The Boer War temporarily put a stop both to Indian agitation for redress of existing grievances and to anti-Indian pressure for the imposition of fresh disabilities. In 1900, the Government of India urged that while the recollection of the meritorious services of India and the Natal Indians for Natal during the war was still fresh in the minds of the colonists, a just settlement of outstanding differences should be attempted. Natal independently asked that emigration to Natal should be freed from certain legal restrictions, and asked to be placed on the same footing as Ceylon for purposes of emigration. This request was promptly refused by the Government of India, mainly on the ground that in Natal "the settlement of labourers whose terms of indenture had expired was discouraged and subjected to penalties", that "all free immigrants were treated as being more or less on the level of aborigines" and "subjected to special treatment which was degrading and injurious to their self-respect"; and that the recent legislation was "inequitable in its effect on those who had been permitted to settle and acquire property in the country".

11. Neither the Licensing Law nor the Immigration Law of 1897 satisfied the white settlers, and in 1903 the Natal Government sent a deputation to India to propose to the Government of India the compulsory repatriation of labourers on the expiry of the terms of indenture or re-indenture. The Government of India was prepared to accept the proposal if suitable guarantees could be given that the free Indian population which was already lawfully domiciled in the Colony would receive fair and just treatment. It accordingly suggested the abolition of the œ3 tax and an amendment of the Trade Licensing Law of 1897 so as to provide for appeal to a Court of Law against any decision of the town council refusing a licence. Failing favourable consideration of these requests, the Government of India warned the Natal Government that it reserved the "fullest liberty to take at any time such measures in regard to emigration to Natal as it might think necessary in order to secure its subjects proper treatment in that Colony". The Government of Natal declined to accept these conditions and its delegation returned empty-handed.

12. In 1904 the Natal Government again asked for certain facilities to promote the flow of labour from India. The Government of India declined to meet the wishes of the Natal Government until the treatment of Indian immigrants in that Colony was "substantially modified."

13. It may be questioned why the Natal Government did not stop Indian immigration when there was so much popular anti-Indian agitation. The obvious explanation is that the Natal Government could not ignore the planters, whose prosperity mainly depended on the continuance of Indian labour. In 1908 a bill was introduced in the Natal Legislature to discontinue indentured immigration from India. It received official benediction on the ground that "the measure was intended to terminate a state of affairs that had been the cause of growing anxiety in South Africa." Nevertheless it was withdrawn and the question referred to a commission, which reported that Indian labour was essential to the maintenance of certain industries. It added, however, that "he [i.e. the Indian] was not desirable in the Colony other than as a labourer."

In the hope the Government of India would grant special facilities for securing recruits, the Colonial Government of Natal amended the Licensing Law of 1897 as was suggested by the Government of India in 1903. This concession, however, failed to achieve its object, as resentment in India against the treatment of Indians in South Africa had become acute.

14. The unreasonable attitude of Natal, which, while seeking Indian labour so essential to her prosperity, denied it protection or reasonable prospects of social and economic advancement, compelled the Government of India to stop the emigration of indentured labour to Natal. The Government of India had gone a long way to meet the popular prejudice against the permanent settlement of Indian immigrants in Natal by agreeing to confine residence of indentured immigrants to the term of indenture, if adequate safeguards of interests of Indians already settled in the Colony could be guaranteed. But their sustained and prolonged efforts to induce the Natal Government to redress legitimate Indian grievances had evoked little response. In 1910, power was therefore taken, by amending the Indian Emigration Act, to forbid emigration to any place where conditions were not favourable to the emigrants. In 1911 the power was exercised to forbid emigration of indentured labour to Natal. Indians other than labourers were, however, still free to emigrate to South Africa. Finally, by the passage of the Immigrants Regulation Act of 1913 by the Government of the Union of South Africa, all further immigration of Indians into South Africa came to an end.

The Transvaal

15. While the Natal was still a colony, a few free Indians and Indian traders moved farther and entered the South African Republic, now called the Transvaal. They settled there as merchants, traders, hawkers, or as employees in various kinds of manual labour. They were within their rights in doing so in accordance with Article 14 of the London Convention of 1884 between Her Majesty and the South African Republic, which provided as follows:

"All persons other than natives conforming themselves to the law of the South African Republic (a) will have full liberty with their families to enter, travel or reside in any part of the South African Republic; (b) they will be entitled to hire or possess houses, manufacturing warehouses, shops and premises; (c) they may carry on their commerce either in person or by any agents whom they think fit to employ; (d) they will not be subject in respect of their persons or property or in respect of their commerce or industry to any taxes, whether general or local, other than those which are or may be imposed upon Burghers of the said Republic."

16. Present population of Indians in South Africa. According to the census of 1936, the Union of South Africa has a total population of 9,589,898, composed of 2,003,857 Europeans, 6,596,689 native Africans, 219,691 Asiatics and 769,661 Coloureds. Over 98 per cent of the Asiatic population as compared with the European is distributed in the provinces of the Union as follows:

Province	Europeans	Asiatics
Cape	791,574	10,508
Natal.....	190,574	183,661
Transvaal.....	820,756	25,493
Orange Free State.....	200,978	29

According to the 1936 census, the occupational composition | of the Indian population in the Union is as follows:

Census	Percentage
1. Agricultural occupation	27.90
2. Mining occupation	1.34
3. Industrial occupation	
(a) Metal workers	1.36
(b) Workers in wood and furniture	1.67
(c) Builders, etc.	1.69
(d) Textile workers and makers of clothing	6.14
(e) Makers of food, drink and tobacco	4.63
(f) Workers in other materials	2.32
4. Transport and communications	2.52
5. Commercial and financial	26.89
6. Public administration	4.80
7. Professions	1.08
8. Sport and entertainment	.46
9. Personal service	11.91
10. Others and undefined	5.29

TOTAL	100.00

PART II

TREATMENT OF INDIANS IN SOUTH AFRICA HISTORY OF DISCRIMINATORY MEASURES AGAINST THEM

Section I. 1860-1914

1. As stated in Part I, it was part of the conditions of immigration that after the expiry of indenture the Indian labourer was to become a free citizen and was to be subject to the same code of laws as other inhabitants of the Colony. As early as 1875, the Secretary of State for India, Lord Salisbury, announced the policy of His Majesty's Government in the following words:

"Above all things we must confidently expect, as an indispensable condition of the proposed arrangement, that the colonial laws and their administration will be such that Indian settlers who have completed the terms of service to which they agreed, as the return for the expense of bringing them to the colonies, will be free men in all respects, with privileges no whit inferior to those of any other class of Her Majesty's subjects resident in the colonies."

Within a few years after the resumption of Indian immigration in 1874 there was a substantial number of free Indians in Natal, both ex-indentured labourers and traders. The free Indians were successfully engaged in occupations like agriculture, fishing and market-gardening.

2. As the number of permanent Indian settlers increased, the opposition of the European settlers both to the free Indian and the Indian trader grew. The anti-Indian agitation in Natal started about the year 1880. A commission was appointed to enquire into the truth or otherwise of the anti-Indian allegations. Not only did the report of the Commission hold the anti-Indian allegations to be unfounded, but it praised the "commendable industry" of the Indians in agriculture. Giving evidence before the Commission, Sir J.C. Hulett, an ex-Premier of Natal, said:

"The free Indians at present in the Colony are an immense benefit, being largely engaged in agricultural pursuits. I do not think the competition of the free Indians has interfered in the slightest degree with the development of the country by European settlers."

3. The Commission's report, however, did not pacify the European settlers, and the Natal Government embarked upon a series of anti-Indian enactments. A resume of the various measures undertaken by that Government to this end is given below.

(a) In 1891 the Natal Government repealed the Act of 1874 by which ex-indentured Indian labourers could be given land in lieu of free passage to India.

(b) Act 17 of 1895 provided that any Indian ex-indentured labourer who should choose to settle in the Colony would be required to take out a licence on payment of £3 per year.

(c) In 1896, Indians were deprived of parliamentary franchise in Natal.

(d) By Act 1 of 1897, immigration into Natal of any one who could not pass a prescribed dictation test in a European language and who was not in possession of a specified sum of money was prohibited.

(e) By Act 18 of 1897, traders were required to take out trading licences, which licensing officers appointed by town councils or town boards had full discretion to grant or refuse. Appeals were allowed only to town councils or town boards. The

discretionary power of the licensing officer soon began to be utilised to the disadvantage of the Indian.

(f) In 1900 the Natal Government extended the œ3 tax to all adult children of Indians liable to similar tax under the Law of 1895.

4. In 1908 the Natal Government proposed legislation to prohibit the issue of new licences and also renewal and transfer of trading licences to Asiatics after 31 December 1908. The legislation was, however, disallowed by the Secretary of State for the Colonies, who made the following observations:

"It would be a matter of the greatest difficulty to enumerate any conditions under which it would be possible to justify the interdiction of a particular class in the State from engaging in normal legitimate and necessary occupations; and it would be still harder to justify dispossessing them from their existing means of livelihood, however liberal might be the terms of compensation. But the imposition of such disabilities on a class which owes its presence in the colony to the colony's own necessities and whose numbers have been augmented by the voluntary action and indeed the settled policy of successive Colonial Governments over a period of fifteen years since the advent of self-government, would appear on its merits to constitute a hardship of a specially grievous character."

The Transvaal

5. The first measure taken against the Indian settlers in the Transvaal (see part I, paragraph 15) was the Transvaal Law of 1885 (No.3 of 1885). By this measure the native races of Asia were debarred from acquiring the rights of citizenship and from trading without registration, the registration fee being œ25. Asiatics were also prevented from owning property except in such streets, wards and locations as the Government might, for the purpose of sanitation, assign to them. This law was accepted by the British Government as a sanitary measure only and not as applicable to persons of a superior mode of life. The Republican Government, on the other hand, claimed that it applied to all Asiatics without reference to their mode of living, and that it included business premises as well as residences. The latter view was upheld by the High Court of the Republic, but was reversed in 1904 by the Transvaal Supreme Court, which held that the law did not apply to business premises, but only to residence of Asiatics.

6. Law 3 of 1897 prohibited marriages between European and Coloured persons. Under Law 15 of 1898 no Coloured person might be a licence holder or in any way connected with mining. A proclamation issued in 1899 set apart the streets, wards and locations for the use of Asiatic trade and residence. In the same year, the Republic prohibited Coloured persons from walking on the sidewalks or stoeps serving as sidewalks of the streets of its towns.

7. By this time the Anglo-Boer War had broken out. One of the causes of the Boer War, as put down by Lord Lansdowne, an ex-Viceroy of India and Secretary of State for War, was the ill-treatment of the Indians by the Boers in the Transvaal.

8. In 1902 an ordinance was introduced to restrict the entry of Indians in future by requiring each applicant for admission to pass a dictation test in a European language.

9. European agitation continued to increase, and in 1906 the Transvaal Legislative Council passed an ordinance to "stem the tide of Asiatic immigration", which provided for the compulsory registration of all Asiatics and their identification by means of finger prints. The Indian community sent a deputation consisting of Messrs. Gandhi and Ali to England to represent their case, and strongly opposed the measure. The ordinance was ultimately disallowed.

10. The respite was, however, brief. One of the first acts of the responsible Government established in the Colony was to pass the ordinance disallowed in 1906 as the Asiatic Law Amendment Act (Act 2 of 1907) substantially in the same form. Another act more stringent than the Natal and the Cape Acts (legislation covering immigration) was passed the same year with a view to restricting immigration. The Government of India's representations concerning the severity of these measures had no effect.

11. In 1908 the Precious and Base Metals Act (No. 35 of 1908), commonly known as the Gold Law, was passed. Under this act, Asiatics could not reside in or occupy any land in any district or proclaimed land except in a bazaar, location, mining compound or such place as the Mining Commissioner might permit. The Townships Act of 1908 (No. 34 of 1908) practically excluded Asiatic traders from stands inside townships held under a title converted into freehold under the Act.

12. Subsequent developments can most conveniently be discussed in connection with the Passive Resistance movement. When, in November 1906, Mr. Gandhi waited on Lord Elgin, then Secretary of State for the Colonies, to protest inter alia against the Transvaal Asiatic Law Amendment Ordinance, which was disallowed in 1906, he informed his lordship that "rather than submit to the great degradation involved in it" Indians "would go to jail". After the passing of Act 2 of 1907 and the Immigration Restriction Act of the same year, the Indian community in the Transvaal, under Mr. Gandhi's leadership, embarked on the passive resistance movement. The movement was directed against:

(a) Compulsory registration as being repugnant to Indians as it placed them on the same footing as criminals;

(b) The requirement that registered Indians should give their finger impressions as marks of identification, which was galling to their self-respect;

(c) The Transvaal Immigration Restriction Act which had practically the effect of classing every Indian seeking to enter the colony as a prohibited immigrant, and imposed a disability on him on racial grounds.

13. Passive resistance began in May 1907, and took the form of failure to take out registration certificates, of attempts to enter the Transvaal, and of hawking without license. Many Indians - a contemporary estimate puts the figure at 120 - including Mr. Gandhi, courted imprisonment and were sent to jail. Feeling in India was roused and public opinion in England also was much exercised. The British Government tried its best to bring about a settlement between the two parties. It made certain proposals, including the repeal of Act 2 of 1907, which the Transvaal Government declined to accept. Meanwhile, the local authorities tried to enforce the law, and complaints were received from the Indian community of harsh treatment of Indian prisoners in jail. Eventually, however, a provisional settlement was reached in April 1911 under which the Government agreed to introduce legislation repealing the Asiatic Law Amendment Act of 1907 (Act 2 of 1907) subject to the reservation of the rights of minor children. This closed the first stage of the passive resistance movement.

Union of South Africa

14. The four Colonies of Natal, Cape, the Transvaal and the Orange Free State were constituted into a Union by the South Africa Act of 1909, and the Government of the Union of South Africa came into existence in the year 1910. Henceforth matters affecting Indians, except in their local aspects, became a Union responsibility, although the laws earlier enacted by the Colonial and Republic Governments of Natal and the Transvaal respectively continued to be in force. It was expected that with the transfer of authority to the Union Government a broader outlook would be brought to bear on the Indian question than had hitherto been the case. This expectation, however, was not fulfilled. In spite of the severe opposition of the Indian community, the Union Parliament passed the Immigrants Regulation Act, 1913, under which the Minister for the Interior could declare certain classes of persons as prohibited immigrants on economic grounds or on account of their standards and habits of life being unsuited to the requirements of the Union. The Minister for the Interior, under this provision, has declared all Asiatics to be prohibited immigrants. This act also prohibited movement of Asiatics from the province of the Union to another.

15. The passage of the Immigrants Regulation Act of 1913 led to the second passive resistance movement of Mr. Gandhi in 1913. The chief cause of the movement was the deprivation of the right hitherto enjoyed by the Indians of entering the Cape Colony. The movement took the form of non-payment of the £3 poll tax and strikes by labourers who, on completion of their indenture, became liable to pay the tax. Strikes started in the coal mines in Natal and then extended to the sugar plantations. On 1 November 1913, Mr. Gandhi, accompanied by strikers and their families, began a march into the Transvaal with the deliberate object of contravening the Immigrants Regulation Act of 1913. Mr. Gandhi was arrested and sentenced to nine months' imprisonment. Two thousand Indians were arrested and sent back to their respective spheres of work. By the middle of

November the strike had spread to the sugar and other industries. Under Natal law the strikers were guilty of criminal offences and liable to be arrested and punished. At various places, arrests were made which led to conflicts between the strikers and the police. On two occasions firearms were used by the police and, in all, nine Indians were killed and twenty-five wounded.

16. News of these happenings roused widespread resentment in India, and the Government of India asked His Majesty's Government for a thorough and impartial enquiry. In December a commission, with Sir William Solomon, a Judge of the Supreme Court, as chairman, was appointed by the Union Government to make a public judicial enquiry. The Government of India deputed Sir Benjamin Robertson to South Africa to watch the proceedings. Its request for the representation of Indian interests was not granted, as the enquiry of the Commission was to be judicial.

17. As a result of the recommendations of the Solomon Commission and negotiations between Mr. Gandhi and General Smuts, who was then Minister for the Interior, an Indian Relief Bill was passed which, besides abolishing the poll tax in Natal, rectified matters in regard to the application of marriage laws and entry into or movement within the Union of members of the domiciled community, or their wives and minor children. The crux of the settlement, however, was the assurance given by the Secretary for the Interior to Mr. Gandhi that it would always be the desire of the Government to see "that existing laws were administered in a just manner with due regard to vested interests". Mr. Gandhi made it clear that the Indian community could not treat the settlement as final, and that opportunity would be sought at a favourable moment to press for the removal of such hardships as denial of the franchise in some parts of the Union, and the existence of disabilities regarding occupation and ownership of fixed property.

18. The Smuts-Gandhi agreement was accepted by the Indian community in the hope that once the European population was rid of the fear of unrestricted immigration from India, existing disabilities would slowly disappear. The Indian community therefore set great store by this agreement and interpreted the assurance given by General Smuts as implying that no new law would be passed imposing fresh restrictions on Indians. The Government of India also held the same view. The subsequent history of the Indian position in South Africa is, however, one of the gradual whittling down of the terms of the Smuts-Gandhi agreement to the disadvantage of the Indians.

Section II. 1914-1938

19. Between 1914 and 1918 little was heard of the Indian problem in South Africa, except in connection with the general question of the disabilities of Indians resident in the various self-governing Dominions, which the representatives of India raised in the Imperial War Conferences in 1917 and 1918. In 1917 India was called to the Council Chamber of the Empire for the first time. In regard to the Indian question in South Africa, General Smuts made an important statement in the following terms:

"There is still a difference of opinion on administrative matters of detail, some of which are referred to in the memorandum which is before us, and I have always felt sure, that, once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions would be considered subsidiary and would become easily and perfectly soluble. That is the position in which we are now that the fear which formerly obsessed the settlers there has been removed; the great principle of restricting immigration for which they have contended is on our Statute Book with the consent of the Indian population in South Africa and the authorities in India, and that being so, I think that the door is open now for a peaceful and statesmanlike solution of all the minor administrative troubles which occurred and will occur from time to time."

In 1918, the representatives of the Dominions and India accepted the so-called Reciprocity Resolution, which conceded to each country of the British Commonwealth the right to regulate the composition of its own population. The Government of India, which had consistently declined to admit the right of the Dominions to keep out Indians, agreed to this in order to rid the Dominions of the fear of Indian influx and thus prepare the way for the removal of the disabilities of the resident Indian communities. On this occasion Lord Sinha, a representative of India, also presented to the Conference a memorandum which, among other matters, dealt at length with Indian disabilities in respect of trading and ownership of property in South Africa. The resolution itself referred those points to the sympathetic consideration of the Governments concerned. Mr. Burton, speaking on behalf of South Africa, undertook to give the memorandum "the most sympathetic consideration". The undertaking was in conformity with what General Smuts had said at the previous conference in 1917. But European public opinion in South Africa evidently proved too strong for the Ministers to give effect to these assurances. In the mining areas, municipalities challenged the right of Indians to lease premises for purposes of trade. Act 37 of 1919 was passed, which, while safeguarding existing interests, sought to prevent acquisition by Indians of new leases on proclaimed areas, or of property outside locations, either through nominal trustees or companies. The Government of India protested strongly against the measure. The Union Government announced that the question of Asiatic rights in respect of trade would be investigated by a commission. The Government of India tried to have the whole question of Indian disabilities in South Africa included in the terms of reference of the Asiatic Enquiry Commission. They sent a representative, Sir Benjamin Robertson, to place the Indian case before the Asiatic Enquiry Commission. This Commission, presided over by Justice Lange, recommended against compulsory segregation of Indians. The Commission went on further to say: "We find ourselves wholly unable to support the policy of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European."

The Commission recommended voluntary segregation of the Indian community, consolidation of the trading laws, reservation for agricultural purposes of the coast belt in Natal for Indians and retention of the restrictions embodied in Act 37 of 1919.

20. In 1921 again the question of the status of Indians in South Africa was raised at the Imperial Conference held in that year. The Government of India claimed full political rights for the resident Indian communities in the various self-governing Dominions. The Conference passed a resolution recommending "that in the interest of the solidarity of the British Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognised." From this resolution the representatives of South Africa dissented. The representatives of India "while expressing their appreciation of the acceptance of the resolution recorded above, felt bound to place on record their profound concern at the position of Indians in South Africa and their hope that by negotiation between the Governments of India and South Africa some way could be found, as soon as may be, to reach a more satisfactory position."

21. Feeling towards the Asiatics did not improve; on the contrary, indirect pressure to exclude them from the Union of South Africa continued to be steadily applied. Thus in 1922 and 1923 respectively, the Durban Land Alienation Ordinance and the Borough and Township Land Ordinance were passed, empowering the local bodies concerned to lease or sell land belonging to them to members of a particular community. In January 1924, the Class Areas Bill was introduced, which aimed at the compulsory segregation of Indians in urban areas both for residence and trade, but the measure lapsed only owing to the dissolution of the Parliament. In 1924 the Natal Boroughs Ordinance (No. 19 of 1924) was passed, which while safeguarding the electoral privileges of Indians already on the rolls, deprived the community of the right to acquire the franchise of a borough in future. This measure incidentally deprived the Indians of the only means by which they could bring the pressure of Indian opinion on the administration. In April 1925 the Governor-General gave assent to the Natal Township Ordinance, 1925, which had the same effect as the Natal Boroughs Ordinance in respect of Indian electoral rights in townships.

22. In the summer of 1925 the Union Government introduced the Areas Reservation, Immigration and Registration (Further Provision) Bill, which purported to introduce segregation of Indians in Natal, besides stiffening the immigration law as regards Asiatics. This measure roused consternation among Indians in South Africa and widespread resentment in India. The Government of India tried to have the Indian problem in South Africa brought under examination by a conference on which they might be represented. After prolonged negotiations and exchange of deputations between the two countries, the representatives of both the Governments assembled in Cape Town at a Round Table Conference. Their deliberations resulted in the Cape Town Agreement of 1927.

23. The Cape Town Agreement is an important landmark in the history of relations between the two Governments and the position of the Indian community in South Africa. The joint communique issued by the two Governments stated:

"There was, in these meetings, a full and frank exchange of views which resulted in a truer appreciation of mutual difficulties and determination to achieve solution of the main problem in a spirit of friendliness and goodwill."

The two Governments specifically agreed as follows:

"Both Governments reaffirm their recognition of the right of South Africa to use all just and legitimate means for the maintenance of Western standards of life.

"The Union Government recognise that Indians domiciled in the Union who are prepared to conform to Western standards of life should be enabled to do so.

"For those Indians in the Union who may desire to avail themselves of it, the Union Government will organise a scheme of assisted emigration to India or other countries where Western standards are not required.

"In the expectation that the difficulties with which the Union has been confronted will be materially lessened by the agreement which has now happily been reached between the two Governments, and in order that the agreement may come into operation under the most favourable auspices and have a fair trial, the Government of the Union of South Africa have decided not to proceed further with the Areas Reservation and Immigration and Registration (Further Provision) Bill.

"The two Governments have agreed to watch the working of the agreement now reached and to exchange views from time to time as to any changes that experience may suggest.

"The Government of the Union of South Africa have requested the Government of India to appoint an agent in the Union in order to secure continuous and effective cooperation between the two Governments."

In addition the Union Government gave an undertaking as follows:

"The Union Government firmly believe in and adhere to the principle that it is the duty of every civilised Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity and opportunities, and accept the view that in the provision of educational and other facilities the considerable number of Indians who remain part of the permanent population should not be allowed to lag behind other sections of the people".

The principle of equal pay for equal work was also accepted.

24. The number of Indians who took advantage of the Assisted Emigration Scheme was below expectations. Early in 1932 representatives of both the Governments met in Cape Town to review the working of the Cape Town Agreement. Both Governments recognised that the Cape Town Agreement had been a powerful influence in fostering friendly relations between them and that they would continue to cooperate in the common object of harmonising their respective interests in regard to Indians resident in the Union, and that the possibilities of the Union's scheme of assisted emigration to India were now

practically exhausted owing to the economic and climatic conditions of India as well as to the fact that 80 percent of the Indian population of the Union were now South African born. Both Governments agreed that the Cape Town Agreement was to remain valid.

25. Another subject which was considered in this Conference was the position in the Transvaal created by the unlawful occupation of stands and acquisition of property by Asiatics. A bill had been introduced in the Union Assembly in May 1930. Certain of its provisions were objectionable to the Indian community. In response to the request of the Government of India, further consideration of the bill was postponed till the forthcoming Round Table Conference. When the Conference met at Cape Town in January 1932 it was decided that the bill should be considered by a Sub-Committee consisting of two representatives of each delegation. As a result, the clause which embodied the principle of segregation by providing for the earmarking of areas for the occupation or ownership of land by Asiatics was deleted, and a clause was inserted instead, amending the Gold Law to empower the Minister for the Interior to withdraw any land from the operation of the Gold Law in so far as it prohibited residence upon or occupation of any land by Coloured persons.

26. In 1936 another Act (No. 30 of 1936) was passed which, inter alia, provided that no Coloured person residing on or occupying any land in the Transvaal in May 1930 (such occupation was illegal under Sections 130 and 131 of the Gold Law) could continue, subject to the requirements of any other law, in residence or occupation after 30 April 1937, unless he had furnished to the Minister of the Interior before 1 April 1935 a written notice of particulars about the said land.

Section III. 1938-1946

27. Towards the end of 1938 there was again an outburst of European agitation for the segregation of Indians in the Union. Early in 1939 a Government whip gave notice of motion of a bill to empower local authorities to demarcate residential and trading areas for Europeans only. The Indian community strongly protested against this proposal. No action was taken on this motion. The Government of the Union, however, pending permanent legislation, passed an interim measure, i.e. the Transvaal Asiatic (Land and Trading) Act 1939, commonly called the Interim Act, to protect the European interests from further alleged penetration of Indians in the Transvaal. The permanent legislation when enacted was to apply to all the provinces, including Natal.

28. The Interim Act provided, inter alia, that Asiatics could not hire or occupy any premises that were not occupied solely by Asiatics or Coloured persons on 30 April 1939. It also compelled an Asiatic to obtain a permit from the Minister for the Interior before applying for a licence to carry on business or trade or removing his business to other provinces.

29. The last restriction was considered by the Indian community to be a breach of the Smuts-Gandhi Agreement of 1914 (which was embodied in Act XXXVII of 1919), and the Interim Act was held to be a breach of the Cape Town Agreement. The Indian

community was much agitated, and decided to launch a passive resistance movement. They postponed the movement, however, in view of the negotiations pending between the Government of India and the Union Government. The Government of India was in constant touch with the developments, and made representations to the Government of the Union of South Africa. It protested in unequivocal terms against the proposals for segregation and urged that there was neither justification nor necessity for any legislation involving segregation on racial grounds.

30. The outbreak of war in the beginning of September 1939, which led to the resignation of the then government and the formation of a new government by General Smuts, brought about a change in the position. The Indian community now expected that the new Government would not take any steps which would alienate any section of the population.

31. The Interim Act was regarded as a temporary measure for two years only, to permit investigations to be made. At the end of October 1939 there was renewed European agitation in Durban against Indian penetration. Soon after the close of the year, the Union Government announced its intention of appointing a fact-finding commission in regard to the alleged penetration of European areas by Asiatics in the provinces of the Transvaal and Natal and declared that no fresh statutory measures involving segregation would be introduced during the period of the war. Accordingly, in May 1940 the Indian Commission, with Justice Broome as chairman, was appointed. Before this commission could conclude its enquiries, the Interim Act was renewed in 1941 for two years.

32. The main conclusions of the Broome Report submitted on 25 July 1941 were that in the Transvaal the extent of Indian penetration since 1937 did not appear to be alarming or even surprising, while in Natal the extent of penetration was little more than a trickle. The main reason for penetration by acquisition, according to the Broome Commission, was the desire to obtain good investments. The absence of other suitable forms of investment led Indians to invest their money in immovable property. This was enhanced by the feeling of security brought about by the Cape Town Agreement and by increased prosperity.

33. Hardly had these findings been published than the Europeans in Natal started a fresh agitation, alleging that since the publication of the Broome Report Indian penetration in predominantly European areas had become a serious menace. They clamoured for the appointment of another commission for Durban. A commission with Mr. Justice Broome as chairman was appointed to report on Indian penetration in Durban. The Commission reported that there had been some penetration by Indians.

34. The European agitation against Indians' acquiring and occupying property in European areas, however, gained momentum, and pressure was brought to bear on the Government on the eve of the general election to enact the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, 1943, commonly known as the Pegging Act. This act had the following effect:

(a) In the Transvaal it extended for a further period of three years the provisions of the interim legislation enacted in 1939 and extended for another two years in 1941, by which purchases of property by Indians in areas not already subject to other restrictions were prohibited without the special permission of the Minister;

(b) In Natal it prohibited Indians from purchasing property and Europeans from selling property to Indians in predominantly European areas in Durban without the Minister's permission, and provided for the extension of similar provisions to other areas in Natal on sufficient cause being shown after enquiry.

35. The Pegging Act was passed in spite of the Government of India's protests and the Union Government's promise, given in 1939, that no legislation of this kind would be introduced during the war. Thus for the first time the Union Government imposed statutory restrictions on the acquisition of land by Asiatics in Natal.

36. There was strong and widespread resentment in India and popular demand for retaliatory action against South Africa. The Government of India, however, resisted such a demand, as it did not want in any way to prejudice the war effort.

37. In March 1944 the Union Government appointed a judicial commission, with Mr. Justice Broome again as chairman, the appointment of which had been foreshadowed during the passage of the Pegging Act. The terms of reference of the Commission were:

"To enquire into and report upon matters affecting the Indian community of the province of Natal with special reference to housing and health needs, civic amenities, civic status and provision of adequate residential, educational, religious and recreational facilities; and to make recommendations generally as to what steps are necessary further to implement the uplift clauses of the Cape Town Agreement of 1927, and as to all matters affecting the well-being and advancement of the permanent population of Natal."

The local Indian community was on the whole inclined to give this Commission every assistance. About this time Field-Marshal Smuts agreed to receive a representative deputation of the Natal Indian Congress. From the discussions between General Smuts and the representatives of the Natal Indian Congress emerged an agreement known as the Pretoria Agreement, which was announced on 19 April 1944.

38. According to the terms of this Agreement, a licensing board of mixed composition was to control residential occupation in areas where the question of racial proximity arose. Apart from this, there were to be no further restrictions on Indian interests in land. All other restrictions contained in the Pegging Act were to be withdrawn. In particular, it was made clear that there was to be no restriction on the right of Indians to acquire properties of any kind in the province.

39. The Agreement had the approval of representative Indians in South Africa, and opinion in India also favoured giving the agreed compromise a chance to work. The Government of India did not regard the solution embodied in the Agreement as ideal, but

as it was accepted by a majority of the local Indians and as, for the first time, the Union Government also accepted the principle of dealing with such matters by voluntary agreement in preference to statutory compulsion, the Government of India acquiesced in the Agreement.

40. In June 1944 the Occupational Control Ordinance, the draft of which was approved by the Natal Indian Congress, was published in the Official Gazette for the purpose of implementing the Pretoria Agreement. The Select Committee, however, under pressure of strong European agitation, dealt so drastically with the draft ordinance that it was altered beyond recognition. The revised draft which was passed as the Residential Property Regulation Ordinance by the Natal Provincial Council, clearly contravened the Pretoria Agreement in several important respects. Simultaneously with this ordinance two other ordinances - namely, the Natal Housing Board Ordinance and the Provincial and Local Authorities Expropriation Ordinance - were also passed by the Provincial Council. Under the former, the establishment of a housing board was envisaged. This board was to have powers to acquire and sell property. The latter conferred on local authorities power to expropriate land. All these ordinances were based upon the reports of the Natal Post-War Reconstruction Commission, which had recommended racial zoning and on which Indians were not represented.

41. These ordinances gave rise to bitter agitation among the Indian community in South Africa. On 3 November 1944 the Broome Commission, which had been working in an atmosphere of goodwill and cooperation from the Indian community, decided not to continue its public sittings in an atmosphere overcharged with racial bitterness. On 7 December the two Indian Commissioners resigned from the Commission.

42. Public opinion in India was also shocked by the passing of the ordinances. The Government of India represented to the Union Government that the new measure was unwarranted and likely to provoke serious repercussions in India, but their representations did not receive any attention. The Government of India was then constrained to have recourse to counter-measures, which it had so far scrupulously avoided despite the pressure brought to bear upon it by the Indian public, in the hope that the Union Government would after all find some satisfactory solution of the Indian problem. On 3 November 1944 the Reciprocity Act was brought into force against South Africa. Under this act and the rules made thereunder, disabilities were imposed on South African nationals of non-Indian origin exactly reciprocal to those imposed on Indians in South Africa in respect of entry and acquisition and occupation of fixed property in India.

43. The ordinances referred to in the preceding two paragraphs were ultimately not assented to by the Governor-General as being *ultra vires* of the Provincial Council. Field-Marshal Smuts also made a public statement in which he admitted that the ordinances were contrary to the spirit of the Pretoria Agreement and declared that an alternative solution of the Indian question should be explored. He suggested that the Broome Commission should carry on its work, as the Government attached much importance to that body.

44. In June 1945 the Housing (Emergency Powers) Act was passed by the Union Government to cope with the difficult housing problem. Under a provision of this act, an ordinance entitled the Natal Housing Ordinance was passed by the Natal Provincial Council in December 1945. The main object of this legislation was to make provision for better housing facilities for all classes of the population, including Indians, and to that end it empowered the National Housing Commission, Natal Housing Board and local authorities to construct dwellings, expropriate property and carry out other incidental purposes. The power of expropriation remained in the hands of the Union Minister. The High Commissioner and the representatives of the Indian community were taken into confidence at various stages of this legislation, and although it contained certain provisions which were open to objections from the Indian point of view, the Government of India made no formal protest, as assurances were given that the new measures would be worked without injustice to existing Indian interests. The Government of India was told that these new measures were designed to implement a long-term programme which aimed at the extension of occupation of land by the several racial groups in areas contiguous to areas occupied by each at present. Such a programme would, it was stated, eventually solve the problem of juxtapositional residential occupation by racial groups, which was the main issue to be solved.

45. Almost simultaneously with the passing of the Housing (Emergency Powers) Act, the Third Broome Commission issued its interim report. The Commission recorded the opinion that the "only way out of the present impasse lies in the direction of a full and frank exchange of views between the Government of the Union and the Government of India", and the only recommendation made by the Commission was that "the Union Government invites the Government of India to send to the Union a delegation, composed substantially of Indians, for the purpose of discussion with the Union Government, and with such representatives as the Union Government may appoint, with such other persons as the delegation may invite, all matters affecting Indians in South Africa". In regard to the franchise question it stated: "Natal Indians are not a backward race like the Bantu. Their racial pride would never permit them to accept communal representation by persons of a different race, as happens in the case of natives... The Commission is satisfied on the strongest possible evidence that any offer to Natal Indians of representation on a communal basis would be rejected immediately and unanimously." It went on to say, "The only practical basis for negotiation and possible agreement which the Commission can see is the basis of the 'loaded franchise'".

46. On 21 January 1946 the Prime Minister announced in the Union Parliament his intention to introduce during the current session of the Parliament a bill for the purpose of prohibiting occupation and acquisition of property by Indians in Natal, except in certain exempted areas.

This declaration of the Union Government came as a surprise to the Government of India, as they were given to understand that in the Housing (Emergency Powers) Act and Natal Housing Ordinance a solution of the Indian problem had been found and that the Pegging Act would be allowed to lapse after the expiry of its present term; viz., 31 March 1946. The Government of India therefore instructed its High Commissioner to urge upon

the Union Government that the legislation should be postponed and, as recommended by the Broome Commission, the Union Government should meet a representative delegation of Indians to explore an alternative settlement of the question. All these representations were rejected by the Union Government. The bill was introduced in the Union Assembly on 15 March 1946 and subsequently became law on 3 June as the Asiatic Land Tenure and Indian Representation Act. This act marks the culmination of the discriminatory policy of the Union of South Africa against Indians, which has been practised over the last half a century or so. It gives permanent recognition to the principle of segregation of Asiatics, which has been opposed by the Indian community and by the Indian Government over the last 25 years. In Natal the effect of the land tenure provisions of the act is that in areas specified in the schedule to the act (areas to be known as exempted areas) there would be no restrictions on transfer between Asiatics and non-Asiatics, and in other areas transfer of fixed property between non-Asiatics and Asiatics both for occupation and acquisition is subject to a permit granted by the Minister.

In the Transvaal, the effect of the land tenure provisions is to retain the Interim Act (1939) position, with the exception that trade licences are no longer to require the Minister's permit but are to be made again subject to the licensing laws.

Thus the act not only extends the temporary provisions of the Pegging Act of 1943 to the whole of Natal Province on a permanent basis, but has also introduced a new principle of racial segregation by providing separate areas.

47. The "representation" provisions enfranchise male Indians who

- (a) are Union nationals over 21 years;
- (b) have passed the sixth standard or equivalent; and either
- (c) have an annual income of $\text{œ}84$, or
- (d) own immovable property of the minimum value of $\text{œ}250$.

The representation to be accorded in Parliament is two Senators, three Members in the House of Assembly and two Members in the Natal Provincial Council. The Indians in the Transvaal have not been given representation in the Transvaal Provincial Council. The members in the Senate and the Assembly must be of European descent, and thus Indians will be represented by Europeans in both Houses of the Union Parliament.

48. This legislation has led to bitter agitation both in India and among the Indian community in South Africa. The Indian community rejects franchise on a communal basis, which the Union Government seems to have given to them as a quid pro quo for the rights taken away in regard to land tenure.

49. The Government of India was urged strongly by the Indian community in South Africa and the public in India to recall their High Commissioner in the Union of South

Africa and to place the question before the United Nations Organisation. The Government of India has, in deference to strong Indian public opinion, decided to recall their High Commissioner for consultation. Again in deference to strong public opinion, it has had to ban trade with South Africa with effect from 17 July 1946, and it has submitted the question to the United Nations.

PART III

DISABILITIES TO WHICH INDIANS ARE SUBJECT IN THE UNION OF SOUTH AFRICA

I. Franchise

(i) Political

Natal

Indians were prevented from acquiring parliamentary franchise in 1896 by Act No. 8 of 1896, which disqualified from being registered as voters all persons who, not being of European origin, were descendants in the male line of natives of countries which had not at the date of passing of the Act possessed elective representative franchise, unless an order from the Governor-in-Council exempting them from the operation of the Act was obtained. Indians whose names were already on the voters' rolls at the time (1896) were excluded from the operation of this restriction, but their number gradually dwindled to such an extent that in 1923 it was only sixteen. (The conditions in India have since changed.)

Under the Asiatic Land Tenure and Indian Representation Act, 1946, Indians will be represented in the Natal Provincial Council by two members. Indian voters are to be registered, against the declared wishes of the Indian community, on communal roll and not on common roll. The right of franchise is based on education and income or property qualifications, and is extended to males only. The European community, whose population is about equal to that of the Indian community, have twenty-five members in the Natal Provincial Council, and in their case franchise is enjoyed both by men and women and is based on adult suffrage.

Cape Colony

The only discrimination against coloured races, including Indians, is that while franchise for Europeans is based on adult suffrage and is enjoyed by both men and women, it is based on education and property or income qualifications in the case of Indians, and is enjoyed only by males possessing the requisite qualifications.

Transvaal

All Asiatic races, including Indians, were deprived of citizenship rights under Law III of 1885. Consequently Indians have no franchise. Also under the Transvaal Constitution Letters Patent 1907 persons who are entitled to vote for the elected Legislative Assembly must be Europeans.

Orange Free State

Settlement of Indians is practically prohibited under the Statute Law of the Orange Free State, chapter XXXIII. Hence the question of franchise does not arise.

Union of South Africa

Under the South Africa Act, 1909, no person who is not a British subject of European descent is eligible to become a member either of the Senate or of the House of Assembly. The Act provides that the qualifications of parliamentary voters, as existing in the several colonies at the establishment of the Union, shall be the qualifications necessary to entitle persons in the provinces to vote for the election of members of the House of Assembly. As Indians do not enjoy the parliamentary franchise in any colony except the Cape Colony, they are not entitled to vote for the election of members of the House of Assembly, except those residing in the Cape Province.

Under the Asiatic Land Tenure and Indian Representation Act, the Indian community in Natal and Transvaal will be represented by three members in the House of Assembly and two in the Senate. These members must be of European descent. Indian voters will be registered on communal roll and not on common roll and their right of franchise is based upon education and income or property qualifications. The European community is represented by more than 150 members in the House of Assembly and about forty Senators, and in their case franchise is enjoyed both by men and women and is based upon adult suffrage.

(ii) Municipal

Natal

Indians were deprived of municipal franchise by the Boroughs Ordinance of 1924 (No. 19 of 1924) and the Townships Ordinance of 1925 (No. 3 of 1925) (superseded by No. 11 of 1926) which limited municipal franchise to persons registered as parliamentary voters. The above two ordinances have been superseded by the Local Government Ordinance of 1942 (No. 21 of 1942), which retains the same position.

Transvaal

Under Section 8(a) of the Municipal Elections Ordinance of 1927 (No. 4 of 1927), none but white persons are eligible to be registered as voters.

Orange Free State

Settlement of Asiatics is prohibited, and those few who are already settled are not qualified to vote, by reason of their race.

II. Immigration and inter-provincial migration

Immigration into the Union or any province thereof is governed by the Immigrants Regulation Act of 1913 (No. 22 of 1913). It does not specifically prohibit entry of Indians into the Union, but provides, inter alia, that "any person or class of persons deemed by the Minister (for the Interior) on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union" shall be a prohibited immigrant. By an executive order issued by the Minister (General Smuts at the time) declaring all Indians to be unsuitable on the prescribed grounds, Indians are treated as prohibited immigrants under this clause. The Act also provides for a literacy test in any European language, and those who fail in the test are described as prohibited immigrants. This is, in fact, an effective weapon which can be applied to anybody whose entry into the Union is not considered desirable.

As regards the resident Indian community in the Union, the Act restricts their movement from one province to another of the Union. In the Transvaal and the Orange Free State, no Indians who are not already lawfully settled there are permitted to enter for permanent residence.

The law pertaining to the Orange Free State is the Statute Law of the State (Chapter XXXIII), which prevents any Asiatic from remaining in the Colony for more than two months. As regards the Transvaal, the laws detailed below restrict entry of Asiatics into the Colony, and those who were already lawfully resident in the Colony till 1908 are required to register themselves:

1. Section 19 of the Indemnity and Peace Preservation Ordinance, 1902 (No. 38 of 1902)
2. Asiatic Land Amendment Act, 1907 (No. 2 of 1907)
3. Asiatic Registration Amendment Act, 1908 (No. 36 of 1908)

III. Acquisition and occupation of land

Natal

Under the Boroughs Ordinance 1924 (No. 19 of 1924) and Townships Ordinance of 1926 (No. 11 of 1926) respectively, the Provincial Government was empowered to insert in the conditions of sale of any available land a clause prohibiting and restricting the ownership or occupation thereof to persons of any particular race. This power has been used to the disadvantage of Indians, and the municipalities and townships have under the

powers inserted an anti-Asiatic clause in their sale deeds executed subsequent to 1924. The clause usually reads as follows:

"This transfer is passed subject to the condition that the transferee, his heirs, executors, administrators or assignees shall not sell, lease or allow occupation of the aforesaid property to any Asiatic or person of Asiatic descent."

The Boroughs Ordinance of 1924 and Townships Ordinance of 1926 have been superseded by Local Government Ordinance of 1924 (No. 21 of 1942), which retains the same position.

Until 1943 there was no statutory disability with regard to acquisition and ownership of landed property by Indians in Natal. Under the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, commonly known as the Pegging Act, in Durban Indians could not purchase and occupy property that was not occupied by Asiatics on 22 March 1943 without a permit from the Minister. The Pegging Act was superseded by the Asiatic Land Tenure and Indian Representation Act of 1946, which places similar restrictions on the acquisition and occupation of land by Asiatics in Natal, except in exempted areas, which have been so proclaimed in the schedule to the Act, or are to be proclaimed by the Governor-General in Council on the advice of the Land Tenure Advisory Board, or after a period of five years, by resolution of Parliament. In non-exempted areas the terms of the restriction under this Act are that no Asiatics can, except under the authority of a permit, enter into any agreement with a non-Asiatic to acquire fixed property in the province of Natal, and no Asiatic can occupy and no person can allow any Asiatic to occupy any such land or premises in Natal which was not lawfully occupied on 21 January 1946 by an Asiatic, except under the authority of a permit.

Transvaal

The first law that discriminated against Indians was Law 3 of 1885, which provided inter alia that Asiatics may not be owners of fixed property except in localities assigned to them for purposes of residence. It also empowered the Government to assign special localities for this purpose.

The Municipal Amending Ordinance of 1905 is another segregatory measure which permits the alienation to Asiatics of land in areas to be set aside for their exclusive occupation by municipalities.

The next legislation in this connection which affected Indians was Act No. 35 of 1908, commonly known as the Gold Law. This Act as amended up to date provides that Coloured persons (this term includes Indians) may not acquire any right under the Act (which relates to prospecting and mining rights) or reside on or otherwise occupy any land or ground in respect whereof any other person holds any right, and it forbids transfers of any such rights to Coloured persons. It also prohibits Coloured persons from residing on or occupying any proclaimed land in any mining district.

In 1919 the Gold Law of 1908 was amended to prohibit Asiatic companies from holding any fixed property, by the Asiatics (Land and Trading) Amendment Act, 1919 (No. 37 of 1919). It also prohibited foreign companies (companies registered or incorporated in a foreign country under the laws of that country) from acquiring any fixed property.

Various acts noted below have subsequently been passed which amend the Gold Law of 1908 and further restrict the rights of Indians:

The Transvaal Asiatic Land Tenure Amendment Act, 1932 (No.35 of 1932).

The Transvaal Asiatic Land Tenure Amendment Act, 1935 (No.35 of 1935).

The Transvaal Asiatic Land Tenure Amendment Act 1936 (No. 30 of 1936).

The Transvaal Asiatic Land Tenure Amendment Act 1937 (No. 32 of 1937).

The Asiatic (Transvaal Land and Trading) Act of 1939, which was renewed in 1941 and again in 1943, placed further restrictions in the way of trading licences of Asiatics by compelling an Asiatic to obtain a permit from the Minister for the Interior before applying for a licence to carry on a business or trade or removing his business to other premises. A permit was also required to be obtained before land or premises not in Asiatic occupation on 30 April 1939 could be let to or occupied by an Asiatic.

This Act has now been repealed by the Asiatic Land Tenure and Indian Representation Act, 1946, which retains the position so far as occupation of land is concerned.

Orange Free State

Under Section 7 of the Statute Law of the State (Chapter XXXIII), Asiatics are prohibited from owning any fixed property.

IV. Trade

Natal

In this province the issue of trade licences in municipal areas is governed by Act No. 18 of 1897, which provides for the appointment of a licensing official by the Town Council or Town Board to issue annual licences in the borough or township, as the case may be, to wholesale or retail dealers. A licensing officer has absolute discretion to issue or refuse licences applied for; and his decision is not liable to review, reversal or alteration by any court of law, except in the case of applications for renewal of licences which according to Act 22 of 1909 are appealable to the Supreme Court or circuit court. This act was further supplemented by the Boroughs Ordinance of 1924 and the Townships Ordinance of 1926, under which town councils have full powers with regard to regulating, inspecting and supervising the carrying on of the trades etc. Under the by-

laws framed by the Councils for this purpose, trading licences can be refused if the licensing officer is not satisfied:

1. That the locality of the premises is one in which it is desirable that the trade or business contemplated should be carried on by the applicant or at all;
2. That the premises are in every respect suitable for the purpose of such trade or business whether as to structure, size, character, sanitation, ventilation, safety from fire, adequacy of fire appliances or emergency exits;
3. That the applicant is a fit and proper person to hold such a licence or carry on such a business.

Similarly in rural areas under Ordinance 4 of 1923 as amended by Ordinance 14 of 1935, Rural Licensing Boards (whose members must be Parliamentary voters) consider applications for licences to trade. The board may attach conditions to the licence and may refuse it on the ground that to grant it would depreciate surrounding property.

It is a notorious fact that licensing laws have been operated so as to refuse the grant or renewal of licences to Indians.

Transvaal

Outside the proclaimed mining areas there is no legal racial discrimination against Indians except under the Asiatic (Land and Trading) Act (28 of 1939), the provisions of which are referred to under III above. But the Licences Control Ordinance, 1931, gives complete discretion to municipalities to grant or refuse a certificate of fitness which it is necessary to obtain before a trading licence is issued. As the European community of which the municipalities are composed (Indians have no franchise) is hostile towards the Indian community, the latter is generally made to suffer and no new licences are granted.

As regards the proclaimed mining areas, the Gold Law of 1908 does not permit a Coloured person to acquire any rights under that law or to reside or otherwise occupy any land or ground except in a bazaar, location, mining compound or any such other place as the Mining Commissioner may permit. Also Act No. 37 of 1919 practically prohibits the issue to Asiatics of certificates which are necessary to be obtained before trading licences are granted. The Act, however, safeguards the interests of those who occupied any land for business purposes or carried on business up to 1 May 1930.

Orange Free State

Asiatics are prohibited by law from settling in the State for the purpose of carrying on any commercial business or farming, either directly or indirectly.

V. Education

A policy of segregation is followed in the matter of education, and Indian and other non-White races are not allowed to be admitted to schools and colleges intended for White children. There is also racial differentiation in the allotment of the rate of subsidy granted by the Union Government. For European pupils, the rate is £16.7s.6d., subject to certain conditions, and for Indian and Coloured pupils, it is only £5.5s.0d., per pupil.

In Natal, non-European teachers in Government employ are subject to racial discrimination in the matter of pension benefits. Until 1930, all the teachers in Government employ were governed by Ordinance No. 7 of 1913, which did not discriminate between European and non-European, but in 1930 and 1931 two sets of Ordinances were passed by the Provincial Council, one for non-European teachers, which, apart from being a discriminatory legislation, provided higher benefits for European teachers.

VI. Marriage

In the Transvaal, Law 3 of 1897 prohibits marriages between White and Coloured persons.

VII. Travel

Indian upper-class passengers are required to travel in separate compartments reserved for Asiatics and Coloured people. In certain towns in Natal and the Transvaal, Indians are only allowed to occupy certain seats reserved for non-Europeans on public transport vehicles.

VIII. Industry, professions and other occupations

The Mines and Works Amendment Act (25 of 1926), known as the Colour Bar Act, empowers the Governor-General to make regulations about the grant of certificates of competency in certain classes of skilled workers (e.g. mechanical engineers and engine drivers) only to Europeans, Cape Coloureds, Cape Malays and Mauritius Creoles. Indians have been excluded.

The Apprenticeship Act of 1944 (37 of 1944) sets up a National Apprenticeship Board and Apprenticeship Committees to advise the Minister regarding apprenticeship. The Minister may prescribe whatever qualifications he considers necessary for apprentices, which vary from trade to trade, in which unapprenticed miners may not be employed without the consent of the Registrar of Apprenticeship, in consultation with the Apprenticeship Committees. This Act in practice excludes all non-Europeans from apprenticeship.

Owing to the prevalent colour bar attitude of the European clientele, Indians are deterred from seeking apprenticeship with solicitors, chemists, architects, accountants and surveyors.

The Marketing Act of 1937 (26 of 1937) provides for meetings of producers in any area to which it is proposed to apply a "scheme" for the marketing of produce. No person other than Europeans shall be entitled to vote on the resolutions approving the scheme. This deprives the Indian market gardeners of Natal of any say in the method of disposing of their produce.

IX. Pensions

Until recently, Indians were excluded from the benefits of the Old Age Pensions act of 1928 (22 of 1928) and the Blind Persons Act of 1936 (11 of 1936), which applied only to Europeans and coloured persons. In 1944 these Acts were made applicable to Indians also, but Europeans are allowed higher benefits than Indians under these Acts.

X. Employment in public services

Although there is no statutory bar to the employment of Indians in public services, in actual practice Indians are almost completely debarred from employment except in a menial or subordinate service capacity. There are, however, Indian teachers in schools etc. exclusively intended for Indians. Indian interpreters are also employed in some law courts.

XI. Local Government

Natal

The Durban Corporation Extended Powers Ordinance of 1924 (14 of 1924) empowers the town council of Durban to prohibit the use by Europeans for dwelling purposes of places or premises similarly used by Asiatics or Natives.

The Durban Extended Powers Ordinance of 1940 (16 of 1940) empowers the municipality of Durban inter alia to set aside tea and eating rooms for the sole use of Europeans, Asiatics or Natives.

Transvaal

The Johannesburg Municipal Ordinance of 1906 [II (private) 1906] constitutes Johannesburg Municipality and empowers it, inter alia, to establish bazaars for the exclusive occupation of Asiatics, in which plots may be leased for any term, not exceeding thirty-three years. It may make by-laws for licensing and regulating Asiatic tearooms and eating-houses, and may refuse to license certain premises for this purpose, on grounds of public interest, etc.

XII. Arms and ammunition

Union

Arms and Ammunition Act, 1937 (28 of 1937) provides that no licence to possess or deal in arms may be issued to any person other than a European or a European company, and no arms may be supplied to a dealer who is not licensed to possess them.

XIII. Miscellaneous

Land bank loans available to European farmers are not available to Indians. This is not a statutory discrimination, but in actual practice this is the position.

In some places there are separate hospitals for Indians and Africans. In Government offices, such as Posts & Telegraph offices and railway booking offices, there are separate counters for non-Europeans. Indians are not admitted to certain public libraries.

| Source: Sitaramayya, Dr. Pattabhi, The History of the Indian National Congress, Volume II, Appendix III. Bombay: Padma Publications Ltd., 1947.

| For text, see resolution 1 below.

| Source: Ibid.

| From: Harijan, March 24, 1946

| Pamphlet published by the South African Communist Party in June 1946 when the Indian people in South Africa launched the passive resistance campaign against the Asiatic Land Tenure and Indian Representation Act, 1946. Dr. Dadoo was then Chairman of the Johannesburg District of the Communist Party and member of the Party's Central Committee.

| Valliamma died on February 22, 1914

| The reference is to some European supporters of the Indian cause: Henry S. L. Polak, Hermann Kallenbach, the Reverend Joseph J. Doke, L. W. Ritch, William Hosken, Albert H. West, Miss Sonja Schlesin and Miss Ada West. Mr. Polak, Mr. Kallenach and Mr. West went to prison in the satyagraha led by Mahatma Gandhi, 1907-14. Mr. Hosken, a businessman and leader of the Progressive Party, chaired the Committee of European Sympathisers.

| Nagappan became ill in prison, where he was forced to perform hard labour in bitter cold, and died on July 6, 1909, soon after release.

| From: Harijan, June 23, 1946

| From: Collected Works of Mahatma Gandhi, Volume 84, page 499

| From: Leaflet of the Passive Resistance Council of the Natal Indian Congress (Flash collection), June 27, 1946, and The Guardian, Cape Town, July 4, 1946

| From: Passive Resister, Johannesburg, July 8, 1946; and leaflet of the Passive Resistance Council of the Natal Indian Congress (Flash collection), June 27, 1946.

| Source: United Nations document A/149

| Source: United Nations document A/68

| Excluding unemployed and children below 14 years

1946.10

GAZETTE OF INDIA EXTRAORDINARY DATED JULY 17, 1946, ON TRADE
RELATIONS WITH SOUTH AFRICA |

GOVERNMENT OF INDIA
DEPARTMENT OF COMMERCE

COMMERCE

New Delhi, the 17th July, 1946

No. 2-C(6)/46(2). - In exercise of the powers conferred by section 134 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased -

(a) to prohibit the bringing by sea or by land into British India of goods from whatever place arriving which have been consigned from, or grown, produced or manufactured in, the Union of South Africa:

Provided that the foregoing prohibition shall not apply -

(i) to goods which are the personal effects of passengers, or

(ii) to goods brought into British India before the 1st August 1946, or

(iii) to goods the price of which has been wholly paid on or before the 17th July 1946 and the importation of which has been specially authorised by the Central Government;

(b) to prohibit the taking by sea or by land out of British India of goods from whatever place arriving which are destined for any port or place in the Union of South Africa or in respect of which the Chief Customs Officer is satisfied that the goods although destined for a port or place outside the Union of South Africa are intended to be taken to the Union of South Africa.

Explanation. - Goods grown or produced in the Union of South Africa which have been subjected to any process in another country and goods manufactured partly in the Union of South Africa and partly in another country shall be deemed to fall within the scope of the prohibition in clause (a) above unless 25 percent or more of the value of the goods at the time when they left the place from which they were last consigned is attributable to processes undergone since the goods left the Union of South Africa.

No. 2-C(6)/46(2) - In exercise of the powers conferred by section 134 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased -

(a) to prohibit the transshipment at any port in British India of goods when destined for any port in the Union of South Africa, and

(b) to prohibit the transshipment at any port in British India of goods when destined for any port other than a port of the Union of South Africa, save with the permission of the Chief Customs Officer who shall not grant such permission unless he is satisfied that it is not intended that such goods shall be taken to the Union of South Africa.

K. K. CHETTUR, Joint Secretary

RESOLUTION OF THE ALL INDIA CONGRESS COMMITTEE, BOMBAY, JULY 1946

The meeting of the AICC, while it is grieved that it has become imperative for the Indian settlers in South Africa, once more to offer satyagraha in the land of its birth, against a law imposing on them a colour bar far more sinister than the one against which they had put up a brave fight between 1907 and 1914, congratulates the handful of satyagrahis on their brave but unequal action against heavy odds.

This meeting is pleased to find that doctors and such other men and women are at the head of the gallant struggle and that among them are represented Parsis, Christians, Muslims and Hindus. This meeting is also pleased to find that a few white men like the Rev. Scott have thrown in their lot with the satyagrahis.

This meeting condemns the action of some white men in resorting to the barbarous method known as lynch law to terrorise the satyagrahis into submission to the humiliating legislation. It is worthy to note that a large part of the Indians are born and bred in South Africa to whom India exists only in their imagination. These colonial-born Indians have adopted European manners and customs and English has become their mother tongue.

This meeting notes with great satisfaction that the Indian resisters are keeping their struggle free from violence in any shape or form and conducting it with dignity and without rancour and that they are thus suffering not only for their self-respect but for the honour of India, and by their heroic resistance setting a noble example to all the exploited peoples of the earth.

This meeting assures the Indian settlers of South Africa of India's full support in this unequal struggle and is firmly of the opinion that persistence in it is bound to crown their effort with success.

This meeting appeals to H. E. the Viceroy to use all his endeavour and ensure that of the British Government in aid of this struggle and invites the European residents of India to raise their voice in protest against white hooliganism and the anti-Asiatic and anti-colour legislation of South Africa.

1946.13

STATEMENT BY DR. Y. M. DADOO ON RELEASE FROM PRISON, SEPTEMBER 26, 1946 |

I am glad to be in your midst after a brief incarceration of three months.

I am proud of the Indian people. The discomforts of prison life mattered little before the knowledge that the response of the Indian people to the call of Passive Resistance against the Ghetto Act and for the elementary rights of citizenship has been total and united. In the short period of three months over 700 brave men and women have suffered imprisonment and have sacrificed for the cause of our people. I am now informed that hundreds more are prepared for the call to duty.

The Indian people in South Africa although only a quarter of a million are making history. They are once again proving their determination to fight for their inalienable right to live as free, equal and self-respecting citizens of South Africa and they are throwing themselves into the struggle regardless of the cost in sorrow and suffering.

We look forward to the future with confidence and courage. The sacrifices of the Indian people symbolizing their resistance are making their impressions already. Of the many positive features of the struggle the first is the total and united opposition of the community to the Asiatic Land and Indian Representation Act. The Government of South Africa miscalculated the determination of the Indian people. The Government has been confounded. Secondly the active participation of the Indian women, our brave sisters, indicates the depth of the political consciousness and readiness of the people to struggle rather than submit to Fascist practices. Thirdly the support from other sections of the non-European peoples and also from the genuine liberal section of the European population is an indication of the emergence of a new force in the political field of South Africa, fighting for democracy for all, for a great united and happy South Africa.

Our first objective is the United Nations Assembly. Our struggle has condemned as nothing else has done before, the fascist practices and colour oppression of the Union Government. The South African Government must answer for its criminal misdeeds at the bar of world opinion.

We are most gratified by the united support of the four hundred million of the people of India. Gandhiji, the Indian National Congress, Mr. Mohamed Ali Jinnah of the All India Muslim League, the great industrial and commercial organizations, the trade union and working class movement, all of them, without reserve or qualification have thrown in their wholehearted ...???

(Passage not legible in photocopy)

as possible and has solicited a strong delegation to represent India at the United Nations Assembly.

The South African Government is already feeling the pinch. The acute shortage of gunny bags has already created a serious situation. Our united efforts are proving effective. **THE UNITED NATIONS ASSEMBLY MUST HEAR OUR CASE.** We must continue without faltering and without flinching in our non-violent struggle of Passive Resistance. **WE SHALL RESIST. THE GHETTO ACT MUST BE REPEALED. WE**

WILL VINDICATE OUR SELF-RESPECT AND THE HONOUR OF INDIA. WE SHALL CARRY ON.

1946.14

SPEECH BY DR. Y. M. DADOO AT MASS WELCOME MEETING IN JOHANNESBURG ON RELEASE FROM PRISON, SEPTEMBER 29, 1946 |

(The following is the speech by Dr. Dadoo at a huge meeting held to welcome recently released passive resisters, including Dr. Yusuf M. Dadoo, Miss Zainab Asvat and the Reverend Michael Scott.)

Our struggle against racial discrimination is winning widespread support among all communities in this country.

Great South African European patriots like Rev. Scott and Miss Mary Barr are showing by their participation in the struggle and by suffering the rigours of imprisonment that not all Europeans in South Africa are a party to the oppressive and colour bar policy of the Union Government. Great Non-European patriots among the Coloured and African people are also enlisting to serve in the cause of freedom. This shows the growing support the Passive Resistance Campaign against the Ghetto Act is gaining from all sections of the South African population.

Gathering momentum

Although our movement is still young and just gathering momentum our determined resistance is showing positive results in many directions.

In the first place the indictment of South Africa's crime in treating its Indian minority and the vast mass of the Non-European people in an unashamed and unabashed manner. Secondly, support from all over the world shows that the Union Government stands condemned in the eyes of world opinion, for even the Paris Peace Conference was not immune from its vibrations.

Relations with India

Since the passing of the Ghetto Act the relations between South Africa and India have deteriorated completely. The High Commissioner for India in South Africa has been recalled and trade sanctions are in full force. Gandhiji, who left us the heritage of a struggle in the form of passive resistance, is keenly interested in the progress of our campaign and has constantly sent messages of support and encouragement.

Mohamed Ali Jinnah, President of the All India Muslim League, has reaffirmed his and Muslim India's fullest support to the Passive Resistance struggle of the Indian community.

We are most gratified by and welcome the steps taken by the Interim Government in tightening up measures to make economic sanctions as complete and watertight as possible. We welcome Pandit Jawaharlal Nehru's declaration of policy in relation to South Africa. The Union Government is already feeling the full impact of this policy. The shortage of gunny bags, oil seeds and textiles is becoming acutely felt by consumers and farmers alike. The naive attempt by the press to minimise the effects of sanctions cannot help to reassure the farmers who want gunny bags and consumers who want food commodities that these will be delivered to them.

United Nations Assembly

(Speaking of the meeting of the United Nations General Assembly, Dr. Dadoo said:)

The day of the United Nations Assembly meeting is approaching nearer. We are awaiting with calm confidence the decision of the United Nations. We have, in spite of the Union Government's press propaganda to the contrary, a simple and straightforward case. We only require to place it concisely, concretely and truthfully before the Assembly to commend it to their sense of equity and democracy. We are fortified in our confidence by the knowledge that the Indian delegation will not allow any attempt by the South African Government to divert the attention of the Assembly from the main issue, that by denying elementary rights of citizenship to the Indian and Non-European peoples, by condemning them to live as helots in Ghettos and by driving the vast masses of them to the slaughter pole of the cheap labour policy, South Africa is guilty of flagrant contravention of the basic principles of the United Nations Charter and is in fact practising fascism.

During the last three months since the beginning of the Passive Resistance struggle, a new awakening is perceptible among the Non-European masses. Recent events on the Rand leading to the strike of the African Mineworkers, the most ruthlessly oppressed section of the South African masses, are of great historic significance. The point is not that the African mineworkers were forced by Police violence and brutalities to give up the strike; the significant point is that they ever came out on strike.

A new dawn

We are now witnessing the first glow of a new dawn for South Africa and a decisive turning point in her history. Our country is entering a period of struggle for democracy for all, for a great united and happy South Africa. We are at long last catching up with the march of history. We are now not far behind the masses of the peoples of Europe fighting for democratic peoples' governments and the colonial and semi-colonial peoples fighting for freedom and independence.

Non-European unity

The struggle of the Indian and African people is welding unity and cooperation in action and we are forging the forces of democracy which alone can destroy fascist practices in our country.

1946.14A

"WE ARE MARCHING ON", BY DR. Y. M. DADOO, NOVEMBER 1946 |

The completion of five months of our historic struggle coincides with the release of our national leaders, Dr. G. M. Naicker and Mr. M. D. Naidoo after serving six months hard labour (with 45 days remission) - the longest sentence yet served by passive resisters in the present struggle.

This pamphlet attempts to give you an account of the epic story of our struggle against the Ghetto Act; the heroism and endurance of our resisters against the organised attacks of European hooligans; the heart-stirring courage of our sister-resisters; and some facts about the united support of the entire Indian community.

Five months in the struggle of a people for fundamental human rights is too brief a period in which to pass a verdict on it. A proper evaluation can only be made when it is reviewed in historical perspective. We leave that task to history. But in reviewing the events of the last five months we are in a position to judge whether or not we have reached the first objectives in our battle for full rights of citizenship.

Fateful Beginning

The first few weeks were fateful. There were groups of people who were hesitant and uncertain. Scepticism prevailed in certain quarters. How will the struggle fare? How will the people react? - were questions uppermost in the minds of not uninfluential bodies of people. It was an acid test for the leadership. It demanded courage and endurance from the resisters.

To make matters worse, organised squads of European hooligans began attacking the camp of resisters. Tents were pulled down and burned. Resisters, both men and women, were brutally assaulted. Taunts, sneers and insults were hurled at them. The European hooligans did not show a trace of "civilisation" - they behaved like wild beasts pouncing on their prey. The resisters' patience and endurance were taxed to the utmost but they proved their quality as brave fighters for freedom - nonviolent and persevering, unafraid and manly. From night to night, the attacks grew more violent, the resisters becoming more determined. In this trying period of uncertainty, the heroism of the resisters and the undaunted leadership of men like Dr. Naicker and Mr. M. D. Naidoo shone like a beacon of hope.

The Government invoked the Riotous Assemblies Act, arrests were made, resisters were sent to prison and the struggle passed into a decisive phase.

The magnificent response of the people made it possible for us to record achievements of which the Indian people can well be proud.

Indian community united as never before

The struggle has rallied the entire community in total opposition to the Ghetto Act. There is a complete boycott of the Land Tenure Advisory Board. The sham form of communal representation has been wholly rejected. Hundreds of men and women of all ages have responded to the call of duty by enlisting as volunteers. A new spirit of freedom pervades the Indian people.

South Africa's racial policy laid bare

General Smuts and the Union Government find themselves in the dock at the United Nations Assembly. The Union Government stands condemned in the eyes of the democratic people of the world for its fascist racial laws against the non-European population, and for the violation of the United Nations Charter. The United Nations Organisation itself is being confronted with an important test: whether it will justify its existence for the maintenance of world peace and assurance of basic human rights and freedom to all people irrespective of race, religion or sex, or whether by failing to stand up to this task it will let the world slip into international and race conflict.

We look forward to the outcome of the present discussion with confidence; the stern and determined stand taken by the Indian Government's delegation, together with the wholehearted support of the Soviet Union, China and other member States, makes the situation very hopeful indeed.

We have succeeded in rallying international democratic opinion to our side in our just struggle. Whatever the outcome we shall continue to expose South Africa's fascist policy to the outside world and pursue our struggle within the Union.

Towards the struggle of all non-European peoples

We are not unmindful of the fact that our passive resistance movement is a part and parcel of the larger struggle of all the non-European peoples against segregation and discrimination and for full democratic rights in the land of their birth and adoption. The African and Coloured peoples are supporting our movement in full measure and, indeed, not a few have already enlisted as passive resisters and have served terms in prison. We, for our part, have declared our full support to them in the recent great African miners' strike and in the campaign against the pass laws and other inhuman and racist measures.

We hope for and expect a progressive unfurling of a great resistance movement on their part so that unity of action can be welded on the anvil of struggle.

White supremacy and herrenvolkism cannot and will not be able to withstand the torrent of simultaneous and united action.

India and trade sanctions

The Interim Government's uncompromising stand and the united support of India's leaders and national and political organisations of all shades of opinion and the stringent application of trade sanctions, have not only brought about a rupture in the trade relations between the two countries but have also hit hard the European farmers and consumers in this country. The acute shortage of grain bags, soap, essential oils, textiles and other commodities has caused a crisis of the first order.

This will, we hope, drive home to the European people the hard lesson that their rulers cannot carry on with impunity, and this with their consent, the policy of racial and colour oppression. The higher law of peoples' will and human conscience must in the end prevail.

Europeans and the struggle

Our struggle is forcing the Europeans in no uncertain manner to decide whether they are for or against democracy. Democracy cannot be maintained for the Europeans themselves whilst they deny it to others. Denial of democracy to one section leads surely and inevitably to fascism and all its attendant evils.

The setting up of bodies like the Council for Asiatic Rights in the Transvaal and the Council for Human Rights in Natal, the resolutions of the Church and progressive bodies, and the active participation and heroic sacrifice in the present struggle of such courageous European Christian stalwarts as the Reverend Michael Scott and the Reverend Satchell, and private citizens like Miss Mary Barr and Max Itzkin, are an indication of the fact that democratic-minded Europeans are beginning to realise the true implications of the fascist policy of their Government towards the non-European population.

We welcome Dr. Naicker and Mr. M. D. Naidoo

Thus it is with a sense of pride and self-vindication that we welcome back in our midst our national leaders. We say to them: "Your sacrifices and those of the hundreds of passive resisters have not been in vain. We have taken a step forward."

On their release, we reaffirm our pledge to continue the struggle with sober confidence and calm resolve.

We shall not bend our knee to the oppressor. We shall not rest as long as the Ghetto Act is on the Statute Book. We shall fight on until the rights of man are ours.

WE SHALL RESIST! LONG LIVE RESISTANCE!

1946.15

CIRCULAR LETTER BY TRANSVAAL INDIAN CONGRESS TO ORGANISATIONS CONCERNING THE ARREST OF MR. J. N. SINGH, NOVEMBER 9, 1946|

Since Tuesday 5th November 1946, Mr. J. N. Singh, the Secretary of the Transvaal Passive Resistance Council and a member of the Executive Committee of the Transvaal Indian Congress, has been detained at Marshall Square under the Immigrants Regulations Act of 1913. He appeared before the Johannesburg Magistrate's Court this morning and his case has now been adjourned to Tuesday, 12th November 1946.

The only crime which Mr. Singh has committed is that HE IS AN INDIAN. Under the Immigration Law of 1913 South African Indians are denied the right of free movement within the Union. Mr. Singh was born in Natal. He is a South African born Indian, whose parents are South African born, but under this racist law he is treated as a foreigner and is not allowed to remain in the Transvaal.

This action against Mr. Singh is reminiscent of the actions taken under the Nazi regime in Germany where on racial grounds the freedom of movement was denied to some of the inhabitants of Germany. It is the task of all the people of South Africa who love democracy to protest against this action, for if democratic South Africans do not protest against racial measures, tomorrow similar laws will be extended to other sections of the South African population.

We, therefore, urge upon your organisation to send immediately a telegram to the Minister of the Interior, Pretoria, protesting at the arrest of Mr. Singh and demanding the repeal of that section of the Immigration Law which makes South African Indians foreigners in the land of their birth. We shall be much obliged if you will send us a copy of the telegram your organisation sends to the Minister.

Yours faithfully,

(sd.) Y. M. Dadoo
President
Transvaal Indian Congress

1946.16

STATEMENT OF THE SOUTH AFRICAN INDIAN CONGRESS TO THE
MEMBERS OF THE UNITED NATIONS, NOVEMBER 19, 1946

SOUTH AFRICAN INDIAN CONGRESS DELEGATION

1 Tyne Street,
CAPE TOWN,
Union of S.A.

Hotel Commodore,
Room 1178,
New York,
19th November, 1946.

STATEMENT OF THE SOUTH AFRICAN INDIAN CONGRESS TO THE
MEMBERS OF THE UNITED NATIONS

1. The complaint lodged by the Government of India in regard to treatment of our Community in the Union of South Africa is before you.

2. We are duly authorised representatives of the South African Indian Congress, an organisation constituted to represent the Community of South Africa. We have been delegated to come to New York to assist in the presentation of the Indian Government's case before the United Nations.

3. Our status in South Africa is an anomalous one. Whilst we are nationals of the Sovereign State of the Union of South Africa, the Sovereign state in which the non-European population of approximately eight and a half million is ruled by a European population of two and a half million - yet, we have no representation in the Municipal, Provincial or National Assemblies of our country. Due to this fact, our well-being - since our advent to South Africa - has been subject to the oversight and concern of the people and Government of India and we now hope of all the nations of your organisation. The duality of our status is unusual, but it is not of our seeking.

4) Treaties such as the Cape Town Agreement of 1926 and 1932 bearing on the life and treatment of our people in the Union of South Africa have been entered into between the Indian Governments and ratified by their respective legislatures.

5) In regard to this status of duality, we would like to quote the words of the deputy Prime Minister of the Union, Mr. J.H. Hofmeyr, who, speaking on the 28th March, 1946, during the second reading of the debate on the Asiatic bill said:

"Quite clearly from the very outset in those days (referring to the days of the introduction of Indians in 1860) the Indian was welcomed as a permanent settler in the colony of Natal and as a contributor of the prosperity of that colony. I say again that arrangement was came to between Governments. It was a South African Government that pressed it upon an Indian Government... That being so, I do not see how we can blame the Government of India for seeking to discharge that responsibility as long as we withhold from our local Indians the opportunity of stating their own case here in

Parliament... We cannot blame the local Indians, as we put it, running to Mother India unless we recognise them as South African citizens with rights of citizenship."

6) We submit the ideals set out in the Charter of the United Nations - the preamble which was framed by our Prime Minister Field Marshal Smuts - have been rendered useless and meaningless by the Government of the Union of South Africa in the treatment of its Indian population, both in law and practice, fundamental human rights are withheld from men and women of the Indian and Asiatic races. In fact, from all non-Europeans. Racial discrimination stalks the land in every sphere of human activity. Special progress and better standards of living in a larger freedom and hopes confined to Europeans only.

7) The enactment of the Asiatic Land Tenure and Indian Representation Act by the Union Parliament in May, 1946, is an infringement of the Charter and of the treaty obligations existing between the Indian and Union Governments.

8) We declare to the United Nations that this action by the Union Government in passing the Asiatic Act, and in pursuing a deliberate policy of discrimination, constitutes an act to perpetuate misery and sufferings which would not conduce to the practising of tolerance and living together in peace with one another as good neighbours.

9) In 1945 fifty-one nations of the world assembled at San Francisco and sacredly resolved to ban oppression in any shape or form, and reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small.

10) South Africa signed and subscribed to this constitution. It was almost immediately after signing this Charter that the Union Government passed the Asiatic Act, and this has infringed a treaty which it had pledged to honour.

11) The Union Government maintains that its reason for passing the Asiatic Act is to safeguard Western standards of living and Christian civilisation. Segregatory measures are the very antithesis of maintaining these.

12) The Union Government's policy of keeping the Indian and other non-European people with very little land, with restricted education, and without equal economic opportunities makes it impossible for them to maintain Western standards of living. It is impossible for poverty stricken people to be healthy and live in decent homes. It is impossible for illiterate people to reach a high degree of civilisation and advanced culture.

13) The 260,000 lawfully domiciled Indians of Natal and Transvaal province have no representation in Municipal, Provincial or National assemblies of the Union. Indians were deprived of the parliamentary franchise in Natal in 1896 and of the Municipal vote in 1924.

14) The vast majority of Indians are descendants of those who were introduced from 1864 to 1911 under agreements between the Governments of India and Natal. Under law 1871 of Natal, Crown land grants were made to Indians to induce them to stay in the country. It is a historical fact that prosperity of Natal's primary industries such as sugar and coal, was derived from Indian labour, and even today, 26,000 Indians are employed in industries.

15) In 1914, correspondence passed between General Smuts and Mr. Gandhi which General Smuts described as:

"constituting a complete and final settlement of the controversy."

Mr. Gandhi further said that:

"complete satisfaction cannot be expected until full civic rights have been conceded to resident Indian population".

16) In 1926 the Areas Reservation Bill was introduced in the Union Parliament and contained restrictive provisions similar to those in the Asiatic Act of 1946.

17) The Bill was strenuously opposed by all Indians. It was shelved by the Union Government and an agreement entered into between the Governments of India and the Union, known as the Cape Town Agreement.

18) The principle of segregation contained in the present law and the attack on the property rights of Indians are in violation of the "Uplift Clause" of the Cape Town Agreement which states that:

"The Union Government firmly believes in and adheres to the principle that it is the duty of every civilised government to devise ways and means to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacities and opportunities, and accept the view that, in the provision of educational and other facilities, the considerable number of Indians who will remain part of the permanent population should not be allowed to lag behind any other section of the people."

19) At the second reading of the Pegging Act in 1943, the Prime Minister Field Marshal Smuts turned upon Dr. Malan, Leader of the Opposition and remarked:

"Surely the Uplift Clause, the policy of that Agreement, to give the Indian people in South Africa, our fellow citizens, a square deal, every opportunity of progress, for education and for living a better life, surely that policy stands, that can never be abrogated."

20) Mr. J.H. Hofmeyr, Deputy Prime Minister, on the same occasion said he doubted very much whether the Pegging Act could legitimately be passed before the Cape Town

Agreement of 1926 was abrogated, so contrary was it in spirit and provision of that Agreement, and uttered the following memorable words:

"I believe that every time facts are brushed aside and a surrender is made to racial and colour prejudice, impairing the human rights of a part of our people in the interest of another part of our people, every time that happens, we are sapping the moral foundation of leadership which the European people in South Africa enjoy."

21) In March 1945, prior to leaving for the San Francisco World Conference, the Prime Minister, Field Marshal Smuts announced his policy for solving the Colour Problem and after dealing with the Government's proposals for the establishment of Township and Residential areas, to solve the acute problem of housing of all races, concluded:

"Once that process of sorting out has been in operation for one or two generations, we shall have gone a long way in solving this problem without using any compulsion, without having given offence, and without having taken away anyone's rights."

22) The Indian people have made every effort to comply with the obligations of the Cape Town Agreement, and have, despite innumerable obstacles, uplifted themselves by making provisions for education for themselves and their children, and for the social upliftment of their poor, and have done all that can be reasonably expected of them within the limits of their restrictive opportunities; they have conformed to Western standards of life. Even before the Cape Town Agreement they have done everything possible to fit themselves in the pattern of South African European life.

23) General Smuts and his Government have sacrificed the well-being of the Indian population on the altar of expediency to satisfy the unreasonable agitation of the white settlers.

24) The Interim Report of the Natal Indian Judicial Commission appointed in 1944, recommended that:

"1. The Union Government invite the Government of India to send to the Union a delegation, composed substantially of Indians, for the purpose of discussing with the Union Government, and with such representatives as the Union Government may appoint, and with such other persons as the delegation may invite, all matters affecting Indians in South Africa.

"2. That the invitation be issued by the Union Government forthwith.

"3. That pending the acceptance of the invitation, the Commission do stand adjourned.

"4. That on the acceptance of the invitation, the Commission be discharged from making any further enquiry or report and be dissolved."

The Union Government spurned this recommendation of its own Judicial Commission, and passed this obnoxious and reactionary legislation.

25) This Act prevents the purchase or lease of further lands by Asiatics except by permit or in very limited specially exempted areas. Even assuming, which we deny that the restrictions of the elementary right of land purchase and occupation by members of any race is a valid one, we contend that, viewed factually, there is no justification for the imposition on the Indian Community of such restrictions.

26) Taking Durban, Natal, as an example, statistics for 1942 disclose that the Indian population in the Old Borough constitutes 25,459 against Europeans 81,240, being about 30% of the population. The extent of property held by the Indians in terms of valuation in the same territory is $\text{œ}4,136,930$ against the European holding of $\text{œ}36,480,418$, the Indian holding being 10.2% of the whole. The Old Borough of Durban is 8,274 acres in extent; the extent of the seven areas designated by the first Broome Commission as being predominantly Indian in 1927 was stated by that Commission to total 204 acres. It is estimated that the extent of the new acquisition since 1927 amount to no more than 175 acres. It would be also interesting to record that in the last figures made available to Congress, from a total average of some eighteen million acres in the Rural areas of Natal the holding by Indians in 1925 was some 89,869 acres which, in the course of the last 21 years, is estimated to have increased, to 150,000 acres. (Charts and graphs in our Statement of Facts give a true reflex of the position.)

27) Compulsory segregation which the principles of this Asiatic Act enjoins can only produce helotry for Asiatics and deterioration for Europeans. As the Lange Commission of 1921 reported:

"We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European. There should be no compulsory segregation of Asiatics."

28) If these recommendations were compared with the statements expressed by our Prime Minister, General Smuts, you would find them almost identical. The theme then was that there should be no compulsory segregation. Now by the new Act (1946) there is to be nothing less than compulsory segregation.

How have these contradictory policies been evolved? It is not difficult to discover the reasons.

29) For almost half a century European vested interests in Durban engaged in lucrative practice of selling land and property to Indians. There was plenty of land and plenty of property and to this extent the Europeans were satisfied to be engaged in this practice. During that time there were few Indian dealers in land and property. There was, therefore, no point of conflict between Indians and Europeans. As time went on the

Indian entered the field and engaged in the practices formerly confined to Europeans. Once that happened a conflict of economic interests arose which was seized upon as an excuse for racial attack upon Indians, and indeed, this has been encouraged in more recent years by racialists, to such an extent, that several Natal politicians of today, who are the most virulent enemies of Indians were, a few years ago, among those who engaged in this lucrative practice of selling properties and lending money to Indians. It is an undeniable fact that many Europeans owe their wealth to this practice. There was no conflict when all the advantages were on the side of the European, the conflict arose as soon as the Indian learned to take advantage of the established order of the country's economics.

30) From this has arisen racial attacks and they have been fanned and exploited by those who once enjoyed the benefits conferred by the presence of hardworking and thrifty Indians. In broad outline, therefore, the European is content so long as the Indian is a labourer and a servant, but once the Indian rises above the position of a servant he is looked upon as a menace.

31) Communal representation is totally unacceptable to Indians. The proposals in the Asiatic Act are the antithesis of the recommendations of the Union Government's own Judicial Commission quoted above, which suggested that franchise on the common roll weighted by suitable educational qualifications should receive the Government's consideration. It is a poor compensation to provide a community with a hopelessly ineffective communal citizenship after imposing a statutory segregation which no franchise can alter. What greater insult could have been hurled on the great Indian nation with all their might and place in the comity of Nations than to propose that their countrymen are unfit in South Africa to represent their own people. Experience of the communal franchise in Ceylon, where a Royal Commission has recommended its abolition, in Fiji, in East Africa, and for that matter in India, demonstrates its weakness and inadequacy.

32) We have endeavoured in this analysis to show that there is one continuous and persistent feature about this problem, on which there can be no cavil or debate. It is that from first to last, it is a story of a deteriorating situation; of promises made and promises broken; of pledges given and pledges violated; and the withering away of rights and the erosion of principles. It is a case of tragic decline. This legislation seeks to give statutory permanence to a conflict which is not permanent.

33) The fundamental issue before the United Nations today can be described in a single question. Will it allow the minority European dominant group of the Union of South Africa to continue this racial strife, to enforce its own supremacy even at the cost of racial strife? So long as the European section of the Union insists upon the economic and social inferiority of the Indian Community, so long will there be racial strife; so long as the European Community insists that the Indian shall have no effective representation on bodies which determine the destiny of Indians so long will there be racial strife; so long as Indians of the Union are depressed and segregated by statutory and legal sanctions imposed by the minority dominant group so long will there be racial strife.

34) We hope that in this, our statement, we have been privileged to make to you, we have made it abundantly clear that the Act recently passed by the Union Legislature is totally unacceptable to the Indian people. Its principle of segregation is abhorrent to the Indian and must necessarily be so to you. We totally reject it.

35) In conclusion, we respectfully urge upon the members of the United Nations that they declare that the enactment of the Asiatic Act by the Union of South Africa is in conflict with and is a gross violation of the principles enshrined in the United Nations Charter, and recommend to the Union Government that it repeal the Asiatic Act and restore to the Indian Community full fundamental human rights.

36) We have compiled and sent herewith a statement of facts and figures pertaining to every aspect of our life in the Union of South Africa, from which can be gathered important data to support our complaint to the United Nations.

A.I. Kajee.
P.R. Pather.
A. Christopher.

Representatives of the
South African Indian Congress

Dated at New York on the
19th day of November, 1946.

APPENDIX:

The definition of Asiatic as laid down in Section 31 of the Asiatic Land Tenure and Indian Representation Act of 1946 is given hereunder for ready reference:

"'Asiatic' means any Turk and any member of a race or tribe whose national home is in Asia, other than a member of the Jewish or the Syrian race or a person belonging to the race or class known as the Cape Malays, and includes any woman, to whichever race, tribe or class she may belong, between whom and a person who is an Asiatic in terms of the foregoing provisions of this definition, there exists a marriage or a union recognised as a marriage (whether or not of a monogamous nature), under the tenets of any Asiatic religion."

1946.17

RESOLUTION OF THE INDIAN NATIONAL CONGRESS, MEERUT SESSION,
DECEMBER 1946 |

The Congress endorses the resolution passed by the All India Congress Committee on July 6, 1946, congratulating the South African Indians on their resistance to the segregation policy of the white people of that country, and records its satisfaction at the excellent work done by the Indian delegation to the United Nations General Assembly exposing the narrow racialism of the South African Government to the full glare of world opinion. This Congress emphatically refutes the suggestion of Field Marshal Smuts in this connection that the Indian people are also guilty of racialism such as is shamelessly indulged in by the South African Government. The Indian people and all their leaders are energetically engaged in working out the fullest equality to all the nationals inhabiting this large and great country in all walks of life, political, social and economic, and laws of this country discountenance any discrimination whatsoever, whereas the policy of the South African Government and the white minority of that country is flagrantly racial and discriminatory and is a menace to world peace and civilisation.

| Source: Gazette of India (Ext.) Part IV-V, Supplement 1946, dated July 17, 1946
| From: Press Release issued by the Passive Resistance Council of the Transvaal Indian Congress, Johannesburg
| From: Passive Resister, Johannesburg, October 7, 1946
| Foreword to a pamphlet, Five Months of Struggle: A Brief Account of the Passive Resistance Struggle from 13th of June to 13th of November 1946, published by the South African Passive Resistance Council in Durban and New York in November 1946
| The Interim Government of India headed by Pandit Jawaharlal Nehru
| The two Councils were set up by European friends of the Indian struggle.
| From: Press release of the Transvaal Indian Congress
| Presumably "and Union".
| From: Harijan, December 15, 1946

1947.1

"THREE DOCTORS' PACT", MARCH 9, 1947

"Joint Declaration of Cooperation" by Dr. A. B. Xuma, President of the African National Congress, Dr. G.M. Naicker, President of the Natal Indian Congress, and Dr. Y.M. Dadoo, President of the Transvaal Indian Congress

This Joint Meeting between the representatives of the African National Congress and the Natal and Transvaal Indian Congresses, having fully realised the urgency of cooperation between the Non-European peoples and other democratic forces for the attainment of basic human rights and full citizenship for all sections of the South African people, has resolved that a Joint Declaration of cooperation is imperative for the working out of a practical basis of cooperation between the national organisations of the Non-European peoples.

This Joint Meeting declares its sincerest conviction that for the future progress, goodwill, good race relations, and for the building of a united, greater and free South Africa, full franchise rights must be extended to all sections of the South African people, and to this end this Joint Meeting pledges the fullest cooperation between the African and Indian peoples and appeals to all democratic and freedom-loving citizens of South Africa to support fully and cooperate in this struggle for:

- 1) Full franchise.
- 2) Equal economic and industrial rights and opportunities and the recognition of African trade unions under the Industrial Conciliation Act.
- 3) The removal of all land restrictions against Non-Europeans and the provision of adequate housing facilities for all Non-Europeans.

- 4) The extension of free and compulsory education to Non-Europeans.
- 5) Guaranteeing freedom of movement and the abolition of Pass Laws against the African people and the Provincial barriers against Indians.
- 6) And the removal of all discriminatory and oppressive legislations from the Union's statute book.

This Joint Meeting is therefore of the opinion that for the attainment of these objects it is urgently necessary that a vigorous campaign be immediately launched and that every effort be made to compel the Union Government to implement the United Nations' decisions and to treat the Non-European peoples in South Africa in conformity with the principles of the United Nations Charter.

This Joint Meeting further resolves to meet from time to time to implement this Declaration and to take active steps in proceeding with the campaign.

1947.2

GANDHIJI'S MESSAGE TO SOUTH AFRICA, MAY 18, 1947 |

Field Marshal Smuts is a trustee for Western civilisation. I still cling to the hope that he will not sustain it on the suppression of Asiatics and Africans. South Africa should present a blend of the three.

To the people of South Africa, to whom I am no stranger, I would say that they should not make the position of their representatives impossible by their unwarranted prejudice against colour. The future is surely not with the so-called white races if they keep themselves in purdah. The attitude of unreason will mean a third war which sane people should avoid. Political co-operation among all the exploited races in South Africa can only result in mutual goodwill, if it is wisely directed and based on truth and non-violence.

I have no doubt that those South African Indians who seek to create a division will do harm to themselves and to the great cause of liberty for which the movement of satyagraha has stood and must stand.

To the satyagrahis I would advise strict adherence to the fundamentals of satyagraha which literally means force of truth and this is for ever invincible. It is a good sign that they have a progressive European group solidly behind them. The satyagrahis of South Africa should know that they have India at their back in their struggle for preserving the self-respect of the Indians in South Africa.

1947.2A

PROPOSED ROUND TABLE CONFERENCE |

Statement by Dr. Y. M. Dadoo at a press conference on return from India in June 1947

From the tour of India by Dr. Naicker and myself which lasted over two months, we can say without hesitation that the Government and the people of India are keen to render the South African Indian community whatever assistance they can in their struggle for democratic rights and the upholding of their national honour. Despite the fact that India is at the moment engaged with the colossal problem of the transfer of power, there is hardly a single village in India which has not taken some interest in our Passive Resistance struggle.

The Government of India is preparing its report on the Indian question which she will present to the September session of the United Nations, but before making her report she is willing to go to the furthest extent in helping the South African Government to implement the United Nations resolution.

Negotiations opened

Pandit Jawaharlal Nehru, the head of the Interim Government has already taken the initiative in this respect and has written to General Smuts for the initiation of negotiations. But General Smuts has tried to sidetrack the issue by asking for the return of the Indian High Commissioner. In fact, General Smuts stated yesterday in the Senate that "it is quite impossible in a matter of this sort to conduct negotiations by correspondence. The only channel for negotiation is the Indian High Commissioner."

Correspondence not enough

But it must be clear to all that besides the return of the High Commissioner, correspondence is not the only alternative form of negotiations. We have no doubt that Pandit Nehru did not have the channel of correspondence in mind when he rejected the offer to send back the High Commissioner.

Could we suggest to General Smuts that he could send a highly placed Government delegation to India, or alternatively ask the Indian Government to send one to South Africa? We can assure General Smuts that neither of these suggestions will be turned down by Pandit Nehru; in fact, we consider it to be the only right and proper method of communication.

Position of High Commissioner

We cannot understand the stubborn attitude taken up by the Prime Minister on the question of the return of the High Commissioner. The recall of the High Commissioner is a point in dispute resulting from the enactment of the Asiatic Land Tenure and Indian

Representation Act, and his return will be largely dependent on the outcome of any negotiations which may take place between the two Governments on the basis of the United Nations resolution. General Smuts must now clearly state that his Government is ready for negotiations on the resolution of the United Nations.

Creation of goodwill

We hope that General Smuts will reconsider his stand and that he will help in the creation of goodwill between South Africa and India and between the white man and Coloured races in order to build a future of peace and happiness for all.

He should realise that resurgent India and resurgent Asia will not tolerate the existing racial oppression of the Coloured people.

Let Smuts be warned

We would like to warn General Smuts that it would be fatal for South Africa if he were to encourage the formation of a new body among the Indian people which has neither the support nor the backing of the community. We challenge the sponsors of the new body to prove that it has any standing with the Indian community.

1947.3

MESSAGE BY DR. Y. M. DADOO ON THE FIRST ANNIVERSARY OF PASSIVE RESISTANCE, JUNE 1947 |

June 13, 1947 marks the first anniversary of the Passive Resistance struggle against the Asiatic Land Tenure and Indian Representation Act and the policy of colour discrimination that this Act embodies.

It has been a year in which the Indian people in this country have covered themselves with glory and honour by their example of courage and determination and by their deeds of heroism and sacrifices. They have added yet another glorious chapter of man struggling for freedom from time immemorial.

Faced with the deadly onslaught of the Government on its already rapidly dwindling rights and privileges, the Indian community resolved to resist and suffer rather than submit to ignominy and dishonour. The only asset the Indian people possessed was faith in the strength of their united stand, their preparedness to sacrifice and their ability to withstand the rigours of a struggle.

On this anniversary we record with pride the part played by Indian women in response to the call of resistance. They marched together with their menfolk with courage and determination to end racialism in South Africa. They have raised the struggle to greater and nobler heights.

From India has come a unanimous support for us and our struggle has made the question of racial oppression in South Africa a world question with the United Nations, representing world democratic opinion, declaring by majority vote in our favour.

In South Africa we have not acted as an isolated community. A year of resistance has seen Non-European cooperation nearer than ever before. We have entered into a period of active cooperation between the oppressed people for basic human rights.

The forward march of the Indian people and that of all the oppressed people in South Africa will go on. On this first anniversary of our great resistance movement let us pay tribute to those brave men and women resisters who have made possible the successes we have achieved. Let us pay tribute to those brave Indian traders who, when faced with the boycott movement and all the perils that went with the consequent racial propaganda, stood firm with courage and fortitude. Let us pay tribute to the African, Coloured and progressive European organisations that have stood with us.

Let us on this anniversary pledge to continue our noble struggle under the leadership of the Natal and the Transvaal Indian Congresses; let us reject totally the disruptive moves of the reactionaries; let us go forward in full cooperation with all Non-European sections and progressive Europeans for a democratic South Africa.

We Shall Resist!

1947.4

MESSAGE BY DR. G. M. NAICKER ON THE FIRST ANNIVERSARY OF PASSIVE RESISTANCE, JUNE 1947 |

A year ago we began our unequal struggle against the arrogant racialist Government for democratic rights almost alone. A glorious chapter in the history of the Indian people has been written by the heroic sacrifices, massive enthusiasm and invincible spirit of our men and women from all walks of life. Today we are happy in the thought that in our struggle, which is the spearhead of the battle for fundamental human rights in the Continent of Africa, we have with us the United Nations, Great India, Greater Asia, and the progressive people of the world.

Here, in South Africa, we have as allies the oppressed African and Coloured masses with a band of courageous breed of men and women of the ruling class solidly behind us. Together we march for freedom. If the Indian people show the same indomitable spirit, the cold-blooded courage and the enthusiasm they have shown in the last twelve months then liberty is assured and victory is ours.

1947.6B

SMUTS REPUTED |

Joint statement by Drs. Dadoo and Naicker, Presidents of the Transvaal and Natal Indian Congresses, on the correspondence between General Smuts and Pandit Nehru, August 1947

We, the Presidents of the Natal and Transvaal Congresses, representing the overwhelming majority of the Indian community in both Provinces, welcome and fully support the stand taken by Pandit Nehru on behalf of South African Indians on the question of negotiations between India and South Africa.

We have implicit faith in both the Governments of India and Pakistan to champion our cause vigorously and adopt firm measures to obtain justice and democratic rights for South African Indians in conformity with the principles of the United Nations Charter.

We reluctantly but justifiably deplore the attitude adopted by General Smuts in his letter of June 18 to Pandit Nehru. It is a deliberate misstatement of facts on the part of Smuts, who had full knowledge of the true position, to state: "Groups representing all classes of Indians are dissatisfied with the conduct of the affairs by the Natal Congress, whose leadership was under an ideological influence of which they disapproved and whose approach they consider harmful to Indian interests."

These are the facts:

1. The Natal Indian Congress can boast a membership of 35,000 out of a total of 228,000 Indians in Natal. The officials are elected at properly constituted public meetings and enjoy the fullest confidence of the overwhelming mass of Indians in Natal. These facts have been demonstrated at dozens of mass meetings attended by as many as 10,000 to 12,000 Indians who wholeheartedly endorsed the policy of Congress.

2. The struggle for democratic rights has never been influenced by ideological conceptions. The battle is waging against the racist tendencies of the Government which denies Indians who are South African nationals: (a) the rights of citizenship; (b) freedom of movement; (c) freedom of residence; (d) freedom to purchase land; and (e) equality of opportunity in the economic and educational spheres.

The "group representing all classes" referred to by the Prime Minister is no other than a handful of discredited individuals styling themselves the Natal Indian Organisation. This so-called organisation, which claims to represent the views of the Indian people, came into being at a secret meeting a few months ago, behind closed doors guarded by officers of the C.I.D. supplied by the Government. This handful of disgruntled individuals danced to the tune of the Prime Minister and indulged in flirtations with him

while delicate correspondence affecting the future of Indians was going on between the two Governments.

In Parliament, Smuts frankly admitted that he did not know how many Indians this "group representing all classes" represented.

In the Transvaal, where there is a population of 37,000 Indians, the Transvaal Indian Congress is the only organisation representing all sections of the Indians. Its officials, like those of the Natal Congress, are democratically elected at mass meetings attended by 10,000 out of the total of 37,000 persons, and the present policy enjoys the wholehearted support of the mass of the Indians. The leadership amongst Transvaal Indians remains unchallenged.

Yet Smuts has the impertinence to tell the Government of India that his obstinacy in refusing to hold discussions on the basis of the United Nations decision is backed by a considerable volume of responsible Indian opinion in South Africa.

We challenge this statement.

In his long career as a South African statesman, Smuts has stooped on many occasions to methods far from honourable, but his latest action in using the very name of the people concerned in support of his attempt to evade the decision of the World Assembly will remain the grossest misrepresentation ever made by the Prime Minister of a country.

1947.7

MEMORANDUM OF NATAL INDIAN ORGANISATION TO MEMBERS OF THE UNITED NATIONS ON THE TREATMENT OF INDIANS IN SOUTH AFRICA, OCTOBER 10, 1947

At a Conference of Natal Indians held at Durban on the 4th May, 1947 the Natal Indian Organisation was formed. A declaration of its policy was made and the following fundamentals were stressed, that:

- a) the passing of the Asiatic Land Tenure and Indian Representation Act by the Union Parliament has seriously affected and limited the land rights, and free social and economic developments of Indians in Natal and the Transvaal, and has seriously threatened their progress and existence; the repeal of the Act would be sought with all the power at its command;
- b) the passing of the Act resulted in the United Nations on the 9th December, 1946, declaring that the treatment of Indians in South Africa shall be in accordance with the treaty obligations existing between India and South Africa and in conformity with the United Nations Charter;

c) though Indians are South African nationals, until such time as they are accorded franchise on the common roll they must inevitably depend upon the help and oversight of the Government of India and of the United Nations for the improvement of their status in South Africa;

d) there was a large body of South African Indian opinion which while adhering firmly to the fundamental principles of human rights, and the equality of man, was firmly convinced that these ultimate aims could best be achieved in a spirit of goodwill and understanding and negotiation with the Government, the European community and all other dwellers in South Africa.

2) Since its inauguration, the Natal Indian Organisation has urged both the Government of India and the Union Government that no prestige should stand in the way of resumption of diplomatic relations between the two countries, so that the way for the initiation of discussions in accordance with the United Nations resolution would be paved and a solution of all matters affecting Indians in South Africa would be arrived at.

3) At a meeting of the Provincial Working Committee held on the 21st September, 1947, the officials were empowered to submit this Memorandum to United Nations. We have briefly conveyed the essentials of the resolution to you by cable through the Secretary of United Nations.

4) On the 19th November, 1946, Messrs A.I. Kajee and P.R. Pather who hold the posts of Chairman of Committee and Secretary respectively of our Organisation when at Lake Success as delegates from the South African Indian Congress submitted a Memorandum to United Nations, together with a statement of facts and figures pertaining to Indian life in the Union of South Africa in support of the complaint lodged by the Government of India against the Union of South Africa. We attach a copy of the Memorandum for ready reference and refer you to the booklet on the subject which was supplied to Members at that time.

5) The factual position has not been materially altered since then, save and except that the 1946 census figures show that the Indian population of South Africa is now 285,260 and is distributed as follows:

Natal	-	232,317
Transvaal	-	37,758
Cape	-	15,174
Orange F. State	-	11

The community has continued its unalterable opposition to the Asiatic Act on the grounds that:

- i) It is of a racially discriminatory character and therefore violates the Capetown Agreement and the principles of the United Nations Charter;
- ii) It is an attack upon the rights and freedom of an unrepresented minority;
- iii) It seriously limits the land rights and the free economic and social development of the Indian community;
- iv) It seeks to impose a form of franchise which is inequitable, ineffective and racial in character.

6) While it is true that individual Indians and local communities in order to maintain their economic existence have been compelled to apply for permits from the Board under the Act to occupy, to own, to sell and to borrow on landed property, such acts could not, however, be taken as the Indian community acquiescing in the Law - the opposition to and protest against the Law stands, and any application to the Land Tenure Board is made under duress.

7) During the past 12 months the working of the Act has established that the fears the Indian community had held that the Law is designed to segregate and economically strangle the Indian people, have been fully justified. It is being used as a weapon of oppression and as a means for the denial by every possible effort of the economic and social progress of the Indian community.

8) Taking advantage of the opposition of the Indian community and their refusal to work the Act, the Local Authorities and Europeans have secured the excision of substantial areas in the scheduled areas under the Act for the free occupation and ownership of Indians and others and these excised areas have now been added to the restricted areas which are reserved for the exclusive ownership and occupation by Europeans.

9) Boycott of Indian traders organised by European Members of Parliament and others has since the United Nations passed its resolution on the 9th December, 1946, been going on unabated and despite the appeal of Field Marshal Smuts, it is still being persisted in.

10) The granting of loans by European financial institutions on which Indians were largely dependent has been entirely stopped. Commercial banking is entirely in European hands and facilities from these sources for Indians is on a very restricted basis.

11) In the midst of unabated industrial activity the number of unemployed Indians has grown in recent months; in Natal alone the number is about 6,000. Indians are being displaced for European employment wherever possible. Action on the part of the Provincial and Local Authorities is designed to have the same effect.

12) The Durban Municipality had in the year 1936 in its employment 2,526 Indians and this year the number has now been reduced to 2,412, whereas the number of Europeans employed has risen from 2,773 to 4,275 for the same period. The European pay roll being œ1,034,612 against that of Indians at œ276,403. The Durban Municipality was one of the importers of Indian labour, and this labour has contributed a great deal in the development of the City. It is one of the lowest paid labour force in the country. The reduction in the number employed is a pointer indicating that by a gradual process Indians would be eliminated from Municipal employment.

13) The Indian population of Natal more or less approximates that of the European and it is against all canons of justice and equity to deny Indians voice in the affairs of the country. How deeprooted the prejudice of the Europeans and local authorities against Indians in this regard can be imagined from the fate that befell the proposal of the Administrator of Natal to give Indians municipal franchise on a separate roll allotting them one or two seats on the Natal Town Boards and City Council. It was rejected by a referendum of Natal Europeans by 15,066 to 1,639.

14) In the field of education, in the matter of trading, in the restriction placed on the Indian from moving from one Province to another and in the social uplift, nothing has been done to improve the position since the aforementioned resolution of the United Nations was passed.

15) The Union Government in its report to the present session of the United Nations attempts to justify the Asiatic Act by citing the division of India and the recommended partition of Palestine and states that the racial distinctions drawn in South Africa have no repressive effect, but that the abolition of these racial discrimination would be to throw open to Indian and European penetration and acquisition of land in all the native reserves of the Union and South West Africa and make available to Africans residing therein arms and ammunition and give the African inhabitants free access to intoxicating liquors.

16) These arguments are irrelevant, misleading and fallacious for the following, among other, reasons:

a) In the division of India there is no curtailment of land or citizenship rights of the minority in either Dominion. Their rights to be members of Parliament and to vote, to own and occupy property freely and to perform any lawful economic function is unrestricted. In short the minorities in both the Dominions are not stigmatised by law as inferiors.

b) In the suggestion of the separation of the Arab and Jewish people as a solution to the troubles in Palestine it is clear that there is to be no racial discrimination nor economic or political disabilities upon the Jew or Arab. Among the eleven recommendations of the United Nations Special Committee on Palestine, dated 31st August, 1947, the following significant passage appears in paragraph 7:

"The constitution shall contain guarantees of essential human rights and fundamental freedoms, and safeguards to protect the rights and interests of minorities."

c) In calling for the removal of racial discrimination sanctified by Legislation and by Government policy under the Asiatic Land Tenure and Indian Representation Act and other laws, the community has never sought the removal of the protection afforded to the Africans in the native reserves of the Union and South West Africa.

d) What is more, no Indians are allowed to reside in or enter these reserves whereas Europeans are allowed to reside and trade therein. In fact the movement of Indians in the Union from one Province to another is prohibited by law except under permit. Indians are not vendors of firearms or ammunition nor are they dealers in intoxicating liquors. This is prohibited to them by law.

Firearms for their self-defence in the Union itself is granted in a very restricted and difficult manner. It is therefore a fiction to say that they could make available to the inhabitants of Native reserves firearms and ammunition, or intoxicating liquors, when they could not enter the territories nor have the right to deal in them.

17) The Natal Indian Organisation asserts that the most human rights and fundamental freedom of the Indian people of Natal and Transvaal have been attacked and breached by racially discriminatory laws. The Capetown Agreement concluded between the Governments of India and the Union of South Africa in 1926, when a Bill known as Dr. Malan's Areas Reservation Bill identical in all its principles to the Asiatic Land Tenure Act of 1946 was shelved, as now been violated.

18) In the circumstances it is the resolute opinion of the Natal Indian Organisation as well as the South African Indian Congress that the unhappy situation in which the Indian community of Natal and the Transvaal has been placed as a result of the passing of the Asiatic Act can best be eased and the deadlock that exists between the Union and the Indian Governments in regard to the implementation of the United Nations resolution be resolved by the Union Government inviting forthwith the Governments of Hindustan and Pakistan to send delegations to the Union for the purpose of holding a Round Table Conference with representatives of the Union of South Africa for the solution of all matters affecting the Indian community in South Africa.

19) In this our request for a solution of the question we are fortified by the recommendation of the Natal Indian Judicial Commission appointed by the Union Government in March 1944 which in its interim report recommended to the Union Government:

"... that the only way out of the present impasse lies in the direction of a full and frank exchange of views between the Government of the Union and the Government of India"; and that "the Union Government invite the Government of India to send to the Union a deputation composed substantially of Indians for the purpose of discussion with the Union Government and with such representatives as the Union Government may appoint,

with such other person as the delegation may invite, all matters affecting Indians in South Africa."

21) The dispute between the Indian and Union Governments in regard to the treatment of South African Indians is such that unless an honourable and satisfactory solution were found compatible with the honour and dignity of mankind, the dispute would be a festering sore which would inevitably disturb the equanimity in the relations between East and West. It is in the interests of South Africa and India that this dispute should be settled in the best manner possible and our Organisation could conceive of no better method than by way of a Round Table Conference. In this suggestion we have no doubt that we shall have the support of all the Member Nations.

A.S. KAJEE
President

A.I. KAJEE
Chairman of Committee

M.I. BOBAT
H.J. MAGHRAJH
Jt. Hon. Treasurers

P.R. PATHER
E.I. HAFJEJEE
Jt. Hon. Secretaries.

37 Albert St.,
P.O. Box 200,
DURBAN, Natal,
South Africa.
10th October, 1947.

1947.8

CALL FOR RENEWED STRUGGLE AGAINST GHETTO ACT |

Joint statement by Dr. Y. M. Dadoo, President of Transvaal Passive Resistance Council, and Dr. G. M. Naicker, President of Natal Passive Resistance Council, issued after a meeting of the Joint Passive Resistance Council in December 1947

The Joint Passive Resistance Council of the Natal and Transvaal Indian Congresses, having given careful consideration to the present political situation affecting the Indian people of South Africa is of the view that a restatement of the position is necessary in the light of recent developments.

Since the advent of the Indians in this country the first positive struggle to stem the tide of unjust and anti-Indian racial laws was the Passive Resistance Campaign of the 1906-1914 period under Mahatma Gandhi.

Futile policy

The intervening period of 32 years has been characterised as a futile policy of hat-in-hand negotiations in defence of the fast-dwindling rights of the Indian people; a policy which has enabled the Union Government to introduce measure after measure of racially discriminative legislation culminating in the nationally ruinous "Ghetto Act" now strangulating Indian economic life, social progress and political aspirations.

Last year saw the beginning of the second Passive Resistance struggle.

For the last 17 months the Indian people of South Africa have waged with success a historic and heroic campaign. At the Gale Street plot they demonstrated their unalterable opposition to the Ghetto Act. The Union Government gaoled nearly 2,000 men and women. Hooliganism, wholesale arrests, harsh terms of imprisonment and organised boycott of Indian traders failed to crush the spirit and will of the Indian people. The policy of repression has not availed the Government. In its dilemma the Government has now resorted to non-arrest tactics. At Gale Street, Passive Resistance has won a victory.

The intransigent attitude of the South African Government has compelled India to sever diplomatic relations, to apply economic sanctions and to indict South Africa before the United Nations.

Last year the United Nations condemned South Africa's racial policies. She was asked to report to the 1947 session the steps taken to obviate the complaint. South Africa did not implement the decision.

United Nations decision inviolate

That decision remains inviolate until upset by another two-thirds majority. This year the Assembly's decision, as expressed in the Indian resolution, though carried by a 31 votes to 19 majority, lacks the force of a binding decision, owing to a procedural technicality; it nevertheless constitutes a majority opinion of the United Nations. It called upon South Africa to convene a Round Table Conference between itself and the Governments of India and Pakistan. The Union Government must, therefore, note:

(a) That world opinion has not changed. As in the 1946 session, the 1947 session of the United Nations General Assembly has exposed it to universal condemnation. Not one delegate was found who could defend racial persecution in South Africa.

(b) That the most practical method by which measures may be inaugurated that could lead to a solution of the conflict remains a Round Table Conference between the Governments of India, Pakistan and South Africa.

(c) That the responsibility for convening such a conference now rests upon South Africa. Failure to discharge this responsibility may not only lead to more emphatic action by the next Assembly of the United Nations but possibly invite measures even earlier by the 31 nations who voted for the resolution, and more particularly by the Asian peoples.

On the international plane and within South Africa, the struggle has made tremendous advances.

The Non-European peoples of South Africa have seen demonstrated the significance of non-violent resistance against the power and influence of a State based on white supremacy. But the Ghetto Act remains on the statute books of South Africa. Final victory has yet to be won.

No rest

There can be no rest for the Indian people. Our faith and confidence in the courage and determination of the people remains as strong as ever. We shall occupy the Gale Street.

We shall occupy other areas. We shall adopt other methods of struggle. We shall continue to resist till our goal is reached.

| This was sent through Dr. Y. M. Dadoo and Dr. G. M. Naicker who met Gandhiji on May 18 and 19, 1947.

Source: Harijan, May 25, 1947; Collected Works of Mahatma Gandhi, Volume 87, page 492

| From: Passive Resister, Johannesburg, June 6, 1947

| From: Passive Resister, Johannesburg, June 12, 1947

| From: Passive Resister, Johannesburg, June 12, 1947

| From: Passive Resister, Johannesburg, August 28, 1947

| Source: Passive Resister, Johannesburg, December 11, 1947

1948.2

"HIS SPIRIT LIVES ON": TRIBUTE TO MAHATMA GANDHI, BY DR. Y. M. DADOO, JANUARY 1948 |

Millions of people have come to revere Gandhi as Mahatma, "The Great Soul", and to the struggling masses of India he endeared himself as Bapu, "The Father of the Nation."

This small man with the frail physique, a winning smile and a personality which breathed love and affection, found a niche in the hearts of the teeming millions of India's peasants and toilers, from the Himalayas to Cape Comorin and from Karachi to Calcutta.

Symbol of liberation

He became their teacher and guide, their symbol and hope of liberation from serfdom and bondage.

He won the reverence of the people by the simplicity and austerity of his life; and by his infinite and immeasurable faith and confidence he moved the masses to break away from fear and oppression; to undergo self-suffering and sacrifice that they might achieve emancipation and freedom. This faith in the masses can best be said in his own words: "If the Congress is to be what it ought to be, something must be done to enable it to touch the hearts of the masses and a new and dynamic force must be brought into play."

This faith in the masses was amply justified, for during the years of struggle it sustained him and ultimately brought about the transfer of power from British into Indian hands on August 15, 1947.

Mahatma Gandhi was not only the "Spirit of India" but he was also the torchbearer of liberation to all the disenfranchised, enslaved communities of the colonial and semi-colonial countries.

Epic struggles in South Africa

We in South Africa remember with pride that it was here that the struggles which were later to become his whole life were commenced. It was here in South Africa that his epic struggles for the emancipation of his people were begun. It was here in South Africa that the first inklings of democratic rights were won; and it was to South Africa that he left his great weapon of Passive Resistance to vindicate our honour and lead us to freedom. Even absorbed as he was in the greater struggle in India, his interest and support for our cause remained unabated. The plight of the Indian people in South Africa was a matter of grave concern to him and he was at all times willing to guide and assist us.

At no time was his voice and advice clearer to us than in the past twenty months of struggle against the Ghetto Act. I shall never forget his words to Dr. Naicker and myself when, despite the heavy call on his time, he put all work aside to discuss with us the South African Indian question. "Your struggle will be a long and arduous one. Few or many, the struggle must go on. The sacrifices you will be called upon to make will be heavy and you must be prepared for them."

It is significant to note that the last political utterance he made before his death was on the new phase of the struggle, the crossing of the border from Natal into the Transvaal.

Mahatma Gandhi is no more.

Gandhi's spirit lives on

We mourn for him. The world mourns for him.

With his passing away our responsibilities become the greater. The most fitting homage that millions of sons and daughters of India can pay to him at this hour is to carry forward the cause for which he lived and died; to dedicate themselves to the task of exterminating the vice of communal hatred and dissension and to restore communal peace and harmony, so that the freedom which Gandhiji helped to obtain can become a living reality and the greatest monument to his life.

The greatest homage that we in South Africa can pay to his memory is to further the great Passive Resistance struggle which we have undertaken against injustice and racial discrimination and for the vindication of our self-respect and honour as citizens of South Africa.

Therefore, we dedicate ourselves with renewed confidence and determination to the cause of universal peace and equality which were the guiding principles of Mahatma Gandhi's life.

Gandhiji is dead. But his spirit lives in the hearts and minds of all freedom-loving people.

1948.3

STATEMENT IN COURT BY DR. G. M. NAICKER AND DR. Y. M. DADOO, WHEN
CHARGED WITH AIDING AND ABETTING UNDER THE IMMIGRANTS
REGULATION ACT OF 1913, FEBRUARY 26, 1948 |

Your Worship,

We are charged with the offence of contravening Section 20 (r) of the Act No. 22 of 1913 in that we did wrongfully and unlawfully aid or abet certain Asiatic persons in entering the Province of the Transvaal from Natal knowing that the said persons were prohibited in terms of Section 4 (a) read with the Minister's Minutes of the 1st August, 1913, from so entering.

We would like to deal first with the Minister's Minute of the 1st August, 1913.

It is our submission to the Court that the said Minute which deems the entire Indian community on economic grounds to be unsuited to the requirements of any particular province of the Union is not in keeping with the spirit, if not the letter, of the said Section 4 (a) of the Act No. 22 of 1913. It is inconceivable that the legislators in empowering the Minister to deem "any person or class of persons on economic grounds or on account of standard or habits of life to be unsuited" could have in mind deeming a whole community with varying economic groupings or differing habits of life to be unsuited. It is therefore reasonable to presume that the then Minister exceeded his powers in deeming the whole Indian community to be unsuited. In this contention we are fortified by the dissenting judgment of the learned Justice Rose-Innes in the case of Rex vs Padsha (A.D.) 1923.

Or alternatively, we submit Your Worship, that if any such grounds existed in the year 1913, no such grounds exist in this year 1948. During the passage of thirty-five years, since the Deeming Order was issued by the Minister, the Indian community of South Africa, despite the very limited field of opportunity allowed it by scores of restrictive laws, has made an officially recognised contribution to the economic development of this country.

In this regard, the Union Government in the Agreement concluded with the Government of India in the year 1927, known as the Cape Town Agreement, "recognises that Indians domiciled in the Union are prepared to conform to Western standards of life, should be enabled to do so." By virtue of these recognitions, the Minister's Minute of 1913 is rendered obsolete and out- of-date and can have no bearing today on the intention of the legislators in framing sub-section 4 (a) of the said Act.

Now returning to the charge of aiding and abetting, we submit, Your Worship, that our only offence is that of putting into practical effect the assertion of the Union Prime Minister, General Smuts, made so forcefully before the 1946 session of the United

Nations Assembly, that South African Indians are Union nationals. This assertion was reiterated by the Minister of Interior, Mr. H.G. Lawrence, at the 1947 session. If we are Union nationals, then it is but reasonable and in accordance with natural justice to exercise the most elementary right of citizenship, that of freedom of movement within the boundaries of one's country of birth. Any denial of such basic human rights would only make a mockery of democracy and democratic principles.

The crossing of the Provincial borders in wilful defiance of Act 22 of 1913 constitutes the second phase of the Passive Resistance struggle which is being conducted by the Indian community under the aegis of the Joint Passive Resistance Council of the Natal and Transvaal Indian Congresses against the Asiatic Land Tenure and Indian Representation Act of 1946, the Ghetto Act.

During the last 20 months over two thousand gallant men and women resisters of all races have courted imprisonment. They preferred to suffer the rigours of gaol life rather than submit to unjust and undemocratic laws.

Your Worship, it is in this great cause and noble struggle that we call upon volunteers to cross the border and bear the penalty of the law. We consider it an honour to do so.

The Passive Resistance struggle which we are conducting is based on truth and non-violence. It is associated with the name of one of the greatest men of all time, Mahatma Gandhi, on whose death in tragic circumstances just a few weeks ago, the whole world wept. Among the millions of men who paid their last tribute to this great soul was Field Marshal Smuts, the Prime Minister of South Africa.

Mahatma Gandhi was the father of our struggle. Gandhiji too defied the unjust laws of South Africa and suffered imprisonment during the 1906-1914 Passive Resistance Campaign.

This is the man whom Field Marshal Smuts referred to as a "Prince among men." This is the man - the pilot of India's march to freedom - who is the source of inspiration of our just struggle for democratic rights in South Africa.

This struggle of the Indian community against the Ghetto Act of 1946, against the provincial barriers and against racial discrimination of all kinds is part and parcel of the struggle of the whole non-European and democracy-loving peoples of South Africa to turn this country into a genuine democratic State in which our multi-racial population will live and work in harmony.

It is in view of these considerations that we are pleading guilty to the charge. We are willing to bear the full penalty of the law. Our bodies may be incarcerated but our spirits cannot be crushed. It is the spirit of freedom which lives in the hearts of the oppressed. It is the spirit which seeks to do away with racial discrimination and herrenvolkism. It is the spirit - deep-rooted in the heart of every non-European, generating the urge for a better

life. It is the spirit that alone can deliver the people from colour bondage in South Africa and make this land a happier place for the generations to come.

WE SHALL RESIST !

1948.4

STATEMENT TO COURT BY DR. Y. M. DADOO AND DR. G. M. NAICKER,
MARCH 3, 1948 |

(Dr. Dadoo and Dr. Naicker were charged in the Durban Magistrate's Court in February 1948 with aiding and abetting passive resisters to cross the Natal-Transvaal border in violation of the Immigration Act of 1913. They pleaded guilty and were sentenced to six months each with hard labour. The following is an extract from their joint statement to Court before the sentence, read by Dr. Naicker.)

...We submit, Your Worship, that our only offence is that of putting into practical effect the assertion of the Union Prime Minister, General Smuts, made so forcefully before the 1946 session of the United Nations (General) Assembly that the South African Indians are Union nationals, This assertion was reiterated by the Minister of the Interior, Mr. H. G. Lawrence at the 1947 session. If we are Union nationals then it is but reasonable and in accordance with natural justice to exercise the most elementary right of citizenship, that of the freedom of movement within the boundaries of one's country of birth. Any denial of such basic human rights would only make a mockery of democracy and democratic principles.

The crossing of the Provincial borders in wilful defiance of Act 22 of 1913, constitutes the second phase of the Passive Resistance Movement which is being conducted by the Indian community under the aegis of the Joint Passive Resistance Council of the Natal and Transvaal Indian Congresses against the Asiatic Land Tenure and Indian Representation Act of 1946, the Ghetto Act.

During the last twenty months over two thousand gallant men and women resisters of all races have courted imprisonment. They preferred to suffer the rigours of jail life rather than submit to unjust and undemocratic laws.

Gandhiji - father of the struggle

Your Worship, it is in this great cause and noble struggle that we called upon volunteers to cross the borders and bear the penalty of the law. We consider it an honour to do so. The Passive Resistance struggle which we are conducting is based on truth and non-violence and is associated with the name of the greatest man of all times, Mahatma

Gandhi, on whose death in tragic circumstances just a few weeks ago the whole world wept. Among the millions of men who paid their last tribute to this great soul was Field Marshal Smuts, the Prime Minister of South Africa.

Mahatma Gandhi was the father of our struggle, Gandhi too defied the unjust laws of South Africa and suffered imprisonment during the 1906-1913 Passive Resistance struggle.

This is the man whom Field Marshal Smuts referred to as a "Prince among Men". This is the man - the pilot of India's march to freedom - who is the source and inspiration of our struggle for democratic rights in South Africa.

This struggle of the Indian community against racial discrimination of all kinds is part and parcel of the struggle of the whole Non-European and democracy-loving peoples of South Africa to turn this country into a genuine democratic State in which our multi-racial population will live and work in harmony. It is in view of these considerations that we are pleading guilty to the charge. We are willing to bear the full penalty of the law.

Spirit cannot be crushed

Our bodies may be incarcerated but our spirits cannot be crushed. It is the spirit of freedom which lives in the hearts of the oppressed. It is the spirit which aims to do away with racial discrimination and herrenvolkism. It is the spirit deep-rooted in the heart of every Non-European generating the urge for a better life. It is the spirit which alone can deliver the people from colour bondage in South Africa and make this land a happier land for the generations to come.

1948.5

MESSAGE BY DR. Y. M. DADOO TO THE INDIAN COMMUNITY, MARCH 3, 1948 |

(Dr. Dadoo gave this message to the Indian people of South Africa just after he was sentenced to six months' imprisonment. He handed the message before going down the grille.)

I am fully convinced as Dr. Naicker is that the Indian community will wage a relentless battle against the Ghetto Act while we are in prison and with this knowledge our six months will come to an end soon.

To the Indians I say, I have confidence in you. Please do nothing while I am away which will bring discredit to our people. The honour and prestige of our people and of India and Pakistan demand that we do not bend before oppression.

1948.8

SPEECH BY DR. G. M. NAICKER AT MASS WELCOME MEETING IN DURBAN ON THE RELEASE OF DR. G.M. NAICKER, DR. K. GOONAM AND R.A. PILLAY FROM PRISON, JULY 1948 |

"Our struggle has lit fire in the hearts of other oppressed peoples and unshackled their bonds to unite with all oppressed people of South Africa. We have reached a stage when we can no longer think in terms of the Indian people alone. We must form a United Democratic Front and challenge any force that will lead the land of our birth to the fate of fascist Germany or Japan."...

Dr. Naicker said that he was very proud to see after two years of struggle such solid unity of the people still present. "We are living in a most memorable era in the history of this country. There is conflict between justice and injustice, between truth and the naked evil forces."

Referring to the results of the general election he said that the electorate is not to be blamed for Nationalist victory. | Smuts and his party are to be blamed for they, like the Nationalists, played on the colour bogey instead of giving a clear lead to the country. They have instilled in the minds of the electorate the feeling that their future depends on the oppression of non-Europeans. Therefore the electorate had voted for the party that can best oppress non-Europeans.

In approving the Joint Passive Resistance Council's decision to temporarily suspend resistance whilst the interview with the Government is pending, he stated that the Joint Council wants to obtain an unequivocal statement before declaring to the people its line of action.

"Our struggle has lifted to the international plane our grievances against injustice. The majority of the nations present at the United Nations Organisation strongly condemned the fascist tendency of the Government. Today all the Eastern countries are behind us.

"On the home front we have to steel and prepare ourselves. It is for us to dedicate ourselves to humanity. I have faith in you and the world has faith in our struggle."

1948.9

LETTER FROM THE MINISTER OF THE INTERIOR, DR. T. E. DONGES, TO NATAL INDIAN CONGRESS AND TRANSVAAL INDIAN CONGRESS, JULY 12, 1948

Sir,

Your letter of the 4th ultimo to the Private Secretary to the Honourable Prime Minister has been referred to me by the Prime Minister.

I note the request of your two executive committees to the Prime Minister to meet a joint deputation to discuss certain difficulties in regard to the Asiatic Land Tenure and Indian Representation Act, 1946. As I am the responsible Minister, I shall regard the request for an interview as directed to me.

I am at all times prepared to discuss with Indians in South Africa in a friendly and cooperative spirit any matter affecting the interests of Indians here. But I am not prepared to extend this facility to any organisation of Indians which sponsors or associates itself with any organised flouting of the laws of the country. I also exclude organisations which are communistic in their orientation or leadership or which while claiming to be composed of Union citizens, invoke the political aid of another country. At the moment the Natal and Transvaal Indian Congresses do not fall within the ambit of organisations with which I am prepared to discuss, indeed with which I could usefully discuss, matters affecting the Indian population in the proper spirit. I note that your organisations have temporarily suspended organised law-breaking. While not prepared to judge the motives or reasons for this step, I can only hope that it will be followed within the near future by the permanent abrogation of organised law-breaking and the repudiation of foreign ideological conceptions which are inimical to the racial peace in South Africa. If my hopes are realised, the way will be paved for the desired interview on a mutually convenient date. Until then, other Indian organisations which satisfy the tests I have enunciated above, will have to serve as the channel through which the Indian population in South Africa may approach the Government for a discussion of any matter affecting its interests.

Yours faithfully,

(Signed) T. E. Donges
Minister of the Interior

1948.10

APPEAL BY DR. Y. M. DADOO AND DR. G. M. NAICKER FOR A UNITED FRONT, JULY 1948 |

(A joint appeal to all "suppressed" people in South Africa, whether European or Non-European, to form a United Front to fight for full democratic rights, was made by Drs. Yusuf Dadoo and G.M. Naicker, respectively Presidents of the Transvaal Indian Congress and the Natal Indian Congress, at a function in Cape Town in July 1948.)

Dr. Dadoo said Indians all over the Union were now faced with the question of what to do next. The Passive Resistance Movement had been temporarily suspended and a new Government was in power.

Both he and Dr. Naicker had just been released from gaol and they were both convinced that the present Nationalist regime would take even more drastic steps to suppress not only the Indians but all Non-Europeans.

By their courageous struggle the Indians had already nullified the effect of the Asiatic Land Tenure and Indian Representation Act. The Passive Resistance Movement had opened the eyes of other oppressed peoples as to what could be achieved by resisting the onslaught on human rights.

Furthermore, the Indians in South Africa had won the support of freedom-loving people outside South Africa and at the next session of the United Nations Organisation stronger steps than ever would be taken to fight their case.

The Nationalists' apartheid policy for the Indians was the logical outcome of the United Party's segregation programme but because the leaders of the United Party did not make their intentions clear, the electorate fell for apartheid which, to the followers of Dr. Malan, meant bigger and cheaper labour reservoirs.

Cape Indians

Indian leaders also expected the Nationalist Government soon to make an attempt to introduce the Ghetto Act in the Cape. For that reason Cape Indians must stand together to resist with all their power.

The move of the new Minister of Defence to build up a Platteland Army was just another step, under the pretext of a so-called Communist threat, to suppress Non-Europeans even more.

The Coloured people could expect measures to deprive them of their right to have their names on the common voters' rolls and if the members of the Coloured Advisory Council realised what was happening, they must resign and lead their people against the threat to their freedom. Similar threats were hanging over the heads of the African people.

Task of Non-Europeans

In view of all these dangers for Non-Europeans, said Dr. Dadoo, there was only one course - to fight with the utmost determination, but also with responsibility, until white South Africa realised that the Non-Europeans would never give in until they were given full freedom.

"We Indians," he said, "have only South Africa as a home and nobody is going to throw us out. We want to live here and help to build up our homeland, but we cannot live without liberty."

"We look forward with confidence, for although we know that many hardships and sacrifices await us, we also know that history is on our side and that in the end we must achieve our object."

1948.11

INDIA'S STEP MOST TIMELY |

Joint statement by Dr. G.M. Naicker, President of the Natal Indian Congress, and Dr. Y. M. Dadoo, President of the Transvaal Indian Congress, on the decision of the Government of India to raise the South African Indian question again before the United Nations General Assembly, July 1948

The Indian people of South Africa welcome this step on the part of the Government of India as being most opportune and timely in view of the present political situation in South Africa.

South Africa can ill afford to incur the hostility of two great countries like India and Pakistan. On the other hand, friendly relations with them can be a great boon to the economic welfare of this country.

The Indian people of South Africa hope that the Union Government will act in terms of the United Nations Assembly's resolution and bring about an honourable solution of the Indian question, failing which they hope that the United Nations will act with dispatch on the recommendations proposed by the Government of India in the interests of relations between the Union of South Africa and the Governments of India and Pakistan, and in the interests of world peace.

1948.12

LETTER FROM THE NATAL INDIAN CONGRESS AND THE TRANSVAAL
INDIAN CONGRESS TO THE PRIVATE SECRETARY TO THE PRIME MINISTER,
AUGUST 2, 1948

Sir,

We are directed to acknowledge the receipt of your letter dated 2nd July, 1948. It is the desire of the Transvaal and Natal Indian Congresses to make the following observations for the earnest consideration of the Honourable the Prime Minister.

(a) The history of the Indian in South Africa is one long record of his steadily deteriorating status and fast dwindling rights. He was deprived of the Parliamentary franchise in Natal in 1896. In 1924, the Municipal franchise was taken away from him. Earlier his trading and property rights in the Transvaal were restricted. The years have witnessed the growth of a huge body of anti-Indian legislation culminating in the Asiatic Land Tenure and Indian Representation Act of 1946.

(b) This unjust law aroused the deep indignation of Indians throughout South Africa. Dispossessed of the franchise, all constitutional means of obtaining redress were soon exhausted without avail. The unyielding attitude of the Government left the Indian people with no other alternative but to launch a campaign of Passive Resistance in protest against a racially oppressive law.

(c) With the return of the present Government to office as a result of the recent General Elections, in which the Indian people of South Africa have had no part, our Congresses suspended their Passive Resistance struggle and sought an interview with the Honourable the Prime Minister to discuss the many disabilities confronting them, more particularly in relation to the above-mentioned Act and to secure from him a statement of the Government's policy in regard to the Indian community.

(d) We recall that in reply to our communication dated the 25th June, 1948, the Honourable the Prime Minister said he was unable to meet us as he had to proceed to Cape Town on urgent business. He referred the matter to the Honourable the Minister of the Interior. To our further request the Honourable the Prime Minister stated that his heavy tasks and commitments precluded an interview with him and that we should approach the Honourable the Minister of Interior.

(e) In the circumstances, our Congresses are concerned at the inaccessibility of the Honourable the Prime Minister at a juncture when vital questions affecting the Indian community will call for pressing solution.

(f) Our Congresses have noted the suggestion of the Honourable the Prime Minister in your last communication that the Honourable the Minister of the Interior should be approached with a view to an interview.

However, before we could attend to this matter, the Honourable the Minister of the Interior has already, by letter dated the 12th July, 1948, expressed his unwillingness to meet our Congresses. He has raised objections which are to be greatly deplored, for they run counter to all constitutional and democratic practice. We view such an attitude with grave apprehension, more particularly when it is taken against the accredited national representatives of a community who, deprived of the Parliamentary franchise, has no other channel of placing its views before the Government.

(g) The objections of the Honourable the Minister of Interior constitute so serious a departure from ordinary democratic principles and procedure, that our Congresses cannot but draw the Honourable the Prime Minister's attention to its wider implications and significance.

(h) We cannot understand the Honourable Minister concerning himself with the internal composition of the memberships of our Congresses. It is not for the Honourable Minister, but for the Indian people themselves to determine the composition of their organisations. The Honourable Minister should be satisfied with the fact that we are the largest Indian political organisation in the country, whose membership is open to all Indians. The Natal Indian Congress has 35,000 registered members. The present officials of the Transvaal Indian Congress were elected by 12,000 votes without any opposition.

(i) Indians in South Africa have always maintained their unfettered right to seek the goodwill of India and the support of world opinion in their struggle for full democratic rights in their land of birth and adoption. The solution here lies with the Government of South Africa. So long as the Indian is the victim of unjust racial discrimination, so long as franchise, the basic pillar of fundamental human rights, is denied to him, for so long will this position remain.

(j) The Honourable Minister refers to organised flouting of the law. We assume that this reference is to the Passive Resistance Movement. There is no question that the Asiatic Act of 1946 is directed against the interests of the Indian community of the Transvaal and Natal, and seeks their ultimate economic destruction, social degradation and national humiliation. In such circumstances, Indians have traditionally chosen to defy such an unjust law and accept the penalties imposed. Here too, the solution lies with the Government.

Our Congresses, Sir, record with great regret the fact that the Honourable the Prime Minister has been unable to grant us an interview. He has referred us to the Honourable the Minister, who has refused to meet our organisations. The primary purpose envisaged by our Congresses in seeking the interview was to discover the policy of the new Government in respect of the following disabilities under which the Indians suffer:

1. Unjust discrimination in terms of the Asiatic Land Tenure and Indian Representation Act, 1946.
2. The continued denial of the franchise.
3. The restrictions on movement from one Province of South Africa to another.
4. The unjust discrimination against Indians in laws and their operation.

5. The question of a Round Table Conference between the Governments of India and the Union of South Africa, arising from the resolution adopted at the 1946 Session of the General Assembly of the United Nations.

What we require is an unequivocal statement of policy from the new Government in regard to the above matters, especially regarding our status as part of the South African nation. Such a declaration, we can seek only from the Honourable the Prime Minister, the head of the Government.

We hope, Sir, we have made our position clear. Should the Honourable the Prime Minister find it possible to grant us an interview, we shall readily wait on him at his early convenience. Should he not be able to do so, we anticipate an early statement on the above-mentioned matters that would appraise us on Government policy thereon.

Yours faithfully,

Y. A. Cachalia
Joint Secretary, Transvaal Indian Congress
D. Singh
General Secretary, Natal Indian Congress

1948.13

TELEGRAM BY DR. G. M. NAICKER TO THE PRIME MINISTER OF INDIA, JULY 1948

PRIME MINISTER
INDIAN GOVERNMENT
CONSTITUENT HOUSE
NEW DELHI

NATAL INDIAN CONGRESS DRAWS YOUR URGENT ATTENTION TO UNDEMOCRATIC AND UNWARRANTED ACTION OF UNION GOVERNMENT IN REFUSING PASSPORT AND PREVENTING DOCTORS Y M DADOO AND G M NAICKER PRESIDENTS OF TRANSVAAL AND NATAL INDIAN CONGRESSES FROM ATTENDING FORTHCOMING SESSION UNITED NATIONS. CONGRESS SATISFIED THIS UNPRECEDENTED ATTACK ON CIVIL LIBERTIES OF INDIAN PEOPLE IN SOUTH AFRICA IS DELIBERATE AND CALCULATED ATTEMPT BY UNION GOVERNMENT TO STIFLE AND BLACK OUT ANY ADVERSE EXPRESSION BY VOTELESS VOICELESS INDIAN COMMUNITY WHO TODAY SUBJECT TO OPPRESSION OF MOST REACTIONARY GOVERNMENT THAT SOUTH AFRICA HAS EVER KNOWN. BY THIS ACT ALONE NATIONALIST GOVERNMENT HAS SHOWN HOLLOWNESS OF SOUTH AFRICAN DEMOCRACY REVEALED FASCIST TENDENCIES AND HAS FLAGRANTLY

VIOLATED FUNDAMENTAL PRINCIPLES OF UN CHARTER. THIS UNJUST ACT IN ITSELF WILL NULLIFY THE REPRESENTATIONS OF UNION DELEGATION AND NO AMOUNT SPECIAL PLEADING BY MESSRS TE WATER AND ERIC LOUW CAN CAMOUFLAGE TRUE CONDITIONS OF OPPRESSED NON-EUROPEAN PEOPLE IN SOUTH AFRICA DOCTOR NAICKER PRESIDENT NATAL INDIAN CONGRESS

1948.14

TELEGRAM BY DR. G. M. NAICKER, PRESIDENT OF THE SOUTH AFRICAN INDIAN CONGRESS, TO THE SECRETARY-GENERAL OF THE UNITED NATIONS, PARIS, OCTOBER 1948

SOUTH AFRICAN INDIAN CONGRESS BEHALF QUARTER MILLION UNION INDIANS SENDS SINCEREST GREETINGS AND BEST WISHES UNITED NATIONS DELEGATES ASSEMBLED AT THIRD ANNUAL SESSION IN PARIS. THE COMMON PEOPLE OF THE WORLD LOOK TO UNITED NATIONS TO PRESERVE PEACE IN TROUBLED WORLD AND SAFEGUARD THEIR FUNDAMENTAL HUMAN RIGHTS. BEHALF SOUTH AFRICAN INDIAN CONGRESS PLEASE CONVEY FOLLOWING MESSAGE TO UNITED NATIONS AND HEADS OF DELEGATIONS ASSEMBLED AT GENERAL ASSEMBLY QUOTE INDIAN PEOPLE IN SOUTH AFRICA APPRECIATE THE ACTION OF THE UNITED NATIONS IN DELIBERATING ON THE DISCRIMINATORY TREATMENT OF INDIAN NATIONALS OF SOUTH AFRICA FOR THE PAST TWO SESSIONS. THEY NOTE WITH REGRET THE FAILURE OF ANY EFFECTIVE MEASURE TO BRING THE TREATMENT OF SOUTH AFRICAN INDIANS IN CONFORMITY WITH THE UNITED NATIONS CHARTER AND THUS END A SITUATION WHICH HAS NOT ONLY BROUGHT UNTOLD SUFFERINGS TO THE SOUTH AFRICAN INDIAN COMMUNITY BUT HAS ALSO IMPAIRED FRIENDLY RELATIONS BETWEEN THE MEMBER STATES OF THE UNITED NATIONS NAMELY INDIA AND PAKISTAN ON THE ONE SIDE AND THE UNION OF SOUTH AFRICA ON THE OTHER.

THEY THEREFORE URGENTLY APPEAL TO THE UNITED NATIONS THAT IN ORDER TO MAKE THE CHARTER A REALITY; TO PREVENT FURTHER IMPAIRMENT OF FRIENDLY RELATIONS BETWEEN MEMBER STATES; TO END RACIAL STRIFE AND BITTERNESS WITHIN SOUTH AFRICA; TO ENCOURAGE AND PROMOTE THE DEMOCRATIC WAY OF LIFE; TO PREVENT RACIAL CONFLAGRATION WHICH MAY THREATEN THE PEACE OF THE WORLD; AND TO INSPIRE FAITH AND CONFIDENCE IN THE UNITED NATIONS AS AN EFFECTIVE BODY FOR THE SETTLEMENT OF INTERNATIONAL DISPUTES AND TO PROMOTE AND ENHANCE ITS OWN PRESTIGE COMMA IT ASSERTS AT ITS FORTHCOMING SESSION IN PARIS ITS AUTHORITY AS EMBODIED IN THE CHARTER AND TAKE APPROPRIATE

ACTION TO EFFECT AN IMMEDIATE LASTING AND SATISFACTORY
SOLUTION IN THE INTEREST OF PEACE AND DEMOCRACY.

1948.15

MEMORANDUM SUBMITTED BY A DEPUTATION OF THE SOUTH AFRICAN
INDIAN ORGANISATION TO THE HONOURABLE THE MINISTER OF THE
INTERIOR, DR. T.E. DONGES, NOVEMBER 27, 1948

Sir,

1. We, members of the Deputation representing the South African Indian Organisation, wish to express our gratitude to you for giving us this opportunity of meeting you with a view to discussing some aspects of the Indian question.
2. We approach you as South African Indians, and although we do not possess franchise rights in the two Provinces - Natal and Transvaal, we are Union Nationals, and those of us who are born in the Union constitute little over 90 per cent of the total Indian population. Our natural home is South Africa and our outlook in life is entirely South African. The Indian community in South Africa form an integral part of the population.
3. It would be recalled that our present Prime Minister, the Right Honourable Dr. D. F. Malan, who, as the then Minister of the Interior in the Hertzog Government, referred to our people, when introducing the Areas Reservation Bill in 1925, as "an alien element in the population." This characterisation, however, was completely changed by the Conclusions reached at the first Round Table Conference.
4. This Round Table Conference between South Africa and India, had for its object the exploration of possible methods of settling the Indian question in the Union in a manner which would safeguard the maintenance of Western standards of life by just and legitimate means.
5. The Conference after due deliberations announced its Conclusions in 1927 in the form of a Joint Communique which was the basis of the Cape Town Agreement agreed to by the two Governments - India and Union. Certain fundamental principles and obligations are embodied in the Agreement and the following Clauses are noteworthy -
 - (a) Both the Governments of South Africa and India reaffirmed their recognition of the right of South Africa to use all just and legitimate means for the maintenance of Western standards of life.
 - (b) The Union Government recognised that Indians domiciled in the Union, who were prepared to conform to Western standards of life, should be enabled to do so.

Another important Clause in the Agreement appears under the heading -"Upliftment of the Indian Community":

"The Union Government firmly believe in and adhere to the principle that it is the duty of every civilised Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity and opportunities, and accept the view that in the provision of educational and other facilities the considerable number of Indians who will remain part of the permanent population should not be allowed to lag behind other sections of the people."

6. Our people without demur accepted the obligations set out above and events have shown that, despite the many obstacles that had beset their progress, they have done everything possible to fulfil those obligations.
7. The Cape Town Agreement recognised the fact that as Union Nationals, Indians were to be regarded as an integral part of the permanent population, and as such it was obligatory on their part to conform to Western standards of life. Their upliftment on the other hand was one of the major responsibilities of the Union Government.
8. In the words of the Report of the first Broome Commission of 1941, the Cape Town Agreement constituted an important landmark in the history of Indo-European relations in South Africa. The Indian community regarded it as their Magna Charta.
9. The fact that the Indians have within a short space of time and in a large measure conformed to Western standards of life is indisputable. This fact is borne out by the Report of the Broome Commission referred to above.
10. We have tried to show as briefly as possible in this introduction to our Memorandum that the principles that we stand for were fully recognised by the Union Government in 1927 and we make the submission that the Union Government in its consideration of matters affecting the Indian community, should be guided by these principles.

REPATRIATION

11. We are very much agitated over your present utterances on the Indian question. You have, to our consternation and deep sense of sorrow, indicated in unmistakable terms that the solution to the Indian question is "repatriation". Repatriation on a voluntary basis was suggested by the Lange Commission in 1920 as a means of affording opportunities to the floating Indian population which desired to return to India. That Scheme was displaced by the Assisted Emigration Scheme at the first Round Table Conference. When the Cape Town Agreement was reviewed by the second Round Table Conference in 1932, it recognised that "the possibilities of the Union`s Scheme of Assisted Emigration to India are now practically exhausted owing to the economic and climatic conditions of India as well as to the fact that 80 percent of the Indian population of the Union are now South African born." Since then the percentage of Indians who were born

in India and elsewhere has steadily decreased and the present position is that over 90 percent of our people are born in South Africa, and for all intents and purposes, as we have already said, they are part and parcel of this country.

12. The Union Government, we submit, cannot repatriate her nationals, and no country in the world, much less India, will accept any repatriated Indian from South Africa. Such a scheme, if forced upon us, would be against all legal and moral ethics of a civilised country. The exchange of population in Europe and in India is being quoted as a justification for a Scheme of Repatriation. Such exchange of population not only stands condemned in the eyes of the world, but the loss of lives, and the resultant starvation and privations will also always remain as a stark and morbid chapter in modern history. In any case, exchange of population, as we know of it, means the crossing of the common boundary of two adjacent countries and no parallel therefore, can be drawn between such exchange and repatriation of South African born Indians from the Union.

13. In these circumstances, our people as South African nationals would oppose strenuously any scheme which has for its object the repatriation of Indians from South Africa.

APARTHEID

14. The Indian community of South Africa has always opposed the principle of separation. Apartheid which is the policy of the Union Government, envisages a complete separation of the various races. Apartheid is an affront to our National honour for it stigmatises our people as an inferior race.

15. Apartheid, if carried out to its logical conclusions, would entail untold misery and it is our submission that the economic structure of South Africa, in which both the European and non-European are interdependent, would crumble as a result. Apartheid cannot by any means bring about harmony among the many races that constitute the population of South Africa, for it is racially discriminatory. The debates at the United Nations during the last three years have brought home to all civilised nations that racial discrimination as is being practised in South Africa, would inevitably cause racial hatred and mistrust. That is an unhealthy sign, and it is for all of us to see that South Africa is not subjected to attacks on an issue that can be remedied by goodwill and forbearance.

16. The Union Government recognises the fact that South Africa cannot isolate herself and nothing can do her more harm than to antagonise the Asiatic races who are her neighbourly nations. The persistence in the policy of apartheid will bring in its train serious repercussions which it would be as well to avoid in the interest of peace and harmony in this disturbed world.

17. We would urge that the Union Government should not pursue any policy which has for its object the oppression of the under-privileged, and which would seriously limit the economic, social and educational progress of a people. Apartheid, in our submission, is such a policy that in its conception it is un-Christian, and it ignores human dignity and

human values - the fundamental principles that underlie the Declaration of Human Rights by the United Nations.

18. The Commonwealth of Nations is multi-racial both in its character and in its composition and the principle of apartheid, based as it is, on colour, will inevitably react on member nations within the Commonwealth. Moreover it would create disharmony within and disintegrate the Commonwealth.

HOUSING

19. Housing of Indians in and around Durban has always been a sore point with our people. The lethargy of the Durban City Council in this direction is well known to our Prime Minister. It was he, who as the then Minister of the Interior in 1928, set up the Thornton Commission to enquire into housing conditions of Indians. As a result of the Report of the Commission Dr. Malan set aside œ50,000 earmarked for the provision of housing for Indians. The dilatoriness of the Durban City Council so exasperated Dr. Malan, that he threatened to withdraw the œ50,000 if a start were not made. Notwithstanding the threat it was not until 1938 - ten years after the Report of the Commission - that 50 economic and sub-economic houses were erected at Cato Manor. In contrast to this, the Durban City Council has erected for Europeans during the same period 656 economic houses, 126 flats and 225 houses under the partly paid Scheme. From its unalienated lands the Council has sold 1,804 sites to Europeans. The Council has another 300 acres, more or less, within the boundries of the Old Borough earmarked for Europeans. Within the last few years the Council has erected about 600 sub-economic houses at Springfield for Indians, but no attempt has been made to provide housing of the economic type. Most of the sub-economic houses at Springfield are occupied by Indian employees of the Durban Municipality.

20. In Transvaal the state of affairs is much worse. The slums at Boksburg, Benoni, Germiston and Springs have existed for many decades without any sign of improvement. These slums are a blot on South Africa. The lack of housing in larger towns like Johannesburg and Pretoria is acute and the position is serious. Johannesburg has so far made no provision to make available to them land for their housing. It is to be noted that in the Transvaal, Indians are prohibited from owning properties except in certain exempted areas. This has resulted in the grave situation of the housing problem, and since the passage of Act 28 of 1946, the position has become aggravated for, by that Law, Indians are unable to occupy houses which were deemed not to have been occupied by Asiatics on the 15th March, 1946. The exempted areas in Johannesburg have within recent times changed in character in that a considerable number of properties which previously were residential quarters, have changed into legal, commercial and industrial stands. This change has brought about an urgent need for additional land suitable for Indian requirements.

21. At Durban the Durban City Council has accepted the suggestion of the Natal Indian Organisation to sell municipal lands to Indians and to lend up to œ2,500 under the Individual Loan Scheme. And the great need for the erection of more and more sub-

economic houses still exists. In Durban alone we need at least 1,000 sub-economic houses to adequately house the Indians of Durban, 70 percent of whom, according to a recent survey by the Natal University College, live below the poverty datum line.

22. We are of the opinion that the provision of sub-economic houses on a large scale is too big a burden for the Municipalities and we would therefore urge that the erection of these houses at Durban and at Johannesburg should be the responsibility of the National Housing Board. Indians in all large urban areas in South Africa require houses and this requirement can only be met by the Union Government.

23. The question of housing is of such urgency that we fear that if it were permitted to drift any further, a deplorable state of affairs would ensue. This urgency was stressed as far back as 1927 in the Cape Town Agreement.

24. The lack of civic amenities in areas predominantly occupied by Indians, and the criminal neglect of the local authorities in this regard, have been stressed time and again. The first Broome Commission had clear evidence of this fact and the Commission itself was satisfied of the lack of these amenities. As a result of this neglect by the local authorities an accumulated backlog exists, and it is doubtful whether the local authorities will remove this backlog within a reasonable time, having regard to the fact that the Indian people cannot exercise any influence through the ballot box. It is our submission that, in this connection, the Union Government should take a firm hand either in the way of pressing the local authorities to provide necessary civic amenities or subsidise them with financial aid for such purpose.

EDUCATION

25. The parlous state of Indian education in Natal was given serious consideration by the first Round Table Conference, and Chapter III of the Conclusions reached by the Conference has, inter alia, the following provisions:

"... the Union Government are willing -

(a) in view of the admittedly grave situation in respect of Indian education in Natal, to advise the Provincial Administration to appoint a Provincial Commission of Enquiry and to obtain the assistance of an educational expert from the Government of India for the purpose of such enquiry;

(b) to consider sympathetically the question of improving facilities for higher education by providing suitable hostel accommodation at the South African Native College at Fort Hare and otherwise improving the attractiveness of the institution for Indians."

26. Since then, some progress has been made to advance Indian education but this progress notwithstanding thousands of our children through lack of schools are without education, and are growing in enforced illiteracy. During 1940 some 23,000 Indian children were not attending schools. In 1943 according to authoritative statistics,

approximately 25,000 children were without schooling. At the present moment the number is still increasing.

27. The "Uplift Clause" in the Cape Town Agreement constitutes a solemn undertaking by the Union Government and it is a sad commentary that Indian education fell as an unbearable taxation on our people, for some 65 Aided Schools have been erected by our people towards which some œ200,000 have been contributed by them. The only high school at Durban, the Sastri College, was erected entirely with Indian money.

28. The system of State Aided Schools has been reported upon unfavourably by the Corbett Committee in 1944, and earlier still by the Dyson Enquiry Committee of 1928 and by the Broome Enquiry Committee of 1936. All these Committees commented upon the unsuitability of the Indian Aided School as a satisfactory educational environment because of badly constructed buildings, insufficient playgrounds, ill-chosen sites, inadequate accommodation and poor equipment. The State Aided System, as we have pointed out, imposes a special taxation on the Indian people for the provision of educational facilities for their children.

29. There is need for more and more primary schools and secondary schools, and it is the duty of every civilised State to see that no child, irrespective of colour, is out of school.

30. A considerable leeway has to be made in order to bring every Indian child into the school. There is a great deal of disparity in the expenditure by the Provincial Administration between European and Indian education. To give an instance of this disparity we need only quote the figures for the financial year 1944-1945. The Provincial Administration in that year expended œ1,046,900 on European education and only œ315,580 on Indian education. If this disparity continues we are afraid we can hold no hope for the thousands of Indian children of school-going age who are out of schools. In order to remedy this grave position, we would ask that the Union Government make a substantial grant to the Natal Provincial Administration, specially earmarked for Indian education. A sum of œ500,000 over and above the normal grant, spread over a period of five years, will, in our opinion, be the means to accelerate the progress of Indian education.

UNEMPLOYMENT

31. Indian unemployment figures are alarming. At the present moment it is estimated that there are 7,000 unemployed Indians in Natal. Most of the unemployed Indians are victims of a policy to retrench them from industries because of their "colour". The fact that the avenues of employment open to Indians are extremely limited, also militates against their finding employment. Many of the occupations are closed to the Indians. The Apprenticeship Committees whose personnel is wholly European, do not countenance the registration of Indian apprentices, with the result that no Indian can enter the ranks of electricians, plumbers, motor engineers, sheet metal workers, etc. Most of the

professions are closed to them. They cannot become accountants, surveyors, architects, chemists, etc., because no European will accept an Indian apprentice or his articles.

The Cape Town Agreement declared that:

"The principle underlying the Industrial Conciliation Act (No. 11 of 1924) and the Wage Act (No. 27 of 1925) which enables all employees including Indians to take their places on the basis of equal pay for equal work, will be adhered to."

33. The effect of this declaration is meaningless in the absence of equal opportunities being afforded to find employment. The principle of equal pay for equal work should not be lopsided as it obtains in South Africa. The Indian people accepted the principle in the hope that they would be afforded the same opportunities as are available to the Europeans. And what is more, the adoption of the civilised labour policy, now called, significantly enough, the "White Labour Policy", has reacted adversely on Indian employment.

34. The effect of this policy on the non-European workers was the subject of the following comment by the Van Eck Commission of 1944:

"The effect of the civilised "labour policy" in industry and public work is, therefore, much the same as the colour bar established in the Transvaal gold mines by the regulations issued under the Mines and Works Act of 1926. In farming and domestic service no legal or de facto colour bar applies."

35. In the Government and Municipal services the application of this White labour policy has been marked. For instance, there were 1,800 Indians employed on the Railways in 1924 and by 1936 the figure had fallen to 562. In the Durban Municipality there were 2,502 Indians employed in 1940 and by the end of last year the figure had decreased to 2,344. On the other hand, for the years 1935-1936, the number of European employees in the Durban Corporation was 2,773 and for the years 1947-1948 the number had increased to 4,275.

36. We submit that as South African nationals we should be allowed free and uninterrupted movement in the labour market. The economics of the country should be based on sound, scientific lines. The development of South Africa as a great country depends upon the potentialities of every section of the Union population in the labour market. Any curb on the activities of any section of the population will retard the development of South Africa. And such curbing will inevitably affect the European workers and seriously disturb the principle of "equal pay for equal work."

37. In this regard it would be as well that we quote a section of the Report of the Industrial Commission of 1936:

"The greater the restrictions placed upon the free movement of Indians from one labour market to another; the greater the lack of educational facilities to enable them to qualify

for skilled occupations; the greater the restrictions upon their employment, their trading rights and property-owning rights, the more serious must their competition become in those spheres which are still open to them and in which they compete with Europeans. The imposition of any further restrictions therefore, instead of leading to a solution of the problem, would only lead to intensification of the competition in the further narrowed spheres of activities which are left open to them."

38. We should respectfully ask that the Union Government take immediate steps to stem the retrenchment of Indian workers from industries and to afford them equal opportunities in the labour market.

39. Insofar as the Government services are concerned, we feel that many Indians can be absorbed by the Railways and Harbours Administration, the Postal and Police Services, and in several other directions.

SOCIAL WELFARE

40. We have pointed out elsewhere that, according to a survey carried out by the Natal University College at Durban, it was found that 70 percent of the Indian people of Durban live below the poverty datum line. Malnutrition, bad housing and diseases are common among them. The incidence of T.B. among them is equally bad.

41. In a memorandum submitted to the National Health Services Commission by the Department of Economics of the Natal University College, the following striking paragraph appeared:

"The daily income per head of Indians and Coloureds in Natal was stated to be 1/10«d. as compared with about 7/- per head for Europeans... The average earnings of 11,990 Indian factory employees in 1937 were œ63 per year... and... that widespread poverty is the main evil and some of its results are high infantile mortality, malnutrition, shorter and less productive lives and generally a reduction in social welfare, social contentment and security, and in mental and moral fibre, adverse effects on labour resources and markets, all of which necessitate public and private expenditure on social services."

42. In the administration of social services it is our submission that there should be no discrimination based on colour. Preventive measures should be preferred to spending money to stamp out diseases. If there is no malnutrition and if there is no bad housing, the incidence of T.B. would be immensely lessened.

43. Indians are paid œ2.5/- as old age pensions and although the amount payable to Europeans was increased, there has been no increase for Indians. In the case of grants under the Children`s Act, this year there has been an increase of 10/- per child in respect of Europeans, and 5/- per child in respect of Coloureds. Here, again, the amount payable to Indians remains stationery. Poverty and disease know no colour bar nor does the cost of living discriminate between white and black. We do ask most respectfully, that social services should be applied to all, not on the basis of one`s colour, but on the basis of one`s requirements.

44. The withdrawal of the family allowances to Indians has been a bitter blow to our people. Over 2,000 Indians are employed by the Durban Municipality, the majority of whom earn less than œ9 per month, and Indians employed by the South African Railways and Harbours are in the same position. In a survey carried out by the Natal University College at the Durban Magazine Barracks in October 1944, it was found that the total earnings of one hundred families amounted to œ661.17.1. for the month, while their total expenditure was œ667.19.4. and the survey showed that these families had deprived themselves of many necessities of life.

45. It has been alleged that Indians had abused this privilege. We have made enquiries to ascertain whether this was well-founded. It is our firm belief that Indians had not abused the privilege and we say that the withdrawal is due to racial discrimination, and this discrimination is against the principles of Social Security. The policy envisaged in the distribution of family allowances to all irrespective of colour, is to supplement the earnings of the lower paid group. We make the request in all seriousness that family allowances should not be discontinued as from the 31st December 1948.

LICENSING

46. Each Province in the Union has its laws to control and regulate the issue of trade licences. They are more or less uniform in character, vesting in the heads of local authorities unfettered discretionary powers to grant or refuse licences to applicants. The discretionary powers so vested in licensing authorities have led to exercise of excesses and in many instances abuse of powers where Indian applications are concerned. Racial consideration has also influenced licensing authorities to refuse licences to Indian applicants to trade in any area, and a form of restriction of licences because they are Indians, has been enforced upon them by relegating and confining their trade to specified areas.

47. To give one illustration out of many to show how this policy is pursued we need only refer to the evidence of Col. Molyneux, at one time licensing officer for the Borough of Durban, given to the Lange Commission:

"...we do what we can to restrict further Indian licences... A European licence is granted almost as a matter of course, whereas the Indian licence is refused as a matter of course, if it is a new one."

48. That discretionary powers are not wisely exercised but are influenced by racial considerations is borne out by numerous judgments of Supreme Courts, which found occasions to censure the decisions of licensing authorities as being arbitrary and unreasonable, and not in accordance with the provisions of the licensing laws.

49. The maladministration of licensing laws in Natal, even in cases of renewal of trade licenses held by Indians, resulted in the old Natal Parliament passing an Act in 1909 which provided for right of appeal to the Supreme Court in cases of refusal of renewal of licences. This entrenched right to traders, has now been taken away by an Ordinance passed by the Natal Provincial Council in 1947.

50. In the Transvaal also, the local authorities refuse licences without assigning any reasons. And even in respect of transfers from an Indian to an Indian, there have been refusals although such transfers involved merely a change in partnership or in the personnel.

51. Ex facie the licensing laws are of general application and vest no powers to racially discriminate against a particular race on the grounds of colour. Yet in actual practice racial considerations influence decisions of licensing authorities.

52. The standing grievance of Indians is that this abuse of powers subjects them to much hardship and loss from which they can secure no redress.

53. The licensing laws operating in each Province in the Union were deliberated upon at the first Round Table Conference in 1927 and the Conclusions reached by the Conference thereanent are contained in the Cape Town Agreement as follows:

"When the time for the revision of the existing licensing laws arrives, the Union Government will give all due consideration to the suggestions made by the Government of India delegation that the discretionary powers of local authorities might reasonably be limited in the following ways -

(1) The grounds on which a licence may be refused should be laid down by Statute.

(2) The reasons for which a licence is refused should be recorded.

(3) There should be a right of appeal in cases of first applications and transfers as well as in cases of renewals, to the courts or to some other impartial tribunal."

54. We have made repeated representation to the Union Government to fulfil the obligations contained in these Conclusions, but they have been of no avail. In view of the hardships to which we are subjected in this direction, we would most respectfully urge that the Government take the initiative in giving effect to the undertaking contained in these Conclusions.

We have endeavoured in this Memorandum to deal with some of the difficulties that beset us in our daily lives in this country, all of which are within the province of the Government to remove. As we have repeatedly pointed out, we are nationals of South Africa and our aspirations are to be treated as decent citizens enjoying rights and privileges consistent with human dignity.

We look upon South Africa as our Home, and we regard it as our duty, in common with the other races, to work towards the development and progress of South Africa as a great country in which all sections of the population can live in complete harmony, cordiality and amity.

Unrepresented as we are, we respectfully ask of you, Sir, to secure the due consideration of the Union Government to the various points raised herein in the light of justice and equity, and to afford us redress by removing these disabilities.

We have the honour to be,

Sir,

Yours very truly,

Sgd:

Ismail D. Coovadia S.R. Naidoo

A.S. Kajee P.R. Pather

M.R. Parekh A.M. Moolla

A.I. Minty Bernard L.E.

Sigamoney

E.I. Haffejee S.A. Bhabha

M.A.H. Moosa O.H. Mahomed

G.H. A Kathrada E. Nakhooda

Aboo Suliman M.M. Gardee

Cassim Hajee Osman

Habib V. Keshavjee.

MEMBERS OF THE DEPUTATION OF THE SOUTH AFRICAN INDIAN
ORGANISATION.

HEADQUARTERS:

19, Baker Street,
P.O. Box 200,
DURBAN, Natal.

26th November, 1948.

No.41

27.11.48

PRESS STATEMENT

(For immediate release)

The following statement was today released by the Department of the Interior:

A large deputation from the South African Indian Organisation, led by Mr. S.R. Naidoo with Mr. P.R. Pather as the chief spokesman and Mr. A.M. Moolla, Mr. A.S. Kajee, Mr. A.I. Minty and Rev. B.L.E. Sigamoney was today received by the Minister of the Interior, Dr. T.E. Donges, and submitted a memorandum, copies of which had already been handed to the press, in which opposition was expressed to the solution of the Indian

question, by means of repatriation, as proposed by the Government as well as opposition to apartheid.

Various matters relating to the Indian community were also brought to the attention of the Minister, and suggestions were made regarding increased housing and educational facilities, unemployment, social services and the issue of trading licences.

The spokesman of the deputation gave the assurance that the Indians looked upon South Africa as their home, and regarded it as their duty, in common with the other races, to work towards the development and the progress of the Union. All they asked was for the Indians to be allowed to live as decent citizens.

The Minister received the deputation sympathetically, and in his reply stated that there were certain fundamental facts to be borne in mind:

It was indisputable that today there was tension between the Indians and the Europeans in South Africa. The hardening of the attitude of the Europeans was due to the attitude taken by India in placing South Africa in the dock at UNO for three successive years; secondly due to the exaggerated and irresponsible statements made by Indian leaders in South Africa and, thirdly, because of the entry of illegal immigrants from India. It would have eased the tension considerably, had the South African Indian Organisation in the past repudiated those irresponsible utterances.

Another fundamental fact to bear in mind was that there was a feeling that the Indians, no matter what the legal position might be, were not considered an indigenous portion of South Africa.

The policy of the Government was to ease the friction firstly by adopting the principle of repatriation. There was nothing unjust in that solution not anything that might be called a stigma. There had been repatriation before in the history of South Africa, when the Afrikaners were repatriated from Angola and the Argentine. It was the intention of the Government to apply it in a friendly way and with the assistance of the other Governments concerned. This policy would not be divorced from justice. There would be full compensation. It would take time, but it was the ultimate target to reduce the Indian population in South Africa to the irreducible minimum.

Meanwhile the policy of apartheid would be applied. It was a two-way traffic; not a case of superiority or inferiority but of difference. If that was not done, the friction and strain would be increased. It was in the interests of both sections that it should be applied. But it would have to be applied in fairness to all sections. The policy of apartheid aimed at the elimination of tension.

The matters raised in the memorandum would be discussed with the appropriate authorities, and everything possible would be done within the framework of the above mentioned policy of the Government.

The Minister also stated that the Indians would be given a chance to state their views on Part 1 of the Asiatic Land Tenure and Representation Act of 1946.

In rounding off the interview Mr. P.R. Pather while appreciating the Minister's frankness stated that the Indian by no means quiesced in the policy outlined by the Minister.

1948.16

RESOLUTION OF THE INDIAN NATIONAL CONGRESS, JAIPUR SESSION, 1948

The Congress has noted with deep regret that the Government of the Union of South Africa continues to treat its Indian citizens in disregard of acknowledged human rights and of the principles laid down in the Charter of the United Nations. That Government has ignored the wishes of the General Assembly of the United Nations and even challenged the fundamental principles on which the United Nations Organisation is founded. This repudiation of a vital principle, if persisted in, can only lead to bitter and far-reaching racial conflicts and may even result in the break-up of the United Nations Organisation. The Congress expresses its full sympathy with all those who have suffered by the policy of racial discrimination of the Government of the Union of South Africa.

| Source: Passive Resister, Johannesburg, February 6, 1948
| The statement was read by Dr. Naicker.
| Source: Passive Resister, Johannesburg, March 5, 1948
| From: Passive Resister, Johannesburg, March 5, 1948
| From: Passive Resister, Johannesburg, July 16, 1948
| The Nationalist Party, espousing apartheid, won the elections in May 1948.
| From: Passive Resister, Johannesburg, July 23, 1948

| From: Passive Resister, Johannesburg, July 23, 1948

1949.1

STATEMENT BY DR. Y. M. DADOO AT PRESS CONFERENCE IN LONDON,
JANUARY 25, 1949 |

Dr. Dadoo held a well attended press conference in London on Tuesday, the 25th of January 1949, at which he dealt with the features and causes of the recent Durban massacre, and placed primary and main responsibility for the pogrom on the shoulders of the extremely reactionary and fascist Government of Dr. Malan and the Nationalist Party.

Warning the United Nations he said: "The Durban massacre underlines in boldest manner the urgency for immediate action by the United Nations, if further and more dangerous calamities are to be averted".

Referring to the basic causes of grinding poverty, starvation, racial discrimination and the apartheid policy of the Malan Government, he stated "one cannot escape the conclusion that the outbreak here has the resemblance of organised attack that it was premeditated, although something went wrong with the timing, that a hidden hand of instigators lurks behind the events, that such events eminently suited the Government in order to weaken the growing opposition to the Government policy, that it may be used as a weapon to impose further repression on both Indian and African people, that the activities of the South African Protection League are calculated to foster and inspire, and get extended to other areas repetitions of what happened in Durban.

"The hands of the Malan Government are stained with the blood of innocent men, women and children. The Government and their racialistic supporters cannot escape their responsibilities."

He congratulated the leaders of the Natal and Transvaal Indian Congresses and the African organisations for having acted jointly together with commendable courage and despatch, to quieten the situation and afford relief to victims. He also paid tribute to sympathetic Europeans and the Red Cross for rendering yeoman services in supplying medical aid and foodstuff. "They have earned the deepest gratitude of non-white and all

democracy-loving people", he said. Pointing out the task before South African people Dr. Dadoo said:

"I make this urgent appeal to national organisations of African and Indian people to conduct an intensive organised drive and explain to the people the now situation, and to strengthen their organisational ties with the masses and to forge maximum unity for the struggle against apartheid and racial oppression and for full democratic rights. This united struggle must embrace all sections of South African people including all those Europeans who are against the policies of the present Government.

"While we welcome the announcement of the Government to appoint a judicial commission, we demand inclusion of African and Indian representatives. If we succeed in carrying out these tasks, we shall not only defeat fascist aims of the herrenvolk, but we shall also perform the historic role of transforming racist-ridden South Africa into a fully democratic state with equal rights and opportunities for all".

Dr. Dadoo expressed gratitude to the Government and people of India for their deep concern and anxiety and their powerful expression of sympathy with victims and their readiness to help in every possible way.

He announced that many enquiries have been made by British sympathisers at the South African Committee of the India League, as to the way in which they could morally and materially help and support.

"In response to their requests, a fund-raising committee is in process of being formed, and we have no doubt that the British people will respond generously. While all relief should be afforded victims, both African and Indian, it is equally important that every possible step should be taken to remove the basic causes which make such calamities possible. We therefore make earnest appeals to people and organisations in Britain to ask the British Government to support India's case against South Africa at the United Nations so as to bring to book the Government of South Africa for its racial and fascist policies".

1949.2

**"MARCH FORWARD, UNITEDLY, THROUGH STRUGGLE TO FREEDOM":
STATEMENT BY DR. Y. M. DADOO ON RETURN TO SOUTH AFRICA,
OCTOBER 1949 |**

"I am happy to be back in my homeland. I will have the opportunity to again take my full share in the struggle of all anti-Nationalists to overthrow the Malan Government and to establish a truly democratic State which will ensure full citizenship rights to every citizen."

These were Dr. Y. M. Dadoo's first words on arriving back in the Union last week from India, in defiance of threats of deportation and State action against him made by blustering Nationalists at their Party congresses.

Dr. Dadoo was denied a passport to the United Nations just over a year ago. During that year, travelling without a passport, Dr. Dadoo has enlisted support for the democratic cause in South Africa from Britain, Europe, India and Pakistan.

Interviewed by The Guardian the day after his return, Dr. Dadoo was emphatic that "every attack on the meagre rights of the Non-Europeans must be resisted."

"Every issue is a battleground on which the people must struggle for their existing rights and the extension of them.

"The Government must not be allowed to mow down one section of the people or get away with any single attack, no matter how small."

Dr. Dadoo said he wished to warn the Indian people that they had no justifiable grounds for survival in South Africa unless they made common cause with, and worked in the fullest cooperation with, the Africans and all oppressed peoples in the struggle for national liberation.

Dr. Dadoo said that the Smuts' policy of divide and rule had been to give occasional trivial concessions to one section of the people as against another, in this way trying to prevent the unity of struggle of the Non-Europeans. He continued:

"Malan's tactics are, with the aid of police intimidation, pressure tactics, and threats of violence, to scare the people into inactivity and to create groups of stooges who, to save their own skins, not only do not oppose the Government, but themselves preach a brand of apartheid among their own people and help to foster racial antagonisms.

"The people must not be duped by these attempted sell-outs. They must make short work of the enemies of a vigorous anti-Nationalist struggle.

"The people of South Africa must march forward, unitedly, through struggle to freedom and must take their place as proud fighters in the democratic camp of the world headed by the Soviet Union, People's China, the new democracies and hundreds of millions of toiling people advancing towards peace, freedom and socialism."

| Source: Press release of the Transvaal Indian Congress
| Source: The Guardian, Cape Town, October 20, 1949

JOINT STATEMENT ON THE DURBAN RIOTS, BY A.W.G. CHAMPION OF THE ANC (NATAL) AND DR. G.M. NAICKER OF THE NATAL INDIAN CONGRESS, 1949 |

The African National Congress and the Natal Indian Congress appeal to the African and Indian people of Durban to do everything in their power to prevent any further disturbances of the like which occurred yesterday.

We are deeply grieved that there should have been such a disturbance and that violence and disorder were prevalent to the detriment of large numbers of innocent African and Indian people. We strongly condemn the violence and sincerely appeal to our people to be calm.

We call upon our people to avoid congregating in the streets and public places and to remain indoors as far as possible, and to go straight to their homes after work in the normal manner. There should be no panicking and no violence and provocation must be resorted to.

We sincerely appeal for greater tolerance and understanding between our peoples.

We sympathise with all those Africans and Indians who received injuries as a result of yesterday's unfortunate incidents.

As leaders we appeal to our respective followers to assist in trying to discourage the wild and false talk which brought about this trouble.

STATEMENT ISSUED BY JOINT MEETING OF AFRICAN AND INDIAN LEADERS, FEBRUARY 6, 1949 |

This historic joint meeting of the representatives of the national organisations of the African and Indian people, representing the Executives of the African National Congress and the South African Indian Congress, and other leaders, held in Durban on this 6th day of February, 1949, expresses its regret, shock and horror at the recent tragic happenings in Durban and elsewhere in Natal, during which there has been considerable loss of life and destruction of property of members of both the African and Indian communities.

This meeting extends its deep and heartfelt sympathy to the relatives of all the victims of the unhappy tragedy and to all those who have suffered.

Whatever are the immediate causes which may have precipitated the outburst, and which are receiving the attention of this meeting, this meeting is convinced that the fundamental and basic causes of the disturbances are traceable to the political, economic and social structure of this country, based on differential and discriminatory treatment of the various racial groups and the preaching in high places of racial hatred and intolerance. Any disturbances such as the recent riots are therefore the fruits and results of such a policy as well as the responsibility of those who create and maintain such an artificial social framework.

In the light of this, this meeting calls upon our respective peoples -

(a) to view our problems in this perspective

(b) to devise ways and means for closer cooperation and mutual understanding through their national organisations

(c) to stand together in their fight for national liberation and their mutual political, economic and social advancement and security.

This meeting therefore directs its constituent bodies, particularly the African National Congress (Natal) and the Natal Indian Congress to constitute a joint council and to establish thereunder local committees to advance and promote mutual understanding and goodwill among our respective peoples.

For African National Congress

Dr. A.B. Xuma, President General

A.W.G. Champion, President (Natal)

C.S. Ramahanoë, President (Transvaal)

R.G. Baloyi, Treasurer-General

H. Selby Msimang, J.B. Marks, J. Malangabi, G. Makabeni, Moses M. Kotane, L.K. Ntlabati, O.R. Tambo

For South African Indian Congress

Dr. G.M. Naicker, President

A.I. Meer, Joint Hon. Secretary

J.N. Singh, Joint Hon. Treasurer

George Singh, Joint Hon. Treasurer

I.A. Cachalia, T.N. Naidoo, V. Lawrence, I.C. Meer, M.D. Naidoo, Debi Singh, Nana Sita, Y. Cachalia, G.H.I. Pahad

Other Indian and African leaders

Professor D.D.T. Jabavu

Rev. Z.R. Mahabane of the Orange Free State

N. Mkele, Observer, All African Convention

D.W. Moshe

S.B. Ngcobo

S.R. Naidoo (Cape)

T.B. Gwala

E.O. Msimang

A.N. Ntuli

J.G. Mgadi

| From: Karis, Thomas and Gwendolen M. Carter (eds.) From Protest to Challenge: A Documentary History of African Politics in South Africa 1882-1964. Stanford, California: Hoover Institution Press, 1972. Document 44.

| From: Karis, Thomas and Gwendolen M. Carter (eds.) From Protest to Challenge: A Documentary History of African Politics in South Africa 1882-1964. Stanford, California: Hoover Institution Press, 1972. Document 46.

1950.1

STATEMENT BY MADAME VIJAYA LAKSHMI PANDIT, CHAIRMAN OF THE DELEGATION OF INDIA, IN THE AD HOC COMMITTEE OF THE UNITED NATIONS GENERAL ASSEMBLY, NOVEMBER 14, 1950 |

Mr. Chairman and Honourable Members of the Committee:

This question of treatment of Indians in South Africa has come up before the United Nations several times and Honourable delegates are familiar with the facts. But permit me to refresh your mind by briefly restating them.

Nearly 300,000 persons of Indian origin reside in South Africa. Their forefathers emigrated to South Africa, mainly as workers but partly as traders between 1860 and 1911. The workers were brought into South Africa under definite agreements. An essential part of the agreement between the then Government of Natal and the Government of India was that these emigrants, once settled in South Africa, were to have the same rights and privileges as any other person and were to be governed by the same laws without any distinction. With regard to these settlers the then British Secretary of State for Colonies stated:

"They were to be free men in all respects with privileges no whit inferior to those of any other class of His Majesty's subjects resident in the Colonies."

But these promises have not been fulfilled and, although South African nationals, these persons and their descendents have been discriminated against on grounds of race and colour. Except in the Cape Province they have no right of parliamentary or municipal franchise; the right to own or occupy property is restricted to certain areas. They are shut out from holding offices in public services, they are prevented from becoming apprentices and from working as skilled labourers in factories. Free movement from one province to another is denied to them. They cannot freely enter into Universities and other places of learning. In short, they are denied fundamental rights and human freedoms in every sense of the term. Discrimination on the ground of race and colour is observed in the matter of entry into restaurants, theatres, cinemas, parks, motor vehicles and railway carriages. The passing of the Asiatic Land Tenure and Indian Representation Act of 1946 imposed on these unfortunate people an even more blatant kind of segregation in violation of the Union Government's agreements of 1927 and 1932 with the Government of India. This led to a complaint to the United Nations by the

Government of India in the year 1946. On December 8, 1946, the General Assembly passed the following resolution:

"The General Assembly

Having taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter,

1. States that, because of that treatment, friendly relations between the two member States have been impaired, and unless a satisfactory settlement is reached, these relations are likely to be further impaired:
2. Is of the opinion that the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter:
3. Therefore requests the two Governments to report at the next session of the General Assembly the measures adopted to this effect."

In pursuance of this resolution, the Governments of South Africa and India submitted reports and the following year the Political and Security Committee, after consideration of the reports, adopted on November 17, 1947, a resolution but as it was ruled that a two-third majority was essential, the resolution was not formally adopted by the Assembly.

In the year 1948 a new Government came into power in South Africa and the limited right of franchise given to the Indians under the Asiatic Land Tenure and Indian Representation Act was repealed.

The matter was again brought before the United Nations and the General Assembly after the fullest discussion passed the following resolution on May 14, 1949:

"The General Assembly

Taking note of the application made by the Government of India regarding the treatment of people of Indian origin in the Union of South Africa as well as of considerations put forward by the Union, and having examined the matter,

Invites the Governments of India, Pakistan and the Union of South Africa to enter into discussion at a Round Table Conference, taking into consideration the purposes and principles of the Charter of the United Nations and the Declaration of Human Rights."

Meanwhile territorial segregation had been extended by South Africa to trade and business by the enactment of the Asiatic Land Tenure (Amendment) Act, 1949, which prevented Asiatics from occupying new land or premises even for the purposes of business or trade in areas in which ownership and residence had already been prohibited.

In pursuance of the Assembly resolution India enquired on July 4, 1949, whether South Africa was agreeable to a Round Table Conference and if so when and where such a Conference might be held. On July 9, 1949, India sent a telegraphic protest against the above legislation as a further violation of the Charter and the Declaration of Human Rights. The reply of the Union Government, sent on July 13th, stated that unless a reasonable prospect was open for a solution satisfactory to the Union herself, such a discussion must be regarded as an interference in the domestic matters of an independent State and on this principle the Union Government could not countenance any compromise. Regarding the Charter of the United Nations and the Declaration of Human Rights, the Union Government maintained that these could "in no way be accepted as a determining factor in any treatment of the subject under discussion".

On July 21, 1949, India agreed by telegram to preliminary negotiations stating that the problem had international significance. South Africa replied by telegram on 14th September emphasising their basic approach. On September 22, 1949, India sent a telegram stating that in addition to the promulgation of the Asiatic Land Tenure (Amendment) Act, 1949, various other iniquities were being heaped on the Indian community and that these were not calculated to create a propitious atmosphere for the Conference as envisaged by the United Nations resolution and expressed the hope that South Africa would postpone or suspend such measure. After further exchange of telegrams, preliminary talks were held in February 1950.

The Indian community is the best judge of how measures already in existence or contemplated will affect its members. Living and dying in that country which is their only home, they have been greatly disappointed at the continuation of a situation full of bitter humiliation. They were therefore eager to clutch at any straw that offered hope and the proposed Round Table Conference was unanimously welcomed. But when the details of the Group Areas Act became known, the Indian community in South Africa despite previous eager interest in the proposed Round Table Conference asked the Government of India not to proceed with the Conference. In a telegram dated July 1, 1950, addressed to the Prime Ministers of India and Pakistan, the South African Indian Organisation said:

"There is now no point in holding the Round Table Conference. We respectfully request India and Pakistan to gracefully withdraw from conference. Our only hope is United Nations for firm and decisive action against Union Government. This terrible injustice perpetrated on Indian people will cause untold misery and bring economic ruin."

The South African Indian Congress sent similar telegrams urging the Government of India and the Government of Pakistan to withdraw from the proposed Round Table Conference.

But it was not only the Indian community in South Africa which considered that the enactment of the Group Areas Act rendered the holding of a Round Table Conference impossible. Even newspapers, not distinguished for championing of the Indian cause in South Africa, were constrained to admit that the introduction and enactment of the Group Areas Bill rendered the holding of the Round Table Conference impossible.

Commenting editorially on the Bill in a leading article "India and the Areas Bill", the Star of Johannesburg said on June 7, 1950:

"By introducing the Group Areas Bill at this stage and pushing it through Parliament with all its discriminatory provisions, the Union Government have not only forfeited the possibility of cooperation with India, but they have also laid the Union open to the imputation of bad faith. That argument will doubtless be exploited to the utmost when the Indian dispute again comes on the agenda of the United Nations. The Government, by their inordinate haste, have put the Union in the wrong and weakened still further its international position."

My delegation wishes to invite the attention of this Committee to the conciliatory approach of the Government of India throughout. Despite the universal feeling that the Round Table Conference had been sabotaged by the Group Areas Bill, the Indian Government first asked that the Bill be held up pending the results of the proposed Round Table Conference. In a later telegram they urged that the Round Table Conference should be convened immediately and not in October or November, 1950, which would be clearly after the Bill became law. The only reaction was that on May 26, Prime Minister Malan moved the application of the guillotine limiting the second reading of the Bill to 22 hours and all stages to 52 hours. It was further stated that South Africa could not hold the Round Table Conference before September 15th, by which time the Bill would have become law.

It was while moving the second reading of the Group Areas Bill, Dr. Donges, for the first time suggested that the principles of the Bill had been explained to the leaders of India and Pakistan during the Cape Town talks. This was denied by the Indian representative and the denial communicated to South Africa on July 6. Pakistan also stated that its leader had no recollection of any such conversation as was alleged by Dr. Donges.

It was only after the failure of these attempts to secure the holding of the Round Table Conference prior to the enactment of a Bill whose provisions prejudged the Indian case that the Indian Government informed the Union Government on June 6, 1950, that they had decided not to participate in the Round Table Conference whose convening had been agreed upon in February 1950. In communicating this decision to the Union Government, the Government of India pointed out: "Apart from the fact that these measures must spoil the atmosphere for the Round Table Conference, they leave no room for doubt that the Union Government are determined to... limit discussion at the conference to measures designed to reduce the Indian population in the Union". The Government of India added: "Such a conference could only be one-sided and could provide no solution of the problem that would be consistent with the aims and principles that the Government of India had throughout advocated."

I feel certain that an examination of this Act alone will convince honourable delegates that the Act and the policy of apartheid or total segregation, perpetuates racial arrogance

in a manner unprecedented even in a world which has grown familiar with racial doctrines in the last two decades.

I would like briefly to refer to the Group Areas Act. This Act is based on the recommendations made by two departmental committees appointed by the South African Government in 1948 to examine amendments considered necessary to the Asiatic Land Tenure Act, 1946. It will be recalled that that Act formed the basis of India's original complaint to the United Nations. These committees were not appointed for the purpose of removing or making lighter the restrictions on the Indian community imposed by that Act but for the purpose of adding to them: the Government was of the view that the restrictions and curtailment of basic liberties contained in that Act were not adequate and should be added to.

The joint report of these two departmental committees was partially published by the South African Government after the introduction of the Group Areas Bill, just before it was to be debated in the Union Parliament, but I shall not weary the Committee by quoting from it here.

The Group Areas Act (No. 41 of 1950) divides the entire population of the Union of South Africa into racial groups and allots to each race its own 'group area' in which only members of that particular race (whether individuals or formed into companies) can own or occupy land or premises. Outside the group areas, ownership is frozen and transfers of ownership other than between two persons of the same group can take place only if permitted by the Minister of the Interior at his discretion; while occupation is limited to members of the same group as the owner.

To begin with there will be three race groups: White, Native and Coloured. Indians fall into the Coloured group at present but are to be constituted shortly into a separate group. When this is done and Indian group areas are notified, their position regarding ownership, occupation and trade will be as follows:

In a group area assigned to a non-Indian group, say the White group, Indians cannot in future acquire any property. If an Indian owns property in such an area when it is declared a group area for Whites, he can sell it to a White person or hold it until his death when it will have to be sold to a White person, only the net proceeds going to his heirs. If an Indian company holds such property it must sell to a White person within 10 years, failing which it will be compulsorily sold by the Minister.

All Indians (individuals or companies) must cease occupation in the area on its conversion into a group for White persons. This is irrespective of whether the property is owned by such Indians or not. This involves the vacation not only of all residential accommodation but also of business premises on which Indians conduct business. At present Indian business is established in commercial sections of the towns where Indians carry on wholesale and retail trade. Owing to various restrictions which prevent Indians entering almost any skilled occupation or profession the Indian community is dependent for its economic well-being on commerce.

Values of property owned by Indians have fallen steeply on the passing of the Act. Europeans have already begun to make inquiries regarding the sale of existing Indian businesses in the expectation that they will have to be wound up soon. Credit facilities available to Indian businessmen have been contracted; loans for building are no longer given to them by building societies. These are indications of the drastic contraction of Indian business activity which is bound to result from the Group Areas Act.

One of the claims made for the Group Areas Act is that "it does not imply any discrimination between the various races in the Union, because restrictions imposed on one group are also applicable to the other groups and all will be treated alike". This cannot be taken seriously by any one conversant with the actual position in South Africa - but this is small consolation when one remembers that the Act has to be administered by a Government of Europeans - the only group with legislative power. No other group will have the slightest say with regard to the areas where the rest will be allowed to reside or trade.

This is the threat facing the Indian and African communities in South Africa today. There is an incorrect belief that what is now happening is only a continuation of difficulties complained of in the past. In actual fact it should be realised that what is now being attempted is the complete degradation of the indigenous and Indian population and the early extinction of the latter. The conduct of the South African Government has shown no evidence of the desire, at any time, to attempt a settlement of the problem in conformity with the resolution of the General Assembly. In fact, their whole attitude indicates a surprising indifference to the dignity and prestige of this world organisation.

The request on the part of India and Pakistan to stay legislation and to hold the Conference early was made with the sole purpose of securing discussion in a peaceful atmosphere conducive of successful results. If the Conference had been held in the atmosphere created by the Union Government, the result was a foregone conclusion. Under the circumstances, Sir, I submit India was justified in refusing to participate in the Conference. These are the facts.

I have no doubt that honourable members of this Committee are aware of the wider implications of a policy which imposes a permanent stigma of inferiority on almost half the human race. Is this the brand of Western civilisation which South Africa would present to a world striving to promote social progress and better standards of life in larger freedom?

We, the people of Asia, think of Western civilisation in terms of those great slogans that were devised to enlarge the area of human freedom - of the motto of the French revolution which has been an inspiration to millions, of the self-evident truths on which American democracy was founded and those inalienable rights which are propounded in the Declaration of Independence - of the great tradition of British justice, the most recent example of which was the peaceful transfer of power from Britain to India and Pakistan.

These are the pictures of Western civilisation that attract us. We would do much to strengthen and defend such a civilisation.

The Government of South Africa tells us that it is none of our business how it treats "Asians". Hitler alone told the world that it was entirely his business whom he chose to persecute within his country. He fought a war in support of his policies and lost. Exhausted and chastened the world has realised that if it is to remain free it cannot permit the existence of slavery within itself. None of us can now live in an ivory tower nursing our own special brand of prejudice while the storm outside gathers in intensity. Issues of the kind involved in this case add to the mounting tension which weighs us down and affects both our thinking and our actions, making it increasingly difficult to solve the main problem - that of peace and security for the world.

Mr. Chairman, no one knows better than I that situations as difficult and delicate as the one under discussion cannot be changed by a miracle. There is no magic formula which can give us a solution. Great tolerance combined with endless patience and endurance are required to continue efforts toward the ending of policies which, in my humble opinion, are as detrimental to those who formulate them as to their unhappy victims. This was the faith with which Mahatma Gandhi linked the problem of untouchability in India with our freedom struggle. Continuing discrimination against millions of men and women within the country disqualified a nation for freedom and foreign rule, he told us, and the first priority in his movement was given to the removal of untouchability. From that time we worked ceaselessly to end discrimination in every form and today the Constitution of the Indian Republic makes untouchability an offence punishable by law.

Nations as well as individuals are not always judged in terms of accomplishment alone, but in their desire and intention to move forward toward the goal - in the instance before us "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family".

On several occasions in the past, the General Assembly through its resolutions has reminded member nations that peace can only be safeguarded through the observance of human rights. As recently as November 3, 1950, the Assembly passed a resolution of far-reaching consequences. In this resolution entitled "Uniting for Peace", it is once again clearly set forth that peace is dependent on universal respect for human rights and fundamental freedoms. Since this resolution contains within itself all the arguments of the case I seek to present, I will request you to bear with me while I quote from Part E of the resolution which reads as follows:

"The General Assembly, in adopting the proposals set forth above, is fully conscious that enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations

intended to achieve the maintenance of international peace and security, and especially upon respect for the observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries."

The policy and conduct of the Government of the Union of South Africa, I submit, has not only not conformed to the spirit and letter of this resolution but is opposed to the Declaration of Human Rights and is a breach of the solemn undertakings and agreements entered into with the Government of India.

Speaking on the resolution quoted above, Mr. John Foster Dulles said:

"Too often in the past men have taken the false and superficial view that peace depended merely upon maintaining the status quo. The reality is that repression produces violent explosion unless the efforts at maintaining a peaceful order go hand in hand with efforts which advance the material, intellectual and spiritual welfare of mankind."

It is the violent explosion Mr. Dulles refers to, which threatens us in the present situation, unless we can secure the human rights for the people to whom they are denied. I cannot do better, Mr. Chairman, than to end with a quotation from another distinguished American delegate who recently said in a different connection:

"If we want peace in the world, we must see to it that the people - all the people - have a stake and interest in peace and freedom. Peace is not safe in any land when the ruling classes create conditions that make the people feel that they have nothing to lose but their chains."

The resolution I have submitted to the Committee is not presented with a view to embarrass member States. Its sole purpose is to find the way out of a situation which in its explosive aspects is full of danger, and to help strengthen the forces of democracy by the removal of conditions which are not only a violation of fundamental human rights but a complete nullification of the Principles and Purposes of the United Nations Charter to which we all owe allegiance.

My delegation has the honour to submit, Mr. Chairman, the following resolution:

"The General Assembly

Recalling its resolution of the 16th May 1949, relating to the treatment of people of Indian origin in the Union of South Africa,

Having considered the communication by the Permanent Representative of India to the Secretary-General of the United Nations dated the 10 July 1950,

Having in mind its resolution No. 103 (I) of 19 November 1946 against racial persecution and discrimination and its resolution No. 217(III) dated 10 December 1948 relating to the Universal Declaration of Human Rights,

1. Is of the opinion that the legislation recently enacted in the Union of South Africa under the title "The Group Areas Act", entails contravention of the Purposes and Principles of the Charter of the United Nations and the Declaration of Human Rights;
2. Notes with regret that this enactment and the policy of apartheid or total segregation on which it is based have prejudiced and rendered infructuous the recommendation contained in its resolution of 16 May 1949 to the effect that the Government of India, Pakistan and the Union of South Africa should enter into a discussion at a round table conference in the light of the Charter of the United Nations and the Declaration of Human Rights; and
3. Recommends to the Government of the Union of South Africa to take all steps necessary speedily to bring its treatment of the people of Indian origin in the Union of South Africa into conformity with the Purposes and Principles of the Charter of the United Nations and the Declaration of Human Rights, bearing in mind the vital importance of those principles to the securing of international peace as well as the strengthening of democratic forces throughout the world."

I reserve my right to deal with such point or points as may arise in the speeches of the delegates of the Union of South Africa or other delegates.

1950.2

STATEMENT BY MADAME VIJAYA LAKSHMI PANDIT, CHAIRMAN OF THE DELEGATION OF INDIA, IN THE AD HOC COMMITTEE OF THE UNITED NATIONS GENERAL ASSEMBLY, NOVEMBER 20, 1950, IN REPLY TO THE DEBATE |

Mr. President:

In my opening speech I gave a broad outline of the facts of the case before us. The distinguished delegate of South Africa has since made a number of allegations which my delegation has already denied and will emphatically refute every time they are made. He has also raised points to confuse the vital issue. I shall deal with them as briefly as possible.

In apportioning blame for failure to hold the Round Table Conference, the distinguished delegate of South Africa mentions the withdrawal of the Indian High Commissioner and the imposition of unilateral trade sanctions. This statement is incorrect. The withdrawal of the Indian High Commissioner had nothing to do with the

Round Table Conference, since it took place three years before the Conference was even proposed. It was, together with the trade ban, India's protest against the passing in South Africa of the Asiatic Land Tenure and Indian Representation Act of 1946. This Act, as the honourable delegates will remember, was the basis of India's first complaint in 1946 to the United Nations.

Dr. Donges has emphasised a passage in India's letter of July 11, 1949, to the United Nations in which it was stated that no reply to India's telegram of July 4th had been received. He interprets this as a charge of dilatoriness against South Africa and asks why the point was mentioned at all. Mr. Chairman, India's complaint has not been one of tardiness. On the contrary, her complaint is that South Africa's reply came swiftly in the form of a fresh piece of discriminatory legislation - the Asiatic Land Tenure Amendment Act, enacted by the Union Parliament on June 30, 1949, six weeks after the United Nations resolution of May 1949 recommending a Round Table Conference between India, Pakistan and the Union of South Africa.

Reference has been made to Prime Minister Nehru's alleged statement while the preliminary talks were being held in Cape Town in February, 1950, and which was incorrectly and incompletely reported in the South African press. The Government of India immediately clarified this in a telegram to the Union Government on February 10, 1950, and referring to the trade ban, quoted the Prime Minister as having said: "The Government of India are always prepared to remove the trade ban if the South African Government on its part suspended the action which led to the imposition of the ban..."

This surely cannot be construed as an attempt to wreck the prospects of the Conference. I repeat, therefore, that the failure to hold the Conference was not due to any action or statement made by my Government. It was entirely the result of the basic policy underlying the Group Areas Act which prevented the Government of India and Pakistan from finding any common meeting ground for achieving practical results.

The honourable delegate of South Africa complains that India has widened the issue before the Committee. The issue, Sir, has certainly been enlarged, but not through India's fault. The area of discrimination of South Africa has been consistently widened since India's first complaint to the United Nations in 1946 and has led, inevitably, to a widening of the complaint.

With regard to the Group Areas Act itself, Dr. Donges claims that unlike the Asiatic Land Tenure Act of 1946, this Act does not discriminate against Indians and its provisions as to group areas are applicable to all sections including Europeans - but as I pointed out in my opening speech, this claim cannot be taken seriously by any one conversant with the actual position in South Africa where the Act will be administered by a Government composed only of Europeans. Senator Brookes in the Union Senate said: "This is a racial Bill in which the White man is to divide up the land between himself and the others and he is to decide which part each shall have."

What it amounts to is that the Indians and the indigenous population will be virtually sealed in various places. They have no franchise and no voice in the administration. Their destinies are to be at the mercy of a Government whose acceptance of the principle of apartheid proves it unfit to render justice. The principle of apartheid, based as it is, on discrimination of race, is, I submit Mr. Chairman, diametrically opposed to every principle of the Charter and to the equal and inalienable rights of all members of the human family. Indeed, I am wondering whether the time has not come for a clear statement by the General Assembly without reference to any part of the world or to any specific issue, that a policy of racial segregation constitutes a grave threat to world peace. The amendment of Cuba to the joint resolution of Burma, India, Indonesia and Iraq emphasises this view and my delegation welcomes it.

India has been charged with making political capital out of the existing situation in South Africa. The issues involved in this case go far beyond the boundaries of India. The Indians in South Africa are merely the symbol in a matter involving the dignity and rights of more than half the human race. The distinguished delegate of Haiti has expressed this ably in his eloquent speech before this Committee.

Dr. Donges spoke of crooked pictures made by straight lines. It seems to me, Mr. Chairman, that the straightest lines are apt to become somewhat crooked to those who look at them through the distorting lens of racial prejudice. The coloured peoples of the world are sick of being viewed through such lenses. Asia and Africa are the nerve-centres of the world today, and the distinguished delegate for the United States has correctly described the situation as "a burning question which goes to the fundamentals of man's humanity to man". It also embraces, in my view, man's duty to man and neglect of that duty is a betrayal of those moral and spiritual values which are the foundation of civilised living itself. Asia and Africa have a right to demand that their voice be heard and listened to in defence of more than half the population of the world.

I would also like to sound a note of warning, Mr. Chairman, about the consequences which may result if these voices were disregarded.

If the actions of member nations are contrary to the Charter endorsed by them, the forces of distress and frustration spreading through Asia and Africa will assume a more dangerous form. In a world already divided by tensions and mutually suspicious groups, we can ill afford to alienate millions of people. The new world envisaged by the Charter must be the creation of the joint efforts of all races alike, and not even the most under-privileged must be denied the opportunity of contributing according to their ability. Policies based on racial discrimination violate and make a mockery of this ideal. It is for this reason my delegation opposed the basic purpose of the Group Areas Act which is the outcome of such policies. The distinguished delegate of Chile has brought out this point in his speech and my delegation is grateful to him for the clear and able manner in which he has done so. He has also pointed out that the two resolutions are complementary to each other, a view with which my delegation concurs.

The amendment of Ecuador, Mexico, Philippines and Uruguay to the joint resolution of Bolivia, Brazil, Denmark, Norway and Sweden makes that resolution more acceptable to my delegation.

Our resolution embodying as it does the fundamental principle at stake should logically be passed before the second resolution and the amendment thereto is put to the vote. The preamble to our resolution recalls previous resolutions and requires no explanation. The operative part has three sections. In the first it merely asks the Assembly to see if the treatment accorded by the Government of South Africa to people of Indian origin is in accordance with the Charter. The enactment of legislation, Sir, is the best evidence of the manner in which a government treats its people. Can any one who has examined the basic principle underlying the Group Areas Act say that it does not contravene the Charter and the Declaration of Human Rights? Why then should we hesitate to give joint expression to our view?

In the second part, the resolution notes that the policy of racial segregation rendered the Conference infructuous. Why should it have been necessary to rush through further discriminatory legislation on the eve of the Conference? Again, why have the resolutions of the General Assembly been defiantly rejected by the Union Government? The policy of apartheid is their answer. It cannot be denied, Sir, it is this policy of discrimination on grounds of race that has prevented the Round Table Conference from meeting. There can, therefore, be no possible objection against this part of the resolution.

The third part merely recommends.

Pledged as we are to the securing of international peace by the strengthening of democratic forces throughout the world, there can be no possible criticism of this resolution as a whole. I commend the resolution to the acceptance of this Committee.

On the joint resolution of Mexico, Philippines, etc., with the proposed amendments, my delegation has two points to make. Firstly, I do not think it would be practicable, having regard to the nature of the issues involved, to find a mediator who would be acceptable to all the parties concerned. Therefore, I would suggest that it be a commission of three persons, and not a mediator.

Secondly, I cannot agree to the proposal of the distinguished delegate from the U.S.A. that the reference to the non-implementation of the Group Areas Act in paragraph 3 of the amendment be dropped and a passage in appropriate terms be inserted in the report of the Rapporteur that this piece of legislation will be one of the subjects to be discussed at the Round Table Conference. What is the Round Table Conference to discuss, if the Group Areas Act is to continue meanwhile to be in force? Acceptance of this proposal will mean that India, as one of the parties to the Round Table Conference, agrees in advance to the principle of the measure. My Government cannot even for the sake of agreement accept that position which demolishes the very foundation for such a Conference.

Subject to these two conditions, namely the substitution of a commission for a mediator in paragraph 2 of the amendment, and the retention of paragraph 3 of the amendment in its present form - without the deletion of the second part - my delegation will vote for the second resolution if the amendments, both of Cuba and of the Philippines, etc., are incorporated therein.

Finally, I would suggest a roll-call vote on each paragraph of both the resolutions.

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RESOLUTION ADOPTED AT A CONFERENCE OF REPRESENTATIVES OF THE EXECUTIVE COMMITTEES OF THE ANC, SOUTH AFRICAN INDIAN CONGRESS, AFRICAN PEOPLE'S ORGANISATION, ANC YOUTH LEAGUE, COMMUNIST PARTY, AND TRANSVAAL COUNCIL OF NON-EUROPEAN TRADE UNIONS, MAY 14, 1950|

This emergency conference of representatives of: the African National Congress, the South African Indian Congress, the African Peoples Organisation, the African National Congress Youth League, the Communist Party of South Africa, the Transvaal Council of Non-European Trade Unions, meeting in Johannesburg on Sunday, 14th May, 1950, under the auspices of the African National Congress, after careful and serious consideration, of the full implications of the Unlawful Organisations Bill, is of the emphatic opinion that this bill is the most serious threat to the civil liberties of the eleven million people of the country.

The introduction of this Bill in Parliament by the present Government fully confirms our viewpoint that the Government of Dr. Malan is out to establish a totalitarian regime in the country, a regime, under which the freedom of organisation, freedom of speech, freedom of assembly and the freedom of the press will be totally destroyed. In fact with this Bill on the Statute Book, South Africa will become a fully fledged fascist State with all opposition to the racist policy of the Government declared unlawful at the instance of the Cabinet or a Minister. In particular, this Bill is directed against the underprivileged sections of the population, whose demand for justice and equality is sought to be stifled by this far reaching measure.

It is our solemn belief that liberty is the primary right of man and that it is the privilege of no racial group to prescribe limits or apportion shares in the distribution of it. Consequently it is the bounden duty of every South African who believes in basic human rights to express his strongest condemnation of this Bill which will bring further world condemnation of South Africa, our country.

This conference makes an urgent call to all South Africans, white and non-white to take each and every effective measure for the withdrawal of this Bill. The whole country must meet this grave challenge with unity of purpose and determination so that freedom is not totally extinguished in this country of racial oppression.

The national organisations present here jointly pledge themselves to take immediate steps to mobilise all sections of the South African people to offer concrete mass opposition to this vicious Bill with the aim of defeating it.

| From: Karis, Thomas and Gwendolen M. Carter (eds.) From Protest to Challenge: A Documentary History of African Politics in South Africa 1882-1964. Stanford, California: Hoover Institution Press, 1972. Document 77.

1951.1

NEW YEAR MESSAGE BY DR. Y. M. DADOO, PRESIDENT OF THE SOUTH AFRICAN INDIAN CONGRESS, JANUARY 1, 1951

Grave problems of life and death face us and the peoples of the world in the coming year. In the international field the imperialist warmongers headed by the United States are engaged in feverish activities to mobilise war materials and manpower to drown the world in the blood and destruction of war.

But the people of the world say otherwise. They want peace, they want freedom and independence, they declare that subjection of every form, of one country by another, of one nation by another, of one race by another, leads to human conflict and disaster, and must be wiped out.

There is no reason why the peoples of the Socialist countries should not live side by side and in peace and harmony with the peoples of the Capitalist countries. There is no reason why atomic energy, the greatest invention of mankind, should not be used for the betterment of humanity unprecedented in written history, instead of being used as a most satanic weapon of destruction as hoped for by the warmongers of the world.

It is, therefore, the sacred duty of the peoples of all countries to fight for peace, for the outlawing of the atom bomb, for the elimination of racialism and for the recognition to every country of the right to self-determination.

Apartheid

In order to fulfil this grave and sacred duty it is necessary for every South African to oppose every aspect of the policy of apartheid pursued by the Nationalist Party Government of Dr. Malan. During the last two years this government has enacted many pieces of legislation repugnant to democratic ways of life. During the next session of parliament which opens this month, the Coloured people, and indeed all the peoples of South Africa, face the gravest threat to their liberties.

The Malan-Havenga pact which threatens the Coloured franchise, is not merely a threat to the franchise rights of the Coloured people who have the right to vote, but it is also a most sinister attack on democracy as such.

The 48,000 Coloured voters in the Cape may lose the right of the common franchise, but it also paves the way for a fascist State in South Africa.

End of democracy

To allow the Cape Coloured franchise to go would not only mean an end to the era of liberalism in the Cape; it would mean the end to democracy as we know it in South Africa. It would mean not only one Witziesshoek, but hundreds of Witziesshoeks, where the legitimate demands of the African people for land and living space would be drowned in blood.

It would mean more and more forcible expulsion of the urban Africans to work as serfs and slaves on the farms of the Afrikaner herrenvolk. It would not only mean the greater oppression of the non-white peoples, but the slow but sure whittling away of the rights of vast sections of the European population. The rise in the cost of living not only affects the Non-European people, but the vast majority of the Europeans.

our tasks

And so our tasks for the coming year are clear.

1. In common with hundreds of millions of people throughout the world we must fight for peace, for the outlawing of the atomic bomb and all bacteriological methods of warfare, for the ending of all war propaganda, for the meeting of the big Powers for a peaceful settlement of all disputes.
2. The elimination of racialism and the abolition of all forms of racial discrimination in South Africa.
3. The abolition of the pass laws, police raids in locations, the granting of land for those who need it, the repeal of the Group Areas Act, the Population Registration Act, the Citizenship Act, the Suppression of Communism Act, the Immorality and Mixed Marriages Acts.
4. An end to apartheid tyranny, which includes discrimination of languages, citizenship rights and the establishment of a broederbond republic.

A Convention

To end apartheid tyranny in 1951 it is fundamentally necessary that a clarion call should go out from the African National Congress, representing vast sections of the South African population, for the calling of a National Convention in the immediate future; to bring together at a central conference representatives of all sections of the South African population, both white and non-white, in order to resolve on a programme which would oppose apartheid in every form, and work for the recognition of the human dignity and the basic human rights of all social groups of people in consonance with the principles and purposes of the United Nations Charter and the Declaration of Human Rights.

This is a question which merits the attention and consideration of all South Africans, and on this... will depend the future of South Africa.

1951 must see an end to apartheid tyranny. We fight for peace, democracy, and an end to exploitation of man by man on earth.

1951.2

TRANSCAAL INDIAN CONGRESS: WORKING COMMITTEE RESOLUTION,
FEBRUARY 15, 1951 |

This Working Committee of the Transvaal Indian Congress held on the 15th February, 1951, emphatically protests against the Government's action in introducing in Parliament the so-called 'Representation of Non-Europeans Bill', which purports to relegate the Non-Europeans and especially the Coloured people in the Cape Province to a separate voters roll.

This Committee is of the opinion that the Bill envisages the definite diminution of the existing franchise rights of the Non-European people of the Cape Province which they had continuously enjoyed for almost a century and that the Bill openly violates the pledges given to Non-Europeans in the Cape Province by the white rulers in South Africa from time to time.

This Committee feels that the progress of civilisation and the establishment of true democracy in South Africa are dependent upon the extension of democratic rights and equal franchise rights for all and not on their diminution or deprivation.

This Committee:

a) Reiterates its wholehearted support to the Coloured people in their active struggle for the preservation of their existing franchise rights;

b) Congratulates the Franchise Action Committee for the stand taken against the Bill; and

c) Calls upon the Indian people to give every possible assistance in this struggle of protest and resistance against the Bill.

1951.2A

TRANSCAAL INDIAN CONGRESS: WORKING COMMITTEE RESOLUTION,
FEBRUARY 19, 1951 |

This meeting of the Working Committee of the Transvaal Indian Congress, held at the Trades Hall, Johannesburg, on the 19th February, 1951, notes with grave apprehension the systematic deprivation of civil liberties, freedom of speech, assembly and movement and the elimination of the rule of law by usurping autocratic powers by the facist Nationalist Party Government in South Africa. The various Bills now before Parliament are designed to further degrade, exploit and humiliate the Non-European people of the country.

This committee warns the people of South Africa that the policy of depriving any one section of the people of their fundamental rights must inevitably lead to the ultimate extinction of any vestige of a democratic form of Government in South Africa.

It notes that resentment and opposition to racial oppression has led, as it must, to acute tension, which resulted in demonstration on the part of the people and even in the loss of life through the unprovoked action on the part of the armed Police.

The committee is of the opinion that in the face of a common danger all democratic minded people of South Africa must stop the sinister aim of the Government by offering firm and concerted resistance without fear and with full consciousness of their dignity and honour as human beings.

1951.3

LETTER FROM MANILAL GANDHI TO PRIME MINISTER D. F. MALAN, MAY 22, 1951; LETTER FROM MANILAL GANDHI TO THE MINISTER OF THE INTERIOR, T. E. DONGES, SEPTEMBER 5, 1951(?) AND ENCLOSURE

(NOTE: Some words in the letter to Dr. Donges, and one word in the last but one paragraph are illegible.)

MANILAL GANDHI
EDITOR, "INDIAN OPINION."

P/Bag, Phoenix,
Natal
May 22, 1951

Dr. D. F. Malan
The Hon. The Prime Minister,
The Union House of Assembly,
Cape Town.

Sir,

It is with an anguished heart that I venture to write this letter. The present policy of your Government in relation to the non-Europeans, I am sorry to say, is one which no self-respecting person can endure.

The Group Areas Act is perhaps its ugliest feature. It will ultimately lead to the political and moral degradation and to the economic ruination of all non-Europeans.

It is undemocratic that people who have no voice in the Government should be uprooted from places where they have been established for generations and dumped where the Government deems fit to dump them, utterly disregarding the feelings and sentiments of the people concerned. There is no such thing as security of tenure for them.

The Government's Apartheid policy which is being relentlessly enforced, deeply wounds the susceptibilities of the non-European people. The colour of his skin and the race to which he belongs, condemns the non-European to a status inferior to that of the European of the lowest strata. This, to say the least, is neither just nor equitable.

Whilst on the one hand you are directing your energies towards crushing Communism, on the other your policy of Apartheid would drive people towards Communism whether they wished it or not. The only way to prevent the spread of Communism and to regain respect for the European and his civilisation is to adopt a more liberal policy.

There is more than enough room in this God's good land for all the inhabitants to live in peace and happiness. Today every measure of the Government affecting the non-Europeans is symbolic of its hatred for the non-European. Fear and hatred seem to have utterly blinded them to be able to see and to appreciate realities.

Since the Government's policy has now been legally established it renders it possible to deprive members of the community to which I belong in particular and the non-Europeans in general, of their legally acquired property and to deny them all the amenities of civilised life merely on the grounds of race and colour, notwithstanding the fact that they, by way of rates and taxes, make their due contribution. The policy of no equality in Church or State for the non-white, a relic of the medieval times, is once again revived, given legal sanction and is rigidly put into practice.

I cannot, Sir, accept the view advanced that all these matters are of South Africa's domestic concern. They would have been so if everybody in South Africa had the vote. But most of us have no votes and measures are rapidly being taken to deprive those who partially enjoy it, and to render it as ineffective as possible. Our appeals to the Government therefore carry no weight.

The very fact that the nations of the world have found it necessary to establish and support organisations such as UNO, its subsidiary bodies and The International Court of Justice, proves that all people have certain rights, certain interests and certain obligations

in common, and that decisions arrived at on a narrow national level may have to be revised on appeal to the highest forum of the conscience of the world.

It is a matter of deep regret and concern to me that the Government of an enlightened country like South Africa should have dared to flout the decision of that forum.

In the words of the Very Rev, W.A. Palmer, the Dean of Johannesburg, "Have we not learnt that when human beings are denied the opporktunities of a full and free life there are potential sources of hatred and strife and ever widening circle of evil? The test of the political party in power is how far its practical policy is allied to applied Christianity and how far it stands up to the light of one elementary precept - "Whatsoever ye would that men should do unto you, do ye even so to them".

But even the teachings of Christ are interpreted to suit the whims and fancies of the present Government.

I claim, Sir, to be a law-abiding citizen of South Africa, but, as a believer in God as the supreme being - the king of kings who rules the whole Universe, I cannot see my way to abide by the laws that are wholly contrary to the moral law of God to which all living beings must owe allegiance.

What then is the duty of such an afflicted person? He must, I most humbly submit, in obedience to the higher law of God refuse to abide by the unjust, inhuman and moral laws of man and to suffer whatever penalty there may be in store for him. This, I maintain, is the duty of every person who considers self-respect to be above all things. In doing so he must bear no hatred or ill will towards his adversary; on the contrary he should prayerfully try by his self-imposed sufferings to change his heart. This, in all humility and with all due respect to you, Sir, I have pledged to do, with the fullest sense of my responsibility and I deem it my humble duty to inform you of the fact.

Unless I hear that you object I propose to send this letter to the Press for publication.

I have the honour to be, Sir,

Your most obedient servant,

MANILAL GANDHI
EDITOR, "INDIAN OPINION."

P/Bag, Phoenix,
Natal.
September 5, 1951

Dr. T. E. Donges,

The Hon. the Minister of the Interior
The Union Buildings,
Pretoria.

Sir,

I take the liberty of enclosing herewith for your kind perusal a letter which I had addressed to the Hon. the Prime Minister and a statement I had made in last April.

I need hardly tell you how deeply touched my own heart is and those of thousands of the non-Europeans of South Africa are at the humiliations imposed upon us by the Apartheid laws that have already been enacted by the Union Government and the Union Government's policy in regard to the non-Africans.

Anyone who has a speck of self-respect in him cannot for one moment tolerate such conditions.

I cannot point out to any specific grievance when we Indians in particular and the non-Europeans in general are branded by law as an inferior race and are judged not by our merits but by the colour of our skin and by the race to which we belong.

A change of heart is required in those who have the reins of the Government in their hands before things can improve and that can be brought about only by respectfully refusing to submit to pressures which do not stand the test of the moral law of God on which all laws should be based and to quietly suffer the consequences. In doing so one must not have the slightest disrespect for the person or persons responsible for such measures.

One who takes such a stand must depend solely on one's spiritual strength because he eschews all forms of physical violence.

I wish to humbly submit that I have pledged myself to follow this path and shall invite all who think and feel as I do to follow me.

I have the honour to be, Sir,

Your obedient servant,

I cannot bear seeing thousands of men, women and children thrown out in the streets in cold blood, as has been decided to do by the Durban City Council and has already been

done by certain firms simply because the men stayed from work for a day to demonstrate their protest against laws vitally affecting their community and aiming at virtually degrading them to the level of sub-humans and ruining them politically, socially, economically and morally, although in the passing of which, they had no voice and which formed the subject of a bitter controversy in the Legislative Assembly and still they were rushed through in the teeth of the strongest opposition of the people concerned, by a majority of only a few votes.

According to the principles of democracy it would be no crime, but a duty to voice one's protest against such harsh, unjust, and immoral laws. Hence it was a duty the Municipal employees owed to themselves and to their community. Moreover, every European who has the right to vote must surely in some degree share the responsibility of passing these measures and therefore it was equally their duty, at least not to deny those who considered themselves grieved, the right to voice their protest and to encourage them to do so as they did, in a peaceful and dignified manner. If the City Council and the other employees concerned were not in sympathy with the employees and considered their action wrong surely it was not so serious a crime as to call for such inhuman punishment. It should have sufficed to deduct a day's pay from their wages. The injustice done to them is considerably graver than their supposed crime and the Mayor, Councillor Len Clarke has only added insult to injury by making irresponsible and mischievous statements, thus offending the sentiments of the whole Indian community. I refer particularly to where he said he had read a report from India that Indians endeavouring to control the Eastern sea board of Africa and that he could not help feeling that Durban was included as part of a "long term plan". This was an indictment against Indians without any foundation whatsoever and was bound to poison the minds of the vast majority of the unthinking Europeans who had already been prejudiced against the Indians by untruths and half truths spread about them by anti-Indian propagandists.

My conscience tells me that I cannot just be a silent spectator of such inhuman treatment, coupled with the Groups Areas Act which has now been promulgated.

I wish to make it quite clear that I am not a Communist and do not indulge in any communistic stunts. I have nothing but goodwill for South Africa where I have spent practically the whole of my life. I believe the ills suffered by the non-Europeans can be removed by ourselves. No appeals to the outside world will help unless we help ourselves.

I most reluctantly had to sever my connection with our Congress because I found Communistic influences having sway over it. Not that there is anything inherently wrong in communism, but I cannot associate with an ideology which has no place for Truth and God and whose principle is a negation of all principles. Nor have I seen my way to associate with the other political organisation viz. the Indian Organisation as I feel that it is following a defeatist policy which is neither creditable to the community they claim to represent nor to the fair name of South Africa. I believe it to be a suicidal policy. The only course open for me then is to plough a lonely furrow and if I am truthful, honest and sincere I am sure God will be with me and He will guide me and all those in whose

interests I am working. I believe I am working as much in the interests of South Africa as I am in the interests of the oppressed non-Europeans. I am not out to make any extravagant demands for full equality with the White man, though I do believe it must ultimately be conceded. It is fallacious for the White man to believe that he will rule supreme till eternity. He cannot hold back the law of evolution however much he may try to do so. The more obstinate he becomes in denying the equality the more he is hastening the day when it will be snatched from him. The non-Europeans generally do not seek to assume the power to rule, if the rulers will only rule justly and benevolently. If they do not, the non-Europeans will naturally be drawn towards Communism and the rulers will have to blame none but themselves.

I wish to concede that residential separation of Europeans and non-Europeans in the present circumstances is necessary, but it cannot be enforced by law. It exists instinctively without being enforced by law, and it will always exist if housing and civic amenities are adequately provided. Hostility must arise when these are not provided or there is partiality in providing them and an attempt is made to forcibly enforce separation as is now sought to be done, under the Group Areas Act, which is the outcome of the Government's policy, of Apartheid. It is a vicious policy which will never succeed. It will only breed hatred between the races and the results will be disastrous.

The Group Areas Act imposes a stigma of inferiority on the non-Europeans; it interferes with the natural freedom of the human being and with the rights he has legitimately acquired. That a person who has legitimately acquired property by his own hard-earned money and is settled there with his family should now be thrown out of his own home bag and baggage, to build up a place for him to reside elsewhere; that his heirs should be deprived of the benefit of his own property; that he should be disturbed and molested in his private life at any hour of the day or night; that a person who has been carrying on his trade for a considerable number of years without a single black mark should, just because of his colour or race, be deprived of his legitimately acquired means of livelihood; that he may be denied the right of freedom of movement - all this which forms part of the Group Areas Act is to say the least, outrageous. No human being worth his salt can tolerate such a living death. Of course in principle the law equally applies to the Europeans and one would expect that as freedom and democracy loving people it should seem outrageous to them as it is to the non-Europeans. But if they are prepared to sell a principle for loaves and fishes then they are the most favoured group in the Group Areas Act, and they can therefore, if they choose, remain complacent. But in doing so they will be denying God.

The whole trouble in South Africa is that non-Europeans have been made pawns in the name of party politics which is far from good government, not to speak of democratic Government. In fact there is no such thing as democracy in South Africa, unless White democracy can be called democracy. But democracy or no democracy let there be at least good government and the governed will remain contented until such time that prejudices born of wilfully created misunderstandings disappear by proper education and all human beings are treated alike as children of one God.

In the meantime the governed have an uphill battle to fight. They must prove their worth by showing an unlimited capacity to suffer by refusing without bearing any ill-will towards the rulers, to obey their unjust and immoral laws and quietly submitting to the penalty thereof. In doing so they will be obeying the higher law of God. They will have to know whether they will be governed by God or ruled by tyrants.

It is with this attitude of mind that I have come to the conclusion that I must set an example by my own action. Hence as from the 1st of August I intend going into action. I propose to do so by violating the apartheid policy of the Government in the manner stated above. In doing so I do not in the least desire to disturb the public. My fight will be directed against the unjust and immoral laws to which we are subjected. In this I humbly wish to enlist the sympathy and the blessings of all God-fearing and justice-loving people of South Africa.

1951.4

REPORT OF THE JOINT PLANNING COUNCIL OF THE AFRICAN NATIONAL CONGRESS AND THE SOUTH AFRICAN INDIAN CONGRESS, NOVEMBER 8, 1951

To the President-General and members of the Executive Committee of the African National Congress and the President and Councillors of the South African Indian Congress:

WHEREAS the African National Congress, at the meeting of its National Executive, held on 17th June 1951, decided to invite all other National Executives of the national organisations of the Non-European people of South Africa to a Conference to place before them a programme of direct action, and,

WHEREAS a Joint Conference of the National Executives of the African National Congress and the South African Indian Congress and the representatives of the Franchise Action Council (Cape) met at Johannesburg on the 29th July, 1951, and

WHEREAS it was resolved at the aforesaid Conference:

(1) to declare war on Pass Laws and Stock Limitation, the Group Areas Act, the Voters' Representation Act, the Suppression of Communism Act and the Bantu Authorities Act;

(2) to embark upon an immediate mass campaign for the repeal of these oppressive laws, and

(3) to establish a Joint Planning Council to coordinate the efforts of the national organisations of the African, Indian and Coloured peoples in this mass campaign.

NOW THEREFORE, the Joint Planning Council, as constituted by the foregoing resolution, have the honour to report to the African National Congress and the South African Indian Congress as follows:

1

We, the undersigned, were constituted into a Joint Planning Council in terms of the resolution adopted at the Joint Conference of the Executives of the African National Congress and the South African Indian Congress and the representatives of the Franchise Action Council of the Cape, held at Johannesburg on the 29th July, 1951. Dr. J. S. Moroka, the President-General of the African National Congress, was elected as the Chairman and of the four remaining members of the Council, two each were nominated by the executive organs of the African National Congress and the South African Indian Congress.

2

We are, in terms of the resolution mentioned above, charged with the task of coordinating the efforts of the national organisations of the African, Indian and the Coloured peoples in a mass campaign agreed upon at the Joint Conference for the repeal of the Pass Laws, the Group Areas Act, the Voters' Representation Act, the Suppression of Communism Act, the Bantu Authorities Act, and for the withdrawal of the policy of stock limitation and the so-called rehabilitation scheme.

3

Having given due and serious attention to the task before us, we have great pleasure in recommending the following plan of action to the African National Congress and the South African Indian Congress for consideration and decision at their forthcoming annual Conferences.

4

The African National Congress, in Conference assembled at Bloemfontein on the 15th-17th December, 1951, should call upon the Union Government to repeal the aforementioned acts by not later than 29th February, 1952. This call should be supported by the Conference of the South African Indian Congress and by all other democratic organisations which find themselves in full agreement with it.

5

In the event of the Government failing to take action for the repeal of these Acts which cannot be tolerated by the people any longer, the two Congresses will embark upon mass action for a redress of the just and legitimate grievances of the majority of the South

African people. It is our considered opinion that such mass action should commence on the 6th April, 1952, the Van Riebeeck Tercentenary. We consider this day to be most appropriate for the commencement of the struggle as it marks one of the greatest turning points in South African history by the advent of European settlers in this country, followed by colonial and imperialist exploitation which has degraded, humiliated and kept in bondage the vast masses of the non-white people.

Or, alternatively, on June 26th, 1952. We consider this day equally as significant as April the 6th for the commencement of the struggle as it also ranks as one of the greatest turning points in South African history. On this day we commemorate the National Day of Protest held on 26th June, 1950, the day on which on the call of the President-General of the African National Congress, Dr. J. S. Moroka, this country witnessed the greatest demonstration of fraternal solidarity and unity of purpose on the part of all sections of the Non-European people in the national protest against unjust laws. The 26th June was one of the first steps towards freedom. It is an historical duty that on this day we should pay tribute to the fighting spirit, social responsibility and political understanding of our people; remember the brave sacrifices of the people and pay our homage to all those who had given their very lives in the struggle for freedom.

Although we have suggested two alternative dates, the Joint Planning Council strongly favours the earlier date as it considers that three calendar months would give the people ample time to set the machinery of struggle into motion.

6

With regard to the form of struggle best suited to our conditions we have been constrained to bear in mind the political and economic set-up of our country, the relationship of the rural to the urban population, the development of the trade union movement with particular reference to the disabilities and state of organisation of the non-white workers, the economic status of the various sections of the non-white people and the level of organisation of the National Liberatory movements. We are therefore of the opinion that in these given historical conditions the forms of struggle for obtaining the repeal of unjust laws which should be considered are:

- (a) defiance of unjust laws; and
- (b) industrial action.

7

In dealing with the two forms of struggle mentioned in paragraph six, we feel it necessary to reiterate the following fundamental principle which is the kernel of our struggle for freedom:

All people irrespective of the national groups they may belong to, and irrespective of the colour of their skin, are entitled to live a full and free life on the basis of the fullest

equality. Full democratic rights with a direct say in the affairs of the Government are the inalienable rights of every individual - a right which in South Africa must be realised now if the country is to be saved from social chaos and tyranny and from the evils arising out of the existing denial of franchise rights to vast masses of the population on grounds of race and colour. The struggle which the national organisations of the Non-European people are conducting is not directed against any race or national group but against the unjust laws which keep in perpetual subjection and misery vast sections of the population. It is for the transformation or creation of conditions which will restore human dignity, equality and freedom to every South African.

We believe that without realisation of these principles, race hatred and bitterness cannot be eliminated and the overwhelming majority of the people cannot find a firm foundation for progress and happiness in South Africa.

It is to be noted, however, that the present campaign of defiance of unjust laws is only directed for the purposes of securing the repeal of those unjust laws mentioned in the resolution of the Joint Conference.

8

Plan of Action. We recommend that the struggle for securing the repeal of unjust laws be Defiance of Unjust Laws based on non-cooperation. Defiance of unjust laws should take the form of committing breaches of certain selected laws and regulations which are undemocratic, unjust, racially discriminatory and repugnant to the natural rights of man.

Defiance of Unjust Laws should be planned into three stages - although the timing would to a large extent depend on the progress, development and the outcome of the previous stage. Participation in this campaign will be on a volunteer basis, such volunteers to undergo a period of training before the campaign begins.

Three stages of Defiance of Unjust Laws:

(a) First Stage. Commencement of the struggle by calling upon selected and trained persons to go into action in the big centres, e.g., Johannesburg, Cape Town, Bloemfontein, Port Elizabeth and Durban.

(b) Second Stage. Number of volunteer corps to be increased as well as the number of centres of operation.

(c) Third Stage. This is the stage of mass action during which, as far as possible, the struggle should broaden out on a country-wide scale and assume a general mass character. For its success preparations on a mass scale to cover the people both in the urban and rural areas would be necessary.

9

Joint Planning Council. In order to prosecute and put into effect the plan of Defiance of Unjust Laws and in order to coordinate the efforts of the various national groups, as well as of the various centres, both urban and rural, it will be necessary for the Planning Council from time to time to make recommendations to the Executive Committees of the national organisations who will jointly conduct, prosecute, direct and coordinate the Campaign of Defiance of Unjust Laws as agreed upon by the Conference of the African National Congress and supported by the Conference of the South African Indian Congress. The Council must be empowered:

- (a) to co-opt members to the Council and fill vacancies with the approval of the Executive Organs of the African National Congress and the South African Indian Congress.
- (b) Invite representatives from Non-European organisations which are in full agreement with, and active participants in, the campaign, to serve as non-voting members of the Council.
- (c) To frame rules and regulations for the guidance of the campaign for approval by the National Executive.
- (d) To set up provincial, regional and/or local councils within the framework of the existing organisations.
- (e) Issue instructions for the organisation of volunteer corps and frame the necessary code of discipline for these volunteers.

10

Under the direction of the Joint Executives, a provincial, regional or where possible local council will have the primary task of organising and enrolling volunteers into volunteer corps on the following lines:

- (a) A leader to be in charge of each volunteer corps for the maintenance of order and discipline in terms of the "code of discipline" and for leading the corps into action when called upon to do so.
- (b) Corps to consist of members of both sexes.
- (c) The colours of the African National Congress - black, green and gold - shall be the emblem of the Volunteer Corps.
- (d) Each unit of the Volunteer Corps shall consist of members of the organisation to which they belong, viz., ANC, SAIC, FAC. The Coloured organisations in the provinces of Natal, the Orange Free State and the Transvaal, participating in the campaign with the approval of the Joint Planning and Directing Council, shall also be allowed to form units of the Volunteer Corps.

(e) In certain cases, where a law or regulation to be defied applies commonly to all groups, a mixed unit may be allowed to be formed of members of various organisations participating in the campaign.

11

Laws to be tackled. In recommending laws and regulations which should be tackled we have borne in mind the Laws which are most obnoxious and which are capable of being defied.

The African National Congress

Insofar as the African National Congress is concerned, the laws which stand out for attack are naturally the Pass Laws and the Regulations relating to Stock Limitation.

Method of Struggle on the Pass Laws:

(a) A Unit of Volunteer Corps should be called upon to defy a certain aspect of the Pass Laws, e.g., enter a location without a permit. The Unit chosen goes into action on the appointed day, enters the location and holds a meeting. If confronted by the authorities, the leader and all the members of the Unit court arrest and bear the penalty of imprisonment.

(b) Selected leaders to declare that they will not carry any form of passes including the Exemption Pass and thus be prepared to bear the penalty of the law.

(c) Other forms of struggle on the Pass Laws can also be undertaken depending on the conditions in the different areas throughout the country.

Rural Action

Whilst the Volunteers go into action on the Pass Laws in the urban areas, the people in the rural areas should be mobilised to resist the culling of the cattle and stock limitation.

(a) Stock Limitation: People in the rural areas to be asked not to cooperate with the authorities in any way in culling cattle or limiting livestock.

(b) Meetings and demonstrations to be held.

(c) Regional Conferences: Such Conferences in the rural areas should be called to discuss the problems of the people and to decide on the most suitable form of Defiance of Unjust Laws in the area.

The South African Indian Congress

Insofar as appropriate action by the South African Indian Congress is concerned, the conditions and effects of the laws vary in the three provinces, but we submit the following for the consideration of the South African Indian Congress:

- (a) Provincial barriers
- (b) Apartheid laws such as segregation in trains, post offices, railway stations, etc.
- (e) Group Areas Act - if and when possible.

The Franchise Action Council

- (a) General apartheid segregation in post offices, railway stations, trains, etc.
- (b) Group Areas Act - if and when possible.

Both (a) and (b) will apply to the Coloured people in the other provinces as well.

In the Cape a strong possibility exists of having mixed units rather than having separate national organisation units.

12

The Population Registration Act

During the conduct of the campaign it should not be forgotten that the Government is preparing the machinery for the enforcement of the Population Registration Act. This Act is repugnant to all sections of the people and the campaign must pay particular attention to preparing the volunteers and instructing the masses of the people to resist the enforcement of this Act. The campaign on this Act may well take the struggle from stages one and two into stage three of mass action.

13

We cannot fail to recognise that industrial action is second to none, the best and most important weapon in the struggle of the people for the repeal of the unjust laws and that it is inevitable that this method of struggle has to be undertaken, at one time or another, during the course of the struggle. We also note that in the present-day South African conditions, the one-day protests on May 1st and June 26th, 1950, and the one-day protest in the Cape on May 7th, 1951, against the Separate Representation of Voters' Bill, demonstrated the preparedness of the people to undertake this form of struggle with no mean success. We are nevertheless of the opinion that in this next phase of our campaign lawful industrial action should not be resorted to immediately, but that it should be resorted to at a later stage in the struggle. In this new phase of the campaign a sustained form of mass action will be necessary which will gradually embrace larger groups of people, permeate both the urban and the rural areas and make it possible for us to

organise, discipline and lead the people in a planned manner. And, therefore, contrary to feelings in some quarters, we are not keen to advocate industrial action as the first step, but only as a later step in the campaign against unjust laws. It should be noted, however, that our recommendations do not preclude the use of lawful industrial action during the first stage provided that conditions make its use possible on a local, regional, provincial or national scale.

14

It is apparent that the plan of action herein outlined cannot be put into effect without the necessary funds to back it. It is also apparent that no body of men can sit down and work out a budget estimate for such a vast national undertaking. Suffice it to say that a full scale campaign will require thousands of pounds. Conscious of this essential requirement, we recommend with some confidence that if the African National Congress and the South African Indian Congress undertake to launch a "One Million Shilling Drive", it can sustain the campaign. The drive should be conducted under the slogan: "One Million Shillings by the end of March 1952 for Freedom".

National pledge

This Council is strongly of the opinion that an inspired National Pledge should be issued which could be read out at public, factory and group meetings and repeated by all those present. A special day, e.g., April 6th should be set aside so that special meetings are called everywhere, in towns, villages, and hamlets, in factories and locations, and special church services be held on this day, where the National Pledge could be publicly read out. This day or any other day which the Conference of the African National Congress sets aside for the purpose should be called "The National Day of Pledge and Prayer".

(Sd.) J. S. MOROKA
(Chairman)

Y.M. DADOO
Y. CACHALIA
(Representatives of the
South African Indian Congress)

J.B. MARKS
W.M. SISULU
(Representatives of the African National Congress)

Thaba `Nchu

November 8th, 1951

| SOURCE : F. No. 93-1-51, HCI , SA.
| SOURCE : F. No. 93-1-51, HCI , SA.

1952.1

PRESIDENTIAL ADDRESS BY DR. Y. M. DADOO TO THE TWENTIETH SESSION
OF THE SOUTH AFRICAN INDIAN CONGRESS CONFERENCE,
JOHANNESBURG, JANUARY 25, 1952 |

Ladies and Gentlemen,

We assemble at this 20th session of the South African Indian Congress Conference at the most vital hour in the history of our land - at a period of grave crisis - at a time when the Indian, African, Coloured and all democracy-loving peoples of our country face the most vicious onslaught on their rights, liberties and indeed, their very existence.

Meeting as we do, so soon after the momentous Conference of the African National Congress, which has given a direct and practical lead to the entire country, we are entrusted with the grave historical task of coordinating our efforts in the decisive struggle for the abolition of these evil laws which are aimed at destroying all human progress.

The Plan of Action for the Defiance of Unjust Laws adopted by the African National Congress Conference must therefore engage the serious and considered attention of Conference.

This plan arises out of the hard realities of the situation in South Africa, the rest of the continent of Africa and of the world. The plan cannot be divorced from the most serious question which faces the whole of humanity, the question of peace or war. If indeed it were so divorced - and it is not - the plan would be unreal and most certainly ineffective. We must therefore examine the developments that have taken place in the international field.

War clouds

Since our last Conference the danger of world war has not receded. Korean hostilities are not yet at an end: truce negotiations at Pan Mun Jon have been bogged down. The colony-owning Powers, with the aid of American arms and dollars, are conducting what is virtually a full-scale war against the gallant peoples of Malaya and Viet Nam who wage a heroic struggle for the freedom and independence of their countries.

In spite of all attempts to outlaw the atom bomb, atomic scientists in the Western world have been charged with the task of building better and more destructive atom bombs. Rearmament programmes involving huge percentages of the incomes of many countries, and having deleterious effects on the living standards, health and welfare of the people as

a whole, are being speeded up at a terrific rate. The imperialist warmongers, especially in the United States, are making feverish attempts to build up the war machine, pile up armaments and stockpile basic raw materials for use in a third world war which they are trying to foist on the world.

Humanity wants peace

Yet the common people of the world have no desire to be cannon fodder, to see their homes and all that has been built for the good of humanity through centuries of toil destroyed by the madness of war. They want peace above all. The horrible and terrifying experiences of the last war are still fresh in their minds. The people of Europe, having lived under the nightmare of Nazism, and having emerged from the rack and ruin of five long years of the most cruel war in history, want peace. The teeming millions of the people of Asia who for centuries have been crushed under the iron heel of imperialism and who have lived through the brutalities of Japanese militarism, want peace. They desire to establish their newly-won freedom on a firm foundation so as to bring progress and happiness to their countries.

The vast masses on the continent of Africa whose forefathers were sold as slaves by the advancing imperialists and who are bearing the heavy and costly burden of colonial exploitation, also want peace. They do not want the imperialists to turn this continent with its unlimited resources of raw material and human labour into a military and economic base. They want peace because war will be a severe setback to the great struggles for freedom and independence which are being waged by the African people throughout Africa, from North to South.

This intense desire for peace has found concrete shape in the campaign for a Five Power Peace Pact, which has already been supported by nearly half of the human race - by the peace-loving people of the Soviet Union, the People's Democracies, the People's Republic of China and the Western world, the Middle and Near East, America and Africa. It is indeed due to the vigilance and active fight for peace on the part of the common peoples everywhere that a third world war was averted in 1951.

Recognise China

It is our pleasant task to greet the new Republic of China as one of the most important factors in the fight for peace and in the struggle of colonial peoples for their liberation. It is indeed a tragic commentary on the foreign policy of the United States of America that it has so far prevented this great and mighty Republic from taking a rightful place in the United Nations Organisation as a power for peace. We must continue to demand in common with the rest of the people of the world that the new People's Republic of China be accepted as a member of the United Nations and that the farce of the now defunct Chiang Kai-shek regime appearing at this World Assembly be ended once and for all.

Asia and Africa - the doom of colonialism

We welcome the struggles of the Persian and Egyptian people to bring to an end foreign exploitation and military intervention in the affairs of their countries.

We are following with deep interest the general elections which are now taking place in the young Republic of India in which nearly 200 million men and women who not so long ago were helots under imperialist rule, are for the first time casting their vote as free citizens. The people in the Republic of India and the Dominion of Pakistan are destined to play their full share in the fight for peace and the progress of humanity.

On the continent of Africa, despite obstacles of colonial oppression, the people of Gold Coast have made far-reaching advances towards self-government. The people of Nigeria are also making steady progress towards their objective of national liberation. We also note with deep gratification the great advances of the trade union and national liberation movements in the Rhodesias, Kenya, Tanganyika, Nyasaland, Uganda, French Equatorial Africa and other territories in North Africa.

The people of Africa are astir and the colonial Powers will do well to recognise their legitimate demands for freedom in good time, lest they have to bear the same bitterness and conflicts they experienced on the continent of Asia. The era of colonialism is fast coming to an end. This has also been underlined by the Trusteeship Committee of the United Nations` call to colonial Powers to set down a date for the declaration of independence of the mandated territories. The year 1952 must set a new high water mark in the struggle against colonialism and imperialism and against discrimination of all kinds.

It is in this vista of international developments that we must review the situation in our own country and adopt that course of action which will assure the end of all the evil forces which are making life an unbearable misery for vast sections of the South African people.

300 years of white rule

This year 1952 marks the tercentenary of the first Europeans to settle in South Africa. The European settlement changed the course of South African history. It was no mere accident: it was the birth of imperialism which carried the men of Portugal, Holland, France and Britain to far-flung parts of the world and brought the teeming millions of Asia, Africa and America under colonial subjugation.

During the 300 years of European domination and imperialist exploitation of South Africa a whole caste structure has been built up, designed at keeping the Non-white population in a perpetual state of helotry so that they must remain the hewers of wood and drawers of water. As the demand for cheap labour for the gold-mining industry and the European-owned farms grew, the Land Act was introduced in order to confine four-fifths of the South African population to one-thirteenth of the land surface; the Urban Areas Act and the pass and permit regulations were promulgated to control rigidly the freedom of movement of the African people so that they could be forced to find work in

the mines and on the farms. The system of colour bars and racial discrimination, which ignore the principles of justice and equality in human relationships, became the order of the day. Thus it is that, robbed of opportunities for economic, cultural and educational advancement and deprived of any political rights, vast sections of the Non-European people today are living in abject poverty and misery.

This tercentenary of Van Riebeeck therefore has nothing in it to make the Non-European feel proud or to make him raise his head high and look upon the history of the last 300 years with any sense of glory.

In opening the Van Riebeeck Festival at Ohrigstad, the Prime Minister, Dr. Malan, said that the Festival had come as a clarion call to all population groups in the Union to assume, by word and deed, their partnership in South African nationhood, and to contribute, each on its own behalf, its share towards the upholding of the nationhood.

This call of Dr. Malan can have no real meaning or value in the present set-up and conditions in our country. Partnership implies equality of responsibility as well as obligations and is impracticable in the absence of full democratic rights for all.

It is self-evident that the declared policy of apartheid which the Government has ruthlessly pursued during its three and a half years of office has brought our country to the brink of national disaster. The legislation already placed on the Statute Book by the Nationalists, if fully implemented, would undoubtedly turn our country into a fully-fledged fascist State.

Apartheid means fascism

A careful analysis of the legislation so far enacted by the Nationalist Government makes the whole trend of Nationalist policy perfectly clear. The Nationalists want to maintain white "baaskapism" at all costs, and that can only be done by the adoption of fascist techniques and methods.. The Government is attempting therefore not only to halt further advances towards democracy but even to curb and destroy whatever little democratic rights and privileges exist at the moment. The Government is endeavouring to divide the multi-national population of the country into separate racial groups. It wants to reverse the progress of the African people by sending them back into the days of tribalism, it wants to split the organised might of the workers by dividing the trade union movement on a racial basis, thereby weakening the power of the workers to bring about better conditions for themselves. This fundamental trend runs through all the laws so far placed on the Statute Book.

The GROUP AREAS ACT is designed to force the various national groups of the non-European people into ghettos and locations, strangling their economic progress, making them serfs, and thus annihilating any political force they may possess as a people.

The BANTU AUTHORITIES ACT is aimed at breaking up the political growth and national unity of the African people, splitting them into tribes which will come under

rigid State control through the offices of the chiefs, and making it impossible for the people to fulfil their inalienable right to a full and legitimate role in the affairs of the country. "Back to the days of tribalism", is the objective of this Act.

The purpose of the SUPPRESSION OF COMMUNISM ACT is to suppress the fundamental rights of the South African people to organise, to criticise and to express by written and spoken word, their opposition to any aspect of Government policy which they may consider repugnant and anti-democratic. In terms of this Act, the Minister of Justice has arrogated to himself arbitrary powers to victimise and terrorise any person whose conscience may compel him to protest against Government policy which he considers to be against the interests of the people.

Similarly, the SEPARATE REPRESENTATION OF VOTERS ACT is aimed at depriving the Coloured people of whatever limited democratic rights they possessed in the election of members to Parliament.

The regulations for the culling of cattle and so-called Rehabilitation Scheme for the African Reserves will have the net result of further impoverishing the already impoverished African peasantry.

The recommendations of the Industrial Legislation Commission, many of which the Minister of Labour, Mr. Ben Schoeman, in spite of the strongest opposition by the entire trade union movement, is proposing to incorporate into a bill to be presented at the current session of Parliament, are just as sinister and fascist in their intentions. The trade union movement is to be divided into racial groups and the trade unions will be at the mercy of the Minister of Labour. In short it will mean the creation of State-controlled trade unions on the lines of the Nazi Arbeitsfront.

The threat to the future

Back to the days of the "Dark Ages", to maintain white "baaskapism" is the sole concern of the Nationalist Party and the Government of Dr. Malan, so as to ensure an unlimited supply of cheap Non-European labour for the mines and the farms. This is the grave threat that all sections of Non-European people face today. It is a threat to the progress which the Non-European people have made in the economic field despite the multitude of legislative and administrative obstacles placed in their way. The needs of industrial development together with the ability of the Non-European workers to acquire skill in industry is causing a breakdown in industrial colour bars. It is a threat to the growing advances which are being made by Non-European business and professional men who are breaking through the European monopoly of commerce, trade and certain professions, like medicine and law; it is a threat to the developing force of the Non-European people to assume a rightful place in the affairs of the country. Indeed, it is a threat to the whole future of the Non-white people.

We are confronted with the alternative of destruction or survival - destruction of our hopes, our aspirations and of our future for a very long time to come. Destruction we will never accept.

Path of Survival

The path of survival is the only path before us. It is but natural, it is but right and it is inevitable that we as a people must survive and make progress towards our freedom. It was with this choice before it that the Conference of the African National Congress decided to adopt a practical plan of action for the Defiance of Unjust Laws. It is a grave and historic decision which if implemented can and must change the course of South African history. It throws down the gauntlet to the Government's policy of "back to the Dark Ages". It breathes a new hope to the oppressed peoples of our land.

There are critics who say we must hasten slowly. But to sit quietly and do nothing now would be to allow free play to those evil forces which are bent upon destroying us. It is also being said that to launch out on a struggle now is to put ourselves in danger, but the triumph of truth can never be attained without risking danger.

On the other hand, there are critics who say that the demand for the repeal of certain specified laws does not go far enough, that our demand must be for full and equal democratic rights. The African National Congress, however, has been wise in limiting its demands - for the laws named for repeal are the laws which constitute the greatest threat to our very existence. Moreover, who could deny that if we can succeed in obtaining the repeal of these laws by our struggle, we would not have taken a long step towards the realisation of our objective of full citizenship rights?

The 1952 session of Parliament has already started its work and we urge the Government and Parliament to take steps to answer the call of the African National Congress by repealing by the end of February the unjust laws specified by its resolution. It is fitting that the Government should be reminded of the fact that a government by a minority of the people of a country cannot continue for long to impose its will with impunity on the majority of the people. The sovereign rights of Parliament are derived from the people as a whole and not only from a section. For the Union Parliament to be sovereign it must derive its power from all sections of the South African population, both white and non-white. A Parliament can only sustain itself when it respects the natural rights of man and conducts itself on the broad principles of democracy. Parliament as it is presently constituted in South Africa violates every principle of the Universal Declaration of Human Rights. As long as these principles are not recognised it will be the primary duty of the people to fight for their recognition.

The Nationalist Government would do well to make a serious and objective study of the laws of development of history. It is an illusion to think that white "baaskapism" can be maintained under current historical conditions. The death-knell of feudalism has been sounded, and it is now impossible to revert back to feudal conditions. History cannot be put into reverse gear.

It is this historical fact which has made South Africa the target of the opprobrium of the world. It is futile for some of the Cabinet Ministers of the Union Government to put blame for adverse criticism of the Union Government's policy at the United Nations Assembly and in the outside world, on the Communist and Coloured countries.

South Africa censured

At this session of the United Nations Assembly South Africa's racialist policies have once again been condemned by an even bigger majority than in previous years. For the second time the Union Government has been called upon to suspend the operation of the Group Areas Act pending the settlement of India's complaint on the treatment of South Africans of Indian and Pakistani origin by a three-man Commission. It will be neither wise nor possible for the Union Government to continue to ignore this decision. However, although a majority of the member States of the United Nations have unequivocally censured the practices of racialism in the Union as a serious threat to the peace of the world, they have significantly failed in their duty to take effective action against South Africa for its blatant violation of the United Nations Charter and the Universal Declaration of Human Rights. This indicates a serious limitation in the proper functioning of the United Nations Organisation and so long as it is not rectified it will prevent the United Nations from fulfilling its main and primary task, that of establishing and maintaining world peace.

The Union Government cannot hope to continue to remain a member of this World Assembly and yet continue to commit flagrant breaches of its constitution. On the question of South West Africa too, South Africa has received well-deserved admonition. We welcome the decision of the Trusteeship Committee to hear the case of the Herero people from the Herero chiefs in person as well as from the Reverend Michael Scott, who has proved himself to be the outstanding champion of the cause of the oppressed Non-white peoples of South West Africa.

We offer our heartfelt gratitude to this great Christian democrat for his selfless and devoted service to the cause of truth and justice. We condemn in unequivocal terms the action of the South African Government in declaring this great statesman a prohibited immigrant. We shall continue to fight for the right of the Reverend Michael Scott to enter South Africa as a legitimate and distinguished citizen of our country.

On the question of the Union Government's intention to incorporate the Protectorates of Bechuanaland, Basutoland and Swaziland into the Union, the Nationalists should realise that this is outside the bounds of possibility as long as racialism, herrenvolkism and fascism are practised in South Africa. The people of the Protectorates have no desire to submit to these tyrannies.

Repugnant policies

We say to the herrenvolk-minded Nationalists in power that their policies are out of date and out of step with the course of history; they cannot hope to halt the onward march of the people towards greater democracy. The decision to embark upon the struggle for the Defiance of Unjust Laws is a direct outcome of the Nationalist Government's illogical and repugnant policies. The Government and only the Government will have to bear the full responsibility for the consequences that will ensue. Even at this eleventh hour we urge upon the Government to return to the path of sanity and abandon apartheid as a policy and recognise that "baaskapism" is absolutely untenable.

Democracy is indivisible

We urge upon the Europeans who are responsible for the election of Government and Parliament, to view the whole matter in its logical perspective and with an objective frame of mind and not be blinded by the passions and fury of colour and race prejudices. The destruction of the rights and liberties of one section of the people must have its direct effect on the other sections as well. The European people cannot expect to enjoy democratic rights if the Non-European people are deprived of these rights: the law of cause and effect must come into play. Democracy like peace is indivisible.

Racialism and the deprivation of fundamental human rights are the breeding grounds of fascism. It is little wonder then that the Nationalist Government is not only oppressing the Non-white population but is also encroaching upon the rights and liberties of the European people. Interference with the freedom of individuals to travel abroad, with the right of parents regarding their children's education, with the freedom of the press, with the freedom of trade unions to conduct their own affairs, with the freedom of criticism in opposition to the Government, are but some of the glaring instances of the way in which the rights of Europeans are affected.

The time has come when the alternative before the European people is either a genuine democracy for all or fascist tyranny from which no section will be immune. White "baaskapism" cannot save the old order of things for it cannot survive. Nothing can prevent the Non-European people from realising their aspiration to live as free citizens. Therefore, the European who hopes for the old order to continue bangs his head against a stone wall.

The Non-European people bear no malice or hatred towards the European; they are only fighting for what is their right. We want all South Africans irrespective of their race, colour, creed or sex to live on a basis of equality and to contribute their rightful share in building a free, prosperous, progressive and peaceful South Africa for all its people.

It is in this spirit that we invite all those Europeans who believe in genuine democracy and in the principle of humanity to participate with us in the coming struggle to rid our country of the evil which will only spell disaster for all of us. The responsibility of the Europeans is as great as that of the Government.

For the benefit of all

In view of the fact that the Government deliberately brands every struggle of the Non-European people as an incitement to create racial hostility between white and non-white, we make it plain to the authorities that this is an unjust and malicious accusation, without any foundation and intended as an excuse for suppression. Our intention in launching the struggle for the Defiance of Unjust Laws is to benefit the whole of South Africa.

This, then, is the situation, both international and national, in which Conference has to review the position of the Indian community.

Indians face disaster

The plight of the Indian people is more serious today than it has ever been since their arrival in this country in the early 60's of the last century. In daily life we are confronted with many problems of a grave nature - our Congress through its provincial bodies is constantly dealing with urgent questions of unemployment, particularly among Indian workers in Natal, with immigration difficulties arising out of the harsh and inhuman administrative actions of the Immigration Department, with the need for schooling for the thousands of our children of school-going age who are without schools, with the dire need of housing and the deplorable lack of civic amenities due to the gross negligence on the part of local authorities in so far as Indian and Non-European welfare is concerned, and with a host of other matters of similar urgency and gravity.

But the all-dominant question of life and death which the Indian people face today is the operation of the Group Areas Act. Even in this opening phase of the enforcement of this Act, untold damage has been done to the interests of our people. Not only has the material progress of the Indians been brought to a halt but a great blow has also been struck against the property interests built up through decades of toil and sweat. Properties and homes worth hundreds of thousands of pounds have already been deemed to be illegally held in terms of the Group Areas Act and the Minister of the Interior has given notice to many companies to sell their properties within a specified time, failure to comply with which order would make their properties liable to forcible sale by the State, the revenue accruing therefrom to be added to the Consolidated Revenue Fund. Not only are privately-owned properties affected in this way, but properties like temples, mosques, churches and other public institutions communally acquired for the welfare of the community are also severely threatened.

Serious as this is, it will be nothing compared to the dire misery and abject poverty that will come to the Indian people when they are cast into group areas, plans for the creation of which are already under contemplation by many local authorities in conjunction with, or at the behest of, the Land Tenure Board.

Life without hope

Group areas will mean an end to all progress in every sphere of life. It will mean economic retrogression and impoverishment with all its concomitant evils of crime and

degradation. In short it will mean a life without hope and purpose, a life cut off from the moorings of civilisation and a life at the mercy of the powers that be.

From this morass of degeneracy and frustration, the Government hopes to make it possible to expatriate us, or, to borrow a phrase from Mr. R. K. Nehru, to accomplish the "bodily removal of Indians from the Union of South Africa".

Many peoples - One struggle

In this respect it is significant to recall that the present leadership of Congress assumed office on the principle that the Indian community is not only an integral part of the people of South Africa but that its destiny is also unalterably linked with the struggle of the oppressed peoples of the land. On this fundamental basis it sought the closest cooperation of all the people in the common struggle against racialism and for democratic rights for all.

The correctness of this policy has been completely borne out by recent events. The rabid racialists in the camp of the ruling class have been defeated in their attempts to promote racial conflicts among the Non-European people, of which the race riots in Durban in 1949 were a tragic example. Instead, the awakening among the Non-Europeans as a whole has forged strong bonds of understanding and cooperation, aptly demonstrated on the 1st May 1950 in the Transvaal and on the 26th June 1950 throughout the country, indicating in no uncertain manner the urge to unity in the common struggle for freedom.

It is in this light that Conference should view the Joint Meeting of the National Executives of the African National Congress and the South African Indian Congress together with the representatives of the Franchise Action Council (convened by the African National Congress in July of last year). The outcome of this meeting was the setting up of a Joint Planning Council of the two Congresses to draw up a plan of action to obtain the repeal of unjust laws. In terms of this plan the Conference of the African National Congress resolved to launch out on a struggle of Defiance of Unjust Laws.

Plan of action

Here then is the practical plan of action, the lead for which the oppressed people of our land have been waiting for so long to end the nightmare of tyranny.

Our Conference must examine this plan carefully and decide upon its course of action. If it decides to adopt this plan, then it will be the business of Conference to work out a detailed programme of how the South African Indian Congress through its constituent provincial bodies, will be able to participate fully, without hesitation, and with courage and determination, in this vital and historic struggle.

Act now - or be destroyed

There is no other practical course open to us. Those among our people who with folded arms are still hoping for some recession of the crisis, for some relief from the operation of the Group Areas Act, are indulging in wishful thinking, waiting for a miracle to happen. Crises are not overcome in this way - freedom does not drop from heaven like manna! If we do not act now we shall be destroyed. If we are not prepared to make the necessary sacrifices now, we are doomed to extinction.

Deriving our inspiration from the heroic struggle of our fathers under the leadership of Mahatma Gandhi from 1907 to 1914 and from the great passive resistance movement against the Ghetto Act from 1946 to 1948 in which many of us had the signal honour of serving, we look to the future with confidence.

We say to the Government: "You cannot expatriate us, you cannot doom us to extinction." We are sons of the soil and together with all the other sons of the soil we shall vindicate the cause of truth, justice and equality.

FORWARD IN THE STRUGGLE OF THE DEFIANCE OF UNJUST LAWS!

FORWARD FOR A FREE AND DEMOCRATIC SOUTH AFRICA!

1952.2

LETTER BY SOUTH AFRICAN INDIAN CONGRESS TO PRIME MINISTER MALAN, FEBRUARY 20, 1952 |

Sir,

We, the undersigned, in terms of the resolution adopted at the 20th Conference of the South African Indian Congress held at Johannesburg on the 25th, 26th and 27th January 1952, are enjoined to address you as follows:

The South African Indian Congress as the representative organisation and mouthpiece of the South African Indian community, has at all times striven to protect and safeguard the interests of the Indian people against discriminatory legislation and to ensure their honourable and legitimate share in the development of and progress of the land of their birth and adoption, in common with all sections of the population, both White and non-White. In spite of all its attempts, however, the position of the Indians together with the rest of the non-European people has been rendered intolerable by the discriminatory laws of the country. Indeed, their position had become so precarious by the passing of the Asiatic Land Tenure Act of 1946 that the South African Indian Congress has no alternative but to embark on a Passive Resistance struggle as a protest, and to request the Government of India to raise this question at the United Nations Assembly.

It is to be noted that when a change of government took place as a result of the general elections of 1948 and your Government assumed office, the Passive Resistance struggle was suspended and an approach was made to you in your capacity as the Prime Minister for a statement of government policy.

This offer, as you may well recollect, was rejected and the Congress was informed through the Honourable the Minister of the Interior, Dr. Donges, that the Government was not prepared to grant the requested interview. This attitude was no doubt the outcome of the policy of your party as formulated in its election manifesto which laid the main stress on apartheid which meant the compulsory segregation of all non-European national groups into separate compartments or ghettos, and which specifically stated: "The Party holds the view that Indians are a foreign and outlandish element which is unassimilable. They can never become part of the country and must therefore be treated as an immigrant community. The Party accepts as a basis of its policy the repatriation of as many Indians as possible and proposes a proper investigation into the practicability of such a policy on a large scale in cooperation with India and other countries."

The Group Areas Act which the Prime Minister has claimed to be the "kernel" of apartheid, is a law which runs contrary to all the fundamental principles of democracy and of human rights. The enforcement of this Act will cause mass uprooting of the non-European people from areas and homes which they have acquired and built through the toil and sweat of many generations. The setting aside of Group Areas will mean to the non-European an end to all progress in every sphere of life. It will bring about economic retrogression and impoverishment with all its concomitant evils of crime and degradation. In so far as the Indian people are concerned, the Act is intended as a means of expelling them from this country, (vide the Joint-Departmental Committee's report on which the Group Areas Act is based). It is to be noted that even at this early stage of its enforcement untold damage has been done to the interests of the people. Their material and economic progress is coming to a halt and immovable properties and homes running into hundreds of thousands of pounds are in the process of being confiscated by the State in terms of the Act. The Minister of the Interior is using dictatorial powers by serving notices on many companies to sell their properties within a specified time, failing which the listed properties would be liable to forced sale by the State. Not only are privately owned properties affected but religious and public institutions communally acquired for the welfare of the community have also been served with such notices.

The Bantu Authorities Act is aimed at denying the African people their rightful role in the affairs of the country and rendering them ineffective as a political force. The purpose of the Act in granting controlled powers to the chiefs is to split up the African people into tribal groups which could be effectively brought under rigid State control.

The purpose of the Suppression of Communism Act is to suppress the fundamental rights of the South African people to organise, to criticise and to express, by written or spoken word, their opposition to any aspect of Government policy which they consider repugnant and anti-democratic. The way in which the arbitrary powers vested in the Minister of Justice have been used to attack the freedom of speech and of the press is

evident by the attempt to unseat a Member of Parliament and a Member of the Cape Provincial Council who were constitutionally elected to their offices, and by the Minister's threat to suppress The Guardian newspaper. It is apparent that this Act is intended to crush the activities of all democratic organisations and trade unions which are opposed to the apartheid and anti-democratic policies of your Government.

The Separate Representation of Voters' Act is yet another apartheid measure which is depriving the Coloured voters of whatever limited franchise rights and effectiveness they possessed.

This brief summary of some of the main apartheid measures placed on the Statute Book by your Government will suffice to show that apartheid is primarily intended for the complete suppression of the non-European people so as to procure an unlimited supply of cheap labour. With this purpose in mind the Government is endeavouring to divide forcibly the population of our country into separate racial groups and tribes. The policy of apartheid is anti-democratic, reactionary and contrary to the laws of natural development of history and can only be imposed by means of Fascist tyranny and unrestrained dictatorship. Indeed, not only have the non-European people become the victims of this policy but it has also encroached upon the rights and liberties of the European people as evidenced by State interference with the freedom of individuals to travel abroad, with the freedom of the right of parents regarding their children's education, with the freedom of the press and with the freedom of trade unions to conduct their own affairs.

It is a fact of history that since your Government came into power it has attempted to impose its apartheid policy with callous disregard for the feelings of the people and disastrous consequences to the country as whole. Race relations have reached the most critical stage in our country's history. There has been unbridled incitement of race animosity and prejudice between the different population groups and unremitting race propaganda. There has been a steady increase in the use of violence and intimidation by the police and the occurrence of race riots hitherto unknown. There has been a constant tendency to place unlimited and arbitrary powers in the hands of the Ministers, powers which under the provisions of the various laws enacted by your Government are being used to crush the rights and liberties, particularly of the non-European people. There has been continuous impoverishment of the people, with a steep and steady rise in the cost of living, with the brutal enforcement of the Pass Laws, the forcible deprivations of the African peasants of their only wealth, their cattle, and the further enslavement of the urban African population through the Native Laws Amendment Bill.

It was in this rapidly deteriorating situation that the Conference of the African National Congress resolved to adopt a plan of action to obtain the repeal of the Group Areas Act, the Bantu Authorities Act, the Suppression of Communism Act, the Separate Representation of Voters' Act, the Pass Laws and regulations for the culling of cattle as an immediate step to lessen the burden of oppression of the non-European people and to save our country from the catastrophe of national chaos and ever-widening conflicts. This plan of action was endorsed by the Conference of the South African Indian Congress

which met in Johannesburg on 25th, 26th and 27th January 1952. In terms of this decision we have been instructed to convey to you the full support of the South African Indian Congress to the call made upon your Government by the African National Congress for the repeal of the above-mentioned Acts, failing which the South African Indian Congress will participate with the African National Congress in holding protest meetings and demonstrations on the 6th day of April 1952 as a prelude to the implementation of the Plan for the Defiance of Unjust Laws.

It is with abiding faith and calm confidence in the truth and justice of our cause and firm conviction in democratic ideals and principles that we made this supporting call notwithstanding the contents of your reply to the letter of the African National Congress. |

We solemnly affirm that the Indian community of South Africa is South African and that it shall live and work for the progress and prosperity of the country on the principles of equality of rights and opportunities for all sections of our population, irrespective of race, sex, colour or creed, and that it shall continue its firm alliance with the national organisations of the non-European people and all democracy-loving Europeans in the struggle for a Free and Democratic South Africa.

We unhesitatingly and emphatically state that our struggle is not directed against any national group, that we bear malice or ill-will to none and that our struggle is solely against unjust laws.

The Indian people in South Africa bear the proud inheritance of the precepts and example of Mahatma Gandhi, devotion to the cause of righteousness and truth, courage and determination in the prosecution of peaceful struggles against injustice and oppression.

The non-European peoples cannot allow their own destruction by accepting apartheid - it would be a crime against man. Our ideal is clear, our duty defined, our efforts peaceful and our resolve not to succumb to the evils of apartheid unfaltering. In the historic era of greater democracy and of independence of peoples both large and small, we in South Africa too, are giving expression to natural freedom urge and democratic rights of the people - for therein lies the true Pad van Suid Afrika.

In the interests of peace, humanity and the future well-being of our country and of our peoples, we expect that unbiased justice will prevail and that laws which offend the dignity of man and retard the progress of South Africa will be repealed.

(Signed) Y. M. Dadoo
President

Y. A. Cachalia
Joint Hon. Secretary

1952.3

STATEMENT BY DR. Y. M. DADOO CONDEMNING THE FIRST BANNING
ORDERS UNDER THE SUPPRESSION OF COMMUNISM ACT, MAY 22, 1952 |

It is against every concept of the rule of law and the principles of democracy and an act of sheer impudence for the Minister to call upon office bearers and leaders of democratic and lawful organisations to resign from office.

We have been elected in accordance with democratic procedure by the membership of our organisations and we are indeed proud and privileged to hold office in order to carry out the mandate of the people in a proper constitutional manner, very unlike the Government which is subverting the rule of law for the purpose of imposing an open dictatorship on the people.

It is extremely foolhardy for Mr. Swart to imagine that by removing some leaders from official posts in their organisations, he will manage to strangle the activities of these organisations. The Minister, with all the weapons of suppression at his command, cannot and will not suppress the activities of the masses of the people against injustice and oppression.

Warning

The warning is clear for the people to see - both white and non-white! Today, the whip of dictatorship is cracked down on the heads of the leaders of the Non-European people, tomorrow it will be the turn of the leaders of the trade union movement, and then all and sundry who do not see eye to eye with the policy of Dr. Malan's Government will find themselves the victims of the law of the jungle.

The first and fundamental task before the South African people, European and Non-European alike, is to stop the government before it is too late, and oust it from office. Firm and resolute action must be taken by the people now. Intra-Parliamentary struggle is played out, it is now for the masses of the people everywhere to act and express in tangible form their opposition to the anti-democratic actions of the government. It is not too late - it can and must be done. From the factories and workshops, from the homes and the farms the voice of the people must be raised. The Nationalist Government has made a farce of the rule of law and laws are no longer made for the maintenance of law and order and the good government of the country. Laws are now framed to impose the will of the fascist clique in power. Civil liberty, freedom of speech and movement and every principle of democracy are being ruthlessly crushed.

No Alternative

It is clearly the duty of every citizen to obey the laws of the State but when certain laws are made in defiance of the rule of law and contrary to the cherished principles of civil liberty, then these laws are bad, unjust and immoral and cannot be tolerated by the people. When all normal constitutional avenues for voicing the opposition of the people against unjust laws are brutally closed by the government, then the people have no alternative but to defy these laws.

It is in this context that the plan for the Defiance of Unjust Laws undertaken by the African National Congress and supported by the South African Indian Congress should be viewed and understood. If the United Party, the Labour Party and the Torch Commando are in right earnest to save South Africa from fascism then there is only one way, that of building a firm alliance with the national organisations of the Non-European people on the basis of full democratic rights for all, in an all-out struggle to stop the Nationalist fascists. Any hesitation on their part to build this alliance will be a great and unforgivable betrayal of the future of South Africa.

The Non-European people are pledged through the decisions of the conferences of the African National Congress and the South African Indian Congress and the countrywide demonstrations of April 6th to implement the plan for the Defiance of Unjust Laws. The joint meeting of the executives of the African National Congress and the South African Indian Congress, which meets at Port Elizabeth on May 31, is called upon to meet the new situation fairly and squarely.

Stop Swart! Rid South Africa of Fascist Tyranny! Act and Resist now! Black and white unite to oust the Nats! Join the struggle for defiance of unjust laws!

1952.4

LETTER ADDRESSED TO THE UNITED NATIONS SECRETARY-GENERAL
BY THE PERMANENT REPRESENTATIVES OF INDIA AND TWELVE OTHER
COUNTRIES REQUESTING INCLUSION OF AN ITEM ON APARTHEID IN THE
AGENDA OF THE GENERAL ASSEMBLY, SEPTEMBER 12, 1952 |

New York, 12 September 1952

On instructions from our respective Governments, we have the honour to request that the following item be included in the agenda of the seventh regular session of the United Nations General Assembly:

"The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa."

An explanatory memorandum in accordance with rule 20 of the rules of procedure of the General Assembly is enclosed.

(signed) Sultan Ahmed
for Permanent representative of Afghanistan
Fouad EL-PHARAONY
Acting permanent representative of Egypt
L.N. PALAR
Permanent representative of Indonesia
A. KHALIDY
Permanent representative of Iraq
Ahmed S. BOKHARI
Permanent representative of Pakistan
Asad AL-FAQIII
Permanent representative of Saudi Arabia
Farid ZEINEDDINE
Permanent representative of Syria
Ba MAUNG
Liaison officer of Burma to the United Nations
Rajeshwar DAYAL
Permanent representative of India
A. G. ARDALAN
Permanent representative of Iran
Karim AZKOUL
Acting permanent representative of Lebanon
Carlos P. ROMULO
Permanent representative of the Philippines
A.ABOUTALEB
Permanent representative of Yemen

EXPLANATORY MEMORANDUM

The race conflict in the Union of South Africa resulting from the policies of apartheid of the South African Government is creating a dangerous and explosive situation, which constitutes both a threat to international peace and a flagrant violation of the basic principles of human rights and fundamental freedoms which are enshrined in the Charter of the United Nations.

Although Africa's importance in world affairs is increasing rapidly, many parts of that continent still remain subject to racial discrimination and exploitation. The founding of the United Nations and the acceptance by the Member States of the obligations embodied in the Charter have given to the peoples of these areas new hope and encouragement in their efforts to acquire basic human rights. But, in direct opposition to the trend of world opinion, the policy of the Government of the Union of South Africa is designed to establish and to perpetuate every form of racial discrimination which must inevitably result in intense and bitter racial conflict. Apartheid, which is the declared objective of the Government of the Union of South Africa, implies a permanent white superiority over the non-Whites, who constitute the great majority of the Union's population. To achieve apartheid, the following measures are being taken:

- (a) Under the notorious Group Areas Act, non-Whites are compelled to abandon their present lands and premises and to move to new and usually inferior reserved areas without compensation or provisional alternative accommodation;
- (b) Complete segregation is enforced in public services, such as railways, buses and post offices;
- (c) The Suppression of Communism Act is being used to suppress democratic movements, especially of the non-Whites, for example, those which advocate racial equality or urge opposition to apartheid;
- (d) Non-Whites are debarred from combat service in the armed forces;
- (e) No voting or other political rights whatsoever are enjoyed by non-Whites, except in Cape Province, where Africans and the "Coloured" inhabitants have a limited franchise;
- (f) Africans are confined to reserves, and their movements are restricted to certain places after specified hours under certain restrictive laws. The interprovincial movements of non-Whites are also restricted;
- (g) Non-Whites are excluded under the Mines and Works Amendment Act of 1926 from certain classes of skilled work and a systematic drive is in progress to replace them, even in the lower grades of the public services, by Whites;
- (h) The education of non-Whites and their housing and living conditions are deplorable. Such facilities of this type as are available to non-Whites are vastly inferior to those offered to the White population.

As a result of these measures, a social system is being evolved under which the non-Whites, who constitute 80 per cent of the population of the Union of South Africa, will be kept in a permanently inferior state to the White minority. Such a policy challenges all that the United Nations stands for and clearly violates the basic and fundamental objectives of the Charter of the United Nations.

The Preamble and Article 1, paragraph 3, and Article 55 c of the Charter proclaim universal respect for, and the due observance of, human rights and fundamental freedoms, without distinction as to race, sex, language, or religion. Under Article 56, all Members have pledged themselves to take joint and separate action in cooperation with the United Nations for the achievement of these purposes.

Under resolution 103 (I), adopted unanimously by the General Assembly in 1946, the United Nations called on governments to put an end to racial persecution and discrimination. Resolution 217 (III) proclaimed the Universal Declaration of Human Rights, and article 2 of the Declaration affirms the equal application of these rights without distinction as to colour, race or religion. Under resolution 395 (V) the United

Nations held that the policy of apartheid was necessarily based on doctrines of racial discrimination and therefore called upon the South African Government not to implement or enforce the provisions of the Group Areas Act. These findings and this recommendation were repeated in resolution 511 (VI) adopted at the sixth session of the General Assembly.

It is recognised in all countries, as well as among liberal South African Europeans, that the solution of South Africa's racial problem lies not in any domination of one race by another, but in a partnership of races on a basis of equality and freedom.

Thus the apartheid policy of the Government of the Union of South Africa is contrary not only to the basic premises of the United Nations and to its specific and repeated recommendations, but also to the trend of opinion all over the world.

Because they have been unable to secure redress by constitutional methods and because the South African Government has turned a deaf ear to the repeated appeals of the United Nations not to embark on a policy of racial discrimination, the non-Whites of the Union have been compelled to launch a completely non-violent resistance movement against the Government's unjust and inhuman racial policies. In their efforts to destroy this movement, the Government has so far arrested over 4,000 persons. Despite the non-violent character of the campaign, physical violence such as flogging is being used to suppress it. The South African Government's reaction to a movement of peaceful resistance against legislation which world opinion and the United Nations have repeatedly and emphatically condemned, is having wide repercussions. We are convinced that the continuance of such repression will only aggravate race conflict throughout Africa and arouse indignation elsewhere. A new tension is thus being created which is no less serious than others affecting world peace.

It is therefore imperative that the General Assembly give this question its urgent consideration in order to prevent an already dangerous situation from deteriorating further and to bring about a settlement in accordance with the Purposes and Principles of the United Nations Charter.

| Source: Onward to Freedom, pamphlet issued by the South African Indian Congress, Johannesburg, 1952

| This letter was signed by Dr. Y. M. Dadoo as President of the South African Indian Congress and Y. A. Cachalia as Joint Honorary Secretary.

The Prime Minister did not reply to or even acknowledge the letter.

| On January 29, 1952, the Private Secretary to Prime Minister Malan replied to the ANC, on behalf of the Prime Minister, that the Government had no intention of repealing laws differentiating between European and Bantu. He warned:

"Should you adhere to your expressed intention of embarking on a campaign of defiance and disobedience to the Government, and should you in the implementation thereof incite the Bantu population to defy law and order the Government will make full use of the machinery at its disposal to quell any disturbances and, thereafter, deal adequately with those responsible for inciting subversive activities of any nature whatsoever."

| Source: The Guardian, Cape Town, May 22, 1952

| Source: United Nations document A/

LETTER OF SOUTH AFRICAN INDIAN CONGRESS TO PRIME MINISTER DR. D.F. MALAN, FEBRUARY 20 1952 |

SOUTH AFRICAN INDIAN CONGRESS
P.O.Box 2948,
Johannesburg
20th February 1952

The Honourable the Prime Minister of the
Union of South Africa
House of Assembly,
Cape Town.

Sir,

We, the undersigned, in terms of the resolution adopted at the 20th Conference of the South African Indian Congress held at Johannesburg on the 25th, 26th and 27th January 1952, are enjoined to address you as follows:

The South African Indian Congress as the representative organisation and mouthpiece of the South African Indian community has at all times striven to protect and safeguard the interests of the Indian people against discriminatory legislation and to ensure their honourable and legitimate share in the development and progress of the land of their birth and adoption, in common with all sections of the population, both white and non-white. In spite of all its attempts, however, the position of the Indians together with the rest of

the non-European people has been rendered intolerable by the discriminatory laws of the country. Indeed, their position had become so precarious by the passing of the Asiatic Land Tenure Act of 1946 that the South African Indian Congress had no alternative but to embark on a Passive Resistance struggle as a protest, and to request the Government of India to raise this question at the United Nations Assembly.

It is to be noted that when a change of government took place as a result of the general elections of 1948 and your Government assumed office, the Passive Resistance struggle was suspended and an approach was made to you in your capacity as the Prime Minister for a statement of Government policy.

This offer, as you may well recollect, was rejected and the Congress was informed through the Honourable the Minister of the Interior, Dr. Donges, that the Government was not prepared to grant the requested interview. This attitude was no doubt the outcome of the policy of your party as formulated in its election manifesto which laid the main stress on apartheid which meant the compulsory segregation of all non-European national groups into separate compartments of ghettos, and which specifically stated: "The Party holds the view that Indians are a foreign and outlandish element which is unassimilable. They can never become part of the country and must therefore be treated as an immigrant community. The Party accepts as a basis of its policy the repatriation of as many Indians as possible and proposes a proper investigation into the practicability of such a policy on a large scale in cooperation with India and other countries."

The Group Areas Act which the Prime Minister has claimed to be the "kernel" of apartheid, is a law which runs contrary to all the fundamental principles of democracy and of human rights. The enforcement of this Act will cause mass uprooting of the non-European people from areas and homes which they have acquired and built through the toil and sweat of many generations. The setting aside of Group Areas will mean to the non-European an end to all progress in every sphere of life. It will bring about economic retrogression and impoverishment with all its concomitant evils of crime and degradation. In so far as the Indian people are concerned, the Act is intended as a means of expelling them from this country, (vide the Joint Departmental Committee's report on which the Group Areas Act is based). It is to be noted that even at this early stage of its enforcement untold damage has been done to the interests of the people. Their material and economic progress is coming to a halt and immovable properties and homes running into hundreds of thousands of pounds are in the process of being confiscated by the State in terms of the Act. The Minister of the Interior is using dictatorial powers

PAGE MISSING

giving expression to the natural freedom urge and democratic rights of the people - for therein lies the true Pad van Suid Afrika.

In the interest of peace, humanity and the future well-being of our country and of our peoples, we expect that unbiased justice will prevail and that laws which offend the dignity of man and retard the progress of South Africa will be repealed.

(Signed) Y.M. Dadoo
President
Y.A. Cachalia,
Joint Hon. Secretaries

(Note: SAIC did not receive reply or acknowledgement to his letter.)

| From: First Report of the United Nations Commission on the Racial Situation in the Union of South Africa

STATEMENT BY SOUTH AFRICAN INDIAN CONGRESS, [JANUARY 1952?]

The Nationalist Government in its mad desire to enforce Apartheid, which stands for the maintenance and perpetuation of the herrenvolk ideology of white overlordship or "basskaap", has outrageously crushed the liberties and the fundamental rights of the people of South Africa.

The brutal enforcement of the inhuman and enslaving Pass Laws and the further impoverishment of the African people by the policy of stock limitation and the recent legislation such as the Group Areas Act and the Bantu Authorities Act, have caused untold misery and bitter resentment among the non-white people of the land.

The Government has attempted to crush the legitimate protests of the people by ruthless police action and has endeavoured to silence any opposition to its nefarious policy of divide and rule by passing the so-called Suppression of Communism Act.

Realising that the tide of national oppression against the people of South Africa has reached unreachable limits, especially among the Unions' non-white people, African National Congress convened a joint conference of the national executives of the African National Congress and the South African Indian Congress at which the representatives of the Franchise Action Council, (Coloured) were present, to devise and agree on a common programme of action to meet the situation.

The Joint conference of the national executives, after discussing the difficulties and the problems facing the non-white people of South Africa, and after discussing the means for overcoming these problems decided:

TO DECLARE WAR ON THE PASS LAWS, which restrict the freedom of movement and cause forced labour.

ON STOCK LIMITATION LAWS, which are impoverishing the rural population by enforced slaughter of their cattle.

ON THE GROUP AREAS ACT, which establishes a caste system with a dominant white caste, and which seeks to herd the non-whites in ghettos by forcibly uprooting hundreds of thousands of people from their long-established homes.

ON THE REPRESENTATION OF VOTERS ACT, which deprives the Coloured people of the Cape Province of their right to vote on the common Voters' Roll.

ON THE SUPPRESSION OF COMMUNISM ACT, which places dictatorial and unfettered powers of suppression of free speech and free thought in the hands of a Minister of the Government.

AND ON THE BANTU AUTHORITIES ACT, which prevents the extension of any form of democratic system to the Africans living in the reserves.

The conference further established a Joint Planning Council to co-ordinate the efforts of the national organisations of the African, Indian and Coloured peoples in a mass campaign of resistance for the repeal of these oppressive laws. Dr. J.S. Moroka, the president-general of the African National Congress, was duly elected chairman of the Council, and the executive committees of the African National Congress and the South African Indian Congress each elected two members. Messrs J.B. Marks and W.M. Sisulu represented the ANC and Dr. Y.M. Dadoo and Mr. Y.A. Chachalia the SAIC.

The Planning Council has met, and drawn up its plan of action, which was placed before Annual Conference of the ANC on the 17th. of December 1951 and which will be placed before the Annual Conference of the SAIC on the 25th, 26th and 27th of January 1952 for consideration.

The plan of campaign as recommended by the Council is, inter alia, as follows:

1. The African National Congress in Conference assembled at Bloumfontein on 15 - 17 December 1951 should call upon the Union Government to repeal the Acts mentioned above by not later than February 29, 1952. This call upon the Union Government be supported by the Conference of the South African Indian Congress, and an appeal be made to all other democratic organisations which find themselves in full agreement with it to support it.

2. In the event of the Government failing to take action for the repeal of these Acts, which cannot be tolerated by the people any longer, the Congresses will have no alternative but to take recourse to mass action for a redress of the just and legitimate grievances of the majority of the South African people on a date to be fixed.

3. With regard to the form of the struggle best suited to local conditions, bearing in mind the political and economic set up of the country, the relationship of the rural to urban population, the development of the trade union movement with particular reference to the disabilities of the non-white workers, the economic status of the various sections of the non-white people and the level of organisation of the national liberatory movements, the Council recommended, (a) Defiance of Unjust Laws and (b) Industrial Action.

4. The struggle for securing the repeal of unjust laws be DEFIANCE OF UNJUST LAWS based on NON-COOPERATION.

Defiance of unjust laws should take the form of committing breaches of certain selected laws and regulations, which are undemocratic, unjust, racially discriminatory and repugnant to the natural rights of man.

5. The Council stated that it believes that in the present day South African conditions, the one-day protest strikes of 1st May and 26th June 1950, and the one-day protest in the Cape on May 7th, 1951, against the Separate Representation of Voters' Bill, demonstrated the preparedness of the people to undertake this form of struggle with no mean success. Realising that sustained mass action will be necessary in this campaign which will gradually embrace larger groups of people, permeate both the urban and rural areas and make it possible to organise, discipline and lead the people in a planned manner, the Council recommended the use of lawful industrial action only where and when conditions make its use possible.

6. Realising that the campaign will cost thousands of pounds to sustain, the Council recommended that the African National Congress and the South African Indian Congress jointly launch a 1,000,000 Shilling Drive to finance it.

The African National Congress, at the conclusion in Bloemfontein of the most decisive Conference in its history, on the 17th of December, 1951, adopted the report of the Joint Planning Council. It therefore calls upon the Union Government to repeal by not later than February 29, 1952 the aforementioned Acts.

In terms of the decision of the Conference of the African National Congress, Union-wide wide gatherings and demonstrations on April 6th 1952, will register the protest of the African people against three hundred years of European oppression and exploitation and will be a prelude to the launching of the struggle as recommended by the Joint Planning Council. The African National Congress considers this date, the occasion of the Van Riebeeck Tercentenary - the beginning of European settlement in this country, followed by colonial and imperialist exploitation which has degraded, humiliated and kept in bondage vast masses of non-white people - as the most appropriate date for the commencement of the struggle as it marks one of the great turning points in South African history.

The Conference of the African National Congress resolved to implement the recommendations of the Joint Planning Council in a mass struggle by committing breaches of selected laws in an organised manner and to conduct the movement for the Defiance of Unjust Laws jointly with the South African Indian Congress.

The paper of the Joint Planning Council urges the forthcoming Conference of the South African Indian Congress to support the call of the African National Congress and to consider and decide on the plan of action as recommended.

The Conference of the South African Indian Congress, therefore meets in Johannesburg on the 25th, 26th and 27th of January 1952 to consider and decide on embarking on a new phase of struggle for the vindication of the just and legitimate rights

of the oppressed peoples, in cooperation with all sections of the non-white people of South Africa.

Issued by
The South African Indian Congress

SUBMISSIONS OF THE AFRICAN NATIONAL CONGRESS AND THE SOUTH AFRICAN INDIAN CONGRESS TO THE SELECT COMMITTEE TO ENQUIRE INTO THE SEPARATE REPRESENTATION OF VOTERS ACT VALIDATION AND AMENDMENT BILL, NOVEMBER 1953

1. The African National Congress and the South African Indian Congress are the oldest and most representative organisations of the African and Indian peoples of the Union and therefore speak for the majority of South Africans. It is consequently our duty to state our views on a matter which not only affects the Coloured population of the Cape Province but deeply involves the future of the country as a whole and the basic principles of democracy as well.

2. It is obvious that any proposal to remove Coloured men from the common roll of voters in the Cape Province constitutes a diminution of the already shamefully restricted remnants of the non-white franchise. The Appellate Division of the Supreme Court has ruled that the contemplated change would be such a diminution. The experience of the African people during seventeen years of communal representation has proved abundantly that this system operates to their grave detriment. The endless stream of legislation discriminating against the non-white people which has passed virtually unopposed through Parliament during this period demonstrates beyond question that the representation of one section of the community by a fixed and insignificant minority of members of Parliament is no safeguard whatsoever of the rights of that section. It is nothing but a pretence of democratic representation which deceives no one.

3. For a century the Coloured man in the Cape has exercised his vote. It is entrenched in the Act of Union which was passed in 1910 and its maintenance has been the subject of constant pledges by white politicians of all parties since then, particularly at a time when those politicians were depriving the African of his vote. The spokesmen of "White South Africa" assert their so-called civilising mission in Africa and their devotion to high ethical principles. The legislation which you are considering exposes the hollowness of these pretensions for it is both uncivilised and a crude betrayal of solemn pledges.

4. It is regretted that in discussing this Bill and its predecessors, the racial obsession of Parliamentarians has obscured a vital issue, *viz.*, the general character of the Coloured electorate. For many years these voters have exercised the franchise in a serious and responsible manner. They are mainly working people; artisans, small businessmen, and professional people. They have therefore, as a part of the electorate exerted a beneficial and progressive influence impelling politicians to deal with bread and butter matters rather than the sterile racial issues and demagogic flag-wagging which have for so long disfigured South African public life. To remove these voters from the roll will serve further to strengthen the undue domination of vested interest and reaction in Parliament.

5. The proposed legislation is yet another in the series of harsh and unjust laws oppressing the non-white people, which particularly in the past five years, have been placed on the statute book. It cannot be assumed that the victims of this oppression will continue to tolerate ever-renewed attacks upon their rights and dignity as human beings. The proposed legislation will once more slam the door of Parliament in the face of a big section of the non-white people and thereby deny them the right to redress their wrongs and obtain their just demands by constitutional means. There can be one outcome - disastrous upheavals in which white and non-white will suffer alike.

6. The outcome can only be avoided by drastic reversal of the present policy of suppression and discrimination. The principle of government by consent must be reaffirmed. While throughout the civilised world the people have attained an ever greater measure of participation in government through the abolition of property qualifications for voters, and the achievement of women's suffrage, South Africa has retrogressed from the Cape Constitution of 1853 which did not discriminate between voters on the grounds of race or colour. There must be a return to the great democratic tradition which has been the pride of the advanced nations of the world, including the lands of origin of the main white population groups of South Africa.

For the sake of the harmonious development and future well-being of South Africa, the non-white population must be given its full share in the making of the laws of the country. We demand the retention of the Coloured vote in the Cape, we demand the abolition of qualifications required for Coloured voters which do not apply to Europeans. We demand the extension of the franchise to the other provinces and to all non-whites, both men and women.

7. The African National Congress and the South African Indian Congress express their emphatic opposition to the Separate Representation of Voters "Act" in its entirety.

OPENING ADDRESS BY DR. G. M. NAICKER TO THE NATIONAL
CONFERENCE OF THE AFRICAN NATIONAL CONGRESS, DURBAN,
DECEMBER 19, 1954 |

Mr. Speaker,
Ladies and Gentlemen,

The National Executive Committee of your Congress has done me a great honour by inviting me to declare open your Annual Conference here. I was very pleased to accept your invitation and wish to take this opportunity at the outset of thanking you for the great honour you have done me, particularly at a time when the ban imposed on me by the Minister of Justice under the Suppression of Communism Act is in force.

The invitation you have extended to me symbolises the great, unbreakable links which have been forged between our Congresses and between the African and Indian people we represent. Today we find a great bond of friendship and understanding that has grown

between our peoples through the joint, heroic struggle for freedom launched under the banners of our Congresses, and it is my fervent hope and prayer that jointly we shall advance together with all true democrats in South Africa to the goal which we have set to achieve - freedom in our life-time.

Your Conference meets at a time when grave issues face not only people of our country but the peoples of the world. Today in every country, in all the continents of the world, the forces of peace and freedom are making great headway. The days of colonialism and imperialism are rapidly coming to an end, and we see the emergence of free and independent nations on the continent of Asia, a continent which has been subjected to centuries of colonial exploitation.

Because the forces of imperialism have received the shattering blow in Asia, it is only natural that Africa should assume a place of tremendous importance to those who had exploited Asia hitherto, but Africa, long described as the dark continent, is today astir. From the shores of the Mediterranean to the Cape Point, powerful forces of liberation are making themselves felt, to enable the 150 million people of this continent to take their rightful place within the family of nations through their own democratic governments.

We in South Africa have no hesitation in making our stand clear on the international question. As oppressed people, believing firmly in the ideals of democracy, we totally reject all forms of imperialism and colonialism. We reject the exploitation of man by man. We make common cause with the world-wide movement for peace, and are pledged to make positive contribution towards this peace for which mankind yearns. We make this contribution in particular by opposing all forms of racial discrimination. In our hearts we are convinced that in racial discrimination lies the seat of a massive global conflict and this conflict we are pledged to avert. As protagonists of peace, we are the enemies of war, and are opposed to the armament race which is now in progress. We stand for total banning of the atom and hydrogen bombs.

Because we stand for world peace, and against the exploitation of man by man, we find ourselves in strong opposition to the policies which have been consistently pursued by the white ruling classes in South Africa before and after the coming into existence of the Union. The policy of segregation and apartheid based on the maintenance of white domination has today brought our country to the brink of disaster. More and more people in the country are beginning to realise that like peace, freedom is indivisible. Laws, which in the past affected only one section of the people, invariably the African people, are today being extended to the rest of the people of the land. Freedom and liberty of the people, Black and White, are in danger.

It is only a matter of weeks since Dr. Malan resigned, and today more strongly than ever before the country finds itself under the rule of a group firmly pledged to the policy of apartheid and all that apartheid stands for. The Strijdom-Verwoerd era has commenced, and the anti-Nationalist forces in the country realise that even greater attacks on democracy and freedom are on the way. Our beloved country is heading

towards chaos and disaster, under a policy which has resulted in increased racial tension, in a climate in which there is little respect for human dignity. A small minority group are seeking to impose on the majority an Afrikaner tribal rule, a rule which seeks to perpetuate a caste structure in South Africa, under which the non-white people are to remain in perpetual subjugation.

South Africa has reached the parting of the ways. Those who rule us have chosen the narrow and bigoted path of Afrikaner tribalism, embodied in the theory of apartheid. With deep regret we are forced to admit that the vast numbers of the white electorate of the country have given their support to this basic policy of apartheid. It is in such an atmosphere that African nationalism is asserting itself in the Union.

Let us remember that never in world history has any single movement for national liberation failed in achieving its object, and I am confident that in South Africa too the movement for national liberation is destined to triumph, notwithstanding all the obstacles which may exist today.

A movement for national liberation can become reactionary in character. Nationalism under anti-democratic leadership can become a great threat to the basic values for which we stand. Afrikaner nationalism is an example of how a movement essentially progressive in its initial stages has today become a great threat to democracy, and has become the spearhead of fascism in South Africa.

African nationalism too, under wrong leadership, can become an anti-democratic force giving rise to the emergence of Black fascism in the Union. It is to the credit of the leadership of the African National Congress that African nationalism has chosen the path of democracy, notwithstanding the environment in which it has emerged. The slogan of the African National Congress is not South Africa for the Africans but South Africa for all her peoples of all creeds and nationalities.

Today the African National Congress is the most important factor for democracy in the country, for the A.N.C. enshrines the hopes and aspirations of the nine million oppressed Africans to be free in the land of their birth. The A.N.C. seeks to achieve this freedom, not at the expense of any other group; it seeks to exercise the freedom of its people among the rest of free South Africans.

The political maturity and the ideals of the African National Congress are clearly demonstrated in its call for the convening of the Congress of the People for the formulation of the Freedom Charter, the call which your Congress made last year in Queenstown and which has resulted in the launching of a movement of freedom for the first time jointly sponsored by African, European, Coloured and Indian peoples. The convening of the Congress of the People is the most important task which faces all true democrats of all colours in the country today. Let me express the earnest desire that before you meet in your Annual Conference next year, this mighty assembly of South African people will have taken place, and that the Charter for Freedom will have been

drafted, enshrining the hopes of the millions of our land, particularly those who are voiceless today.

Let me assure you, on behalf of the Indian people, that the Indian Congress will do everything in its power to make the Congress of the People a success and that we shall answer unflinchingly to the call of your President-General to enrol within the ranks of the 50,000 volunteers for freedom. I visualise the Freedom Charter as one of the most historic documents to emerge from South Africa. It will not only in the clearest possible terms state what freedom is, but will be a document by which all South Africans will be judged, whether they stand for freedom and democracy, or for oppression and segregation.

While we are engaged in this great organisational task of convening the Congress of the People, the Government of the day is not hesitating in its attempts to stifle the true voice of democracy in the country. I am, however, convinced that banning orders and deportations will not halt our onward march to freedom and democracy. Action on the part of the Government against our leaders will only make our people even more determined to resist injustice and oppression.

While we talk of freedom and organise our people to make all South Africa truly free, the rulers of South Africa are continuing to bring measure after measure for the perpetual subjugation of the non-European people. The most hated apartheid measure of the Nationalists is undoubtedly the Bantu Education Act, a law which seeks to make the African people a subject people for all times. There can be no compromise with the principle which seeks to enslave a people and, therefore, this Act has to be fought with all the resources available to the democratic forces of South Africa.

All South Africans should realise that the people of the Western Areas in the Transvaal are presently engaged in a bitter struggle in defence of their homes. What is happening in the Western Areas is of national concern, for a great deal depends on the outcome of their struggle. What is happening in the Western Areas today will happen in many parts of South Africa tomorrow, if the Group Areas Act is allowed to be implemented. The race zoning plans submitted by local authorities under the Areas Act demonstrate how tens of thousands of people are to be removed from their homes to satisfy the ideology of apartheid. We will have to unitedly oppose this obnoxious law with all our might.

The African National Congress has come of age and, with its present leadership, no democrat in South Africa should have any hesitation in making common cause with the African National Congress for the achievement of democracy. The Indian people have already made the decision. Not only have we been equal parties in the great Defiance Campaign, a campaign which will fill a glorious chapter in the liberatory struggle of our country, but we are presently working as great allies together with European and Coloured democrats. It is our task to strengthen that alliance so that it becomes unbreakable.

I would like to have been present at this assembly. I would have liked to have heard Chief Lutuli deliver his Presidential Address, and inspire us to make even greater contributions to the cause of liberation. I would have liked to have sung with you the songs of freedom, led by Chief Lutuli, and to hear his voice which has moved so many in so short a time. But Chief Lutuli and I cannot be with you today, because of the ban imposed on us. But a day will dawn when Swart| and his Cabinet will be forgotten and when South Africa will be free, when men and women will meet to talk of freedom and build a free society without fear and hatred. I urge you, in the name of South Africa, to work unceasingly towards that great freedom we all desire, and we assure you that we will work unceasingly for our common objective.

In the name of freedom, I have now the pleasure in declaring your Annual Conference open. History has placed the torch of freedom in your hands; may you hold high its flames!

Afrika!

| Dr. Naicker could not personally deliver the address since he was banned by the regime, as was Chief Albert J. Lutuli, President-General of the ANC.

| Strijdom succeeded Dr. Danial F. Malan in 1954 as Prime Minister. Dr. Hendrik Verwoerd was Minister of Native Affairs.

| C. R. Swart, Minister of Justice

MESSAGE BY DR. G. M. NAICKER TO THE NATAL INDIAN CONGRESS
SECRETARIAT: CALL FOR AN ALL-IN CONFERENCE TO FIGHT THE GROUP
AREAS ACT, NOVEMBER 1955 |

The Group Areas Act has often been described as the cornerstone of the apartheid structure which the Nationalist Government seeks to erect on the blood and sweat of the non-white people of this country.

The Congress condemned the law on the grounds that it would ruin the Indian people economically. The truth of our contention has been clearly borne out.

During the last session of Parliament the Government, with the connivance of the Durban City Council, enacted the Group Areas Development Act. By one stroke of the pen Indians in Durban alone are to lose millions of pounds under this law if allowed to be enforced.

Every property-owner, big and small, is seriously affected by the provisions of the Development Act.

Already in Durban`s central commercial area where Indian business establishments are concentrated, all Indian property development has been frozen for a period of two years.

The new proclamation dealing with the enforcement of Section 23 of the Group Areas Act places every Indian licence in jeopardy. For the time being the authorities do not want to enforce this section as far as renewals are concerned, but this is only to provide administrative relief.

The Land Tenure Board has not the machinery to deal yet with so large a number of applications for renewals in Natal. But sooner than some people realise, if this Act is not challenged, the Land Tenure Board can become effective machinery in the hands of the Nationalist Government to refuse renewal of licences and so restrict our traders to a small number in keeping with the Nationalists` policy of introducing a racial quota system in trade.

We must not live in a fool`s paradise and believe that with this danger facing the entire community a few will be able to save themselves. We must expose those in our community who are thinking in terms of saving their own commercial interests at the expense of the rest of the traders.

The latest treacherous move of the Nationalists is the desire to utilise the Group Areas Act for the purpose of prohibiting workers of one race being employed by members of another racial group.

Grave danger faces the whole Indian community. The Natal Indian Congress must convene a conference of all bodies and organisations to meet this challenge.

| From: New Age, Cape Town, November 24, 1955

PAPER BY DR. G. M. NAICKER ON THE GROUP AREAS ACT AND ITS EFFECTS
ON THE INDIAN PEOPLE OF NATAL, MAY 1956 |

A: HISTORY AND AIMS OF THE ACT

1. The Group Areas Act enacted by the Union Parliament over six years ago in 1950 may be described as the high water mark of the Union's legislation against non-European land rights in South Africa. Like its predecessors, the chief aim of this law is to give effect to the racial policy of the white ruling group in South Africa.

2. Segregation and apartheid are fundamentally based on the maintenance of white domination by creating a reservoir of cheap labour among the non-white population of the country. As far as the African people are concerned, territorial segregation has been deeply rooted in the Union's history and Conference has the benefit of having before it the views of Chief Albert J. Lutuli, President-General of the African National Congress, on this vital question.

3. While this paper of the Natal Indian Congress deals specifically with the effects of the Act on the Indian community, nevertheless it is right and proper to emphasise that this law is aimed at the entire non-white people of the Union. The Land Act of 1913, the Urban Areas Act of 1923 and the subsequent amendments to it and the Native Trust and Land Act, 1936, are some of the primary laws directed against the African population.

4. To the Coloured people of the Union the Group Areas Act comes as a first attack on their land rights.

As far as the Indian community is concerned, laws dealing with its land restrictions also go back into history. In the Transvaal, Law 3 was enacted in 1885. We have the history of the "Class Areas Bill" and the "Areas Reservation Bill" introduced before the so-called Cape Town Agreement of 1927. There was the Natal Pegging Act of 1943 and in 1946 the Asiatic Land Tenure and Indian Representation Act was passed. The Group Areas Act is indeed a climax to the many laws that came before it seeking to attack the property rights of the Indian community.

5. The Group Areas Act is a product of the Nationalist Party and hence it embodies that Party's policy of apartheid.

6. When this measure was before Parliament Dr. the Hon. D. F. Malan, the then Prime Minister of South Africa, made it known that Parliament was dealing with undoubtedly the most important of all apartheid measures. "What we have in this Bill before us is apartheid. It is the essence of the apartheid policy which is embodied in this Bill", declared Dr. Malan.

7. What precisely apartheid means is difficult to determine even from the pronouncements of Nationalists themselves. A study of official and semi-official statements on this question leaves one with a very confused picture. But removed of its frills and trimmings, apartheid is an accentuated form of the policy of segregation, though differing in some respects from the traditional segregation policies of the previous Union Governments. A study of the Manifesto issued by the Nationalist Party, prior to their coming to power in 1948, throws some light on apartheid and the non-European policies of the Nationalist Government.

8. Dealing with the Indian people the Manifesto, after declaring that the Nationalists believed in the definite policy of separation between the white and non-white racial groups, says: "The Party holds the view that Indians are a foreign and outlandish element (Vreemde En Uitheemse) which is unassimilable. They can never become part of the country and they must therefore be treated as an immigrant community." The Nationalists accept as a basis of their policy the repatriation of as many Indians as possible. The Manifesto adds: "So long as there are Indians in the country, a definite policy of separation will be applied as far as possible between Europeans and Indians in every sphere, as well as between Indians and other indigenous non-European groups."

9. When the Group Areas Bill was introduced in Parliament the Government sought to justify its action by primarily relying on the report of the Inter-departmental Sub-Committee appointed by Dr. Donges | in 1948. The Joint Report of the Asiatic Land Tenure Laws Amendment Committee, published in 1950 on the eve of the enactment of the Group Areas Act, makes interesting reading and underlines that one of the chief aims of this law is to attack the Indian people. The so-called Indian question seemed to have been uppermost in the mind of these sub-committees.

10. It was not surprising that these Committees to some extent re-echoed the policies and precepts of Dr. Donges, the Nationalist Minister of the Interior, who had appointed them. Their findings are blatantly of a political nature and bear little resemblance to what may be expected of a judicial commission.

"Before stating our recommendations we feel that reference should be made to one matter which, strictly speaking, falls outside our terms of reference but which is so closely associated in the public mind with the Asiatic question that it has a determining influence on the evidence tendered to us and accordingly also on recommendations based on such evidence and that is the possibility of repatriating the Asiatics from South Africa.

"There appears to be an ever-growing belief in the public mind that the only satisfactory solution of the Asiatic question is repatriation, and that whatever is done by way of legislation should be such as not to endanger the possibility of repatriation and deprive the public of one of its most deeply cherished hopes.

"The fundamental theme of the evidence throughout the years has been and still is: repatriation or, failing which, compulsory segregation. In the most recent evidence there is noticeable a distinct tendency for this theme to assume the form of: repatriation, and,

pending which, compulsory segregation... In its most advanced form this then reads: repatriation and, failing which, compulsory segregation with boycott to induce repatriation."

11. One may observe that in the typical South African racialist pattern these Committees use the word "public" to mean only the white racial group of the Union. The report further adds that failing or pending repatriation, "the present situation has to be dealt with incisively if civil commotions arising from racial tension and strife are to be avoided. We can see no way of attaining this end except to legislate for total territorial segregation of the different racial groups, so that in the course of time homogeneous racial groups are brought about". (para. 333 of the Report).

12. Hence the Group Areas Act was born.

13. It is significant that because of the Nationalist policy of regarding the Indian people as a foreign, alien and outlandish element to be expatriated, the Act makes primary provision only for the "White", "Native" and "Coloured" groups. In this primary division there is no room for the Indian people. By Proclamation 73 issued on the 30th of March, 1951, the Indian group was created as a sub-division of the Coloured group, perhaps to emphasise the immigrant status given by the Nationalist Government to the Indian people.

....

E. OPPOSITION TO THE ACT

1. The Group Areas Act is perhaps the only law of a member State of the United Nations which was circulated to delegates of the General Assembly as an official document for consideration when the world forum discussed the racial policies of the Union Government.

2. It is natural that this law should have received the condemnation of democratic world opinion, for does not Article 17 of the Universal Declaration of Human Rights read:

"1. Every one has the right to own property alone as well as in association with others;

2. No one shall be arbitrarily deprived of his property"?

3. The Act, its background and the present policy of the Nationalist Government all go to indicate that this law seriously infringes the principles contained in this international Declaration.

4. Within the borders of the Union this Act is totally opposed by the vast majority of the people. In 1946 the Indian people of the Union, under the banner of the Congress, launched Passive Resistance Campaign against this Act's predecessor, the Asiatic Land

Tenure and Indian Representation Act. In opposition to that law over two thousand men and women, young and old, served terms of imprisonment in order to show their abhorrence of the principles underlying it.

5. In 1952, under the leadership of the African National Congress and the South African Indian Congress, the Defiance of Unjust Laws Campaign was launched against a number of measures, amongst whom was the Group Areas Act. In that heroic struggle over 8,500 individuals of all races went to jail rejecting the policy of apartheid and upholding the principles of democracy. That opposition to the Act is enshrined in the hearts of the masses of South Africa.

6. We reject apartheid and the contention that separation of races leads to racial harmony in a multi-racial society. We oppose the uprooting of any peoples from their homes and we are firmly convinced that the policy of apartheid leads further to the oppression of the non-European people. The application of this policy has accentuated racial tension, conflict and bitterness on an unprecedented scale. No policy which attempts to keep the majority of the population of South Africa under permanent subjection or "baaskap" can ever succeed. The non-European people rightly claim full democratic rights in the land of their birth.

7. In relation to the Indian community, it is clear that the real motives behind the Group Areas Act are:

(a) To deprive the Indian people of their long established ownership of land and homes;

(b) To facilitate the uprooting and expatriation of South African citizens of Indian origin;

(c) To ruin the Indian people economically; and

(d) To confine them to ghettos as a source of cheap labour.

8. Any act conceived under the policy of "baaskap" and apartheid and passed by Parliament from which all non-Europeans are strictly excluded can only be in the interest of the white dominating section of South Africa.

9. A law which is manifestly unjust cannot be applied justly.

10. Arising from the above contentions the Congress policy on the Act is unambiguous and clear. We declare our total opposition to the law and at no stage will we be a party to its implementation.

11. This paper is being presented to a Conference which is historic in that it presents a broad united front against the Act which is the cornerstone of the policy of apartheid.

12. Not only have we to be united but we must be for ever vigilant.

| This paper was presented by Dr. G. M. Naicker, on behalf of the Natal Indian Congress, to the Conference on the Group Areas Act, convened by the NIC in Durban on May 5-6, 1956. Only the first and last sections of the paper are reproduced here. The rest of the paper contains an analysis of the Group Areas Act and the Group Areas Development Act and information on its effect in Durban.

| T. E. Donges, Minister of the Interior

RESOLUTION ADOPTED BY THE LOK SABHA ON MARCH 28, 1960

The House deplores and records its deep sorrow at the tragic incidents which occurred at Sharpeville and Langa township near Cape Town in South Africa on March 21, 1960, resulting in the death of a large number of Africans from police firing. It sends its deep sympathy to the Africans who have suffered from this firing and from the policy of racial discrimination and the suppression of the African people in their own homeland.

FORCED WITHDRAWAL OF SOUTH AFRICA FROM THE COMMONWEALTH - HISTORIC STEP FORWARD IN STRUGGLE AGAINST APARTHEID |

Message from London by Dr. Y. M. Dadoo to the South African people, March 1961

The enforced withdrawal of South Africa from the Commonwealth is a resounding victory for our people, and marks an historic step forward in our struggle against apartheid and for democratic rights.

This is a stunning defeat for Verwoerd and a dismal failure for Macmillan in his frantic attempt to retain Dr. Verwoerd's Government within the Commonwealth by means of tricky manoeuvres both prior to and during the Commonwealth conference.

The Prime Ministers' determined stand is a tribute to their steadfast opposition to racial discrimination, as well as a tribute to the solidarity of the peoples in all their countries with the struggle of the South African masses against apartheid and for freedom.

The world is solidly against Verwoerd's racial policies.

We are now engaged in a campaign

-to urge economic sanctions through the United Nations;

-to call upon workers not to handle South African goods;

-to press upon the British Government to honour the spirit of the Commonwealth conference decision and not have backdoor trade and other deals with the Verwoerd Government; and

-to work for worldwide isolation of South Africa in the international field.

This new development opens up vast possibilities for us to make further inroads into the bastion of racialism and white supremacy built by the herrenvolk supporters of Dr. Verwoerd and his Nationalist Party. The people at home must redouble their efforts and work with renewed energy in opposing every facet of Dr. Verwoerd's Government. The Pietermaritzburg All-African Conference deserves every success in its demand for a national convention backed up by mass action for its speedy realisation.

Verwoerd's end is near. The warm rays of Africa's dawn of freedom will soon be felt in our beloved land.

| Source: New Age, Cape Town, March 23, 1961

1962.1

"WHY THE SOUTH AFRICA UNITED FRONT FAILED: DISRUPTIVE ROLE OF THE PAN AFRICANIST CONGRESS" - ARTICLE BY DR. Y.M. DADOO, MARCH 1962 |

"The South Africa United Front has been dissolved," said the statement issued by the representatives of the African National Congress (ANC), Pan Africanist Congress (PAC), South West Africa National Union (SWANU) and South African Indian Congress (SAIC) - Messrs Oliver Tambo, Nana Mahomo, J. Kozonguizi and Dr. Y. M. Dadoo respectively - after a meeting of the South Africa United Front held in London on 13 March 1962.

Behind this bland statement lies the history of the Front's achievements and also of the causes which led to its tragic downfall.

The South Africa United Front was formed abroad soon after the Sharpeville massacre, when the Verwoerd Government had unleashed a regime of terror, murder and violence. Our leading organisations were suppressed and many of our leaders and other democrats were detained without trial.

Our aim

We then felt that despite the deep differences that marked the policies of the ANC and with it the SAIC on the one hand and the PAC on the other, this crisis was so overwhelming in character as to demand of those of us abroad the joining of our forces in a united front with a view to seeking the sympathy and support of the peoples and governments of the world for our struggle, to bring international economic and political pressure on the South African Government and in general to secure its expulsion from the world community of nations.

We believed that by uniting with this purpose we would help and inspire our peoples and bring nearer the victory of their struggles.

Much was achieved in the early stages of the United Front's existence. By concentrating on what was common to all our policies and aims, we succeeded in winning wide international support for our cause. The trade boycott became one of the most important and, politically at least, the most effective instrument of world solidarity against apartheid.

We won effective support from virtually every independent African State. Largely through our efforts South Africa had to withdraw from the Commonwealth.

Divisions

However, these successes by themselves had not proved strong enough to consolidate or develop the unity of the United Front. Instead, the United Front became increasingly ineffective. It soon reached the point where it was doing little if anything to further the aims and tasks we had originally set ourselves. As a result the Front quickly fell into disrepute.

United Fronts in general demand a high level of discipline and integrity from their participants. They call for absolute honesty and frankness, for a regular discussion of outstanding problems and difficulties and above all for unity in action. They forbid public attacks of one partner by another. They prohibit conspiracies, underhand schemes designed to undermine one or other partner of the front.

This discipline has been shown to be of no less importance by the SAUF. We knew that existence as a united front depended heavily on the absence of recrimination and attack on each other and on our organisations in South Africa.

The ANC and the SAIC representatives tried hard to maintain the integrity of the United Front on these bases. They conscientiously held back from expounding their own policies abroad in their desire to maintain faithfully the unity of the Front. They refused, in spite of repeated provocations, to engage in attacks on their principal partner, the PAC. They always confronted their partners with common problems and had even compromised aspects of their policies - all with a view to maintaining the unity and cohesion of the Front.

Slander campaign

On the other hand, the PAC had acted differently. The PAC and its overseas representatives and members - despite their presence in the Front - had already at an earlier stage embarked on a campaign of willful slander and attack on the African National Congress and its leaders.

They directed their energy mainly towards establishing for the PAC the image that it alone was the leading organisation of the African people, commanding overwhelming support - a wholly fraudulent image in terms of the actual balance of strength of our organisations in South Africa.

Through malicious distortion and lies, the ANC was presented as being both conservative and the instrument of Communists, whites and Indian merchants.

Behind the back of the United Front, the PAC representatives worked for privileged contacts with governments and public organisations abroad.

Within the Front itself, the PAC representatives proved to be particularly difficult allies; they tried to foist their organisation's chauvinistic policies on the Front itself. They persistently refused to permit the Front to invite the support of other well-known anti-apartheid forces in South Africa.

These unprincipled methods of the PAC abroad were matched by a particularly treasonable PAC act towards the struggle of our people in South Africa itself. After having been invited and given positions of importance in the campaign for a National Convention and a three-day national strike in May last, members of the PAC withdrew at a vital stage of the campaign's preparations. Not stopping at this attempt to sow confusion, the PAC then treacherously tried to scab the strike by distributing anti-strike leaflets. Any basis for unity in South Africa was thus removed.

Furthermore, we understand that the PAC organisation abroad is now split into two sections each claiming to speak in the name of the organisation, one having expelled the other and both engaging in mutual recrimination of a most embarrassing kind. This has created abroad considerable doubt about the authority and political substance of the PAC representatives.

These then are the factors which have led to the dissolution of the United Front. This regrettable course may cause some disquiet among many of our supporters and friends. We are, however, confident that they will understand the reasons for the dissolution and will continue to support the cause we have stood for: the winning of a free and democratic South Africa, of full and equal opportunities for all our people based on a common non-racial citizenship, of one man one vote and the liberation of our people from the poverty and ignorance so assiduously fostered by the regime of apartheid.

1962.2

STATEMENT MADE BY MR. NANA SITA AT HIS TRIAL UNDER THE GROUP AREA ACT, AT THE MAGISTRATES' COURT IN PRETORIA, DECEMBER 10, 1962 |

Your Worship,

I stand before you charged with committing an offence under the Group Areas Act to which I have just pleaded guilty. This offence arises from the fact that I had disobeyed an order by the so-called Community Development Board to vacate my own premises within thirty days - premises which I had made a home for the past thirty-nine years.

I crave your indulgence in permitting me to elaborate on reasons for taking this unusual step which has brought me in conflict with the Group Areas Act. I sincerely trust that you will allow me to say what I want to as my observations may influence saner

appreciation of issues involved and it is necessary for you to understand my own state of mind and the motives which have prompted my conduct.

It is known to this Honourable Court that we Indians had no say in the passing of the Act since we do not possess the vote. At no time were we ever given an opportunity to present our objection. The Act had been passed and promulgated not only without our consent, but in the face of the unanimous opposition of our people.

The real aims of the Act are to be found in the Joint Report of two Committees appointed by the Government upon whose recommendations the Group Areas Act was framed. It is stated therein that the overwhelming evidence adduced before the Committee was to the effect that legislation should not be passed which would endanger the cherished goal of repatriation and that the only permanent solution to the question lay in the compulsory repatriation of Indians, failing which there should be compulsory segregation to induce such repatriation. This is the basic principle upon which, in my view, the Group Areas Act was enacted and is now being implemented.

The Government has from time to time declared the Act as the cornerstone of the apartheid policy. In order to bring that policy to fruition, separate areas are being proclaimed in practically every town and city in the country. In doing so, in my opinion, the Government desires to achieve two objects: Success of the apartheid policy and the total economic ruination of the Indian community. This would oblige its members to leave the country 'on their own accord'.

Before going into the question of economic ruination, I propose to deal, very briefly, with the policy of apartheid itself. This policy has been condemned throughout the whole world. Only recently the accredited delegate of the United Kingdom, a very friendly country to South Africa, speaking in the Trusteeship Committee of the United Nations, described apartheid as abominable, grotesque and spiritually indefensible.

In South Africa itself all sections of the non-European people are irrevocably opposed to that policy, and all lovers of democracy among Europeans have equally condemned it as unjust and unworkable.

In all the years of my adult life, I have passionately believed in the universal ideals of human brotherhood and social justice and am deeply sensitive to any inroads into these ideals. Apartheid refuses to recognise human dignity and brands its victims as sub-human. It denounces all known canons of ethics as propounded by the world's great religions and philosophies. On individual level it degrades and maims man's soul, kills all enthusiasm in him to endeavour to live a creative life and a life of self-respect. This then is the apartheid policy embodied in the Group Areas Act. This then explains the recent voting at the United Nations when ninety-six nations without opposition condemned the policy of apartheid. It is necessary for you to understand how this policy of apartheid affects the most fundamental aspects of my life and my ideals.

Implementation of this policy against us through the Act brands us as inferior people in perpetuity, degrades our self-respect as human beings, condemns us as uncivilized barbarians having no culture and no spiritual background, thereby deriding our serene philosophy and way of life. The thirteen million non-Europeans of South Africa - African, Indian and Coloured - are branded as untouchables. My conscience and my religious training obliges me to resist such a doctrine with all the force my mind and body is capable of. This much for the apartheid policy of the Government.

I shall now deal with the economic ruination of my own community. It is an accepted fact that the Indian people of the Transvaal are predominantly a trading community. For this there are good reasons, principally founded on legislation designed to restrict the opportunities for development in other avenues. On the whole they are small traders with the exception of a few. Their removal from their existing business places can only result in total ruination.

A trader chooses his business where there are people, in order to build up his trade. If he is to be removed to a bare veld he is bound to lose all his customers; they will not follow him to the veld. The forcible removal has only stark reality and that is to face extinction from business. Sometimes the shifting of a population affects the trader as has happened in Sophiatown, Martindale and Western Native Township in Johannesburg, where many Indians had to close down and lose their means of livelihood as no other trading facilities are open to them.

If I were to move my business to Laudium, the area proclaimed for Indian occupation and business in Pretoria, I would have no prospect of survival as my customers from Hercules would not follow me. This applies to all traders in Pretoria.

If I were to move residentially, as I am told to do, I shall have to pay rent in the hired place and bear extra transport costs. In addition, we shall be compelled to bear further costs for safeguarding our premises from contingencies, such as theft and fire, and would be compelled to engage extra staff. This additional cost would become so prohibitive in my small business, and could only result in bankruptcy. I have no hesitation in submitting that the effect of such a removal would result in economic ruination of my family.

I am called upon to take up a place where I shall be compelled to pay rent and allow my present place to remain empty. Would any White man in South Africa, from the population of three million, including Cabinet Ministers, allow his home to remain empty and go and live in rented houses because of an Act? How long would they tolerate such a law? I can safely say that the Government that tries to enforce such sanctions on the White voters of South Africa would not survive.

I have heard of shifting of populations in times of war and such-like emergency, when the whole nation faces a danger of being over-run by an enemy, but never in times of peace. Since the Boer War - 1898-1902 - South Africa has never been faced with a threat of war on her own soil. Why then the shifting of the population?

What have we Indians done to merit removal from our existing places where we have lived for thirty, forty, sixty and, in some places, for more than eighty years?

I challenge the Government to prove a single instance of complaint against me or my family during my long sojourn of thirty-nine years in Hercules. I can safely say that there are none and this applies to the rest of Pretoria. In such circumstances, are the authorities justified in uprooting and displacing our people? Is this in accordance with the ethical principles of the great people? Is this in accordance with the ethical principles of the great Christian religion? Is it just and equitable? Is it in accordance with the Human Rights Charter, as adopted by the United Nations, of which august body South Africa is still a member? If it is not all that I have just said, then, just as I stand before you as an accused, South Africa too stands accused before the bar of world opinion for its inhuman treatment of four-fifths of its own population.

Sir, from what I have said, I have no hesitation in describing the Group Areas Act as racially discriminatory, cruel, degrading and inhuman. Being a follower of Mahatma Gandhi's philosophy of Satyagraha, which is based on the principles of love, truth and non-violence, I dare not bow my head to the provisions of the unjust Group Areas Act. It is my sacred duty to resist injustice and oppression. I have, therefore, decided to defy the order and am prepared to bear the full brunt of the law and am willing to face the consequences thereof.

It is very significant that I appear before you on this the tenth day of December, 1962, to be condemned and sentenced for my stand on conscience. Today is Human Rights Day - the day on which the Universal Declaration of Human Rights was accepted by the world at the United Nations. It is a day on which the peoples of the world rededicate themselves to the principles of truth, justice and humanity. If my suffering in the cause of these noble principles could arouse the conscience of White South Africa then I shall not have strived in vain.

Sir, I have done. My age is sixty-four. I am suffering with chronic ailments of gout and arthritis, but I do not plead in mitigation. On the contrary, I plead for a severe, or the highest, penalty that you are allowed under the Act to impose on me.

| From: New Age, Cape Town, March 29, 1962
| Source: United Nations document A/AC.115/L.6, annex

1963.1

NEW YEAR MESSAGE BY DR. G. M. NAICKER, 1963 |

"During these difficult days our minds and hearts go out to Nelson Mandela, Nana Sita and other acknowledged leaders of our people who have shown such a tremendous spirit of sacrifice and courage," said Dr. G. M. Naicker, President of the South African Indian Congress, in a New Year message to the people of South Africa.

Continuing, he said: "History will perhaps record 1962 as a year of mighty intimidation in South Africa. It will also record that freedom fighters refused to be intimidated.

"We enter 1963 with more and more peoples of Africa taking their rightful place among the free peoples of the world. The year 1962 saw tremendous changes on our Continent and the world has survived a great crisis which brought humanity to the brink of nuclear war.

"We also witnessed the tragic dispute between India and China - a dispute which left many disillusioned," he said.

Stating that on our Continent South Africa has remained a festering sore, with the entire world again condemning the new drastic measures introduced by the Nationalists in 1962, Dr. Naicker added: "The inhuman house arrests, the banning of New Age and the tragedies wrought by Group Areas have indeed given our country a bad name in all parts of the world."

Concluding his message Dr. Naicker said: "I extend my heartiest greetings to all South Africans of all races and fervently hope that in 1963 we will make further advancement towards the consolidation of the democratic forces so that we can unitedly usher in a democratic South Africa for all her people."

1963.2

MEMORANDUM ADDRESSED BY S. M. NATHIE, GENERAL SECRETARY OF THE TRANSVAAL INDIAN CONGRESS TO THE UNITED NATIONS SPECIAL COMMITTEE ON THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA, MARCH 15, 1963 |

1. There were 477,125 Indians in the Republic according to figures published in the Star, dated 8 November 1962. The 1951 Census disclosed the following figures for Indians in the Transvaal: In the province 48,892; in Johannesburg 22,164; in Pretoria 6,064; in the country districts 20,674. The Johannesburg figure for 1960 was 27,467 and the total for the Transvaal would be in the region of 60,000. According to the Bureau of Statistics 90.5 per cent of the total Indian population was born in the Republic.

2. According to census figures supplied in 1952 the Indian population of the Transvaal is occupationally divided in the following manner:

Wholesale and retail traders	3,204	
Road haulers	8	
Commission agents	9	
*Teachers	100	
*Professional - medical, etc.	50	
*Hawkers and Flower Vendors	150	
Employees in		
licenced hotels	494	
private hotels	12	
cinemas	16	
restaurants	160	
personal service	2	
retail trade	3,248	
wholesale trade	560	

	3,204	317 4,492

* our own estimated figures.

From the above figures, it is clear that the Indian community is largely dependent on 3,204 traders, 317 self-employed persons and 4,492 workers for its livelihoods. Most of the workers are employed by Indian trading concerns. The 20,674 Indians living in the country areas, except for a very small number, depend on this trade.

3. The application of the Group Areas Act thus far has already taken a serious toll of small traders. In Sophiatown alone 200 such traders were forced to move. Not only did they lose their means of livelihood, but lost heavily on stock estimated to the value of R2,300,000. Goodwill and book debts amounted to R1,270,000 were destroyed and fixed properties worth R1,250,000 had to be sold for less than half the value. A further 31 traders were similarly affected in Martindale. A number of traders in Native Reserves were forced to abandon their shops because of the action of the Government and due to restrictions on trading and occupation of land they had to give up trading. As matters stand almost the entire Indian community is living on borrowed time; the sword of group areas could fall at any moment. As trading licences fall away under the restrictive edicts

of the Group Areas Act and other contingencies, the capacity of the merchant class to support a substantial portion of the community (more than two-thirds), is diminishing.

4. The attrition of the Indian community is intended to reduce the Indian to the level of a manual worker. This is his destiny in apartheid South Africa. The elimination of the Indian from trade places him in a very precarious position. Statutory and conventional colour-bar restrict him from jobs in the professions; operation of the Apprentice Act of 1944 makes it almost impossible for him to qualify in many skilled trades; grades of work which might be done by him are reserved at special wage rates for whites in terms of job reservation; and he is by and large excluded from the civil service, the South African Railways and the gold mining industry.

5. The Indian people have worked, lived and traded in dorps, hamlets and towns of the Transvaal since 1881. A number of towns had grown around original Indian settlements. Today most of these places have a small trading population; their numbers vary from tens in some places to hundreds in others. There are also numerous families living and trading on isolated farms throughout the province.

6. Ownership and occupation of land and premises by Indians have been subjected to restriction since 1885. But in spite of Law 3 of that year which imposed these restrictions, Indians were continuously able to buy and occupy land and premises in the Transvaal. Ownership of land was facilitated by the old Republican Government itself by introducing a system of purchasing fixed property in the name of European nominees and occupation was regulated by a Supreme Court decision of 1904.

7. Restrictions on occupation of land by Indians may be categorised in the following manner:

(a) Up to 1939 they could occupy land not subject to the Gold Law or restrictions in terms of title deeds or land owned by foreign companies.

(b) From 1939 to 1946 Indians could only occupy land or premises which was occupied by non-White persons before 30 April 1939.

(c) From 1946 to 1951 Indians could only occupy land or premises which was occupied by Asians on 15 March 1946. This restriction applied for trading purposes from 1949 onwards; and

(d) From 30 March 1951 the occupation of land is subjected to the provisions of the Group Areas Act.

8. The Group Areas Act had been hailed by the National Party as a positive apartheid measure and is an important instrument in implementing that policy. The real purpose of the Act is clearly stated in the Joint Report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendments Committee (U.G. 49-50) upon whose recommendation the Act was framed. This Report states:

"Before stating our recommendations we feel that reference should be made to the matter, which strictly speaking, falls outside our terms of reference but which is so closely associated with the public and the Asiatic question that it has a determining influence on the evidence tendered to us and accordingly also on recommendations based on such evidence, and that is the possibility of repatriating the Asiatic from South Africa. There appears to be an ever-growing belief in the public mind that the only satisfactory solution of the Asiatic question is repatriation, and that whatever is done by way of legislation should be such as not to endanger the possibility of repatriation or deprive the public of one of its most deeply cherished hopes.

"The fundamental theme of the evidence throughout the years has been and still is: repatriation or, failing which, compulsory segregation. In most recent evidence there is a noticeable and distinct tendency for this to assume the form of: repatriation and, pending which, compulsory segregation. In its most advanced form this theme reads: repatriation and, failing which, compulsory segregation with boycott to induce repatriation."

9. The policy of considering the Indian as "a foreign and an outlandish element" has been recently abandoned by the National Party and the Indian people are now considered by the Government as a permanent part of the South African population. The Minister of the Interior stated in Parliament on 16 May 1961: "Gradually people came to realise and it became clearer - and today we say it unequivocally - that the Indians in this country are our permanent responsibility. They are here and a vast majority of them are South African citizens and, as such, they are also entitled to necessary attention and necessary assistance". Yet this "acceptance" of Indians as citizens of South Africa has in no way favourably affected the life of the Indian people. This position has been underlined and clarified by the Minister of Indian Affairs in a policy statement, dated 17 May 1962. In it he states: "This does not mean that the repatriation scheme has ceased to exist. I have been asked to what extent this scheme is still being used. The scheme remains a voluntary scheme and can be used with State assistance." The Group Areas Act which envisaged that life should be made so difficult for the Indians that they should leave South Africa is still being vigorously enforced.

10. Since the promulgation of the Group Areas Act in 1951:

(a) The population of South Africa has been divided into White and non-White groups. The non-White groups have been further divided into African, Coloured, Malay, Chinese, Indian and other sub-groups for the purposes of ownership and occupation of land.

(b) Land and premises throughout the country have been "controlled", "specified", or "defined" in terms of the Act. Application of these provisions, particularly "defining", have served to place non-European ownership and occupation in a straitjacket as a prelude to creation of group areas.

(c) A number of public inquiries have been held from time to time in various towns to determine the desirability of proclaiming group areas there.

(d) Group areas have been proclaimed for Whites, Indians and Coloureds in different parts of the country.

11. Group areas for Indians have been proclaimed in the following places in the Transvaal: Amersfoort, Balfour, Barberton, Brits, Benoni, Boksburg, Carolina, Ermelo, Lenasia (Johannesburg), Klerksdorp, Koster, Lydenburg, Middelburg, Nylstroom, Laudium (Pretoria), Pietersburg, Piet Retief, Rustenburg, Swartruggens, Ventersdorp, Mafube and Dadaville (Vereeniging), White River, Warmbaths, Wolmaransstad and Zeerust.

Except for the group areas of Brits, Balfour and Barberton all the other group areas for Indians are out of town, in some cases a few miles away in the open veld, and involve abandonment of businesses and residences. These proclamations require the Indian people to move lock, stock and barrel from the heart or the periphery of the centre of the town to undeveloped and isolated places. Apart from the proclamation of Indian group areas, the creation of White group areas in other parts also involves removal of the Indian population from these places. Such areas are Johannesburg, Pretoria, Bedfordview, Wakkerstroom, Edenvale, Vereeniging, Vanderbijl Park and Elsburg and Residensia.

12. Proclamation of group areas requires shifting of the settled population. A time-limit of two to five years had originally been set in various places for the purpose but recent amendments to the legislation nullify this period of grace. The Minister can now give any "affected" person a notice to move from his place of business within one year and from his place of residence within three months. In terms of group areas proclamations, of the total Indian population of 48,892, no less than 38,367 are liable to eviction. A detailed break down of this figure is contained in Annexure "A".

13. The fate of the remaining Indian population, settled in towns where no group areas have as yet been proclaimed, is similar to the general pattern. The following towns are on the waiting list: Komatipoort, Belfast, Machadadorp, Dullstroom, Bethal, Kinross, Leslie, Trichardt, Bolemhof, Bronkhorstspuit, Waterval Boven, Christiana, Amsterdam, Breyten, Morgenson, Davel, Lake Chrissie, Heidelberg, Ottosdal, Haartebeestfontein, Krugersdorp, Duivelskloof, Lichtenburg, Welverdiend, Groot Marico, Ottoshoop, Slurry, Nelspruit, Nigel, Devon, Sabie, Potchefstroom, Potgietersrust, Randfontein, Roodepoort, Maraisburg, Grasmere, Marikana, Schweizer Reneke, Springs, Delmas, Standerton, Volksrust, Paardekop, Witbank, Kendal, Oogies, Maquasi, Louis Trichardt and Zoekmekaar,

In most of the areas, if not all, the local White population is unwilling to see group areas with all the consequent hardships imposed on their fellow Indian townsmen with whom they have lived amicably for many years. But experience has led to the belief that increasing pressure will be exerted from outside upon the local authorities to induce them to toe the line and apply for group areas to be developed.

14. The first contentious proclamation, under the Act, was made in respect of Johannesburg in 1956. This affected the western suburbs of the City and involved the uprooting of some 9,000 Indians. In terms of the proclamation, approximately 800 traders with their 7,896 dependents were to be displaced, and their means of livelihood taken away. These people faced the prospect of losing goodwill amounting to R2,900,000 - a considerable loss on their stocks valued at R5,270,000, fixtures and fittings worth R526,000 and fixed property valued at R8,000,000.

The Indian community had interwoven itself in the social fabric of the City and its uprooting in the affected areas, without regard to sociological considerations, presents a grave situation. They are faced with the grim reality of being deported to the group area of Lenasia, which is 21 miles out of Johannesburg. Apart from the shock of financial losses, they suffer deeper anguish as the proclamation, based as it is on grounds of race discrimination, attacks their dignity and self-respect.

15. The proclamation shocked South Africa. There was a general uproar against such rank injustice. The press and the public - both White and non-White -condemned the action as unjust and undesirable. Political organisations protested against it and religious bodies, including the Dutch Reformed Church, opposed the proclamation on grounds of Christian conscience. Consequent upon this and other proclamations that followed, Afrikaans Church leaders told the Government in 1959 that unless Indian traders received fair treatment from the authorities, the Church would feel it a duty to show open opposition thereto as these steps could not be reconciled with their Christian conscience.

16. After some procrastination, after the tumult of opposition had somewhat abated, the Government in the latter half of 1959 decided to proceed with the application of the Group Areas Act. The question of Indian "resettlement" was divided into two parts. It was decided to provide separate premises for residence and trade but it was clearly stated that separate trading places should be confined to one or two larger centres. Proclamation of group areas was consequently speeded up and it is evident from facts and figures given in paragraphs 12 and 13 hereof that all Indians in the province are to be uprooted and displaced with concomitant hardship and misery.

17. According to a pronouncement made by a spokesman of the Group Areas Board the Fordsburg-Newtown-Burghersdorp complex in Johannesburg and the Asiatic Bazaar in Pretoria are to be developed as exclusive trading areas. The project of concentrating about 1,200 Indian traders in Johannesburg, who are presently scattered in many suburbs, in a "bazaar", is tantamount to disruption and ruination. These traders had built a clientele over years of endeavour, and it is ludicrous to expect their customers to follow them to a segregated area. The position of a shop plays a unique part in its development, if moved a few stands away, may lose or increase its customers. If all traders are lumped together - holus bolus - in one area then it means complete or abnormal loss of trade with inevitable consequences. The Indian people own considerable fixed properties in areas proclaimed White. Since these proclamations their properties have become "affected" properties and the pre-emptory rights over these have passed into the hands of the Group Areas Development Board. The Indian people will ultimately be dispossessed of all their

properties in these areas. Not only will their businesses be ruined but their property will be taken away from them.

18. It has been glibly stated that the Community Development Board aims at "developing" the Indian people in their own group areas in "dignity". One might ask what sort of development is this? Can destruction of wealth, deprivation of means of livelihood, dispossession of property and compulsory segregation be called "development"? Can poverty and squalor be called "dignity"? The truth of the matter is that the Government can never escape the responsibility for ruining the Indian people. No amount of specious argument can belie facts.

19. The group area axe is now falling with unabated fury on its victims. Indian traders and residents are now being evicted from Ventersdorp, Pretoria and Johannesburg under the authority of the Law. This is the position in these places:

VENTERSDORP: There are about ten Indian families living in Ventersdorp. All Indians are in the town and are dependent on trade for their livelihood. Four homes were built in the Indian group area of Moosa Park and four families were ordered to move there. Their refusal resulted in criminal action being taken against them in the Magistrate's Court, where they were convicted of a criminal offence of not leaving their own homes. The matter is on appeal. A further notice requiring all the traders to move into the isolation of the Indian group area by the end of August, 1963, is in force. This action will bring about complete segregation and utter ruin.

PRETORIA: In all, twenty Indians living in the suburbs of Pretoria are now facing prosecution in Court. All affected persons are small traders and their dependents, and if moved will lose their means of livelihood. Mr. Nana Sita, a former President of the Transvaal Indian Congress, served a sentence of three months for refusing to move from his home in Hercules, Pretoria, where he had lived for 39 years. A statement by him to the Court, attached hereto marked Annexure "B", states the whole situation very clearly. The fate of all Indians living and trading in Pretoria outside the Asiatic Bazaar is sealed as the Government intends to apply the sanctions of the Law against all of them.

JOHANNESBURG: There are twelve Indians in Newlands facing charges in Court for refusing to move from their premises. The fate of 40 traders in this area and their dependents hangs in the balance as they will have to move from their homes and places of business.

20. The situation in Johannesburg which accommodates half the Indian population of the Transvaal is most revealing. The Indian people settled in the City since 1886. The following figures reflect their growth: 1896 - 4,800; 1904 - 5,300; 1921 - 6,200; 1936 - 10,300; 1946 - 16,000; 1951 - 22,164; 1956 - 25,000; 1960 - 27,467. These people are affected by two group areas proclamations; the first was made in November 1956 and the second in April 1962. In terms of these two proclamations the entire City is made a White group area, except the following places:

- (a) the African area in Alexandra and the South-Western Districts of Johannesburg;
- (b) Coloured group areas at Coronationville, Monteleo, Bosmot and the Western Native Township;
- (c) certain land on the northern outskirts of Johannesburg, mostly vacant;
- (d) certain small areas in the City bounded on the east by Kort Street, on the west by Alexander and Becker Streets, on the north by Diagonal and Pritchard Streets and on the south by the Commissioner and Main Streets;
- (e) the whole of Burghersdorp;
- (f) greater portion of Fordsburg;
- (g) a small portion of Newton, west of Quinn Street, and
- (h) Ophirton and certain small areas south of Marshall Street.

21. At the time of the passing of the Group Areas Act in 1950 there were 22,164 Indians in Johannesburg. The bulk of this population was roughly settled in the following manner:

Sophiatown	2,000
Martindale	800
Vrededorp	4,000
Newclare	
Burghersdorp/ Fordsburg,Newton	5,000
Centre of the City	5,000
Kliptown	1,250
Other suburbs	2,614

	22,164

22. Their occupation was regulated by numerous restrictive laws but prior to the passing of the Group Areas Act they had statutory rights in most of these areas. They had, over years, built their wealth - meagre as it might have been - through earnest endeavours and have substantial interests vested in the City. These interests, though restricted from time to time, were consistently recognised by successive Governments. The Group Area Act scrapped the vested interests and laid down the basis for their total elimination. Ordinary protection of the Law was replaced by rule through proclamations so that the elimination of Indian economic interests could be expeditiously dealt with. The following figures show the extent of losses the Indian people face as the result of the two group areas proclamations in Johannesburg:

Number of Indian traders to be moved - 1,200
Number of Indians to be moved out to group area of Lenasia - 22,167
Total stocks of traders in affected areas - R11,592,000
Total goodwill of traders in affected areas - R5,022,000
Total cost fixtures and fittings in affected areas - R1,022,000
Total value fixed property in affected area - R24,550,000

Note: These figures do not include properties and stocks in areas stipulated in paragraph 21.

As an example, we attach hereto a schedule showing the fate of Indian Traders in Martindale, marked Annexure "C". A perusal of this will give an indication of what is in store for all the traders of Johannesburg.

23. Three types of group areas have been created for the Indian people of the Transvaal. In the first instance, we have non-contentious group areas; such areas have been proclaimed in three places in the whole of the Transvaal. Indians, in these towns, numbering a little over one thousand, have not been disrupted and have been able to retain their homes, trade and property. Secondly, smaller group areas have been proclaimed in many other towns which are contentious; these group areas invariably involve uprooting of homes, displacement of trade and loss of property. From the trend of events it is clear that the fate of Indians in the remaining towns where no group areas have as yet been proclaimed, is similar. Thirdly, regional group areas have been proclaimed in three places: Lenasia for the residents of Johannesburg and its environs, Laudium for the Indian people of Pretoria and district, and Benoni for the entire Indian population of the East Rand. These group areas are just as contentious and involve wholesale uprooting of homes, displacement of business and loss of property.

24. The above contention is substantiated hereunder in the unambiguous language of an official document referred to previously herein, namely, the Joint Report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendments Committee (U.G. 49-50). In paragraph 334 it states:

"... that there should be territorial segregation on a small scale, particularly in the urban areas, so as to solve the urgent problems of penetrated areas. This means that the penetrated areas should be cleaned up by uprooting non-European ownership and occupation and segregating such ownership and occupation into the various non-European racial group areas."

The Report further states in paragraph 355:

"In our opinion, however, there is ample support of the view that there should be more and smaller group areas as the minimum requirement for dealing with the present situation. We are prepared to base our recommendations on this view because such recommendation cannot, in our opinion, prejudice the possibility of repatriating the

Asiatic or the view, which may ultimately come to be endorsed by responsible and reliable public opinion, that there should be few and large non-European group areas".

25. On 18 December 1962 the President of the Transvaal Indian Congress drew the attention of the Prime Minister, Dr. H.F. Verwoerd, to the deteriorating situation of the Indian community in the Transvaal. This letter is reproduced hereunder in full:

"I am constrained to address you on a matter of grave importance in regard to the application of the Group Areas Act in so far as it affects the lives and liberties of the Indian people of the Transvaal. Since the passing of this obnoxious measure we have lived under the shadow of fear. Normal protection of law has been replaced by dictatorial edicts and arbitrary proclamations, bringing in its wake untold suffering and misery.

"Provocative actions, involving general impoverishment and exploitation of our people by the constituted departments of your Government, wholesale dispossession of properties (in some cases confiscation without compensation), uprooting of homes, deprivation of means of livelihood and devastation of self-respect and dignity, are causing wide-spread concern and agitation. No people conscious of their self-respect can allow the assailing of human dignity with such impunity.

"In substantiation of the foregoing, may I briefly refer you to the following salient but by no means inexhaustible facts:

"(1) The establishment of Lenasia as a Group Area for all Indians of Johannesburg and Laudium as a group area for the Indians of Pretoria is aimed at uprooting a working and a trading community from its present places in those cities regardless of consequences.

"Forceful removal of these people means:

- (a) Uprooting of homes.
- (b) Isolation from the mainstream of social and economic life built over decades.
- (c) Deprivation of means of earning a living.

"To the people who had to move to these areas the following additional inabilities apply:

"(a) They are made to pay exorbitant rent. A ramshackle of a house not worth R500.00 brings in a return of R15.50 per month to the Community Development Board or the Government. A return of almost 37 percent on investment is unheard of. If it is equated with the rate of interest of the National Housing Commission it is glaringly usurious.

"(b) Workers forced to move to Lenasia and Laudium are in additional difficulties. In the case of Lenasia an unemployed wage earner will have to find forty-one cents for transport every day to seek employment. No imagination is necessary to convince

anyone that the last forty-one cents might well be spent on food for the distressed family before starvation actually takes place.

"(c) Traders to be moved from the suburbs of these cities are either expected to make a living in the isolation of the group areas of Lenasia or Laudium or the so-called bazaars of Fordsburg, Johannesburg and Asiatic Bazaar, Pretoria. What prospects of earning a livelihood exist for the people who in their respective places had built up their goodwill over the years?

"(2) The aim of the authorities of the State in the case of rural communities has also been laid bare:

"(a) In Ventersdorp eleven odd traders are required to move to a group area which is two miles from the centre of the trading community of that town. Their homes and shops are being provided in the isolation of Moosa Park. Significantly the houses in the area are built on the main road to Potchefstroom with lavatories facing the main road and septic tanks facing the entrance of the homes. The shops are built to face a railway line and there is no prospect of customers ever coming to this area. These families are now under the order of the Government to go into the wilderness of Moosa Park.

"(b) The same fate awaits the Indians of Nylstroom, Lydenburg, Coligny and many other places.

"(c) Exorbitant rent, loss of means of livelihood and total isolation stare them as in the case of the people of Pretoria and Johannesburg.

"These excesses on the part of your Government have prompted a man like Nana Sita, a former President of my Congress, to defy the unjust order of moving from his place of business and residence in Hercules - a place which he had made his home for thirty-nine years and more. I enclose herewith a copy of the statement he made at the Magistrates' Court in Pretoria during his trial. (This is included herewith, marked Annexure "B"). | The Indian families in Ventersdorp had reluctantly taken a similar stand when they were threatened with eviction from their homes. And this is the pattern developing amongst our people in all parts of the province.

"I am well conversant with your policy of apartheid. You are endeavouring to decimate us by force of legal sanctions in the interest of perpetuating the herrenvolk ideology of white baasskaapism. This abominable policy is totally unacceptable to my people. We will not tolerate injustices that seek to relegate us to a status of subservience and serfdom.

"I am also aware of the polarisation of forces of evil and good in this unhappy land of ours. The African and Coloured people in common with the Indians are made to bear the brunt of oppression. Your criterion of Democracy and Justice is confined to the colour of one's skin. To you White is right. I must say that this is not acceptable to the majority of the inhabitants of the Republic of South Africa.

"My people, in common with all the non-Whites of the land, are challenged to submit to injustice. We can never succumb to rank injustice and indignity. Challenged, the people will have no alternative but to do everything in their power to resist unjust onslaughts. Under the circumstances, I call upon you to halt the unjustifiable attacks on my people in the wider interests of amicable understanding of all the people of South Africa.

"Trusting that you will direct the responsible Ministers and appropriate authorities in this matter."

26. In conclusion might we state that there is no justification whatsoever for this unprovoked attack on a peaceful community. The Indian people have served South Africa and contributed to its wealth; they have, through thrift and toil built up their homes, flourished their trade and made a future for themselves and their children. This is now being destroyed by the powers that be in the interests of greed and lust. It is a case of blatant race discrimination. The colour of skin and the origin of race is used as a pretext to decimate a section of the population. Very few parallels can be found in history of modern human relationship where such gross injustice is perpetrated against a minority which, to all intents and purposes, is South African in character.

27. In doing so, South Africa has come in conflict with the forces of progress in the international field. The policies of our Government, which are inherently unjust and oppressive, are being condemned throughout the world. This general world-wide condemnation has prompted the authorities to draw a red herring across the horizon by euphemistically projecting Bantustans or self-development for Africans. But the world does not believe South Africa because its real motives are too obvious to mislead anybody. As far as the Indian community is concerned the authorities cannot even make an apology for its excesses. The Group Areas Act is used as a weapon to destroy and dispossess a people! So long as such rank injustices are perpetuated, so long will South Africa face attacks in the international field, and these attacks are now taking a positive shape.

28. Perpetration of oppression and tyranny is bringing in its wake unprecedented resistance on the part of those affected; the most recent trend has frightening consequences for the whole country. The Indian people, in common with all the non-Whites, can never surrender to conditions of subservience and helotry. Governed as they are by natural laws of life they will resist efforts to degrade and enslave them. No amount of terrorisation, banning, banishment or even incarceration in jails will force them to submit. It is in the interests of South Africa to evolve a just and a peaceful way of life for all its inhabitants, and unless amicable understanding is brought about soon the country will face a national disaster of unfathomable magnitude.

This Memorandum is addressed to you in the hope that you will make your contribution in bringing sanity to this unhappy land of ours so that peace and goodwill might reign supreme under the shadow of justice and fair play.

P.O. Box 247,

Fordsburg,
Johannesburg.

February 1963.

1963.3

ADDITIONAL SANCTIONS IMPOSED BY INDIA IN JULY 1963

Text of Press Note by the Ministry of External Affairs of India, dated July 13, 1963, announcing additional sanctions in pursuance of United Nations General Assembly resolution 1761 (XVII) of November 6, 1962

Although India was the first country, as far back as 1946, to declare diplomatic and economic sanctions against South Africa, the Government of India has further reviewed the position and taken the necessary action to comply with resolution 1761 (XVII) of the United Nations. Some of the measures taken on the recommendations of the resolution are as follows:

(a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations

The High Commissioner for India in the Union of South Africa was recalled in 1946. The Mission itself was withdrawn in 1954. Thus there has been no formal diplomatic connection between India and South Africa since 1954. However, some contact was maintained between the two Governments through their Missions in London, mainly in order to implement the various resolutions of the United Nations General Assembly, urging negotiations between them on the question of treatment of persons of Indian origin in South Africa. The Government of South Africa, however, persistently refused to negotiate in terms of these resolutions. This contact has accordingly now been broken off.

(b) Closing ports to all vessels flying the South African flag

In implementation of resolution 1761 (XVII), the Government of India has instructed the authorities concerned not to allow vessels flying the South African flag to touch Indian seaports.

(c) Enacting legislation prohibiting ships from entering South African ports

Indian ships do not call at South African ports. However, instructions have been issued to the authorities concerned to prohibit Indian ships from going to South African ports. The Government of India has adequate powers for this purpose under the existing laws and it is not necessary to enact fresh legislation.

(d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa

There has been a general ban on trade between India and South Africa since 1946. Since 1953, the mandated territory of South West Africa which is being administered by South Africa, has also been brought under this ban. The movement of some items, mainly of cultural and religious interest, was however, being allowed through postal and other channels on humanitarian grounds. The Government of India has examined this matter again and issued instructions that apart from bona fide personal effects of travellers, post cards, letters, aerogrammes and telegrammes, only the following items will be allowed for movement between India and South Africa through postal and other channels:

(1) Books and periodicals, publications (magazines) and newspapers;

(2) Blind literature

(3) Free unsolicited gifts from relations and friends including family and personal photographs if paid for at the letter postage rates, or printed matter rates, if admissible. These cannot be sent by parcel post. The value of such gifts should not exceed Rs 200.

(4) Packets containing sweetmeats and blessings for Muslim devotees by the Durgas Committee, Ajmer, provided that no packet exceeds one pound in weight and that packets are accompanied by certificates from the Nizam of the Durgas showing that they are bona fide offerings by devotees.

(5) Pictorial representations with religious and social background.

(e) Refusing landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa:

There is no traffic between India and South Africa by Indian or South African airlines. However, under the relevant international conventions, aircraft registered in South Africa can be permitted to overfly India while operating scheduled international air services, to land at Indian airports for non-traffic purposes and to make non-scheduled flights to, through and over India. In view of the resolution of the General Assembly of the United Nations specifically forbidding these facilities, the Government of India has informed the International Civil Aviation Organisation that they will not allow aircraft registered in South Africa to land at Indian airports or to overfly India. ...

The Government of India has, as explained above, implemented all the requirements of this resolution and hopes that all other Member States of the United Nations and indeed all countries of the world will do everything in their power to bring about the abandonment of the cruel and inhuman racial policies of the Government of South Africa.

| From Spark, January 3, 1963
| United Nations Document A/AC.115/L.6
| Appendix B is omitted here. The statement of Nana Sita is reproduced earlier.
| Annexure C is not reproduced here.
| The Annexure is not reproduced here.

1964.1

MEMORANDUM BY THE SOUTH AFRICAN INDIAN CONGRESS TO THE
UNITED NATIONS GROUP OF EXPERTS ON SOUTH AFRICA, MARCH 6, 1964

The South African Indian Congress

1. The South African Indian Congress is, as stated in the memorandum submitted to the late Mr. Dag Hammarskjold, Secretary-General of the United Nations, on his visit to South Africa, the major political organisation of the approximately 600,000 people of Indian origin in South Africa.

2. In pursuance of its policy and programme of fighting against the racialist policies of the South African Government, the South African Indian Congress in 1947, through the Dadoo-Xuma-Naicker Pact, entered into cooperation with the African National Congress.

In 1952 the African National Congress and the South African Indian Congress launched the historic Defiance Campaign against Unjust Laws as a result of which Africans and Indians went to prison demonstrating their opposition to the tyrannical laws which were being enacted by the Nationalist Government of Dr. Malan.

3. The South African Indian Congress, as a result of the adoption of the Freedom Charter by the Congress of the People sponsored by the African National Congress, amended its constitution to make the Charter part of its aims and objects.

Thus the South African Indian Congress, as well as the South African Coloured People's Congress, the South African Congress of Democrats (an organisation of progressive whites which has now been banned by the South African Government) and the South African Congress of Trade Unions are fully committed to the Freedom Charter under the leadership of the African National Congress.

4. On this basis the South African Indian Congress continued to undertake jointly with the African National Congress and other organisations, further campaigns which followed the Congress of the People.

Many of its leaders were involved in the Treason Trial, arrested and detained under the Emergency Laws in 1960 and banned under the Suppression of Communism Act.

5. One of the major tasks of the South African Indian Congress has been in the forefront of the resistance of the Indian and non-white people against the Group Areas Act of 1950. The application of this inhuman measure whereby Indians are compulsorily evicted from their hearth and homes to live in separate areas or ghettos set aside for them on open veld outside of and miles away from the cities and industries, cuts them off completely from the mainstream of social and economic life.

6. The South African Indian Congress and its constituent bodies, the Natal Indian Congress and the Transvaal Indian Congress, have suffered heavy casualties as a result of the repressive measures of the Government. In terms of the provisions of the Suppression of Communism Act of 1950 and the General Laws Amendment Acts of 1962 and 1963, most of the officials and leading members of the organisation have been banned, charged with sabotage, placed under house arrest or put into detention.

The South African Indian Congress has not yet been formally declared unlawful, as was the African National Congress. But this makes little difference. As a result of the restrictive orders served upon its officials and members, the South African Indian Congress is therefore as effectively muzzled as the African National Congress.

Submission of matters related to the mandate of the Expert Group

7. In terms of the resolution adopted by the Security Council on 4th December 1963, the Group is mandated "to examine methods of resolving the present situation through full, peaceful and orderly application of human rights and fundamental freedoms to all inhabitants of the territory as a whole, regardless of race, colour or creed, and to consider what part the United Nations might play in the achievement of that end."

In respect of this the South African Indian Congress wishes to make the following submissions:

(a) The application of human rights and fundamental freedoms can only be achieved through the establishment of a democratic State ensuring fully elective institutions on the basis of adult franchise of one-man-one-vote. In this respect the African National Congress, the South African Indian Congress and other organisations of the Congress movement stand for the translation into reality of the principles of the Freedom Charter.

The Maritzburg All-in African Conference of March 1961, representing almost the entire African population, called for a fully representative National Convention, elected by all South Africans irrespective of colour, to frame a democratic constitution for the country.

This just and practical demand for the peaceful solution of the situation was completely ignored by the South African Government, and on the question of consultation with the African people, the Prime Minister, Dr. Verwoerd, made the following statement in the South African House of Assembly on January 25, 1963:

"Reduced to its simplest form the problem is nothing else than this: We want to keep South Africa white. 'Keeping it white' can only mean one thing, namely white domination. Not 'leadership', not 'guidance', but 'control', 'supremacy'."

(b) The South African Government has continuously and contemptuously defied all the decisions of the United Nations General Assembly and the Security Council urging it to revise its racial policies and initiate measures "aimed at bringing racial harmony based on equality".

The extraordinary gravity of the situation was recognised by the United Nations General Assembly. Not only was the South African Government enforcing its apartheid policies by increasing internal repression and the use of brute force and leading the country into a state of violence, murder and racial war, but was also threatening the security of the African continent as a whole, and endangering international peace and security. By its flagrant violations of international obligations as a member State of the United Nations and by its flagrant defiance of United Nations decisions the South African Government directly threatens the existence of the United Nations and its peace-keeping functions.

It was in the light of this situation that the United Nations General Assembly adopted resolution 1761 on November 6, 1962, calling upon all member States to apply specific measures of sanctions as outlined in paragraph 4 of the same resolution. |

Further, the General Assembly set up a special committee to keep South Africa's apartheid policies under review and requested the Security Council "to take appropriate measures, including sanctions" and to consider taking action under Article 6 of the Charter which provides for the expulsion of a member State which persistently violates the principles of the Charter.

At the request of the African countries, the Security Council met twice in 1963 to consider the South African question. At its first meeting it called for an embargo on the supply of arms, ammunition and military equipment to South Africa. In December, the Security Council decided to extend the sanction on arms supply by calling on all member States to ban the shipment of equipment and material required by South Africa for the domestic manufacture of arms and ammunition. Further, the Security Council added its influential voice to the world-wide demand for the release of political prisoners and for abandoning the trials of anti-apartheid leaders now taking place in the country. The 1963 session of the General Assembly added to its 1962 recommendation of specific measures for sanctions by calling upon member States to stop the supply of oil to South Africa. The report of the United Nations Special Committee on Apartheid of September 1963 went a step further in its recommendations to the Security Council and the General Assembly.

"The Special Committee feels that they should consider, without further delay, possible new measures in accordance with the Charter, which provides for stronger political, diplomatic and economic sanctions, suspension of rights and privileges of the Republic of

South Africa as a member State, and expulsion from the United Nations and its specialised agencies."

(c) The decisions on sanctions are timely and in keeping with the growing world-wide demand for effective actions to bring the whole apartheid structure in South Africa to a speedy end.

By the time the 1963 session of the General Assembly met, forty-six countries had formally informed the Secretary-General that they were implementing the United Nations resolutions on sanctions, whilst another twenty-one countries had publicly declared at various times that they had not maintained or had ended their trade and political relations with South Africa. This ready response by well over half the countries of the world has brought the issue of sanctions well within the scope of realisation and implementation.

(d) However, despite this achievement, South Africa's foreign trade is expanding and its economy is going through what is claimed to be an unprecedented boom.

The fact that South Africa's economy had continued to flourish since the boycott decision is primarily due to the unwillingness of the imperialist States, particularly Britain and the United States of America, to comply with the decisions of the United Nations. They continued to trade and extend their capital investments and helped to build up the South African military machine by continuing to supply arms and equipment.

Between 1962 and 1963 Britain, the United States of America and the capitalist countries of Western Europe pushed up their exports to South Africa by well over a quarter, raising their share of South African import trade from 65.8 percent to 70 percent. They also continued to maintain their high volume of purchases of South African products, taking well over 60 percent of her exports. Between 1960 and 1963 there was an increase in American capital investment in South Africa from \$ 590 million to \$ 700 million.

Conclusions

8. Repeated appeals by the United Nations over the last ten years have been completely ignored by South Africa. No purpose can now be served by similar appeals since failure to take effective action only encourages South Africa to believe that it can with impunity ignore these appeals.

Nothing less than the most energetic enforcement of the sanctions resolution can have the desired effect and any delay in implementing it will have the effect of weakening the authority and prestige of the United Nations as an international force for peace, security and justice.

9. No solution of the South African situation is possible without the total abandonment of the racial policies of apartheid and no useful purpose can be served by entering into an examination of methods other than one of seeking the most direct ways and means of

making the operative clause, paragraph 4, of the November 1962 resolution of the General Assembly enforceable.

The South African Government has made its stand clear. It does not even recognise the right of the United Nations to interfere in any way with its treatment of the non-white people and it rejects the idea that there is an alternative to apartheid.

The choice before the world was aptly put by Bishop Reeves, former Bishop of Johannesburg, in his speech before the Special Political Committee of the United Nations General Assembly in October 1963, in the following words:

"The choice is between effective international action and the probability of bloodshed on a vast scale in South Africa. And the choice cannot be evaded by maintaining that all that exists in South Africa is a form of government which many people find repugnant. That I suppose is true of many governments. But in South Africa there is a situation in which the majority of the inhabitants at this moment are living in a fully-fledged police State under a tyranny which is a flagrant contradiction of the basic principles of the Charter of the United Nations."

10. The main problem confronting the United Nations in securing the most resolute and energetic implementation and enforcement of sanctions by all member States is the deliberate refusal by the major imperialist Powers to comply with its resolutions on the pretence that these decisions are not "mandatory" on member States. In this way they, as the trading partners of South Africa, want to undermine the efforts of the large majority of countries which is carrying out these decisions.

It is imperative that adequate measures be taken to impel these Powers to abide by majority decisions and thereby be made to play their proper role on the crucial issue of South Africa on which hinges the future of the United Nations itself.

11. The situation in South Africa is deteriorating rapidly. Thousands of brave men and women are behind bars and many hundreds are facing severe sentences and even the maximum penalty of death for sabotage in the many trials now before the courts of the country. The Rivonia trial in which nine outstanding and recognised leaders of the overwhelming majority of the people are involved, is coming to an end and the verdict of the court in this case may well mark a turning point in South Africa's history - a turn for the worse leading to a bloody and violent conflict on an unprecedented scale.

This perilous situation calls for the most stringent action on a world-wide scale. South Africa must be quarantined, completely isolated in every sphere of international relationships, diplomatically, economically, socially and culturally, and steps taken for her exclusion from the United Nations and all international agencies and bodies. All traffic in arms and goods of all kinds must cease forthwith; all oil supplies must be cut off; a total ban must be placed on all ships and aircraft trading with her.

The South African Indian Congress, therefore, appeals to your Expert Group to request the Secretary-General that the Security Council be called upon to take immediate steps along these lines, in conformity with the United Nations resolutions of 1962 and 1963 and taking into consideration the recommendations of the Special Committee on Apartheid.

(Dr.) Y. M. Dadoo
Former President and Accredited Representative of the South African Indian Congress

London
March 6, 1964

1964.2

STATEMENT BY DR. Y. M. DADOO TO THE DELEGATION OF THE UNITED NATIONS SPECIAL COMMITTEE AGAINST APARTHEID, LONDON, APRIL 1964 |

On behalf of the South African Indian Congress, I should like to express our deep gratitude to the Special Committee against Apartheid for having given us this opportunity of presenting a written memorandum and for giving me the privilege of appearing here personally in order to underline some of the submissions which we have made in our written document.

We, the South African Indian Congress and the Indian people in South Africa, as well as all the non-whites and the democratically minded white people of South Africa, deeply appreciate the drive, the energy, the integrity and the determination with which this Special Committee has been carrying out its task. It has indeed been a great inspiration to our suffering people in South Africa, and for that we are very grateful indeed.

The written memorandum which we have presented makes all our points, but, nevertheless, I would like to underline some of them in order to emphasize some of the aspects of the situation in South Africa.

Position of the Indian community in South Africa

Representing the Indian community in South Africa, I would like to say a few words about the position of the Indian minority there. That minority, which comprises almost 600,000 who live in and who have made South Africa their home, are indeed Africans in every sense of the word. The Indian people suffer a great deal under the apartheid tyranny and the racial segregation policy of the South African Government. The Indian people ask for no special privileges. It must be understood that about 80 per cent of the Indian people live below the bread line. Their position, because of the laws of the country,

because of the policy of the South African Government, may not be so terrible or as bad as that of the African people, but by and large, the Indian people suffer as much under this racial tyranny of the South African Government.

Out of the 80 per cent of the South African Indian people who live below the bread line, at the present moment in a city like Durban with a population of 130,000 Indians, 30,000 of the 130,000 are unemployed. It must be understood that the Indian people, when they went to South Africa about one hundred years ago, did not go of their own free will. They were under the British and were taken as indentured labourers to work on the sugar plantations of Natal for the white settlers. Since then the position of the Indian people has deteriorated. Therefore, the Indian people have been struggling for their just rights all these long years, as far back as the beginning of this century when Mahatma Gandhi went to South Africa and led the Indian people in their fight against the discriminatory policies of the government at that time. Since then the Indian people have realised that these differentiations which were brought about by the South African Government were not in the interests of the Indian people or indeed in the interests of the people of South Africa as a whole. Therefore, the Indian people have thrown in their lot completely with the African people, with the other non-white oppressed people in the struggle for human rights, for justice and for liberty. Today we find that the Indian people, under the leadership of the South African Indian Congress, are wholly allied with the principles of the Freedom Charter for the African people in their struggle.

As I said before, we ask for no special privileges for the Indian people. The Indian people have suffered in proportion to the population and in the ratio to the population in all the struggles that have been conducted in the last twenty years and more. The Indian people at the present moment are confronted with a situation where they face a position of genocide, which is indeed the word to be used, when they are faced with the application of the Group Areas Act that was enacted by the present Nationalist Government in 1950. The terms of this Act affect all the non-white people, but particularly affect the Indian people more since the African people have already been segregated into separate areas and robbed of their land. The Indian people are being driven into ghettos far away from the cities where they have been living; they are cut off completely from the economic and social stream of life in the country. This is the policy of the Government as declared at the time when the Group Areas Act was enacted, to eliminate the Indian people in South Africa.

At first they started with a policy of expatriating the Indians, to send them back to India and Pakistan and other parts of the world. The South African Indian people refused to do this. They said that they came to South Africa, that South Africa is their home and that they were prepared to live and die in the struggle, if need be, for their just rights in common with the other sections of the South African population. So that today we are carrying out a struggle under the leadership of the African National Congress. The African National Congress has the whole-hearted support of the Indian community of South Africa, as represented by the South African Indian Congress, in all the submissions made by the African National Congress and by its leaders to the Special Committee and to the other agencies of the United Nations.

As regards the present situation in South Africa in general, I do not think that there is any dispute at all that we are in a racial war, a war carried out by the South African Government, backed by the armed and police might of the State against the non-white people in the country. Violence has been used by the police in this war at every conceivable opportunity, even when the non-white people were demonstrating in a peaceful manner for their rights.

Save the lives of leaders on trial

As the other submissions made before the Special Committee bear out, the present position is that the non-white people in South Africa are faced with violence on the part of the Government. This has brought about a situation whereby the non-white people are confronted with the choice whether to submit to tyranny and a life of ignominy, or face up to the situation and meet the violence of the Government with determined resistance on their part.

It is this situation which is leading the country into a period of conflict, bloodshed and violence. The Government has led the South African people on the path of murder and repression. As has already been pointed out, there have been many sabotage trials; many persons have been sentenced to death. Under the 90-day detention act hundreds of people have been detained. Under various other acts thousands of people are in prison or are being banished to distant parts of the country.

In this respect we have to bear in mind the Rivonia trial where some of the most outstanding leaders of the people, leaders who stand for a way of life which only can bring about a peaceful solution in South Africa, are at the moment walking in the valley of the shadow of death.

We have been reassured by the Chairman of this Committee, in reply to the submission made by Thabo Mbeki, the son of one of the leaders who face a death sentence in this trial, that this Committee is doing everything in its power to persuade the United Nations to take such action - such immediate action - as may be necessary in order to save the lives of our leaders in South Africa. That is very heartening indeed. I think that no stone should be left unturned, that every effort should be made to see that these leaders are saved, because if they are taken away, if they are executed, then there can be no return to a peaceful solution in South Africa; it means then a period of bloodshed and violence in which the people will meet force with force in order to obtain their just human rights.

So it is therefore one of our submissions that everything possible should be done. One of the urgent tasks before the United Nations today, indeed before all Member States of the United Nations and world opinion as well, is to try by every possible means to save the lives of these leaders.

Impose effective sanctions on South Africa

The other question is: What is to be done in the situation in South Africa? It is our submission that only effective sanctions, mandatory economic sanctions, applied against South Africa can save the situation. In this respect I should like to touch upon two arguments which have been persistently put forward from time to time by the opponents of sanctions, those who do not desire sanctions to be applied.

One argument is that sanctions will hit the non-white people of South Africa and will therefore bring about further suffering on their part. I think that contention must be scotched right away. It is indeed the submission of the African National Congress, on behalf of all the people of South Africa, and for many long years the appeal of Chief Albert Lutuli, the president of the banned African National Congress, that we desire sanctions to be applied against the South African Government because that will help us to reduce the suffering of the people and the cost in life and bring about a speedy settlement of the South African problem. In this respect you will be hearing in a little while the representative of the South African Congress of Trade Unions, who will be speaking on behalf of the working people of South Africa. I have no doubt that his submission will be as it has been many times proclaimed by the South African Congress of Trade Unions on behalf of the working people, that they are prepared for those sacrifices. If they are prepared to die in the struggle, they are prepared for whatever sacrifices may come as a result of economic sanctions, and it is the duty of the outside world and of the United Nations to impose those sanctions effectively so that a situation may be brought about in South Africa which will be favourable for the return of democracy and the national liberation of the people of South Africa.

The other argument which is being put forward in some quarters and which has no validity at all in fact is that sanctions tend to harden white public opinion in South Africa; that is, that the more people talk about sanctions and the more sanctions are applied by the outside world, the more the white people will be driven to support the South African Government.

It must be understood that the large majority of the white people in South Africa are with the Government because they stand to benefit from the apartheid policies; because under apartheid they enjoy extraordinary privileges and live from the sweat, the blood and the very lives of the non-white people. They will not give in; they will continue to support the Government as long as they think they are assured of this way of life. The only way in which sense could be driven into large sections of these people is to make them begin to feel the brunt of effective sanctions, to make them realise that there is no way out for the white people and that they cannot continue to live a life of luxury out of the exploitation and the blood of the non-white people. And this point can be driven home to them only when effective sanctions are taken. Therefore the question of hardening white public opinion holds no water at all. The white people will understand only when effective action is taken. The South African Government assures the white people in South Africa that the talk of sanctions is merely talk, that it will not come about, it will not come to pass because they have allies in the Western world. And their allies in particular are Great Britain and the United States because they have tremendous investments in South Africa, because they derive terrific profits out of the apartheid

policies of the Government of South Africa - and it is this which is keeping and hardening white public opinion and making them rally in support of the fascist Government.

So the one problem with regard to effective sanctions is, of course, the question of what the Western world, and in particular Britain, the United States of America and France, will be able to do. It is our submission that, as far as the United Nations is concerned, they must seek ways and means of making these sanctions enforceable by making them mandatory in some way, so that all the members of the United Nations will be able to take effective sanctions. The resolutions of the General Assembly, if they are carried out, will, in our opinion, meet the situation. The question of how the United States, the United Kingdom, France and the other Western countries could be persuaded to impose sanctions is two-fold: first, through moral persuasion, and second, through pressure to be brought to bear on the governments. These governments should be made to realise that if they desire to profit from the blood of the people of South Africa, then they will have to meet with opposition and unfriendliness from the rest of Africa and the rest of the world. For, after all, these Powers are helping the South African Government which, by its actions, by its armament plan, is today poised as a threat to the security of the whole continent of Africa. It is a matter of life and death for the people of South Africa; it is also a matter of security for the continent of Africa and indeed for the peace of the world.

Therefore we submit that as far as possible and as speedily as possible effective sanctions must be imposed. The kind of sanctions to be imposed has already been dealt with in many documents and I will therefore not dwell upon it save to say that these sanctions are absolutely essential if the international community and the international organisation is to do anything effective to bring about a solution of the South African problem with a minimum of cost in life and a minimum of violence.

1964.3

MEMORANDUM BY THE SOUTH AFRICAN INDIAN CONGRESS TO THE UNITED NATIONS SPECIAL COMMITTEE AGAINST APARTHEID, APRIL 1964 |

On behalf of the South African Indian Congress I express my appreciation for this opportunity to address you.

This is not the first time that a representative of my organisation has been accorded the privilege of making submissions to those agencies of the United Nations Organisation concerned with one of the most important moral testing points for the whole of humanity - the theory and practice of the racial regime which holds power in South Africa.

My people - the 600,000 Indians - have a proud and noble tradition of opposition, struggle and sacrifice against the white supremacy State. Brought to South Africa more

than a century ago to satisfy the insatiable greed for cheap labour and bigger profits, the Indian people have never been ready to submit to herrenvolkism and all that it means to those whose skin colour is not White. As long ago as the beginning of this century the great Mahatma Gandhi who founded the Natal Indian Congress, the principal unit of my organization, led my people in a campaign of resistance against the now entrenched pattern of treating non-whites as foreigners and strangers in the land of their birth. He, together with many of his colleagues, was thrown into jail.

In the half century which has passed since then, the Indian people have played no small part in the resistance movement against white rule. For us it is a matter of pride that our organisation, following the 1946 Passive Resistance Campaign, played such an important role in placing the question of the treatment of South African Indians on the agenda of the United Nations Organisation, and thus, for the first time, gaining acceptance that the treatment of non-white people in South Africa is no domestic matter but goes to the very root of the United Nations Charter and the Universal Declaration of Human Rights.

It is also a matter of pride for us that the Indian people have over and over again rejected with contempt the efforts by the South African State to divide them from the African people in their common ideal to create a non-racial democracy in our land. The vicious discrimination to which Indians are subjected is repeated tenfold when it comes to the African people. We have always recognised that our fate is inextricably tied up with that of our African brothers whose organisation, the African National Congress, stands at the head of the movement for national liberation. Together with the African National Congress, the South African Coloured Peoples' Congress, the South African Congress of Democrats, and the South African Congress of Trade Unions, our organisation has made the Freedom charter part of its aims and objects and we are fully committed to its achievement. It follows that we can accept nothing less than the creation of a society in which those who do not accept majority rule have no place.

In the last fifteen years many members of the South African Indian Congress have demonstrated in practice that they are prepared to fight in order to destroy the Verwoerd regime. The thousands who went to gaol during the Defiance Campaign, those who were accused for four years in the Treason Trial, those arrested during the 1960 State of Emergency; all this and more speaks of a determination on the part of my people in the heroic struggle for liberation. During the last few years when almost all avenues of peaceful protest have been closed, many Indians have found themselves amongst those who are prepared to die rather than submit. Savage sentences of up to twenty years are being served by members of my organisation. In the infamous Rivonia Trial one of our leaders, Ahmed Kathrada, is in the dock together with men like Mandela, Sisulu, Bernstein and others.

The men in the Rivonia Trial today stand in the shadow of the gallows and whether they are allowed to die will depend on the extent to which the members of the United Nations Organisation respond to their responsibilities.

The political prisoners in South Africa, over 5,000 of whom crowd Verwoerd's gaols, represent the cream of the resistance movement. The oppressed and fighting people of South Africa will never submit to Verwoerd's tyranny despite an almost Job-like patience which they have displayed for over fifty years. The stage has been reached where it would be both absurd and unreal to counsel moderation and constitutional methods of persuasion. Every protest, every demonstration, every exhortation has been met with the bullet, the baton, and the hangman's noose.

The enormity of the situation requires to be re-emphasised. For in this second half of the twentieth century, when the world is moving inexorably towards the eradication of race and national oppression, Verwoerd and his clique are still at large to spread their insults and race poison at home and in important world councils. They are encouraged and feel their strength because they are not alone. No amount of sanctimonious condemnation of apartheid and all its evils will blind mankind to the fact that Verwoerd has important friends and allies.

I refer particularly to a few governments who would have us believe that they are the bastions of the free world but who at the same time clutch South Africa to their protective bosoms. They endeavour to render ineffective the resolve of the vast majority of mankind to put an end to the shame of apartheid. The "Saracen" armoured cars, the machine guns and rifles which left seventy dead at Sharpeville and which are still used to answer every legitimate expression of political opposition, have their origin in the arms factories of these very countries.

The luxury of the white minority which serves to keep Verwoerd economically prosperous and stable is fed by investors and traders who have a stake in the continuation of apartheid because of its effectiveness in bringing in maximum returns. Countries like Britain and the United States of America who make profit out of apartheid and who attempt to undermine every real effort for United Nations action are as much a part of this regime as if they were actually sitting in its executive councils.

Apartheid is not only a moral question. It is bound up with the question of maintaining international peace, particularly on the African continent. The existence of the white-dominated State constitutes a daily provocation to the pride and self-respect of every non-white outside South Africa. It further constitutes a concrete threat to the achievements of the independence movements in Africa. By virtue of its arms build-up and its connection with the Salazar colonialists it has become an important factor in the conspiracy to turn the clock back in Africa and to re-establish foreign control in the liberated areas. Its collaboration with, and assistance to, the Tshombe group in the Congo is just one example of this. Nor has Verwoerd abandoned his Government's declared aim to add the three British Protectorates to his cheap-labour reservoirs. This live threat to the peace and security of the continent of Africa has in it the seeds of a world-wide conflagration.

It does not require a great deal of argument to become convinced that what is going on in South Africa is the responsibility of all humanity. If only the nations of the world had

responded to that responsibility in time in the case of Nazi Germany, all the blood-letting might have been avoided.

It is no longer a question of whether there will be a clash. It is a question of when and how many lives will be lost or ruined. A shirking by the nations of the world of their responsibilities will not, in the long run, prevent the inevitable victory of the people. It will make the coming struggle more protracted, more bitter and more bloody. It will increase its dimensions. United and effective world action could isolate and cut out this cancer and will make the inevitable transformation less costly and less painful.

For the mass of the non-white people in South Africa time is running out and patience is wearing thin. Inspired as they are by what has already been done at the United Nations, they look to this forum to play its true role in accordance with the Universal Declaration of Human Rights which is its very foundation. If it does not carry out this responsibility it will reveal an impotence which will undermine the confidence of people everywhere in its humanistic purposes and declarations.

Not one session of the United Nations Organisation has passed without a scathing condemnation of the system of apartheid and without an appeal to the South African Government to change its ways and to start abandoning its vile policies. Far from being persuaded the South African Government has arrogantly spat contempt and defiance at this world body. It is a measure of the strong feeling of revulsion which people have towards this form of racial barbarism that over half the countries of the world had by 1963 complied with the spirit of the United Nations resolutions relating to sanctions and arms embargo.

But the continued direct and indirect support which flows to Verwoerd from those who are his business partners had enabled him to claim an expansion in foreign trade and an unprecedented economic boom. Up to now even the limited steps taken by the United Nations have been welcomed by us all, but the time has come when nothing short of mandatory international action, backed by United Nations strength, will serve to make an effective contribution to the expressed desire of the United Nations for an end to the fascist practices of South Africa. In putting forward this proposal we stand together with the most important leadership of the African people - the African National Congress.

The reluctance to take effective measures because of the argument that it would also do harm to the non-white people does not bear analysis. Every nation represented here has, at some stage or another in its history, been caned upon to make sacrifices in an attempt to stamp out tyranny. Lives have been lost and in many cases the suffering has been immeasurable. If suffering and deprivation caused by such struggles was the sole measuring rod, the whole of humanity would still be living in bondage.

Of course the imposition of effective sanctions in all fields will result in short-term deprivation to the non-white people. But of what importance is such deprivation when compared to the prolonged and unmitigated agony of a life under apartheid.

The bluff and the boast are weapons in the armoury of racists everywhere. When Verwoerd tells the world that the non-white will suffer more than he will, if it isolated South Africa and strangled it economically, he is drawing on these weapons. He, and all who make profit out of apartheid, know very well that those who would be dealt the death blow by this sort of action are the very ones who keep apartheid going because of its immense financial profits. It is precisely for this reason that not one representative voice of the non-white people has even hinted at opposition to various far-reaching and effective measures which have been proposed from time to time. Indeed, it is for this very reason that the non-white people call for, and wholeheartedly support, effective sanctions measures against the Verwoerd regime.

In conclusion, Mr. Chairman, I want to refer to the fact that the United Nations resolution on the Rivonia Trial and on the thousands of other political prisoners, has been treated with contempt by the South African Government. There are today over forty Africans in the death cells waiting for the door to be opened and for the short walk to the scaffold. A further three have been added when Mini and his two colleagues were sentenced to death two weeks ago. The men in the Rivonia Trial and in dozens of other political trials throughout the country are still undergoing the ordeal of the expectation of what is to come. We all owe it to those heroic victims of apartheid, and the oppressed people they represent, that the racist regime be urgently prevented from pressing on with its persecution and its judicial killings.

Allow me to repeat. The time for talking is past. The vocabulary of condemnation has run out. A failure to take effective action will only encourage the South African Government in its belief that it can with impunity ignore United Nations appeals for sanity. Nothing less than the most energetic enforcement of the 1962 and the 1963 sanctions resolutions can have the desired effect. Any delay in implementing this and any further pandering to those big Powers who attempt to sabotage every real effort, will weaken the authority and prestige of the United Nations as an international force for peace, security and justice. What is at stake here is not only the future of the South African people but, in a large measure, the future of the United Nations Organisation itself.

Y.M. Dadoo
South African Indian Congress

| In paragraph 4, the General Assembly requested Member States to take the following measures, separately or collectively:

"(a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations;

"(b) Closing their ports to all vessels flying the South African flag;

"(c) Enacting legislation prohibiting their ships from entering South African ports;

"(d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;

"(e) Refusing landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa."

| From United Nations document A/AC.115/L.65

| From United Nations document A/AC.115/L.65

1968.1

MEMORANDUM BY THE SOUTH AFRICAN INDIAN CONGRESS TO THE UNITED NATIONS SPECIAL COMMITTEE AGAINST APARTHEID, JUNE 1968 |

I. The South African Indian Congress has on many occasions brought to the attention of the United Nations and its Member States the condition of the people of Indian origin in South Africa and the impact of the policies of apartheid on them. We have done so, however, in the knowledge that there can be no redress for the Indian community in isolation.

II. The South African Indian Congress is a member of the Congress Alliance which is led by the African National Congress. The policy of the Movement is to eliminate discrimination and racialism in our country and to establish a free and democratic South Africa for all our people.

III. The South African Indian Congress therefore wishes to address itself to the Special Committee as an integral part of the Liberation Movement in South Africa. We draw the Committee's attention to the particular impact of the policies of apartheid on the people of Indian origin, but we seek support for action against the policy of apartheid itself and as it affects all the people of South Africa.

IV. Since members of the Liberation Movement last addressed the Special Committee, the South African Government has further intensified its oppressive policies and it is seeking actively to divide and isolate the various racial groups within the country.

V. The Committee is aware of the policies that claim to establish "Bantu homelands" for the African people, and of the special system of education that has been devised to create a subservient people. These policies are now being extended to the Coloured and Indian people.

VI. With reference to the people of Indian origin, the Government has for example:

1. Intensified the implementation of the Group Areas Acts to cover almost the entire country and the overwhelming majority of the Indian people. Figures published by the South African Institute of Race Relations in 1966 revealed that in the Transvaal alone 87.62 per cent of the total Indian population had already been moved, or were in the process of being moved, from their homes.

The self-professed aim of the Group Areas Act is to divide the entire country into racially exclusive areas. In its implementation, however, the authorities are aware always of the basic aim of Government policy, namely, to organise all institutions and development for the maximum benefit of the white minority in South Africa.

Thus it is the non-white people who inevitably have to move whilst the white communities remain settled. It is the non-white schools, cemeteries, mosques, hospitals, temples and homes that are forcibly evacuated, and the people moved like pawns into a bare wilderness.

Our people, after over 100 years of living in South Africa, are still basically insecure. This insecurity arises from the fact that we are restricted in our choice of occupation, employment, education, trade and association. Added to the massive restrictions have been the recent clamp-down on professional people wanting to live and work abroad. The ruthless and systematic implementation of the Group Areas Act has resulted in the increase of suicides in Durban and Pietermaritzburg. There are ten known cases of suicide which can be directly attributed to the Group Areas Act. Social life has rapidly deteriorated and has resulted in an increase in delinquency, gang warfare and imprisonment for petty and large-scale crimes.

For an Indian, the right to travel from province to province for the purposes of employment, study or holiday is seriously curtailed by the requirement of obtaining a permit. A permit for a limited stay which can be refused, curtailed or extended is at the behest of a petty clerk with the result that thousands of unemployed Indians in Natal are prevented from seeking jobs in other provinces.

2. The South African Indian Congress rejects totally any doctrine which claims that there should be a distinct education for each racial group. The experience of the introduction of "Bantu education" has given rise to justified fears amongst our people that this is merely the first step in introducing a system of indoctrination for our children and isolating them within South Africa whilst denying them opportunities for fulfillment and development.

3. Established a South African Indian Council (formerly the Indian National Council) which, it is claimed, speaks for the Indian people.

The South African Indian Congress categorically rejects this claim.

The Council is a puppet body established by the South African Government to lend semblance of democracy to its apartheid structure. Its members have been chosen not by the people but by the Minister for Indian Affairs. Its functions are merely advisory and, even as envisaged in the future, its powers will be limited and subject to the veto of a central government in whose choice the people have had no voice.

Not only is the Council unrepresentative of the Indian people, but it is based on the principle of separate representation, a principle which has been repeatedly rejected by the Indian community since 1946, and which has been universally recognised as being contrary to democratic practice.

VII. The South African Indian Congress is a federal union of the following organisations:

The Natal Indian Congress (founded in 1894 by the late Mahatma Gandhi);

The Transvaal Indian Congress (founded in 1903);

The Cape Indian Assembly (founded in 1949).

These member organisations have consistently represented the aspirations of the Indian people. We are committed to the full equality of all the people of South Africa, as enunciated in the Freedom Charter adopted at the Congress of the People in 1955.

The disciplined and persistent opposition of the South African Indian Congress and its member organisations has led to many of its officials and members being banned, restricted, placed under house arrest or forced into exile. Many others are serving various terms of imprisonment.

Thus, though the South African Indian Congress is nominally still a legal organisation, it has, due to the restrictions placed upon it, to all intents and purposes been compelled to operate illegally.

VIII. Nonetheless, the Indian community has expressed its opposition to the Government's policies.

1. No recognised figure among the Indian people has accepted nomination to the South African Indian Council and the Minister for Indian Affairs has had to admit that he had been unable to obtain the support of the representative leaders of the Indian community (Speech opening discussion on establishment of INC).

2. In spite of the intensive propaganda efforts of the Government listing the alleged benefits to the community of its apartheid policies, the people have refused their cooperation.

At every step they have resisted the establishment of a separate Department for Indian Affairs, and it is able to function at present only in so far as the people are forced to resort to its services.

3. Individuals have taken courageous stands and repeatedly resisted the application of the Group Areas Act. Special mention must be made of Nana Sita who has served three jail sentences since 1962 for refusing to move from his home in Hercules, Pretoria, which he has occupied for over forty years.

4. Despite police intimidation the schools have been a focus of political activity - with repeated demonstrations in support of arrested teachers and political prisoners, and against government-organized functions and policies.

5. Individual members of the community have joined with the African people in armed resistance, under the banner of Umkhonto We Sizwe.

Some of these are today serving sentences on Robben Island alongside our national leaders such as Nelson Mandela, Walter Sisulu and Govan Mbeki. One of the leading members of the Transvaal Indian Youth Congress, Sulaiman "Babla" Saloojee, "committed suicide" while being interrogated by the Special Branch.

6. Last month a leaflet issued by Dr. Yusuf Dadoo was printed and distributed widely within South Africa. A copy of the leaflet is attached as Appendix 1.

IX. The SAIC firmly believes that the problems of South Africa will be resolved by the people of South Africa themselves, under the leadership of the African National Congress. We believe, however, that the positive support of peoples and organisations outside South Africa can contribute to the liberation of our country, and we actively seek such support.

X. We have noted with appreciation the many resolutions adopted by the United Nations General Assembly and the Security Council referring to the situation in South Africa, and more particularly: the resolution demanding the release of South African political prisoners; the resolution calling for an arms embargo; and the resolution calling for sanctions against South Africa.

XI. It is our view that a primary prerequisite for the development and expansion of the role of the United Nations in the deteriorating situation in southern Africa is the rapid and complete implementation of the resolutions already adopted.

We are particularly appreciative of the concern and activities of the Special Committee and its aim of intensifying its efforts to promote an international campaign against apartheid.

The South African Indian Congress holds that this campaign can most usefully be intensified in the field of seeking methods to implement the existing resolutions and

ensuring the adequate supervision of the compliance of member States with such resolutions.

XII. The need to implement the United Nations resolutions becomes more urgent in the light of the militarily expansionist policies of the South African Government. The threat to world peace is manifest in that Government's disproportionate expenditure on armaments, in the presence of its armed forces in Rhodesia, its close military and economic ties with Portugal, and its threats of aggression against the independent State of Zambia.

XIII. The South African Indian Congress associates itself with the submissions made by the African National Congress on the situation in southern Africa, and the urgent need for the United Nations to prevent the flouting of its resolutions by South Africa and by member States who continue their overt support of apartheid in defiance of the world community.

(Signed) Dr. Y.M. DADOO
South African Indian Congress

APPENDIX 1

FREEDOM FIGHTERS ON THE MARCH: A MESSAGE FROM DR. Y.M. DADOO TO THE INDIAN PEOPLE

Brothers and Sisters

The struggle against apartheid and for Freedom has entered a new decisive phase. Freedom-fighters, combat units, well-trained and well-armed, are already giving battle to the oppressors with great daring, skill and determination in Rhodesia. Contrary to local press reports, they are dealing severe blows to the fascist forces of Ian Smith and Vorster. Soon they will be fighting the enemy on South African soil.

"WE ARE AT WAR" says the leaflet of the African National Congress which was widely distributed in South Africa recently. In a rousing CALL TO REVOLUTION which appears in the January 1968 issue of Sechaba, official organ of the ANC, Oliver Tambo (the Acting President-General) states that "as our forces drive deeper into the south, we have no doubt that they will be joined not by some, but by the whole African nation; by the oppressed minorities, the Indian and Coloured people; and by an increasing number of White democrats."

Period of revolutionary upheavals

Our country, South Africa, faces a period of ever-increasing revolutionary upheavals. Life can no longer go on in the same old way. The new developments call for a reappraisal of the role and the task in the coming struggle of each sector of the oppressed people, African, Indian and Coloured.

We have suffered enough

Our community, like the African and the Coloured people, has had enough of racial discrimination, apartheid and White Supremacy.

The GROUP AREAS ACT is taking a heavy toll; daily more and more families are being driven out from their hearth and home and thrown onto the garbage heap of Indian group areas; we are being robbed of our means of livelihood; the standard of education of our children is being lowered. Unemployment is rife. Once the Government succeeds in completely driving our people into Ghettos, all kinds of restrictions will be applied preventing our people from going out of the areas to seek work, carry out professional duties or to trade; prevent non-Indians from coming into our areas without permission. We shall be cooped up in a lot of hovels; cut off completely from the mainstream of the life, economy and culture of the country.

We have a proud record of struggle

From the days of Gandhiji the Indian people have resolutely and bravely offered resistance to racial discrimination and segregation. The campaigns of passive resistance and the Great March of 1913 conducted under the leadership of Gandhiji are unforgettable and historic landmarks in the history of our people. The Passive Resistance Campaign of 1946 against the Ghetto Act inspired our people and prepared them for the struggles ahead. Since the advent of the Nationalist Government in 1948 our people have marched hand-in-hand with the African people under the leadership of the African National Congress, playing our part in stay-at-homes, hartals, the great Defiance Campaign of 1952 and participating in the many demonstrations against apartheid tyranny. Our people were participants in the Congress of the People which formulated the historic FREEDOM CHARTER which guarantees freedom and democracy to all South Africans.

To the call of the Umkhonto We Sizwe, our militant youth responded without hesitation and with determination; Babla Saloojee gave his life; and many of our brave activists like Billy Nair, Chiba, Maharaj, Indres Naidoo, Shirish Nanabhai, Reggie Vandeyar, George Naicker, Ebrahim Ismail, together with the African, Coloured and white comrades-in-arms are at this very moment serving long terms of imprisonment.

Ahmed Kathrada, together with the outstanding leaders of our country, Nelson Mandela, Walter Sisulu, Abram Fischer, Govan Mbeki, Dennis Goldberg and others, is condemned to life imprisonment.

Nana Sita, the veteran leader of our movement, men like Mohamed Bhana and those brave students who valiantly refused to participate in the Republic celebrations, continue to hold aloft with self-sacrificing courage the banner of resistance.

What now?

The terror let loose by the Government through its Special Branch has made it impossible for our national organisation, the South African Indian Congress, and its constituent bodies, to function legally. Every one of the office-bearers and prominent committee members has been banned, imprisoned or driven into exile. Every form of intimidation and blackmail is used by the Government and the Special Branch to silence criticisms of apartheid. There has arisen amongst our people a small minority of traitors, stooges and puppets who speak in the voice of their masters - Vorster and Trollip. Some of them have been cajoled, bribed or intimidated by the authorities into serving on the bogus government-appointed South African Indian Council.

Our people should have no illusion about the South African Indian Council. Remember the Judenraten (Jewish Councils) set up by the Nazis at the time of Hitler! The "representatives" of the Jewish community on these councils were used merely as instruments to facilitate the sending of hundreds of thousands of the Jewish people into concentration camps and the gas chambers.

However, all the efforts of the Nationalist Government and its stooges will fail. Our people can never submit to the ruination and indignity imposed by white supremacy. Brave spirits will speak out and organise and fight for liberty.

Vorster cannot win

As the freedom-fighters gather strength the sound of their guns will be heard throughout the land.

All Vorster's arms and all Vorster's men will not be able to stop the onward march of the people to freedom. The struggle may be grim and protracted but it will not cease until apartheid has been overthrown and full and equal rights and opportunities ensured to all the citizens, irrespective of race, colour or creed - until the Freedom Charter is translated into reality.

Our tasks

History calls upon us to play our full part in the new phase of the struggle:

1. Heed the call of the ANC - ally yourselves with the freedom-fighters - help them in every possible way! Make their path easy!
2. Reject the government-managed South African Indian Council!

3. Maintain and intensify resistance against the Group Areas Act and against every aspect of apartheid!

4. Youth! Your place is in the forefront of the struggle. Become freedom-fighters! Carry this message far and wide among our people. Help mobilize full support for the freedom-fighters in town and country! We shall win!

Amandla Ngawethu! Jana Shakti!

Matla Ke A Rona!

Power to the people!

APPENDIX 2

The effects of the South African Government's educational policy on the education of the Indian people

The central thesis of the policy of apartheid is white supremacy its preservation and perpetuation - based on Black servitude. The realisation of this object of apartheid is ruthlessly pursued in every walk of life - political, social, economic, cultural and educational. white supremacy can only be a reality with the total emasculation of the "non-white" peoples.

In the sphere of education the key principle of the Government's policy is that of non-equality in opportunity and provisions aimed at providing a minimal education to the "non-white" peoples whilst at the same time creating and providing optimal conditions for the education of the whites. The general effect of such a policy ensures a vast disparity in the educational attainments of the two national groups.

Whereas emphasis is placed on the effects of the educational policy on the Indian people, the purpose here is not to project the treatment of the Indian people as a separate "non-white" entity with problems exclusively peculiar to itself, but merely to demonstrate the validity of a basic tenet of apartheid - viz., racialism is indiscriminate and indivisible. It subjects all the "non-white" peoples to the matrix of oppression with only the slight variances in the order and degree of this matrix.

1. Expenditure on education

In 1965 | the Republic of South Africa spent approximately 4.5 percent of its total national income on education and training at all levels for all the people.

For 1965 this amounted to approximately R326,475,000. The distribution, however, was as follows:

77.27 percent for the Europeans (population: 3,395,000), 9.45 percent for the Coloureds (population: 1,742,000), 4.38 percent for Asiatics (population: 533,000, including about 7,500 Chinese people) and 2.39 percent for the African people (population: 12,162,000).

Without exception, at all levels of education, the overwhelming bias in favour of the white minority group is maintained. The effect is not only a steady depression in the educational aspirations of the "non-white" majority, but an ever-widening gap between the main national groups.

2. The pupil-teacher ratio

By the end of 1964 | there were some 730,000 White pupils at school compared with some 145,000 Indians. At the same time there were approximately 32,000 white teachers as compared to 4,400 Indian teachers thus giving a teacher-pupil ratio of about 1:33 for Indians and 1:22 for whites. For the African people this ratio was approximately 1:73 as far back as 1960. |

According to Mr. P.H.T. Nel | , recently appointed Director of Indian Education, approximately 40 per cent of all Indian teachers in employment were not fully qualified, while 10 per cent of these were wholly unqualified academically, possessing not even the minimum requirements or training. In the context of the policy of inequality, this serves two purposes simultaneously - a considerable saving of money, since unqualified teachers are paid less, as well as a deliberate lowering in the standard of education provided. With an ever-increasing exodus of graduates and experienced teachers from education to other better-paid employment, or emigration to countries offering more attractive salaries and conditions, the incidence of unqualified teacher employment is aggravated.

3. The platoon system

At the same time, Mr. Nel stated | that some 30,000 children in certain areas and schools in Natal have to attend school during the afternoons due to an estimated shortage of some 1,000 class-rooms. The platoon system, as the afternoon school classes are termed, is operating in some 133 schools involving about 800 teachers. The system has already been in continuous use for the last fifteen years.

In the Transvaal, the platoon system was originally instituted in Johannesburg for primary school children more than twenty years ago. It is still being operated. Recently, a similar shortage of schools in the Indian Group Area of Lenasia in the Transvaal saw the introduction of the system during 1963 to 1964.

There can be no doubt that educationally afternoon classes are detrimental to maximal learning. Lack of accommodation, over-crowding in class-rooms, and insufficient educational equipment are powerful factors in the general depression of educational standards of the "non-white" peoples.

4. The policy of self-education

Of particular significance is the unfair burden which the educational policy of the Government places on the "non-white" people, the burden of providing for the education of their children largely through their own efforts.

Thus out of about 281 schools in the Natal province in 1966 | , only 51 were actually built by the educational authority on its own: 220 were built by the Indian community on a rand-for-rand basis at a cost of well over R2 million to itself. This dire economic sacrifice falls on a community whose per capita income in 1960 was R147 as compared with R925 for the Europeans who are not called upon to make additional contributions for the education of their children. Besides, all school equipment and educational aid are only provided on a rand-for-rand basis.

5. Salaries

As in all other spheres of employment, remuneration is not based on the principle of equal pay for equal work by equally qualified persons, but on colour. An equally qualified Indian male teacher earns approximately 58 percent of the salary of his white counterpart; women earn approximately 50 percent of the salary of a white woman teacher.

The figure for African teachers is 41 percent for men and 37 percent for women, relative to the earnings of white teachers.

6. Distribution of pupils and academic attainments

The emphasis of the educational system vis-a-vis the "non-white" people is markedly on primary education.

According to the Statistical Yearbook for 1964, based on the 1960 census, the following figures obtained:

(a) 65.7 percent of the total white population had passed Standard 5, (immediate presecondary school year), as compared with 23.8 percent of the total Indian population and 8.2 percent of the total African population;

(b) 15.39 percent of the total white population had passed Standard 10 (Form 5), as compared to 1.37 percent Asians and 0.13 percent Africans.

The distribution of pupils in the primary and secondary levels in 1965 was as follows: |

Asiatics Whites

Primary Schools 82 percent 66.2 percent

Secondary Schools 18 percent 33.8 percent

It is the calculated policy of apartheid which operates to depress the educational attainments of the "Non-European" people. Without an understanding of the machinations of apartheid at all levels of life for the "non-white" peoples, figures like the above would tend to lead the uninitiated to the erroneous conclusion, (one that the exponents of the theory of "white superiority" always use), that the "non-white" peoples are mentally inferior.

Despite the overwhelmingly oppressive nature of apartheid, academic attainments are by no means completely blunted. Thus at the end of 1965 the results for the Matriculation examination were as follows: |

	Asiatics	Whites
Number of entrants	1,300	45,000
Percentage passes	55 percent	57 percent

Of particular significance in this respect is the comparability of performances for the two groups at equivalent examinations. This however is not the case with the results obtained by African pupils under the "Bantu education" system. Figures show that there has been a steady deterioration of passes since the introduction of the system in 1953. The range is from approximately 47 percent passes in 1953 to about 17 percent in 1960.

7. Vocational training

The only institution providing any technical and vocational training for Indians is the M.L. Sultan College in Durban, Natal. There is no such institution in the Transvaal.

8. University education

In 1959, the policy of apartheid was extended to university education by the Extension of University Education Act. The Act restricted the entrance of "non-white" students as far as the "open" universities were concerned. Henceforth "non-white" students were required to go to racially and ethnically exclusive colleges.

Despite the title of the Act, however, the fields of study open to "non-white" students were rigorously determined by the type of employment open to them. There is no place for "non-white" architects, engineers, chemists, surveyors, etc., in apartheid-ruled South Africa.

The most pressing factor militating against university education is the high cost entailed. Enrolment fees alone amount to about R600 over the normal three-year course. The intense economic difficulties with which the people have to contend in order merely to exist, makes higher education an almost unattainable goal.

Despite all the hardships placed in their way, "non-white" students and parents generally sacrifice tremendously to obtain university education. In this field too the disparity between the two national groups is vast. Excluding the "non-white" colleges, the following is a summary of degrees and diplomas awarded in 1963 by South African universities: |

	Whites	Coloureds	Africans	Asiatics
Degrees and diplomas	5,517	58	117	146
Post-graduate	682	10	19	26

In terms of the Separate Universities Act, Salisbury College was established in 1960 to provide for higher education for Indians. The college's "temporary" premises are a former naval barracks on Salisbury Island in Durban Bay. By 1967, the proposed new premises had still not materialised. The college offers courses in only Arts, Pure Science, Commerce and Education.

The establishment of the college however was met by widespread disapproval by the Indian community and student body throughout the Republic, but rigorous application of the Act forced students to enrol. As a result of the strict and authoritarian control of student activities and wishes - for example, the Students' Representative Council was forbidden by the university authorities from affiliating to the National Union of South African Students - student unrest and agitation was rife since its establishment. This culminated in the arrest and detention of a number of students in 1964 and the subsequent imprisonment of one, Subya Moodley, for a year on charges of incitement, slogan-painting and distribution of leaflets.

9. The Group Areas Act

Of significance is the manner in which the Government used the Indian children to enforce the Group Areas Act in the case of those Indians resident in Johannesburg and the surrounding areas. In 1960 the Group Areas Board, responsible for the implementation of the Act, declared that the only high school for Indian children in Johannesburg would no longer serve as a high school, but as a teacher training college. Parents were asked to send their children to the high schools in the Indian group area of Lenasia, some 22 miles away. Despite widespread protests by the children and the community, the Board refused to change its ruling. By 1963 pupils were forced to travel a round trip forty-four miles daily. With a view to the welfare of their children, many

Indian families moved to Lenasia. Previously, the Indian community, led by the Transvaal Indian Congress, had resisted by establishing a school financed entirely by the community. This multi-racial venture in teaching - the staff was composed of Indians, Africans, Coloureds and Europeans - was eventually forced to close down because of persistent intimidation by the Security Police, bannings of members of staff, and a serious lack of funds after about eight years.

10. The Indian Education Act, No.66, 1965

With the passing of the Indian Education Act in 1965, a structurally uniform pattern of education for the "non-white" peoples was consummated. The Act is the logical extension of the Bantu Education Act of 1953 and the Coloured Persons Education Act of 1963, and hence the general policy of apartheid. The Act provides for the control of the education of Indians by its appropriate racial institution - the Indian Affairs Department.

A cursory examination of some of the clauses of the Act can leave no one in doubt as to its intentions - that of rigorously policing the education of the Indians within the framework of the Government's basic policy. In so far as many of the main clauses deal with teachers, the Act also provides the key for the implementation of its policy - the teacher himself. Thus Clause 16 (g) states that he cannot be a member of any party, political organisation or group which the Government deems undesirable; nor can he participate in its activities or further its aims in any way deemed to cause embarrassment or danger to the State as a whole. Furthermore, he cannot publicly, otherwise than at a meeting approved of previously by the Minister of Indian Affairs, criticise the administration of any State Department (Clause 16 (f)). Neither can he disclose, other than in the immediate discharge of his duties as a teacher, any information gathered, nor use any such information other than in the discharge of his duties (Clause 16 (n)). It is clear that the fundamental purpose of the teacher is vitiated. He becomes a tool in the systematic implementation of a rabid racist policy.

Furthermore the Act does not provide for the real participation of the Indian people in the formulation and execution of educational policies.

There can be no doubt that the principle of non-equality of provisions and opportunities in education is a grave threat to the well-being and development of the non-white peoples. At the same time, however, the deliberate imposition of non-equality forms the basis of the intensification of the under-development of the non-white majority, and hence the maintenance and continuation of white supremacy.

1968.2

THE ROLE OF THE INDIAN PEOPLE IN THE SOUTH AFRICAN REVOLUTION:
AN INTERVIEW BY DR. Y. M. DADOO IN 1968 |

QUESTION: Dr. Dadoo, you have just published a leaflet which is the first public call you have made to the Indian people since you left South Africa in 1960. Can you tell us what the background to this leaflet is, and why you have chosen to make your call at this time?

ANSWER: Today, history is witnessing a decisive turning point in the struggle for national liberation in South Africa. Armed struggle has begun. Under the leadership of the African National Congress in alliance with the Congress movement, the brave freedom fighters of the Umkhonto we Sizwe (Spear of the Nation) are on the march. Already combat units of Umkhonto, together with contingents of the Zimbabwe African People's Union, are giving battle to the armed forces of Ian Smith and Vorster in Rhodesia. Reliable reports from the battle front, contrary to the whitewashing accounts put out by the South African press and radio, indicate that the freedom fighters are fighting with great daring and skill, and are inflicting heavy casualties on the enemy. Even the enemy has to admit that the freedom fighters, whom he calls "terrorists", are not only well armed but highly skillful in the use of their weapons. It is on the cards that soon there will be fighting on South African soil.

So, in this new period of armed struggle and developing revolutionary upheavals, it is necessary to make every section of the South African population, both white and black, aware of the changing situation and of the tasks and responsibilities that it is being called upon to fulfill. As a leader of the Indian people, it is my duty to ask them to respond unreservedly to the call made by the Acting President of the African National Congress, our comrade Oliver Tambo, in which he says: "As our forces drive deeper into the south we have no doubt that they will be joined not by some, but by the whole African nation; by the oppressed minorities, the Indian and Coloured people; and by an increasing number of white democrats".

I have no doubt that the Indians will respond readily, and with the same spirit of self-sacrifice and determination that they have shown throughout their long and bitter struggles against segregation, and for human rights, ever since the days of Gandhiji.

Role of the Indian people

Q: What precise role do you expect the Indian people to play in this new phase of the struggle?

A: As an integral part of the South African population, the Indian community of half a million people has a very important role to play in the new form the struggle has taken. The militant Indian youth, who played not an insignificant part in the early struggles of Umkhonto since 1961 - several of them are serving long terms of imprisonment on Robben Island and in other South African jails together with their African, Coloured and White comrades-in-arms - have yet a larger role to play in the liberation army, and in mobilising the Indian people in town and country to support and help the freedom fighters in every possible way. The Indian people must and will, I am certain, help to make the path of freedom fighters easy. They must also mount ever-increasing resistance

to every aspect of apartheid: the Group Areas Act must not be allowed to govern them; they must oppose and reject the regime's stooge body, the South African Indian Council, which is being used by Vorster as an instrument to obtain the collaboration of the Indian people in the implementation of apartheid policies. Every form of opposition to apartheid is of help to the freedom fighters in the war against white supremacy.

Q: The South African Indian Congress is still technically a legal organisation. How legal is it in practice, and how is it functioning? And how will the publication of the leaflet, calling for support for the armed struggle, affect the organisation?

A: The SAIC is a legal organisation only in name. The terror let loose by the Government through the Special Branch has made the legal functioning of the SAIC and its constituent bodies, the Natal Indian Congress and the Transvaal Indian Congress, impossible. Every one of its office-bearers and committee members at national, provincial and branch level, has been banned, imprisoned or driven into exile. And this applies to the members appointed to replace those banned and imprisoned, and again to those appointed to replace them. The legal functioning of the organisation is now impossible. But the new leaflet, and the fact that it is being distributed in spite of all the penalties, bears witness to the fact that the spirit of resistance for which the South African Indian Congress stands, lives on, and that no power on earth can crush it.

The Congress Movement

Q: You spoke earlier of the Congress Movement. Can you tell us something of the background of the alliance between the South African Indian Congress, the African National Congress and the other organisations of the Congress Movement?

A: Freedom is indivisible. A section of the population cannot be free if the rest is in bondage. In the course of their struggle against unjust laws, and for the redress of their grievances, the Indian people began to realise that no fundamental changes were possible without unity of action between all the oppressed people. And it was this realisation that made the younger members of the Indian Congress, in the late 1930s and early 1940s, set about trying to change the policies of the Congress in order to seek cooperation in the common struggle with the premier national organisation of the African people, the ANC, and with the national organisation of the Coloured people. A similar spirit also prevailed among the younger elements in the African political movement and in the Coloured community. This led to the formation of united front bodies to campaign to show the people that they must act unitedly, and to bring about changes in the national organisation (and necessary changes of leadership) to follow the new policies of cooperation and united struggle.

To bring about the changes in the Indian Congress, vigorous campaigns had to be conducted amongst the Indian people, and many bitter battles had to be fought against the "moderate" leadership of the time. Members of the progressive groups were assaulted, sometimes brutally. In the Transvaal, a volunteer of the progressive group was actually killed. | But with the crushing of the moderate leadership it was possible for the Indian

people once again to conduct a militant campaign - the Passive Resistance Campaign against Smuts' "Ghetto Act" in 1946. This was entirely a struggle of the Indian people, but a few African and Coloured volunteers participated as a gesture of solidarity.

Simultaneously there was a change in the leadership of the ANC, and this made possible cooperation between the Indian Congress and the African National Congress through a pact known as the Xuma-Naicker-Dadoo Pact of 1947. After that many joint struggles were conducted, such as the stay-at-home on May 1, 1950, the stay-at-home on June 26, 1950 (the first South Africa Freedom Day), and the Defiance of Unjust Laws Campaign of 1952 in which over 8,000 volunteers of all races defied laws and went to prison. Under the leadership of the ANC, in alliance with the organisations of the Indian and Coloured people, of the workers and of the progressive whites, the Congress of the People was held in 1955 - at which the Freedom Charter was adopted by over 3,000 delegates of all races. This Charter became the programme of all the organisations participating in the Congress Movement, and laid the basis for a united struggle for the transformation of South Africa. A Joint Consultative Council of all the organisations continued to operate until the premier organisation, the ANC, was banned in 1960.

The Campaigns of 1946 and 1952

Q: What, in your opinion, did the Indian Passive Resistance Campaign of 1946 and the Defiance of Unjust Laws Campaign in 1952 achieve?

A: With the departure of Gandhiji from South Africa in 1914 and with the removal from the political scene of some of his staunchest lieutenants because of death or old age, the leadership of the Indian community fell into the hands of "moderates" who believed in compromising with the Government on each and every legislative measure of racial discrimination against the Indian people. The Indian Congress was reduced to representing, by and large, the voice of the small Indian merchant class only.

The campaign for all-out resistance against all discriminatory legislation conducted by the younger progressive group among the Indian people culminated not only in ousting the moderate leadership but also in transforming the Indian Congress into a mass organisation of the whole people.

The Indian Passive Resistance Campaign of 1946 against the Asiatic Land Tenure and Indian Representation Act, enacted by the Smuts Government brought together in a united struggle all sections: the working people who constituted 80 percent of the Indian community, the professional class and traders. The unity it wrought was indeed so powerful that not a single Indian accepted even the limited franchise which the Act offered.

The Campaign of 1946, furthermore, laid a strong basis among the Indian people for the subsequent unity with the African National Congress and the other organisations of the Congress Movement in the struggle for liberation. The Campaign also made a significant impact internationally. It made the Indian community appreciate more fully

the importance of international solidarity in the world-wide struggle against racialism, colonialism and imperialism. At the request of the SAIC, India demonstrated her solidarity by breaking off relations with South Africa and imposing economic sanctions. At its request India also took up the treatment of the South Africans of Indian and Pakistani origin at the United Nations. This was soon broadened to include the whole question of apartheid. Thus it is that the question of the apartheid policies of the fascist South African Government has been on the agenda of the United Nations Organisation ever since its inception.

The Defiance of Unjust Laws Campaign, similarly, not only increased the attention of the world to the liberation struggles of the oppressed peoples; it also welded the masses of the African, Coloured and Indian peoples into a united force. Furthermore, it gave rise to the formation of the Congress of Democrats, a small but active group of white democrats, and the South African Congress of Trade Unions, who later joined the united front, popularly known as the Congress Alliance.

Q: How do you reconcile the tradition of passive resistance in SAIC with your call for support for armed struggle?

A: Passive resistance was never the ideology of the organisation, although it had been used as a method of struggle since it was introduced by Gandhiji in the early part of this century. The principles of Satyagraha as enunciated by Gandhiji were never accepted as a creed by the Indian people. It is true that in the SAIC, as a national organisation representing all interests and all viewpoints, there are some leaders - like Dr. G. M. Naicker and Nana Sita - who implicitly believe in Gandhian principles and who have lived by them; and of course we honour their convictions and their sufferings for their convictions. But in this connection it is significant to note that when the ANC and the SAIC jointly embarked upon the Defiance Campaign of 1952 it was deliberately not called a passive resistance campaign. It was called a Defiance Campaign, although it was non-violent. It expressed a more militant outlook, because most of the leaders had realised that in the situation of South Africa, where violence was the normal instrument of Government policy, there could arise a situation where no alternative would be left to the people, if they were to continue to fight for their freedom, but to resort to violent methods. When Umkhonto we Sizwe was formed, Indian youth readily responded to its call, and participated in its activities.

No liberation without African majority rule

Q: The argument has often been put to the Indian people in South Africa that as a minority group they would be no better off under African rule than they are under white rule. In the light of what has happened in Kenya, for instance, what is your answer to this argument?

A: This is absolute nonsense - it is merely the tactics of divide and rule used by the authorities in order to maintain the divisions of the people, as they already do by law, keeping the national groups apart and preventing intercommunication. This is the

argument of the South African Police who seek to intimidate the people from participating in the struggle; it is the argument of their agents provocateurs in our midst who deliberately try to provoke hostility between African and Indian, African and Coloured, to convince each that their grievances are not the fault of an oppressive government, but of another oppressed group. They use this tactic precisely because it is our unity in the face of oppression that the oppressor most fears.

It must be understood that the fundamental of the liberation struggle is first and foremost the liberation of the majority of the population, the African people, and that it is unthinkable that there could be liberation without African majority rule.

| The memorandum was presented by Dr. Y. M. Dadoo, on behalf of the South African Indian Congress, to the United Nations Special Committee at its special session in London in June 1968. It was published as United Nations document A/AC.115/L.231 on July 8, 1968.

| Estimate in A Survey of Race Relations in South Africa, (SRR), 1967

| SRR, 1965

| Bishop Ambrose Reeves, Let the Facts Speak, 1963

| SRR, 1964

| SRR, 1964

| SRR, 1967

| SRR, 1967

| SRR, 1967

| SRR, 1964

| From ANC Speaks, published by the African National Congress in Lusaka in 1976

| At a mass meeting of the Transvaal Indian Congress in Johannesburg on June 4, 1939, armed thugs appeared and assaulted members of the Nationalist Bloc. Dr. Dadoo escaped narrowly. Dayabhai Govindji was stabbed and died four days later.

"THE PEOPLE ARE A POWER": PRESIDENTIAL ADDRESS BY MR. C. SEWPERSADH TO THE SECOND GENERAL MEETING OF THE NATAL INDIAN CONGRESS, 1974 |

For the freedom struggle in South Africa to be brought to a victorious ending it is vital for the black people to become increasingly conscious of their power. Tremendous exertions have been made by the Government and vast sums of money have been spent on creating the impression that the Government is powerful and that the people are weak. This is not so.

The people are a power. This idea must be central to the freedom struggle. We must understand where this power lies and the attempts that are being made to weaken and break this power. The basis of our strength lies in a full and solid unity among the oppressed people and the indispensable contribution of the black people to the development of South Africa.

The response by the oppressed people to the long years of merciless exploitation has been the formation of political organisations to restore the black man's dignity and rights. The determined and sustained efforts to keep the black people in subjection have failed. The freedom struggle has given birth to political organisations with different policies. This is to be expected in a complex situation. While our policies differ, our goal is the same. All seek a democratic South Africa. Any division among us will retard our onward march to freedom and fortify the hand of the Government.

Differences in policies must not become a bar to cooperation among organisations and individuals striving for a united democratic South Africa. Areas where we can cooperate and take united action must be sought and expanded. In united action lies the source of our power and the material for our triumph over oppression.

Flaunting Military Might

The Government being fully aware of the power of the people spared no effort in endeavouring to create the impression that the Government is powerful and that the black people are weak. We must not be so foolish as to think that the Government is not powerful. We must never under-estimate its strength. What we have to do is to realise that the masses of the oppressed people are also a power. We must resist and counteract attempts by the Government to spread fear among the people. The strength of the Government rests to a great degree on this fear.

There is fear of the ruling class, the army, the widespread security police and laws aimed at suppressing and imprisoning people. Fear builds its own phantoms which are more fearsome than reality itself, and reality when calmly analysed and its consequences willingly accepted loses much of its terror. By the flaunting of its military might, and by the widespread activity of the security police the Government is making a deliberate attempt to spread fear among the people and thereby keep them in submission. The reality is that there is no need to be afraid.

This does not mean that we must become reckless. All it means is that we must try to understand this fear and see if it can be overcome. If all of us were to be afraid of this Government and its power it would mean one thing and one thing only - perpetual servitude. This we cannot accept.

This fear of a criminal regime that is stifling our progress can be overcome. It will be overcome if we become conscious of the power that lies in the unity of the Black people. Moreover, if we plunge ourselves heart and soul into the freedom struggle we will be assisted by a very great power, the very logic of evolution itself.

Being conscious of our power will open the way for bold united action on a massive scale. The success of a freedom struggle depends upon the entrance of the masses into the realm of rulership over their destiny.

In ordinary times the State elevates itself above the nation and history is made by a few people at the helm of affairs. The rulers make political calculations with no regard to the real Master - who in South Africa are the oppressed people. But as the people become aware of their power they sound the alarm that they are no longer prepared to tolerate the existing order.

Lit A Flame

Events over the past years have been a clear demonstration of the massive discontent against the existing order. The students at the black universities have expressed their feeling in action that is far more eloquent than words; the wave of industrial unrest expressing itself in demands for higher wages and the increasing pressure for non-racial sport are all eloquent expressions that the oppressed people have had enough of the existing order and that their opposition will increase both in scale and intensity if no heed is paid to their demands.

A feature to note in the various forms of action that are being taken to express the desire of the people for a change of the existing order, is the lack of coordination in the different forms of activities.

The action of the student in 1972 has lit a flame that will glow brightly in the heart of the freedom struggle for many years to come. They demonstrated, to those people to whom such demonstration is necessary, that they will not be cowed into accepting rules and regulations that are a negation of the underlying concept of education.

Their action was also a total rejection of the concept of separate universities. It is clear to the students that universities are part of the diabolical and inhumane plan to divide the black people.

A University is a place where people are educated. In all civilised societies education incorporates the concept of the universality of man: it is an institution where people of different races, nations and cultures are brought together in the spirit of a common humanity.

The action of the students also demonstrated, again I say to those people to whom such demonstration is necessary, that the black students do not want to be torn away from the civilised and long tested method of education.

The students want to be educated at a university open to all races. They have the support of all the oppressed people and democrats throughout the country. The rulers of this land can give no reason why their demands should not be met; they think that by their military strength they will always impose their will on the students and on the people. They are wrong - as the freedom struggle will in due course show.

The workers, when they took action for higher wages, also had the support of the people. The workers showed that they are a reality and a fact; they are not a theory for manipulation by others. The days when their wants could be ignored are over. They want higher wages and they want the right to form registered trade unions.

The naked and cruel discrimination against African workers by denying them the right to form registered trade unions should be removed.

Trade unions are vital to the workers. The denial of trade union rights is a denial to the worker of his right to get a fair return for his labour. The workers will never be satisfied

until they get what is their due. This means, among other things, the rights of all black workers to form trade unions and the right to share in the control of those trade unions.

While the hearts of all the oppressed people were with the workers and the students in their struggle that support was not translated into action. Political organisations must direct themselves to coordinating the different facets of South African society labouring for liberation. The struggle of the workers, students and sportsmen and the struggle of all other sections of the oppressed people should be linked as part of the liberation struggle as a whole. The demands of one section should be given concrete support by the others.

The deep-rooted desire of the Natal Indian Congress for unity among the oppressed peoples is expressed very clearly in our policy of non-racialism. We have always been prepared and we shall always be prepared, to cooperate with all organisations and individuals striving for a democratic South Africa. Basically democracy has two sides to it. It is a political arrangement and it has economic aspects.

[LINE MISSING IN ORIGINAL OR PHOTOCOPY]

is that of adult suffrage. Any individual who is of a particular age, whatever be his literary qualifications, privileges, or property should have the vote. One person one vote - we thus affirm the equality of all human beings.

Democracy cuts across the differences of class, caste, race and religion; whatever these differences may be they are irrelevant to the sanctity, the dignity of man as man. We should respect the human individual for his human nature. Each human being is a candidate for the highest life.

Equal Opportunities

As an economic approach the aim of democracy is to end poverty and to give all men equal opportunities for expressing whatever possibilities they have. No man who feels for his country can feel happy or complacent when he looks at the tremendous poverty of millions of people. This is a challenge to us all. We must combat and abolish this poverty and share the wealth of our country on an equitable basis if our country is to be called democratic.

The present regime in South Africa which has made a temple of the concept of injustice, has amply demonstrated its unwillingness to grant the black people what is their due. The Natal Indian Congress has no alternative but to continue with its struggle against the hideous injustice of a soulless regime.

We have no doubt that our method of non-violent resistance to all forms of evil, will in the end bring us the victory for which so much sacrifice has been made by thousands of people dedicated to democracy - both black and white. We shall not weary of the struggle, nor falter or flinch along the long road.

We have faith in ourselves because we have faith in man.

| From: Sechaba, March 1974

OUR GREATEST INDIAN LEADER SINCE GANDHIJI |

Tribute to Dr. Gangathura Mohambry Naicker by Dr. Y.M. Dadoo

As one who has had the privilege, honour and, indeed, the pleasure of being a close associate and comrade-in-arms of Dr. Naicker - MONTY to all of us - in the political arena for the last forty years, it can be said without exaggeration that he was the greatest leader that the Indian community has produced since the time of Gandhiji.

Monty was a man of the people who believed in collective leadership and made an invaluable contribution in transforming the Natal Indian Congress once again into a mass organisation, unifying and mobilising all sections of the community - the working class, small traders, professionals and intellectuals, youth, students and women - for mass political action.

He strongly advocated and assiduously worked for the unity of the people, irrespective of their religious beliefs or political affiliations, in the common struggle against racial discrimination and for full democratic rights and equal opportunities for all.

Monty was an ardent revolutionary nationalist and one of the main architects in laying the foundation of building the "Unity in Action" of all the oppressed Black people in their common struggle for national liberation.

The Xuma-Naicker-Dadoo Pact of 1947, the National Day of Protest of 1950, the Defiance Campaign of 1952 and the Freedom Charter adopted by the Congress of the People in 1955 bear ample testimony to his fruitful labour in this direction.

Monty was born in Durban in 1910, the year in which the ruling capitalist class consolidated their economic hegemony over the whole country with political power to maintain and perpetuate it. The new constitution legalised racism, national oppression and class exploitation of the Black majority: African, Coloured and Indian found themselves voiceless and voteless in the land of their birth.

Earlier, Monty's grandparents were brought from India to work the huge sugar cane plantations owned by the growing class of white capitalist landowners. There were promises of a better life from that obtaining in a poverty-stricken India dominated by British imperialism. There were also promises of full citizenship. Reality was different. Whilst the labour-power of the Indian masses, harnessed under near slave conditions, built the economy of Natal and the country and created wealth for the white capitalist landowners, their own economic condition was dogged by want, poverty, unemployment and deprivation. The racism and racial arrogance of the white colonists found ready expression in laws denying them any semblance of civil liberties and democratic rights.

White tyranny and the harsh material conditions of life were answered by fierce campaigns of resistance, defiance and confrontation against white supremacy rule. The Natal Indian Congress (NIC) was formed in 1894 under the leadership of Mohandas Karamchand Gandhi, later to become the architect of India's liberation struggle. Struggle by way of mass petitions of grievances and demands, and deputations, were soon succeeded by the mass-based passive resistance campaigns of 1907 and 1913. Although these campaigns are known as "passive" resistance campaigns, they were in fact active campaigns of protest and defiance.

It was against this background that Monty grew up. At the age of 17 he was sent to Edinburgh in Scotland to complete his secondary education and study medicine. In 1934 he returned to South Africa, having successfully qualified as a doctor, and set up practice in Durban, where he inevitably became involved with the social and economic problems of the many poor who daily filled his practice. Political consciousness grew out of these conditions and the desire to find solutions to them. During the course of the next ten years Monty became involved in a number of organisations created to give organised expression to their struggle and drew nearer to the trade union struggle. Together with a group of radical activists, he formed the Anti-Segregation League to mobilise the Indian masses against the Smuts regime's Pegging Act, designed to restrict Indian landownership rights and introduce residential segregation. The League also saw as its other main task the ousting of the reactionary "leadership" dominating the once-powerful NIC in the interest of the tiny merchant class so ready to compromise in its own narrow interests.

In October 1945 the radicals seized control of the NIC with mass support. Monty was acclaimed by a crowd of 12,000 enthusiastic supporters as the new President, and the new executive, drawn from all walks of life - workers and trade unionists, doctors, nurses, teachers and progressive small traders - proceeded to transform Congress once more into a people' organisation. In December 1945 the militant section of the Transvaal Indian Congress (TIC) gained power in an attempt to unite all anti-racist and democratic forces in our country.

The new pledge by a united leadership of the Indian Congress reflected the force of ideas towards unity in purpose and action of all the oppressed and exploited: "to make common cause with all sections of the Non-European peoples in economic and political issues." The year 1946 saw the ideas of united struggle advance by leaps in the three great mass-based campaigns launched by the black people: the great African Mineworkers' Strike, the Anti-Pass Campaign and the Passive Resistance Campaign against Smuts' Ghetto Act for the Indian people.

Monty Naicker, together with the new leadership, threw himself unsparingly into mobilising the people to defy the Ghetto Act. Thousands defied by occupying plots of land and areas from which the Act excluded them. More than 2,000 courted arrest and imprisonment; among them Monty. But not before he and myself left for India and gained support for the people's cause. The following year, an independent India cut off all diplomatic and trade relations with the racist regime of South Africa and raised and

condemned the policy and practice of white minority rule at the United Nations. The cause of the Black people's struggles was internationalised and has remained a burning issue for freedom-loving people the world over. More important was the way in which these three great campaigns interacted on each other, drew pledges of support and solidarity from each other and drew the forces of national and class liberation closer.

On 9th March 1947 the high degree of unity in action and perspective during the historic campaigns of 1946 found organisational expression in the Joint Declaration of Cooperation issued by Dr. A.B. Xuma of the ANC and Doctors Monty Naicker and Yusuf Dadoo of the Indian Congresses. The Xuma-Naicker-Dadoo pact laid the foundation for the formation of the Congress Alliance in 1955. For Monty, who at his inaugural speech as President of the NIC called for a united front of all anti-racist and democratic forces against white supremacy rule, an ideal was being given substance. It was an ideal which he lived for and practised in real life right to the end. During his lifetime he worked closely with all genuine patriots - Africans, Coloureds, Indians and democratic whites. He never built nor encouraged ideological barriers around him, being equally at home with Christian, Hindu, Moslem and non-believer; with communist and revolutionary nationalist. What mattered was the common struggle of the oppressed and exploited against the common oppressor.

Soon after the Declaration of Cooperation, the ANC and the Indian Congress with the full backing of the SACP (South African Communist Party) and the APO (Coloured People's Organisation) jointly launched the great Defiance of Unjust Laws campaign in 1952 as the practical testing ground of unity in action of the toiling masses. The Campaign became the most forceful reminder of the Power of the People when properly organised. Thousands defied selected unjust laws all over the country. More than 8,000 Africans, Indians, Coloureds and white democrats were arrested and imprisoned. The regime of white supremacy, conscious of the danger posed by the massive defiance, confidently and skillfully organised and with such united backing, introduced new draconian laws. But the new strategy of mass-based action in which the freedom of the people became the primary responsibility of the people themselves, could not be denied the entire decade of the 1950's. Nelson Mandela, then National Organiser of the Campaign, was to declare, when it became known that the Presidents of the ANC and NIC, Chief Lutuli and Monty Naicker had volunteered to defy jointly: "We can now say that the unity of the Non-European people in this country has become a reality."

Monty emerged from his period of imprisonment after the Defiance Campaign with a renewed and undaunted vigour setting about organising and mobilising the people in the campaign of seeking out from the people their deepest aspirations and demands for a future South Africa and consolidating the unity thus far forged.

In March 1954 the alliance between the ANC and the Indian Congress was strengthened by the CPC (Coloured People's Congress), the COD (Congress of Democrats, the organisation of white democrats) and the SACTU (South African Congress of Trade Unions, the only non-racial trade union council in South Africa). From the Congress Alliance, headed by the premier liberation organisation, the ANC,

organisational unity was crowned on 26 June 1955 - South Africa Freedom Day - with political unity with the adoption of the Movement's basic programme of principles - the Freedom Charter.

In December 1956, Monty together with 155 of the people's leaders was arrested for High Treason.

The trial dragged on for five long years and in the end all the accused, once facing the possibility of the death sentence, were released. Monty himself like so many other Treason Trialists was already serving a 5-year banning order when charged.

But the people were not deterred. New forms of struggle to cope with the new situation were being forged and prepared. The massacre of the African people at Sharpeville and the banning of the ANC closed the doors to the possibility of non-violent change in our country. On 16 December 1961, with simultaneous acts of sabotage in the major provinces of our country, Umkhonto we Sizwe, the armed wing of the national liberation movement, led by the ANC, announced to all South Africans: "There comes a time in the life of a nation when there remains only one choice: Submit or Fight. That time has now come to South Africa."

Indian militants joined their African and Coloured compatriots within the ranks of MK and a new chapter in the history of our national liberation opened.

For Monty Naicker the years from 1960 to 1974 were years of continuous banning orders, restricting his life and effectively cutting him off from any political activity. Failing in health, he nevertheless became from 1977 the head of the anti-South African Indian Council Campaign to mobilise the Indian people once more to reject the dummy Indian Council and the fraudulent three-tier Parliament for whites, Coloureds and Indians.

Almost his last sentiments and act in hospital, according to a close friend, as reported in *The Leader*, were:

"Monty," I called.

"Hello", he replied.

"How are you?"

"Well," he said, "getting on - but things in this country - they are moving too slow - too slow for change."

His hand went up in the clenched fist salute and stayed there.

"Amandla!", I said. The clenched fist grew firmer...

I had to return it to bed.

Monty Naicker died as he lived: Defiantly, heroically. The greatest tribute we can pay to this great son of the people is to intensify the Freedom Struggle.

HAMBA KAHLE MONTY NAICKER!

| From: Sechaba, second quarter, 1978

RESOLUTION ADOPTED BY THE LOK SABHA ON AUGUST 19, 1985 AND
RAJYA SABHA ON AUGUST 10, 1985

This House unanimously resolves:

1. To condemn the inhuman policy of apartheid of the racist regime of South Africa;
2. To denounce the attempts of the South African authorities to divide the African, Asian and other peoples of South Africa struggling for their human rights;
3. To appeal to all the freedom loving forces of the world to remain united in the struggle against apartheid;
4. To call upon governments to impose effective and comprehensive mandatory sanctions against South Africa;
5. To call for the unconditional release of the brave patriot Nelson Mandela and other freedom fighters;
6. To continue to extend all support to the freedom struggle of the people of South Africa and to espouse their cause in all relevant international forums;
7. To call upon the forthcoming NAM | Ministerial meeting in Luanda and the fortieth commemorative session of the UN to redouble efforts to secure the liberation of the people of South Africa from the unmitigated crimes of apartheid; and
8. To call upon the people of Indian origin in South Africa to continue their struggle in solidarity with their African brethren in their common cause against apartheid.

| Non-aligned Movement

1986.1

BAN ON ENTRY INTO INDIA OF MEMBERS OF SOUTH AFRICAN PARLIAMENT

Press release by the official spokesman of the Ministry of External Affairs, May 21, 1986

The South African regime introduced a tricameral legislature in August 1984 as part of the so-called "constitutional reforms". These "constitutional reforms" totally excluded the Black majority from any form of political participation and even Coloured and Indian communities were given limited powers. These so-called "constituional reform" were not seen as such by the majority of the world community. Since that time, the Asian and Coloured representatives in this legislature do not appear to have made any meaningful effort to press for an end to apartheid or for a representation of the Black majority. As a measure of our sympathy and support for all those struggling to introduce an equitable and democratic regime in South Africa, the Government of India have decided to ban the entry into India of any member of the Coloured and Asian legislatures, which form part of these so-called "constitutional reforms". They are not representatives of the Coloured or Asian communities in South Africa, and their participation in this sham exercise only serves to divide and weaken the struggle against apartheid.

1986.2

STATEMENT MADE BY THE MINISTER OF EXTERNAL AFFAIRS AND COMMERCE OF INDIA, MR. P. SHIV SHANKAR, ON THE OBSERVANCE OF A WEEK OF SOLIDARITY WITH THE PEOPLES OF SOUTHERN AFRICA, NEW DELHI, JULY 17, 1986

The identification of India with the struggles of people of southern Africa can be traced to the beginning of twentieth century not only with action of Mahatma Gandhi in South Africa but also with positions adopted from that time onwards by other leaders of the freedom movement in India. First concrete manifestation of Indian Government action against white minority Government of South Africa came exactly forty years ago today with issuance of orders by Interim Government of India prohibiting trade between India and South Africa. India`s unilateral boycott of South Africa in ever increasing number of areas including the cultural, economic, political and diplomatic has not flinched since then. India has been steadfast in this policy.

India was first country to introduce a resolution in United Nations calling for universal comprehensive mandatory sanctions against South Africa. It is matter of gratification to India that now overwhelming majority of United Nations supports such action against South Africa.

India's solidarity with nations of southern Africa whether on question of apartheid or on question of independence of Namibia has gone beyond actions within United Nations. To the extent possible India has extended material support to freedom movements in various countries in southern Africa as well as to SWAPO and the ANC. The recent visit of Prime Minister Rajiv Gandhi to frontline States of Africa was further expression of solidarity with southern African causes.

I am happy to announce that on a directive from Prime Minister Rajiv Gandhi India will observe the next full week as Week of Solidarity with Southern Africa. This week will be marked by various events meant to mobilise opinion within India and outside in favour of continuing struggle against the last vestiges of colonialism in South Africa and Namibia. I take this opportunity to express India's support to and admiration for valiant fighters for freedom in Namibia and against apartheid in South Africa. We salute, above all, Nelson Mandela on the eve of his birthday tomorrow, July 18, 1986.

1986.3

RESOLUTION ADOPTED BY THE LOK SABHA, AUGUST 7, 1986

This House unanimously -

1. Condemns the inhuman policy of apartheid of the racist regime of South Africa;
2. Expresses the solidarity of the Indian people with the brave freedom fighters of South Africa and supports their just struggle for human rights;
3. Denounces the obstinate refusal of the South African authorities to enter into meaningful negotiations with the African National Congress and other political organisations to dismantle apartheid;
4. Condemns the action of governments which provide moral encouragement and material assistance to the racist government of South Africa;
5. Welcomes the efforts made by the Prime Minister, Shri Rajiv Gandhi, to mobilise world opinion in support of the heroic battle of the South African people for freedom and human dignity and the courageous stand taken by India and five other countries at the seven-nation Commonwealth Summit to impose mandatory economic sanctions against South Africa;
6. Regrets that Britain has not adopted the full range of measures agreed upon at Nassau;
7. Appeals to all the freedom loving forces of the world to remain united in the historic movement against apartheid;

8. Calls upon all governments to impose comprehensive, effective and mandatory sanctions against South Africa;

9. Calls for the unconditional release of Nelson Mandela and other freedom fighters of South Africa and for the removal of the ban on the activities of the African National Congress and other political organisations;

10. Appeals to parliamentarians of the world to use all moral and constitutional means at their disposal to persuade governments and other authorities all over the world to take effective action against the South African authorities; and finally,

11. Calls upon the forthcoming meeting of the Heads of Government and States of the Non-aligned Movement to redouble efforts to secure the liberation of the peoples of South Africa and Namibia from the unmitigated crimes and tyranny of the racist Pretoria regime.

(NOTE: An almost identical resolution was adopted by the Rajya Sabha on August 8, 1986).

1986.4

MESSAGE FROM THE PRIME MINISTER OF INDIA, RAJIV GANDHI, ON THE OCCASION OF THE 25TH ANNIVERSARY OF UMKHONTO WE SIZWE, DECEMBER 16, 1986

I am glad that the Indian National Congress is commemorating the Heroes' Day to mark the 25th anniversary of the launching of armed struggle by the African National Congress under the leadership of Nelson Mandela.

During this period, the African National Congress and its leaders have faced the most brutal repression from the racist authorities of Pretoria. Nelson Mandela himself has spent twenty-four out of these twenty-five years in jail. Other leaders and activists of the African National Congress have been executed, imprisoned or been forced to go into exile. These measures of suppression have not daunted the spirit of the African National Congress. The struggle has continued and even intensified.

The spirit of freedom can never be vanquished. I am confident that the people of South Africa will continue to wage their war against the inequalities and injustice of apartheid till the system is eliminated. In this struggle the African National Congress has played a leadership role and will undoubtedly continue to do so. In their fight the people of South Africa have our wholehearted and unconditional support.

TEXT OF STATEMENT BY OFFICIAL SPOKESPERSON OF THE GOVERNMENT
OF INDIA, MARCH 1988 |

The Government of India condemns the new regulations promulgated by the racist Pretoria regime banning political activity by 17 leading anti-apartheid organisations and the Congress of South African Trade Union (COSATU). This action by the apartheid regime is yet another attempt to perpetuate the evils of racism and deny the people of South Africa their basic human rights. That the South African Government has resorted yet again to such repressive measures shows its fear of the movement for freedom which is gaining ground. Government reiterates its firm support to the people of South Africa in their valiant struggle against the abhorrent system of apartheid.

| From Asian Times, London, March 11, 1988