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INDIANS OF SOUTH AFRICA

BY

BHASKAR APPASAMY

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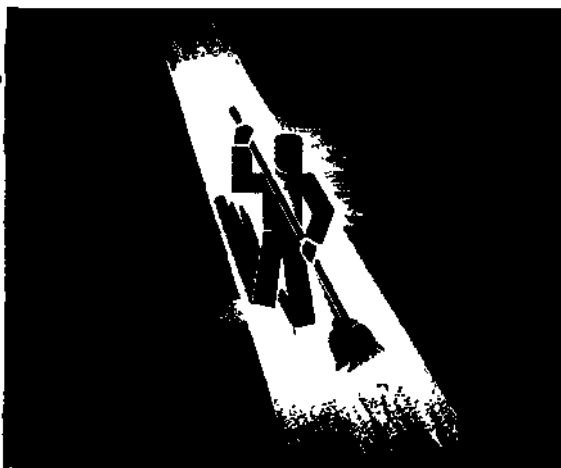
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INTRODUCTION

BY

LALITA KUMARAPPA

Most of the arguments on the question of the Indians of South Africa, seem to be based on the premise that they should have equal rights with the whites. This takes for granted that they are inferior people now trying to better their position. Actually, this is not so. The Indians have been in South Africa almost as long as the Europeans, and hence are entitled to consider that country as much their own as that of anybody else, born, bred, and brought up there. Basing his arguments on the above fact, Mr. Bhaskar Appasamy, the author of this timely booklet, describes how Indians have contributed much to the development of that land. He points out that without the assistance of Indians, the Union of South Africa would not be what it is to-day. In no small measure have they helped the Boers and the English to acquire wealth and comfort. At present the Indians are competing successfully with the whites in commerce and agriculture and naturally the Afrikaners have turned against them, afraid lest they should be reduced to an > inferior status. The racial discrimination and injustice practised in South Africa, is an example *par excellence* of white imperialism. Consider the statement of Mr. Lawrence, the Minister of the Interior which is truly revealing. "The

Bill has met with the support of all but Indians and the Natives, and the opinion of the latter two classes may be *ignored with impunity*" Can one blame the non-European peoples of the globe if this sort of treatment gives rise to slogans and actions which lead the Westerners to believe that we want "*Asia for the Asiatics* ?" If Indians and other coloured races are not wanted in European territories it seems that we are justified in retaliating by expelling all Whites from Asiatic territories. Instead, India has welcomed thousands of foreign refugees, and treated them royally. As a result, our people suffer for want of food, clothes and shelter, while they live in comfort.

Mr. Bhaskar Appasamy, the author of this book after a distinguished college career in India, received his higher education at Haverford College, Pennsylvania, U.S.A. and at Emanuel College, Cambridge, England. He then returned to India and joined the staff of *the Hindu* at Madras in 1935. In 1936 he was sent to London as a correspondent. He was also attached to the B.B.C. as News Commentator. On his way back from England in June 1942 he visited Cape Town and Durban where he had the opportunity of discussing the problem of the Indian Settlers with many prominent members of the Indian Community, several of whom are officials of the Natal Indian Association.

The stand taken by Mr. Appasamy is one that is not usually taken by Indian writers on the

South African Question. He believes that the Indian Settler there stands at the crossroads of his history : Should he rely in his struggle for equality upon public opinion in India and mediation of the Indian Government or should he join forces with the mass movement in Africa itself ? The difficulty with the former mode of action is that Indians fail to realise the exact depth of humiliation suffered by their countrymen in S. Africa owing to the contemptible status assigned to them. Again retaliatory measures and trade sanction, etc., can be only imposed by the Government but the slow moving Government of India does not want to offend the South African Government, and hinder the war effort. What is more important, however, is the fact that by demanding special considerations and privileges the Indians there would be separating themselves from the Africans who form 80 per cent, of the population. Today, the black man in Africa is a rising power, with a growing consciousness of his rights and privileges in the country of his birth. The future is as much his, as the whiteman's. Indian Settlers, who now regard themselves as Africans first, and Indians next, must necessarily join a non-European front if they want to get anywhere. It may take time, but the future is definitely theirs. The younger generation of our countrymen in South Africa realise this fact and are already allying themselves with the Africans in their fight for liberty, equality, and solidarity.

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CHAPTER I

THE BLUE SKIES OF AFRICA

Scattered over the four quarters of the globe, but chiefly in the territories of the British Empire, are over three and a half million Indians living permanently away from their mother country. Their exodus took place during the last century, when the abolition of slavery in 1833 freed hundreds of thousands of negroes, and created a demand for cheap labour in plantation and mine. Shiploads of illiterate Indian emigrants went out to Africa, the West Indies, the Fiji Islands, Malaya and elsewhere under an indenture system which bound them to work under a white employer for five years for a fixed wage lower than the wages paid to the free labour around them. They were placed under a special law, framed in language unknown to them, which imposed a criminal liability on them for the most trivial breaches of this harsh contract.

Indenture was finally abolished in 1920, though India had stopped emigration ten years earlier.

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Today Indians overseas are mostly free men, settlers for several generations abroad and linked to the country of their origin by a sentiment. But although they have shaken off the bonds of indenture, they suffer from many kinds of persecution and harassment devised to keep them from rising to equality in the economic and social scale with their white rulers. Nowhere is the principle of racial inequality applied more ruthlessly than in the Union of South Africa. That is why the troubles of the Indians in South Africa appear so often in the headlines of our newspapers, although there are only two and a half lakhs of them in the whole of the Union.

It is usual to treat the problem of Indians in South Africa as a special case of the situation of overseas Indians. It is indeed natural for a body like the Indian National Congress to deal with the subject as one affecting the dignity of the Indian nation and to pass resolutions condemning unjust treatment of Indians in Ceylon, Fiji, Natal or wherever the local government had seen fit to pass fresh discriminatory laws against Indians as a community. But there is a danger inherent in this way of approaching the problem. The danger lies in the failure to recognise that the difficulties of the Indian settlers are part of the base position assigned to all non-Europeans in South Africa. To demand special consideration for Indians as a group is to isolate the Indian settlers from the majority of the Africans who

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form eighty per cent, of the population of the Union. Even a description of the plight of Indians in Africa requires a summary of the context in which they live and the unique political and economic framework of the South African scene where barriers of race and colour prejudice have been erected by Boer and Briton in order that the white settlers may live permanently in comfort on the profits of the cheap labour of the black and coloured workers. The blood-stained history of the Union in the last hundred years leads directly to the present moment when Boers and Britons have formed an uneasy coalition to exploit the people of the country, as well as the ex-indentured Indian workers. The unity of that coalition demands that constant racial campaigns be launched against African and Indian.

There are two phases in South African development: the first dates from 1652 when the commercially-minded Dutch East India Company exported Dutchmen and other Europeans to the Cape of Good Hope and imported Malays and West African negroes to provide slave labour for the new settlers; the second phase dates from the 1870ies, when the diamonds of Kimberley and the gold of the Rand were discovered and Cecil Rhodes formed the British South African Company and the Imperial East Africa Company to seize the land and mineral wealth of South and East Africa.

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The early period—up to 1834 when the British abolished slavery and disorganised the farming industry of the Boers which was based upon slave labour—saw the defeat and enslavement of the Hottentot tribesmen of the south and a series of campaigns against the Bantus who were migrating southwards from the northern areas. The encroachments of the British who arrived after purchasing the Cape from Holland in 1814 for six million pounds, forced the Boers into Natal and then into the Transvaal and the Orange Free State. The long and expensive Boer War ended in the Union of the four provinces, Cape, Natal, Transvaal and the Free State—but the Boers have not forgotten. There is a memorial at Bloemfontein to the 26,700 Boer women and children who died in British concentration camps. There is a strong demand from a large section of them for complete independence of the British connection. One of the advantages of a Republic would, in the eyes of the reactionary Boer, be the re-introduction of the old slave system. The Boers, or Afrikaners as they now prefer to call themselves, voted for slave labour as early as 1716 though there is nothing in the climate or fertility of South Africa which makes it difficult for the European to work with his hands. Today they seek to maintain a semi-slave system by a series of repressive laws depriving the black African of land and forcing him to enter the mines in order to pay a money tax. Yet the consequence of this

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policy is that a huge army of unemployed and unemployable whites has grown, so that one in every ten Europeans is a "poor white", a man who prefers to starve rather than do "coolie work".

Very little is heard in the outside world about the Africans, the people of the country who have neither franchise nor civic rights. There are 6,600,000 of them compared with two million Europeans (three-fifths of whom are Boers) in addition to 220,000 Asiatics and 770,000 of mixed descent. It is common to speak of the Africans as "Bantus" or officially as "Natives." But the truth is that there are a **large number** of **tribes** and to call them "Bantus" is like calling Frenchmen merely "Europeans". Until the middle of the nineteenth century, they were living in their Kraals, owning land in common, following the dictates of their chiefs, farming and raising cattle. They fought wars among themselves and later with the white men. The Zulus are perhaps the most famous of the warrior tribes. Today, even as hewers of wood and drawers of water, they are among the most perfect specimens of physical manhood. But the rifle and the machinegun ended their sway in Africa. The Native Land Acts have seen to it that there is very little land for them and that what is left is barren and sterile, the Mines and Works Acts regulate their life in the great Rand Goldfields where they flock in order to earn

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money to pay their taxes, the Representation of Natives Act sees that they have only indirect representation in the legislatures. More than two million of them are now permanently involved *in* the white economy of the Union and thousands of them are tied to Boer farms where they live on the subsistence level. Their farm wages have not been raised for twenty years. The Rand mines pay the 400,000 Africans working there less than £1 a week. In general, the African and the Indian are paid one-sixth to one-tenth of what the white worker is paid. As the Boer politician, Mr. Pirow has said: "South Africa's greatest asset is her cheap and abundant supply of Native labour" and the constant aim of legislation is to keep the supply always cheap and plentiful.

The real object of the anti-Indian legislation in Natal and the Transvaal is to keep the Indian at the level at which the Union as a whole is determined to keep the African, no matter how capable or educated he may be. The crime of the Indian is that he has, especially in Natal, crossed the limits of "Kaffir work" and established himself in trades which are followed by white men in the three other Provinces. In the building trade, in joinery, painting, furniture making, shoe making and tailoring the Indian is a skilled artisan. He is an expert in retail trade and unlike the white trader, who does not bother to study the requirements and taste of the

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native African, he has provided him with the cheap goods that he fancies. The sunny coast of Natal has been utilised by the Indian to grow excellent fruits and vegetables. This enterprise irks the European in Natal and fresh repressive laws are engineered to keep the Indian down.

These then are the basic facts of South African economy : the bulk of the land is the property of a minority of whites who use cheap African labour on their farms; those Africans who live a tribal life cannot do so except under conditions of extreme poverty and misery ; Africans and Asiatics are disfranchised and paid wages that are only a fraction of their due ; the industrial economy of the country is geared to the gold reefs of the Rand, which being heavily overcapitalised and overworked, produce a high level of white wages and an artificially high cost of living; the refusal of white men to do unskilled labour results in a half-employed dissatisfied population of two lakhs of "poor whites" whose votes are cast in favour of semi-fascist political organisations. Between the white men and the black lie the intermediate groups, the coloured and the Indians who are for all practical purposes classed with the African but only enjoy a slightly better economic and social position. Should they demand special treatment from the Europeans and regard themselves as superior groups, or should they make common cause with the bulk of the exploited population ?

CHAPTER II

THE INDIANS FIND A LEADER

In the days when Natal was a Crown Colony the British planters found great difficulty in getting labour. The Zulu tribes who lived in the province were not accustomed to wage labour and the administration was opposed to their employment. In 1860 the indenture system was introduced and there was a flow of Indian immigrants. The Natal authorities went so far as to pay a subsidy of £ 10,000 annually to the Government of India for this purpose. Poor and illiterate labourers in India, many of them from the Madras Presidency, were told that after they served for five years they would receive grants of land and their freedom. If they wished to return to India they could do so and if they preferred to renew their contracts they could continue as workers. These promises were not kept. By 1891 Natal ceased to make grants of land to ex-indentured Indians and two years later when Natal obtained responsible Government, a campaign was launched against the Indian worker culminating in the demand that ex-indentured workers should take out a licence costing £25 and requiring that all fresh immigrants should pass a test in a European language.

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Nor were those who had completed the term of indenture free from harassment. Even after their release they were required to obtain a pass if they wanted to go from one place to another. If they were married and wished to officialise the marriage they had to register with the Protector of Indian Immigrants. Those ex-indentured labourers who had been lucky enough to secure land took to market-gardening and as there was a good demand for fruits and vegetables they made a good living. As the price of vegetables fell in consequence, the European planters began to resent the infraction of what had been their monopoly.

At the same time, Indian traders, "free Indians", had entered the country and were doing good business not only in Natal but in the three other provinces. They bought land in good localities and as the number of their countrymen rose, the demand for such articles as rice and textiles increased. Some friendly Englishmen pointed out to these traders, many of them from Gujarat, that they could apply to vote for the Natal Legislative Council elections and stand as candidates for this body. Some of their names were put on the electoral roll. This step irritated the European politicians of Natal.

With the attainment of responsible Government in Natal in 1893, delegates were sent from Natal to the Government of India. They demanded that every Indian free of indenture

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should pay a special annual tax of £25, a fantastic sum for a worker. Lord Elgin, then Viceroy, agreed to a tax but stipulated that it should be an annual poll tax of £3. This was a sum that might be earned by an indentured worker in six months. But the tax was to be imposed not only upon the male labourer, but also upon his wife and children over sixteen years of age ! Fearing that Indians might enter the legislature, as they had now discovered they had the right to do, the Natal Assembly introduced a Bill in 1894 disfranchising all Asiatics except those few who were on the voters' list. The fight against this racial bill was led by a young lawyer who had come to South Africa on a purely professional visit. His name was M. K. Gandhi, and he discovered the existence of the bill purely by accident at the farewell party in Durban on the eve of his departure for India. " At the farewell entertainment held by Dada Abdulla in my honour ", writes Gandhiji, " someone put a copy of the *Natal Mercury* into my hands. I read it and found that the detailed report of the proceedings of the Natal Legislative Council contained a few lines on " Indian Franchise ". The local government was about to introduce a Bill to disfranchise Indians ... I read out the report to the traders and others present and explained the situation as well as I could, suggesting that Indians should strenuously resent this attack upon their rights. They agreed but

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declared that they could not fight the battle themselves and therefore urged me to stay on. The same night I drew up a petition to be presented to the Legislative Council. A telegram was sent to the Government requesting them to delay the proceedings. A Committee was formed, with Sheth Abdulla Haji Adam as chairman and the telegram was sent in his name. The further reading of the Bill was postponed for two days. That petition was the first ever sent by Indians to a South African Legislature. It was the South African Indians' first experience of such a mode of procedure and a new thrill of enthusiasm passed through the community. Meetings were held every day. The requisite funds were soon oversubscribed. Within a month a memorial with 10,000 signatures was forwarded to Lord Ripon and the immediate task I had set before myself was accomplished."

Ten thousand signatures in those days meant that practically all the free Indians in the province had signed the memorial to the Secretary of State for the Colonies. The representation was successful. Lord Ripon not only disallowed the Bill but declared that the British Empire could not agree to the establishment of a colour bar in its legislation. But the Natal Government found a way of by-passing this difficulty. They passed another Bill which made no mention of racial distinction but disqualified Indians on other grounds. Since then Indians in Natal have

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no provincial franchise. This trick of not saying a word about colour or racial distinction in legislation but getting what they want in other ways, has since become an accepted and constant practice of the South African Government.

The Natal Legislature followed up the disfranchisement of the Indians with other measures. Trading without a licence was forbidden. What happened and still happens is that, as the Licensing Officer of the Durban Council himself said in 1921 : " A European licence is granted as a matter of course, whereas an Indian licence is refused as a matter of course, if it is a new one." Another measure provided for the restriction of Indian immigration by means of a language test. These Acts still remain in force. Anti-Indian legislation was not confined to Natal, although it was there that it mattered most, since the largest number of Indians lived there. The Orange Free State enacted stringent laws which prohibited Asiatics from any kind of activity within its borders, so that except for a few hotel waiters, no Indian entered the province. The Transvaal had been entered by Indian traders in 1881 and they did such good business there that European traders soon opened an anti-Indian campaign in the newspapers and petitioned the authorities that the Indians should be expelled. In 1885 this had the desired result. A law was passed requiring every Indian settling in the Transvaal Republic for the purpose of carrying

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trade to register at a cost of £25, subject to heavy penalties. No Indian could acquire land. This question was also carried to the Colonial Secretary and as a result of arbitration^ the law was amended so that the registration fee was reduced to three pounds. Instead of being completely forbidden to own land, Indians were allowed to acquire fixed property in certain locations allotted to them. Needless to say these locations were ghettos without light, water or drainage.

A few years later the smouldering hatred between the British and the Boers broke out into open war. At the root of the conflict lay a difference of outlook on the development of South Africa. Not merely was it a war of Boer independence but the farming Boer of the more conservative type resented the capitalist exploitation of the mineral resources of the country at the expense of the old agricultural system to which the Dutch colonists were born and bred. Previously the Boers had resented British encroachments by trekking into the interior, but now they were surrounded, so they turned and fought a long and bloody war against heavy odds.

What was the Indian attitude to this civil war? Gandhiji who was now the undisputed leader of the community believed then that it was the duty of the Indian, as a British subject who hoped for ultimate equality in the Empire, to assist Britain. The Europeans of Natal expected no help from the despised coolies but for that very reason

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Gandhiji astonished them by forming a stretcher bearer corps and going into the heat of the battle to give relief to the wounded.

At the end of the war the Indians expected that now that the British had won, their position might be improved. But as usual the treatment of Indians had worsened. The British had set up an Asiatic Department in Pretoria, the capital of the Transvaal, and Lionel Curtis (one of Lord Milner's bright young men) was stiffening up the rules against Indian's which the Boers had loosely applied. Mr. Curtis drafted an ordinance requiring all Indians in the Transvaal to take out certificates of registration. Thumb-prints were to be taken and body-marks noted, as for criminals. Failure to register meant imprisonment or deportation. Police could demand the certificates anywhere and could enter the houses of Indians to see them. A clause requiring women to register was particularly resented by the Indian community. The same year a Transvaal Immigrants' Restriction Bill was also put on the Statute book and though it was framed in general terms, it was quite obviously designed to keep Indians out of the Transvaal.

It was in resistance to these measures that Gandhiji led the first Satyagraha movement. Selected satyagrahis crossed the border between Natal and the Transvaal in defiance of the law against immigration. Others broke the law against hawking without a licence. There were

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arrests, imprisonments, harsh treatment. The Transvaal authorities took it upon themselves (quite illegally) to deport many of the Indians. Gandhiji himself was thrust into jail. The struggle became known in India and in England. For the first time in the history of South Africa the defenceless Asiatic had defied his white oppressor. It is true that the movement failed to achieve its objectives, though General Botha did make minor concessions—women were exempted from finger-printing. The British Government who were at that time anxious to conciliate the Boers, did not bother about the troubles of a few Indians. But in India, the struggle made a deep impression and facilitated the passing in 1911 of the order to prohibit the emigration of more Indians to a country where they were treated as less than human beings under the indenture system.

The Transvaal satyagraha campaign was, however, only the precursor of a greater and more effective struggle in Natal. Gandhiji had gained much experience in the Transvaal and his great capacity as an organiser and leader had developed under the stress of the first campaign.

In 1912 Gopal Krishna Gokhale visited South Africa and addressed a series of meetings. As a member of the Viceroy's Council and a man of standing in India he was enthusiastically welcomed by Indians in Africa. Gokhale studied a lengthy memorandum on the grievances of the

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Indian community prepared by Gandhi and met Generals Botha and Smuts in conference. He emerged from the interview confident that the £3 tax would be abolished within a year and the racial objective removed from the immigration law. Needless to add, he carried nothing away in writing and equally needless to say that there was no sign whatever, after Gokhale departed, that either of these reforms would be implemented. On the other hand, a judgment was delivered by the Supreme Court in March 1913 which treated all Hindu and Muslim marriages as illegal. Gandhiji then wrote a letter to the Minister of the Interior in which he said: "I know what responsibility lies on my shoulders in advising such a momentous step, but I feel that it is not possible for me to refrain from advising a step which I consider to be necessary, to be of educational value, and in the end, to be valuable both to the community and the State. This step consists in actively, persistently, and continuously asking those who are liable to pay the £3 tax to decline to do so and to suffer the penalties for non-payment, and, what is more important, in asking those who are now serving indenture and who will therefore be liable to pay the £3 tax upon the completion of their indenture to strike work until the tax is withdrawn." The last sentence quoted shows the boldness of the step that Gandhiji proposed to take—nothing less

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than a general strike of Indian indentured workers in the mines and plantations of Natal.

Indian women in the Transvaal took the initiative. Determined to express their indignation against the summary judgment which declared their marriage unlawful, they crossed the border into Natal where they called upon the miners in the coalfields to come out on strike. As the mines closed down the mine-owners were astonished. They had never dreamed of a strike of non-European miners ! The owners had a talk with Gandhiji and telegraphed General Smuts who promptly denied having made any promise to Mr. Gokhale to abolish the £3 tax.

The strike spread. Four thousand workers came out, obeying the suggestion made by Gandhiji that they should march into the Transvaal to court arrest. Indian merchants supplied rice to feed the ragged marchers. Meanwhile, the Government and the mine-owners used the forces of law and order to compel the strikers to stay at work. There were casualties. Gandhiji and other leaders were arrested, but he was later released by General Smuts in order that the deadlock might be broken. News of what was happening in South Africa had by now reached the outside world and the Government of India approached the Government of South Africa through the British Cabinet. The result was the usual face-saving procedure: a commission of enquiry was to be appointed to enquire into the

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points at issue. In the end, a Relief Act was passed conceding the major demands of the Indians. Indian marriages were validated provided they were monogamous, the annual licence of £3 to be taken out by every indentured worker who settled in the country was abolished ; and domicile certificates issued to Indians were recognised as evidence of the right of the holder to enter the Union.

But Gandhiji had no illusions about this victory. " When one considers", he wrote later, " the painful contrast between the happy ending of the satyagraha struggle and the present condition of Indians in South Africa, one feels for a moment as if all this suffering had gone for nothing, or is inclined to question the efficacy of satyagraha as a solvent of the problems of mankind. But let us consider this point for a little while. There is a law of nature that a thing can be retained by the same means by which it has been acquired. A thing acquired by violence can be retained by violence alone, while one acquired by truth can be retained by truth alone. The Indians of South Africa, therefore, can ensure their safety today if they can wield the weapon of satyagraha."

Having forged and tested the weapon he bequeathed it to the Indians of South Africa and left its shores for ever in July 1914. But it was destined never to be used again as he had used it, except in India under Irs own leadership.

CHAPTER III

COMPROMISE AT CAPE TOWN

The prelude to the passing of the Relief Act of 1914 was a personal agreement between General Smuts, then Minister of the Interior, and Gandhiji as the acknowledged leader of the Indian community. This agreement became known as the Smuts-Gandhi Agreement and is still looked upon as one of the pledges that the Union Government has given Indians of fair treatment.

In his farewell message to the Indians and Europeans of South Africa, Gandhiji made this comment on the Agreement: "In my humble opinion it is the Magna Carta of our liberty in this land. I give it the historic name, not because it gives us rights which we have never enjoyed and which are in themselves new or striking, but because it has come to us after eight years' strenuous suffering that has involved the loss of material possessions and of precious lives. I call it our Magna Carta because it marks a change in the policy of the Government towards us and establishes our right not only to be consulted in matters affecting us, but to have our reasonable wishes respected. It moreover confirms the theory of the British constitution that there

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should be no legal racial inequality between different subjects of the Crown, no matter how much practice may vary according to local circumstances."

Gandhiji went on to admit that some Indians were opposed to the Agreement because it did not grant them all they wanted. He says, "I have also assured them that the present settlement does not preclude them from agitation for the removal of other disabilities which the community will still suffer from under the Gold Law, the Townships Act, Law 3 of 1885 of Transvaal and the Trade Licences Laws of Natal and Cape. The promise made by General Smuts to administer the existing law justly and with due regard to vested rights gives the community breathing time, but these laws are in themselves defective and can be, as they have been, turned into engines of oppression to drive the resident Indian population from South Africa. The concession to popular prejudice *in* that we have reconciled ourselves to the almost total prohibition by administrative methods of a fresh influx of Indian immigrants, to the deprivation of all political power, is in my opinion, the utmost that could be reasonably expected of us. These two things being assured, I venture to submit that we are entitled to full rights of trade, interprovincial migration, and ownership of landed property being restored in the not distant future."

To the Europeans, Gandhi pointed out that

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"compulsory repatriation is a physical and political impossibility; voluntary repatriation by way of granting free passages and similar inducements will not, as my experience teaches me, be availed of to any appreciable extent. The only real effective remedy for a great State to adopt is to face responsibility fairly and squarely, to do away with the remains of the system of indenture and to level up this part of the population and make use of it for the general welfare of the Union."

Thus there was no finality about the settlement. Gandhiji had warned General Smuts that complete satisfaction could not be expected until full civic rights had been conceded to the Indian population. But Smuts had demanded that the Indians should accept what had been conceded to them as a complete settlement of the controversy. Gandhiji felt that he had gone a long way to meet the wishes of the Europeans by agreeing to the Immigration Regulation Act and publicly stating that Indians in South Africa had no political ambitions. As a satyagrahi, he felt that he could win the hearts of the Europeans by making these gestures and leaving it to them to deal kindly with his countrymen by not enforcing the many penal laws on the statute-book. It will be noticed that in his appeal to them, he points out the impossibility of complete repatriation. This apparently did not sink into the minds of the Whites of Natal, as the Cape Town

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Agreement of 1927 was designed precisely to repatriate the bulk of the ex-indentured workers to India with the help of the Government of India.

Gandhiji was in England when war broke out in 1914. In South Africa, Indians at mass meetings at Durban and Maritzburg, decided to support the war and offer their services to the Government. The offer was at first refused but later the Indians were permitted to form an Ambulance Corps which did useful service in the East African campaign.

When the Indian question was re-opened at the Imperial Conference of 1917, General Smuts made an optimistic statement about the future of Indians in South Africa. India at that time seemed to be on the road to progress; the rest of the Empire was greatly impressed by the substantial contribution India was making to the war and it was known that responsible Government was projected for India. While at previous Imperial Conferences, held before the war, scant regard had been paid to the views of India, now, for the first time, an attitude of conciliation crept into the words of the assembled statesmen. General Smuts said: "The fear which firmly obsessed the (white) settlers 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 of South Africa and the Indian authorities in

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India; and that being so, I think 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. Of course, the main improvement has been the calling of India to the Council Chamber of the Empire. Here, if any question proves difficult of treatment, we can discuss it in a general way and try to find in consultation a solution, and I am sure we will ever find it. I for one do not consider that amongst the multitudinous problems which confront us in our country, the question of India will trouble us much in the future/' The Conference accepted reciprocity in immigration between the Dominions and India.

This was all very well, but as time passed the Union Government gave no sign of living up to that promise. At successive Imperial Conferences, the Indians presented lists of discriminatory laws and grievances. They hinted that if India got representative government, Indians overseas might qualify for political franchise.

At the Imperial Conference of 1921, Mr. Srinivasa Sastri moved a resolution which while affirming the right of British communities to decide the composition of their population, asserted that there was a contradiction between India's position as an equal member of the Empire and the existence of disabilities imposed upon Indians resident in other parts of that

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Empire. He claimed rights of citizenships for such Indians.

The Conference passed the resolution but with a rider affirming South Africa's dissent and another rider affirming India's grievance against South Africa. This made havoc of the unanimity rule. A commentator remarked: "If the people of India will not stay in the Empire unless they are granted full equality, and South Africa will not stay in if they are, there is a tough proposition ahead of the Empire." Two years later, at the Imperial Conference when India was represented by Tej Bahadur Sapru and the Maharajah of Alwar, there was a bigger flare-up. The Maharajah said that as an Indian he suffered a loss of *Izzat* as the result of the treatment of his countrymen in Africa. Sir Tej Bahadur told General Smuts that if the Indian problem in the Union got any worse it would be an issue of foreign policy of such gravity that upon it the unity of the Empire might founder irretrievably.

General Smuts retorted that the status of a British subject did not confer rights of citizenship with the member states of the Commonwealth. The status of a British subject, for example, did not carry with it the right to vote in every British community. That was constitutional law.

As for *Izzat*, General Smuts made a very significant reply: He said that "once South Africa granted suffrage to Indians, she would have to

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go farther and grant it to natives; and that would be the end of her western civilization. So far as South Africa is concerned, therefore, it is a question of impossibility. Sir Tej and his colleagues say, quite rightly, that for India it is a question of dignity. For South Africa, for White South Africa, it is not a question of dignity, but a question of existence, and no government could for a moment either tamper with this position or do anything to meet the Indian point of view."

Meanwhile in South Africa, as the war drew to a close, the witch-hunt was resumed. The war had brought some prosperity to the Indians, and in the Transvaal an agitation was started against them on the ground that they were underselling their white rivals. They were accused of evading the provincial immigration law and entering the Transvaal. In Natal, the entirely false rumour was fostered that during the war the Indian population had rapidly increased in numbers and was outstripping the white.

In 1919 a Transvaal municipality got a legal injunction which brought into operation an obscure provision of the Gold Law of 1908 which prohibited Indians from living on proclaimed land. As almost the whole of the Rand is proclaimed land, this injunction threatened the existence of Transvaal Indians. A Select Committee heard the views of Indians and Europeans

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and incorporated the demands of the latter in a new Asiatics Land and Trading Amendment Act which refused new trading licences to Indians and made impossible their evasion of the old law which forbade them to own fixed property in the Transvaal.

Every time a debate is held in the Union Parliament on the question of Indians in the Transvaal, much is made of the illegality of Indian ownership of property in the province. It is never mentioned that the evasion had, in the first instance, been suggested by the Transvaal Government itself. In those days it was a common practice for a European to become the nominal owner on behalf of a real Indian owner. Or the property was registered as a private company in the names of the Indian owner and his family. These were not secret devices; they were known and approved of by the government of the period.

The European outcry for the compulsory segregation or repatriation of the Indian went on. In 1924 the Natal Government deprived Indians of the municipal franchise, though the measure was twice vetoed by the Smuts Government. In the same year, Smuts himself brought in a drastic Class Areas Bill to segregate "persons other than natives who possessed common racial characteristics" in separate trading and restrictive areas. This was in flagrant violation of the

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Smuts-Gandhi agreement to respect the 'vested rights' of Indians and it spelled ruin for the community. Yet the Nationalist Boers denounced Smuts for his moderation. The new Hertzog Government introduced stricter segregation with provisions against the entry of the wives and children of domiciled Indians.

Introducing the Bill, Dr. Malan, Minister of the Interior said: "I meant to say 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. But, on the other hand, the method of dealing with the question will not be the employment of forcible means. The method which this Bill will propose will be the application of pressure to supplement, on the other hand, the inducement which is held out to Indians to leave the country."

The Bill had reached the Committee stage when a deputation led by Mr. Paddison and sent by the Indian Government arrived. It persuaded the Government to postpone the measure until a conference was held between the two Governments. Meanwhile, the South African Indian Congress sent a deputation to India which met the Viceroy, Lord Reading and made strong representations. At the same time, a parliamentary deputation for South Africa toured

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India, met Gandhiji and the Viceroy and learned the Indian point of view.

The Round Table Conference reached an agreement in January 1927. This was the Hertzog-Habibullah Pact, usually known as the Cape Town Agreement. Both Governments recognised the right of South Africa to maintain western standards of life. For those Indians who desired it, the Union Government would provide a scheme of emigration to lands where western standards were not required. The India Government recognised obligation to look after Indians on their arrival in India. In the expectation that this arrangement (to repatriate Indians) would reduce their difficulties, the South African Government agreed not to proceed with the Class Areas Bill. She also agreed to the appointment of an Agent-General to secure co-operation between the two countries.

The Union Government also recognised that Indians in the Union who are prepared to conform to western standards, should be enabled to do so. In pursuance of this intention the Union Government was to advise Natal to enquire into Indian education; give Indians hostel accommodation at Fort Hare College; investigate housing conditions in Greater Durban with a view to securing better accommodation for Indians and to suggest that laws like the Industrial Conciliation Act and the Wages

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Act should be administered so as to enable Indian workers to get special pay for equal work.

The following paragraph in the official summary of the Pact was regarded as of great importance by the Indian community. "*Upliftment of 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 upliftment 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 same Dr. Malan, who had spoken of Indians as an alien element, now commended the agreement to the Union Parliament. But he also added : " the agreement that has been reached is more in the nature of an honourable and friendly understanding than of a rigid and binding treaty. By their decision not to proceed with the particular legislation contemplated last year, the Union Government have not in any respect surrendered their freedom to deal legislatively with the Indian problem whenever and in whatever way they may deem necessary and just."

Yet, on the whole, the Agreement appeared

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to be a great victory for the Indian side and was warmly welcomed by Gandhi ji and other national leaders. Two points about the arrangement stand out: it was the first time that the South African and Indian Governments had discussed the thorny subject of Indian settlers in conference ; it was hoped by the South African Europeans that large numbers of Indians would quit the country. In the years that followed about 15,000 Indian adults left the country with about 7,000 children. This altered the balance in Natal in favour of the Europeans. But the latter were not satisfied. Five years later, when another anti-Asiatic storm broke in the shape of the Transvaal Asiatic Land Tenure Bill, a second Round Table Conference met to review the situation. It was recognised on both sides that the possibilities of assisted emigration to India were exhausted, because 80 per cent of Indians were South African born and had no desire to leave the land of their birth. Nevertheless, a colonisation enquiry was opened to consider the settling of Indians in other countries besides India. It is significant that on the question of co-operation in this enquiry (the first time Indians had been invited to co-operate in a Government commission) a rift developed in the South African Congress and the seceders broke away on the ground that there ought to be no co-operation with any scheme to drive Indians out of the country. This new group was

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called the Colonial Born and Settlers' Indian Association.

On the European side, an influential school of thought held that the Cape Town Agreement should be repudiated. The principal exponent of this view is Mr. Heaton Nicholls, the present Administrator of Natal. In the debate on the Asiatics (Transvaal Land and Trading Bill in 1939, and referring to Dr. Hofmeyr's assertion that there would be no segregation of Indians so long as the Cape Town Agreement remained in force, Mr. Nicholls pointed out that the 1927 agreement was based upon an anticipated fall in the Indian population. It was expected that with the help of the Indian Government there would be repatriation and the uplift clause would apply only to a residue. But that expectation had not been realised. In Natal there were 189,000 Asiatics and 196,000 Europeans. The Asiatics were increasing at a higher rate than Europeans.

Mr. Nicholls said that the Union had no diplomatic representative in India to see that the Indian Government carried out its part of the agreement. Instead of being looked after, Indian repatriates had drifted to the slums of Calcutta and Madras and become objects of pity and reproach. Consequently, an official agitation was carried on against repatriation. Similarly, Mr. Nicholls said the Government of India had done nothing to carry out its promises regarding the

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Colonisation Enquiry of 1932. He concluded that if Indians were now a part of the population of the Union, there was no longer any justification for the 1927 agreement. "It was based in its terms upon a reduction of the Indian population. If that cannot be brought about and we are to be faced with a continuously increasing Indian population, then I say we must be left free from any interference from outside in the conduct of our own business."

A similar attitude was displayed towards the Smuts-Gandhi agreement during the same debate by the Minister of the Interior, Mr. Stuttaford. The reasons for the anxiety of these gentlemen to abrogate these undertakings are quite simple. The Smuts-Gandhi agreement contained an acceptance by General Smuts to administer existing laws with due regard to the 'vested rights' of Indians in the Transvaal. Similarly, the Cape Town Agreement, contained the following paragraph (4 of the uplift clause). "When the time for the revision of the existing trade licencing 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

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appeal in cases of first applications and transfers, as well as in cases of renewals, to the courts or to some other impartial tribunal."

The Europeans of Natal have taken no great notice of these provisions. Nevertheless, they stand in the agreement and can be inconveniently cited each time new trading restrictions are imposed on Indians.

CHAPTER IV

THE TRUTH ABOUT SEGREGATION

The story is told of an Englishman, newly arrived in Durban, who spoke of the Asiatic menace and suggested that the Indians should be sent back to their own country.

"How long have you been here?" asked an Indian.

"Two months."

"Then it is for you, not me, to go home. This is my country. I was born here, and my father was born here, and my grandfather was born here."

There is no "Asiatic menace" to South Africa. The two and a half lakhs of Indians are not increasing at a great rate. Nor are they remaining at the low economic level that the whiteman believes is natural to the Asiatic. The Natal Indian is anxious to better himself, to send his children to school, to live comfortably with his own car, radio and other modern conveniences. One result of the Cape Town Agreement was an improvement in the condition of the Indian and the rise of an Indian middle-class that wished to benefit by the 'uplift clause.' Between 1927 and 1933 Indian enrolment in the schools doubled itself. The opening in 1930 of the Sastri College provided for the first time a good secondary school

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run by Indians themselves for the younger generation. In 1934 Indians in the Transvaal were able to send their children to a secondary school in Johannesburg which was opened to Indians as well as to coloureds. The coming of the Agent-General lent some social dignity to the community. His annual report in 1933 says that in that year for the first time at dinners and lunches in the leading hotels of Natal, Indians were admitted on an equal footing with the Europeans. The Indian worker also made quick progress. Industry is almost always more profitable than agriculture. Many Indians now worked in Natal factories where the Wages Board secured them equal rates of pay with the white workers. Many of them joined trade unions, some of whom had previously been exclusively white. The Furniture Workers' Union, for instance, had an Indian majority. Indian influence grew in the catering trade and the Typographers' Union. Natal is a stronghold of the South African Labour Party with its insistence on high wages at the expense of the African, but Indians have been quick to organise, to take advantage of the rules governing the formation of trade unions. (It is only very recently that the legality of native African unions has been officially recognised.) Indians have now considerable experience of trade union work. In 1941, for example, we find that the Sugar Employees' Union, led by Mr. H. A. Naidoo, was able to strike for a ten shilling monthly all-round

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rise in wages and get it, despite government's threat to take over the refineries.

But it was not all plain sailing. As the Indian pulls his way up the ladder, every attempt is made to push him down again to the lower rungs. Indian workers, skilled and unskilled, faced a new threat when the Government laid down its "Civilised Labour Policy" in 1934. "It has been decided as a matter of definite policy that wherever practicable civilised labour shall be substituted in all employment by the Government for that which may be classified as uncivilised." The word 'civilised' here simply means white and 'uncivilised' means black. The purpose of the new policy was to find employment for the thousands of "poor whites" who are unwilling to do work which Africans do. Semi-governmental and municipal bodies were to get rid of the Indian employees to make room for the poor white. Yet in 1933 the Minister of Labour had given his assurance to the Agent-General in writing that Indians were not excluded from the scope of the term "civilised labour." Nevertheless, the application of this purely racial policy has seriously affected Indians. The number of Asiatics employed in railways and harbours fell from 2,113 in 1924 to 487 in 1938.

It would be wrong to draw a picture of easy prosperity for Indians from the date of the Cape Town Agreement. On the other hand, what has happened is that whenever the Europeans found

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that Indians were bettering themselves, they have raised the cry of *Penetration*. Their remedy for penetration is *segregation*.

What precisely do these two words mean? Penetration is alleged to take place when an Indian owns or occupies property in an area which is, or alleged to be, predominantly European. It is said that immediately an Indian enters a white neighbourhood, the value of the property falls. Therefore he should be restrained by law from entering European localities either to live in or to trade in. The community is to be segregated in certain areas and they are not to expand into other areas. It is unnecessary to add that the areas in which the Indian must reside are always inferior and that if he does happen to live in a good area, every effort is made to turn him out of it. The result of this sort of outlook is that in a city like Durban, the Indian community lives a quite self-contained existence. The Indian has his own shops, restaurants, cinemas, schools, clubs and there is no great need for him to enter similar places in other parts of Durban. There is, therefore, a certain amount of voluntary segregation and the Indian bodies in Natal have to a certain extent co-operated with the authorities to avoid friction and enable the Indians to maintain their self-respect in isolation.

But there are sound reasons why segregation, even where it is self-imposed, is impossible in the long run. The first is that, as the economic status

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of the Indian improves, the European is not willing to let him alone. The second is that economic conflict between the European and the Indian is inevitable since both are competing for the labour or the patronage of the African, who is the mainstay of South African economy. The purchasing power of the African is low but he exists by the millions and the trade with him is important. The African himself is rising in status, his wants are getting complicated. Who should satisfy them—the white trader or the Indian ?

The prime argument against segregation as a policy is the familiar truth that in modern industrial and commercial capitalism, segregation is impossible and obsolete. Trade and industry prosper when people come together, not when they are forced apart. Economic man is not to be assessed by the colour of his skin.

The segregationists run their heads into a wall when they go further and talk of the segregation of the African. For the African, far more than the Indian, is indispensable to South African economy and to talk of isolating him is to talk of economic suicide.

The Cape Town Agreement, we have admitted, did lead to some improvement in the housing, education and health of the Indian community. For a time it seemed that the Europeans were sincere when they announced that those Indians who chose to stay in Africa should conform to western standards of life and that the settled

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policy of the Union would be to help in raising the standard for the Indian settler of the permanent sort. The Indians who stayed grasped eagerly at this opportunity and their standards did rise rapidly. A middle-class arose, an educated group that produced doctors, lawyers and professional men who possessed a sense of responsibility to the community. The wealthier sort built better houses, endowed hospitals and developed an outlook quite different from that of the small-time trader of the pioneer days.

But if they forgot that 'civilised' in Africa meant 'white', they soon had a rude awakening. In Durban, for example, the City Council strove to find ways of depriving them of the advantages they had gained, of forcing them back to the outer circle and drawing lines of demarcation which they must not cross.

The High Commissioner's report for **1941** contains this illuminating paragraph :

"During the month of January, the High Commissioner's attention was drawn to a proposal of the Durban City Council to acquire compulsorily certain Indian-owned property in the Sydenham and Riverside districts by making use of the provisions of the Housing Act of 1920 as amended by Act 31 of 1936. The Durban **City** Council approached the Minister of Health (Mr. Lawrence) whose approval is necessary before any purchase or expropriation can take place. They issued a lengthy memorandum which

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explains their scheme in detail and purports to answer the objections raised by Indian organisations. They state that the proposed acquisition forms part of an eight-year housing scheme costing £5½ million and involving the erection of 3,350 sub-economic and 5,124 economic houses. Over £2 million is to be spent on Indian housing in the Springfield and Merebank-Wentworth areas. It is quite clear that what the City Council has in mind is a policy of segregation ; the Indians are to be moved to the low-lying Merebank-Wentworth areas, the coloureds are to have part of Sydenham, and the entire area of greater Durban beyond the Umgeni River is to be exclusively European . . . Sir Rama Rau had several interviews with Mr. Lawrence on the subject, in which he stressed the disastrous effect such proposals would have on the policy of co-operation in the task of finding the non-statutory solution with which the Minister had associated himself."

This last sentence apparently means that the High Commissioner objected to this bare-faced plan for expropriation and segregation on the ground that it gave no room for that voluntary withdrawal to which the Indian community has so often resorted. The Durban City Council, it must be remembered, is composed mainly of Englishmen, not Boers,—the descendants of the Englishmen who imported Indians in the nineteenth century to develop the natural resources of the province of Natal.

CHAPTER V

TROUBLE IN THE TRANSVAAL

In the days when the Transvaal was governed by the Boers, strict laws had been passed against the ownership of land by Indians. These "Gold Laws" sought *to* prevent Asiatics (Indians and Chinese) from gaining any foothold on the Witwatersrand. But, as has been mentioned earlier, the Boer administration did not enforce these laws harshly. They themselves suggested methods of evasion by which the Indian could form companies to hold fixed property that belonged to individuals. These "illegalities" were later "condemned" by an Act of the Union Parliament in 1919, which had effect in all cases up to 1919. Technically, of course, all Indians who continued in occupation of fixed property after that date were breaking the law, and it was therefore quite easy for their white competitors to use this fact as a weapon against them.

This sort of agitation revived a few years after the first Cape Town Agreement was signed and the result was the introduction of the Transvaal Asiatic Land Tenure Amendment Bill of 1932 which sought to enforce strict segregation in regard to both occupation and ownership of land by Indians, thus cutting at the roots of the trade

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that Indians were carrying on in Johannesburg and other cities. Sir Kurma Reddi who was the Agent-General managed to get the Government to postpone consideration of the Bill until a delegation from India arrived. The Cape Town Agreement of 1932 was not by any means as successful as the previous one, but some modifications in the Land Tenure Bill were made.

Protection given to Indians was extended to fixed property held by companies on May 1, 1930 irrespective of whether the property was acquired legally or not. Thus properties, acquired after 1919 by companies in which the controlling interest was nominally in the hands of Europeans but *de facto* in the hands of Asiatics were protected without the necessity of testing the legality of their acquisition in the Courts.

But clause 9 of the Bill laid upon an Asiatic applicant for a trading licence the burden of proving before the authority which issues the certificate of fitness that he is legally entitled to reside or occupy the stand or erf for which he has applied for a licence. A proviso was added that a certificate from the Minister would be sufficient answer to any objection on the ground that an applicant was not entitled to reside or occupy. The amended Bill also gave power to the Union Government to permit certain areas to be owned and occupied by Indians. Such areas were to be recommended by a Commission.

These attempts to sugar the pill a little, did not

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reassure the Indian community. To make things worse, the Department of the Interior issued printed forms to all Indians in the Transvaal requiring all Indians residing on 'proclaimed land' to submit full particulars to the Government so that the newly appointed Feetham Commission might be able to begin its enquiry. Those who did not submit the forms could not claim even the limited protection that the Act allowed upto April 1935.

The South African Indian Congress, meeting at Johannesburg, reflected the indignation of Transvaal Indians over the new anti-Indian law. Sorabjee Rustomjee in his presidential address said bitterly that if the delegation from the Government of India at Cape Town had not been able to get anything better than the new Act, then the time had come for the community not to look for help from outside. He thought that deportation was better than submission to such indignities.

The feeling of the whole Congress ran in favour of passive resistance, which was strongly put forward by the Transvaal Provincial Congress. The Agent-General spoke strongly against such a course and it was later found that many of the Transvaal Indian merchants had already submitted the forms. Finally, passive resistance was postponed until the findings of the new Land Tenure (Feetham) Commission were published.

The Feetham Commission was to enquire into

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the facts of Indian occupation in the Johannesburg gold areas and to lay down the principles which should guide the grant of exemptions under the 1932 Act. The Commission was also to make proposals as to the exercise of the power conferred upon the Minister of the Interior to withdraw from Gold Law restrictions.

The Commission prepared a list of block areas in respect of which exemptions might be granted. As for individual exemptions, they suggested that the Minister could grant them in his discretion. The Commission made liberal recommendations about the right of occupation but not of ownership.

On the basis of the Feetham report, a Bill was introduced. The Select Committee which sat on the Bill not only endorsed the Feetham recommendations but provided also for exemption in regard to ownership. The Bill was then passed into law as the Transvaal Land Tenure Act of 1936.

This Act, for the first time in the history of the Transvaal, recognised the right of Indians not only to occupy but also to own land in the gold mining areas, from which they had been driven by a long series of legislative enactments. The Act also gave Indians the right to own property not only in exempted areas but also in Asiatic bazaars and locations which had been set apart for Asiatics by previous legislation. It cancelled restrictions against Indian occupation

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in the title deeds of property in exempted areas. It gave power to the Minister of the Interior to see that there was proper municipal administration of the areas reserved for Asiatic occupation.

The doctrine of segregation persists in the Act, but nevertheless it was a paradoxical consequence of the anti-Indian agitation in the Transvaal, that Indians should now for the first time be permitted to own land, a right which had been denied them since 1885. It was therefore not surprising that the Europeans returned to counter-attack. The Parliamentary resolutions introduced in 1938 and 1939 to implement the Feetham report were held up by unexpected opposition from the ranks of Government supporters themselves. The reactionaries raised the cry of penetration and compelled the Government to appoint a new Asiatic Land Laws Commission (Murray Commission) to investigate charges of evasion of laws restricting occupation of land in Transvaal, north Natal and the Orange Free State by Asiatics.

The new Commission found that as far as occupation was concerned, there were, with one or two trifling exceptions, almost no breaches of the law by Indians. As for ownership, the Commission found no more than eight cases of infringement of the law prohibiting Indians from owning land through European nominees. Three of these cases had become illegal because the law had recently been made retrospective. Four of

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the other five cases related to the acquisition of land by Muslims for the purpose of building mosques. It was only with regard to land owning through companies that the Commission found "comparatively speaking extensive evasions, but from the absolute point of view, they amount to but little." Most of the infringements of the Act of 1932 took place after May 1930 before the promulgation of the Act. Such ownership had been illegal since 1919, but the Act of 1932 had condoned them and Indians had hoped that the pardon would extend upto the date of the passing of the Act. The Murray Commission felt unable to recommend that retrospective effect should be given to the Act of 1932.

Of these illegalities of ownership through holding companies, the Commission remarked that "it could not disregard the possibility of genuine European shareholding even when the Company was formed to acquire property for the occupation of the Asiatic shareholder, and the latter, sometimes in addition to minority shareholding of substantial size, had advanced the company the necessary funds." The Commission reported that other evasions had praiseworthy purposes, educational and charitable.

The Murray Commission exposed the hollowness of the charges against Indians by finding that Indians, on the whole, desired ownership of land only for trading purposes and not for land speculation or investment. To permit occupation

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and deny ownership was to drive the Indian trader to break the law. The Act of 1932 itself admitted the absurdity of prohibiting them the right of occupation and so the Act provided for certain areas to be thrown open to direct ownership by Asiatics. These investigating Commissions found that Indian-occupied areas were usually neglected by the local Municipal authorities. They were denied sanitary conveniences and then told that they must be isolated because they lived under insanitary conditions. That the Indian in Africa was not inherently insanitary was reported by the Medical Officer of Johannesburg to the Feetham Commission. He said that Asiatics "are as amenable to sanitary requirements as the average European of the poor classes, and at times are an example to such Europeans." One might have supposed that the report of the Murray Commission would have allayed the suspicions of the Europeans and relegated the bogy of Indian penetration to the dust-bin. But those who make such assumptions do not know South Africa where any Government, in order to be popular, must start a new Indian-hunt or African-hunt in order to catch the votes of the white populace.

When war broke out in 1939, the Nationalist Party under the leadership of General Hertzog was in office. On September 4, he moved in the House of Assembly that South Africa should remain neutral. Gen. Smuts moved an amend-

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ment that South Africa should join with Britain in war against Germany. The United Party (led by Smuts) was split but on the issue of war it was backed by the Dominion and Labour parties and the Smuts amendment was carried by 13 votes. Gen. Hertzog resigned and Smuts took charge of the new coalition with Mr. Lawrence as his Minister of the Interior.

These facts explain the genesis of the next offensive against the Indian community. For, when it took office in September 1939. the Smuts Cabinet promised to reopen the question of Asiatic penetration. A new Commission led by Justice F. N. Broome was to report whether and if so, to what extent, Indians had since 1927 occupied or acquired rights for trading or residence in predominantly European areas in the Provinces of Natal and the Transvaal, and the reasons for such acquisition.

The motive of the instigators of this new enquiry is quite transparent. They wanted evidence to prove their contention that since the Cape Town Agreement, Indians had been invading the preserve of the European and taking away his trade. We may assume that the first Broome enquiry, like the Pegging Bill of this year, was part of the price paid by General Smuts for the support of the Dominion Party. This granted, it becomes clear why Smuts speaks constantly of 'political necessity' and why the

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Government of India has taken no action to check the latest attack upon the Indian settler.

In June 1940 the Natal Indian Association asked the Prime Minister to drop the inquiry in view of the critical situation in Europe. (France was collapsing ; it was Britain's darkest hour.) But the Union Government refused. The Broome Commission began its work in the Transvaal, where oral witnesses were allowed to be cross-examined by the Secretary of the Transvaal Indian Congress. In Natal, the Durban City Council gave evidence. It first refused to have its officials cross-examined by the representatives of Indian bodies, but after an appeal from Justice Broome, consented to do so.

In the Transvaal, the first Broome Commission says, "We have estimated the present Indian population in the Transvaal as 28,200 of which possibly one-half or less reside on proclaimed areas. They are a class almost entirely dependent on trade for livelihood. The trading class cannot subsist by trading only with its members. In these circumstances the occupation of 246 trading sites and 93 residential sites in the predominantly European portions of the Transvaal since January 1, 1927, does not disclose a situation which can by any stretch of imagination be described as critical."

The Murray enquiry had not found the increase in Asiatic trading licences between the years 1932-39 disproportionate to the growth of the

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total population. The Broome report said that if the comparison were to be extended over 1927-40, their conclusions would be the same.

Passing to Natal, where legal restrictions on the acquisition of land by Indians exist in the north only, the Commission said: "If Indian advance into European areas before January 1927 is described as a flood, the subsequent advance is little more than a trickle—twenty-three cases a year, or if agricultural land is added, 29. In Durban the *sites* acquired and occupied totalled 150 and sites acquired but not occupied, 362. The number of trading sites occupied by the Indians is negligible."

Europeans had alleged that the Indian trader had driven the white trader out of many smaller towns. This was found to be untrue. What had happened was that, as communications got better, trade was centralized in the larger towns to which the white trader departed, leaving whatever pickings remained in the smaller townships to the Indian.

"The absence of other directions for investment has led Indians to invest their money in immovable property," said the report referring to cases where property had been acquired but not occupied.

Most significant of all, the Commission asserted that such penetration as there had been was a direct consequence of the Cape Town Agreement, which had encouraged the Indian to accept

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western standards. Families, formerly accustomed to live together, now broke up when the children married, and new homes were set up. Answering the charge of a member of Parliament that the cause of penetration was failure to enforce restrictions against the Asiatic, the Commission said that the truth was that occupation of sites on unproclaimed land had taken place without any breach of the law. There was no general desire among Transvaal Indians to live among Europeans. When they did, the inducement was better trading opportunities or better living conditions.

The main reasons for penetration was nothing more than a normal desire among Indians to acquire wealth. All people, irrespective of race or colour, desire to improve their material position. The realisation of this fact, said the Report, would not cause the problem of Indian penetration to disappear, but it might "by dispelling some of the present sinister atmosphere contribute to its solution."

The findings of the first Broome enquiry were therefore a vindication of the Indian case. The little 'penetration' that existed was found to be due to lack of proper amenities in the reserved areas and lack of opportunity for financial investment. The Cape Town Agreement had led Indians to believe that they might improve their standards and move towards economic equality with the Whites. But no sooner had they taken the first step, than the howl of penetration

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was raised and forcible segregation advocated to keep them in their places in the rear.

The anti-Indian element in Natal were deeply disappointed that the Broome Report did not support their allegations. When the Natal Municipal Association held its annual conference in October 1941 a resolution was passed calling upon the Government to pass legislation to control penetration. The resolution reads : " That notwithstanding anything contained in the report of the Broome Commission this conference of Natal local authorities holds most emphatically that Indian penetration is a very serious menace in this province, and hereby calls upon the Government to introduce legislation at the next session of Parliament upon the lines laid down by the Minister of the Interior to the deputation for the Durban City Council on December 7, 1938." Before the end of the year, the Durban City Council passed a similar resolution.

CHAPTER VI

THE PEGGING ACT OF 1943

The Pegging Act of 1943 is the lineal descendant of the Asiatics (Transvaal Land and Trading) Act of 1939, which in its turn goes back to the Act of 1932 and thence to the legislation of 1919 which condoned the "illegalities" committed by Indian traders in the Transvaal in occupying or owning land in contravention of the Gold Law of 1885. Introducing the 1939 Bill into the Union Parliament, the then Minister of the Interior (Mr. Stuttaford) apologised for not bringing forward something more permanent and drastic. The Bill was in the nature of interim legislation to extend the "protection" of Indians on the Rand for a further period of years.

The main provisions of the Bill were that (1) further protection for two years was given to such illegal occupation of land by Asiatics in the area under the Gold Law as had been protected since May 1930; (2) the issue of trading licences, except with the permission of the Minister, was prohibited, unless it was proved that the applicant and the person in control of the business were not Asiatics; (3) the hiring or occupation by Asiatics of any land or premises was prohibited if such land or premises were not

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occupied by Asiatics or coloured persons in April 30, 1939; (4) the Minister was empowered to issue permits of exemption.

The Bill had the effect of restricting the right of Indians to occupy land not subject to Gold Law restrictions. It prevented Indians from moving about freely in the Transvaal in the course of trade. It curtailed the right of Indians holding trading licences in May 1919 to transfer their business premises anywhere in the same township.

In short, the Bill was a "pegging" or "freezing" bill which ran counter to the policy of the Feetham Report and the 1936 Tenure Act.

During the Committee stage, Dr. Hofmeyr asked for an assurance from the Minister of the Interior that his discretionary powers would be exercised in conformity with the Cape Town Agreement, but the Minister ignored the request.

In the Senate, when it was suggested that there should be a third Round Table Conference with the Government of India, the Minister said that both the previous conferences had been failures and that he would not agree to any consultations which would delay his solution of the problem! He pacified those who wanted stronger anti-Indian measures by hinting that the permanent legislation that the Government had in mind was of that sort, and that it would affect all the Provinces, including Natal. The Bill became law in June 1939. No notice was taken of protests

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from the Government of India or the various Indian bodies in South Africa.

Feeling ran particularly high in the Transvaal. In May, a mass meeting of Indians was held at Johannesburg which resolved to resort to passive resistance and to appoint a Directing Council to enlist volunteers and make arrangements to carry on a struggle. But the difficulty (as it was in 1932 and is again in 1943) was that everybody was not agreed on what was to be done. The officials of the Transvaal Congress were against passive resistance, which was advocated by the Nationalist Group of the Transvaal Indian Congress led by Dr. Y. M. Dadoo. The Group demanded that the Congress officials should resign because they no longer possessed the confidence of the Indian community. Real trouble began on June 4 when at a meeting held to discuss what policy should be adopted by the Congress towards the Bill, fighting took place outside the hall. Weapons were used, nine persons were seriously hurt and the police had to restore order. It was found that all the injured were supporters of the passive resistance movement, not one of the Congress officials being hurt. Five Congress supporters including one member of the Executive were arrested.

The Agent-General's report for 1939 says that these events swung Indian opinion in the Transvaal in favour of passive resistance. The party split widened and things were not improved

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when the Attorney-General withdrew the charges against the five accused, after the magistrate had committed them for trial. The Agent-General sought to dissuade the Nationalist leaders from resorting to passive resistance.

A month later, however, at another mass meeting attended by six thousand Indians, it was decided that the passive resistance campaign should begin on August 1. The Government of India was asked to withdraw the Agent-General's office as its continuance was derogatory to India's honour. The Europeans, on their side, began to mobilise. The *Transvaaler*, a Boer paper, called the movement a rebellion and urged the Government to leave it to the Europeans to deal with it and called for a boycott of Indian shops. The non-European United Front (which unites Africans, coloureds and Indians) took up the attitude that it was premature for any group within the Indian community to start an independent campaign. Passive resistance, they argued, should not begin until consultation and preparation for simultaneous action could be taken by all non-European organisations. Towards the end of July a cable was received from Gandhiji advising postponement of the struggle in view of negotiations between the Indian and South African Governments.

The Working Committee of the Indian National Congress passed the following resolution with reference to the crisis in South Africa: "The

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Working Committee congratulates the passive resisters of South Africa on their restraint in staying action in the hope of an honourable settlement. The Working Committee appeals to the Union Government not to put the Indian settlers to the severe test of suffering for the sake of merely retaining the democratic rights which were twice guaranteed to them. Should, all attempts at an honourable settlement fail the Working Committee assures the passive resisters that the whole of India will support them in their struggle."

There was, however, a quick transformation of the political background. Germany invaded Poland in September and the British Empire entered the war. The Hertzog regime fell, and the Smuts Government was expected to abate the persecution of the Indian. Indian organisations had now to decide their attitude to the second world war. The older bodies of the Natal Indian Association, the Natal Congress and similar groups in the Transvaal and the Cape decided to support the war and offer Indian assistance. The younger bodies pursued a policy resembling that of the Congress in India holding that a war for equality must begin with the giving of equal rights in Africa. At the meetings held by these groups the leaders were arrested. Dr. Dadoo, leader of the Nationalist Group in the Transvaal, was prosecuted for making a speech and fined £25. He was re-arrested in February (1941) and

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imprisoned. Mr. Manilal Gandhi immediately spoke at a mass meeting against Dr. Dadoo's conviction and also against the Government's decision to extend the Transvaal Asiatics Land and Trading Act for another year. In May, some members of the Nationalist block, led by Mr. S. B. Medh, offered passive resistance on these two issues. Dr. Dadoo was released shortly after. He gave an undertaking not to address public meetings.

These events may serve as a sort of prologue to the story of the Pegging Act of 1943 when the Smuts Government, evidently to mobilise European support (especially that of the Dominion Party which is strong in Natal) for the general election of August, hurried through a new Bill, prolonging the life of the Asiatic (Transvaal Land and Trading) Act of 1939 by another three years, and extending its applicability to the Province of Natal as well.

The immediate excuse for the Pegging Act of 1943 appears to have been the expiry, in May, of the Act of 1939, and the report of the second Broome Commission in April. The first Broome report, as stated earlier, did not please the Durban Council and a year later they started an agitation for another enquiry on the ground that a great deal of penetration had taken place during the war years. The second report of Justice F. N. Broome was tabled in the South African Assembly last April. It was not within the scope of the

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enquiry to find out why there had been an increase of Indian purchases of property in European areas. Before the opening of the Commission's public sittings, in March, both the Natal Indian Association and the Natal Congress had protested against the narrowness of the enquiry. After handing in a written protest, the Natal Indian Association withdrew its co-operation. The Indian community was represented only by the Natal Congress, which appears to be a smaller body.

The report says that evidence on the reasons for acquisition was not rigidly excluded, though the Commission could not formally record findings under this head. " Many reasons were advanced and there is probably an element of truth in them all," says the report. " The abnormal conditions brought about by the war undoubtedly played some part. The majority of the more wealthy Durban Indians are engaged in trade. The facilities for trade are at present restricted and a considerable amount of money that would normally be absorbed in trade is in consequence seeking other avenues of employment. Many Indians for religious and other reasons decline all forms of investment that involve lending money at interest and a great majority of them, as pointed out in the reports of many previous Commissions, regard purchase of immovable property as the only desirable investment other than trade."

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" Europeans on the other hand, with alternative forms of investment that appealed to them, are not driven by abnormal present-day conditions to purchase immovable property to the same extent as Indians." The Commission was satisfied by the statistics produced by the City Council that Indian property-buying has increased to a greater extent than European and says that this is what one would expect. The report mentioned two other possible reasons: that the public formed a mistaken impression of the effect of the 1940 Commission which formed that there had been no Indian penetration in Durban, and secondly that Indians were anxious to pass through the door while still ajar, but added that this was merely speculation.

The Commission reported that in the first two months of 1943, Indians in Durban paid more for sites in European areas than in any complete year before 1927 and 1939. The number of sites bought by Indians in European areas was two and a half times greater than the highest previous yearly total, i.e. for 1939. The total paid for such purchases between October 1940 and February 1943 was equal to the amount paid in the whole period for 1927-39.

These facts were enough. The Europeans could now cite figures of " penetration " from an official report. They decided to make full use of them to bring in statutory segregation in Natal, where there had been less of it than in the Transvaal.

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The pegging legislation of the Transvaal Asiatics Act could now be extended to Durban and then by stages to the rest of Natal.

From the facts given of the staggering rise in Indian purchases the naif observer might imagine that the Indian was buying up the whole of Durban and that the European was fighting a rearguard action to keep a roof over his head. To keep a sense of proportion one should recall the official statements made about the expansion of the Indian Air Force and Navy which are frequently said to be many times their size before the war. Yet both the air force and the fleet have a long way to go before they attain respectable dimensions. Similarly, the actual number of Indian purchases from October 1940 to February 1943 (stated by the deputation of the Natal Congress to the Government) was only 322. Seventy per cent of these had been made for investment purposes and were actually occupied by Europeans. A majority of the purchases were next door to Indian areas. As a result of the "pegging" that is to take place, twenty-four thousand Indians were to be confined to 200 acres of Durban while seventy thousand whites were to have 5,000 acres. The European has so much room to move about in, and the Indian so little, that there can be no reasonable answer to the question, "Why is it necessary to bring in legislation?" except the desire to cripple the development of the Indian.

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Deputations from the Indian bodies in Natal visited Cape Town and made protests. On April 8, the Government of India made its first official statement: "The Government of India have learned with regret that the Government of South Africa have announced their intention to extend the Interim Act in the Transvaal and to apply similar provisions in Durban and possibly elsewhere in Natal. The Government of India had addressed a representation to the Union Government in respect of the Transvaal Act and had asked for an opportunity to comment on any proposals which the Union Government might be considering for the purpose of minimising transfers of property between Europeans and Indians in Natal. They observe with concern that the Union Government have found themselves unable to comply with either of their requests. They have addressed a further urgent communication to the Union Government and anxiously await that Government's reply."

The British Government was reported to be informed of what was taking place in South Africa and the Indian Government's attitude. But it was argued in official quarters in Delhi that it was not necessary to consult with the Standing Emigration Committee nor the Central Legislature because no departure from the existing policy relating to the treatment of Indians in South Africa was contemplated. The Government of India hoped that a compromise might still be

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found and they pinned their hopes to the method of voluntary adjustment without recourse to legislation.

On April 10, the Minister of the Interior, Mr. Lawrence introduced the new Bill known as the Trading and Occupation of Land (Transvaal and Natal) Restriction Bill, in the House of Assembly. It was stated that the Bill would peg the present occupation of land or premises by Asiatics in the Municipal area of Durban to March 31, 1946 and have retrospective effect from March 22, 1943. (It was on the latter date that the Minister gave notice in the Senate of the Government's intention to take legislative action if the Broome enquiry found "penetration.")

The restrictive provisions of the Act might be applied by the Governor-General by proclamation to any other area in Natal after a Commission reported on the expediency of such action. The provisions of the Transvaal Asiatics Land and Trading Act of 1939 were to be reimposed for another three years. When the Bill became law, no transaction between European and Asiatic for the occupation or ownership of premises would be permitted in Durban except under a permit from the Minister. Such transactions concluded after March 22, 1943 would be null and void if a permit were not granted within three months of the Bill becoming law. The restrictions also applied to the purchase of any shares or debentures of a company owning land or property. No

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European would be allowed to occupy premises not considered to be occupied by an European on March 22. The same was to hold good of Asiatics. The Minister of the Interior could issue exemptions.

Persons found guilty of contravening the Act were liable to a fine of £100 or to imprisonment of not more than six months or to both. In case of continuing contravention, a fine of £5 per day was imposed. The court which convicted any person could order his ejection from the premises.

In exercising his powers of discretion, the Minister was to take into consideration the needs of Europeans and Asiatics in regard to housing, health, education, recreation, etc.

On the day on which the second reading of the Bill was to take place in the Union Parliament an urgent cable was sent to Marshal Smuts signed by three former Agents-General—the Rt. Hon. Srinivasa Sastri, Sir Maharaj Singh and Sir Raza Ali.

"Amidst the world conflagration," the appeal said, "India expects you as the seniormost British statesman, to drop the pending Bill. Natal's Indian problem is fundamentally different from the Transvaal's. The interim Act of 1939 does not justify extension to Natal. While appreciating your parliamentary difficulties we are bound to say that the Bill, if passed, would shatter the faith of those Indians who still advocate India

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remaining within the British Commonwealth. As South Africa's friends we earnestly suggest a conference after the war without prejudicing the issue by passing the present Bill, since no Union Government would be able to resist the demand for putting it on a permanent basis."

The House of Assembly was crowded on April 13 when the Minister of the Interior moved the second reading. Mr. Lawrence said it was wrong to call the Bill a violation of the Cape Town Agreement. It was not a segregation measure but a temporary one calling for a standstill for three years. It was aimed not only against the Indian buyer but against the European seller of property. The Cape Town Agreement had not excluded the possibility of such legislation becoming necessary.

Dr. Hofmeyr, Minister for Finance, said he could not take responsibility for certain provisions of the Bill. He revealed that he had tendered his resignation to the Premier, but that the Premier had asked him to continue in the Cabinet for the sake of preserving a united front during the war. Dr. Hofmeyr said he did not object to those parts of the Bill which dealt with Natal, but he did object to the extension of the 1939 Act in the Transvaal. In the Transvaal no Indian outside the "Feetham Areas" could purchase property. Penetration therefore was almost entirely a question of trading. He said that the argument that the Bill was meant to protect

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Indians *in* the Transvaal against possible anti-Asiatic feeling would not deceive the Indians. They knew why such legislation had been introduced originally and they had a shrewd idea why it was to be re-enacted now.

Colonel Stallard, Minister for Mines and leader of the Dominion Party, (which was behind the Bill), said that he accepted all the provisions of the Bill and thought that the question of extending them to other parts of Natal besides Durban should receive immediate attention. Referring to the cable sent by the three former Agents-General, Col. Stallard said they were quite wrong in believing that they were entitled to criticise the way in which the composition of the South African population was dealt with by the Union Parliament.

The Prime Minister, Marshal Smuts, said that the Government was anxious to have the Bill on the Statute Book as soon as possible and no dilatory motion would be accepted. The Government regretted appearing to go against a country like India which was engaged in the war alongside South Africa. But the issue had been forced on the Government by the Indians themselves—not the whole Indian community but a minority who had no regard for the interests of the country. The country was faced with the position that in Durban—which is a European city and which the Government had determined should remain a European City—large-scale Indian penetration

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was going on. The Government intended to make a proper judicial enquiry into the whole situation since the present Bill was only a standstill measure. He was sure that after a competent body had examined the question fresh light would be thrown on it and a new method of action found.

The Premier's speech was fittingly answered by Mrs. V. M. Ballinger, one of the three (white) representatives of black Africans in Parliament. She pointed out that an appeal to race prejudice had been made in Natal by a minority composed of the followers of Col. Stallard (Dominion Party). She disagreed with Marshal Smuts' assertion that Durban was a European City. It was a South African City. A great deal of comfort and prosperity in Durban resulted from the services of the Indian community. The Durban City Council had not made any attempt to provide facilities for the normal expansion of the Indian population. The two million pounds which it now advertised it was going to spend on Asiatics was to be spent in the distant future.

Mrs. Ballinger said it was time that South Africa learned to govern instead of legislating. European prestige could not be maintained by falling back continually on the bludgeon. She hoped that the petition she had presented asking that representatives of the Indian community be admitted to the bar of the House would be granted.

But all appeals to reason were wasted. The Nationalists led by Dr. Malan wanted an amend-

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ment to extend the provisions of the Act immediately to the whole of Natal. This enabled the Government to appear moderate by comparison. In the Committee stage, members of the Dominion Party made new allegations against the Indians. They said that when the Durban Council sought to establish villages for Indians, they were boycotted. Another member said that Indians borrowed money in order to buy up European houses. Mr. Lawrence congratulated the Dominion Party for not supporting the Opposition's amendment!

Meanwhile there were strong protests from the public in India. The Council of the Imperial Indian Citizenship Association placed on record its experience that repeated concessions to the South African Government on the part of India had only tended to reduce the Indians in Africa to servility. Appeasement had failed. The Union Government had violated their promises to uplift the Indians. They said that henceforth India should feel free to take effective steps to safeguard her honour abroad. It was the duty of the British Government not to leave this question of South African Indians solely in the hands of the Government of India. The Council concluded with a request to the Government of India to use every means in their power to bring the Union Government to their senses.

A large public meeting held in Bombay on April 20 which was addressed by such men as Mr.

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Jayakar, Sir Homi Mody, Sir Purushottamdas Thakurdas, Sir Chimanlal Setalvad and others, repeated these warnings and hinted at sanctions if no other methods were successful.

Three days later, the Bill passed the third reading. Mr. Marwick, a Member of the Dominion Party, struck an ominous note. He said that as soon as the general election of August was over, the question of Indian penetration would have to be dealt with in a firmer way and efforts made to buy back properties acquired by Indians. Another member of the same party stated that if the position in Natal were allowed to drift there would be civil war there.

The same day a deputation from the Natal Indian Association waited on Marshal Smuts. In their memorandum the members pointed out that many parts of Durban, which Europeans now claimed as their own, were originally developed, owned and occupied by Indians. Referring to the Premier's statement that it was "un-South African" for Indians to appeal invariably to India, the memorandum said that Indians regarded themselves as South Africans but they had been put outside the pale of citizenship by the Government, the Provincial Council and the local bodies. While they remained voteless and unprotected they were compelled to appeal to outside opinion.

In reply, the Premier declared emphatically that the Union Government was determined to proceed with the Bill and place it on the Statute

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Book. Indian leaders now cabled to Members of the British House of Commons asking that the Imperial Government should intervene. Mr. Ammon (Labour) asked Mr. Amery: "Would the Secretary of State for India be interested to know that I have received in the last few months a cable from the President of the Natal Indian Association protesting against this Bill and calling attention to the bravery of Indian troops in Africa and is this not a curious requital for it?" There were cries of "Answer!" in the House. Mr. Amery rose and said: "The matter is one which has been dealt with by the Government of South Africa."

Later, on May 4, after the Bill had passed all stages, it was revealed by Mr. Attlee, Deputy Prime Minister, that the British Government had not in fact been consulted by the Union. There had been no correspondence or negotiation between the two Governments and the subject had been dealt with only between the Government of India and South Africa.

What, in the meantime, was the Government of India doing? When the Bill passed its third reading in the Senate and awaited only the Governor-General's assent, they issued their second protest. The Government said that since the first announcement of the Bill, they had made three urgent representations through the High Commissioner. They held the view "that legislation restricting the rights of India in South Africa does not offer

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an acceptable solution of the Indian problem in that country and is at the same time a serious cause of offence everywhere. In practice, they have urged that the present difficulties can be met without restrictive legislation by administrative arrangements designed to give full publicity to any transaction which might be regarded as undesirable and to bring the pressure of public opinion to bear upon seller and purchaser alike." The Government of India expressed disappointment that the Union Government had not been able to adopt their suggestions. Opinion in India had protested that the new legislation was repugnant, unnecessary and inopportune and the Government of India fully agreed with that view.

There was no threat of sanctions, no hint that the Government of India contemplated any action once the suggestions put forward by the High Commissioner had been turned down by the Union.

NOTE:—In August, 1943 the Central Legislature discussed the situation arising out of the Pegging Act, and passed an amendment to the Reciprocity Act 1948 which enables the Government to do to foreigners what they do to Indians. Unfortunately there are very few white South Africans in India and it is doubtful if even the amended act can deprive them of their franchise or dismiss them from service if they hold office with the Government of India.

CHAPTER VII

THE DESTINY OF THE INDIAN SETTLER

In a cable to prominent public men in India a South African Indian leader described the India Government's communique as disappointing and unsatisfactory. He suggested that the India Government should ask the Union Government to convene a round table conference to inquire into the working of the Cape Town Agreement and that, if the request was refused, India should repudiate the agreement and sever diplomatic relations by recalling the High Commissioner.

But it is quite clear that even this not very radical procedure is not likely to be adopted. It is much less likely that trade sanctions will be applied. The recent Khare conference in Delhi considered methods of boycott, but if boycott is agreed upon, it will have to be the public and not the Government who will make the decision. In war time, such a decision verges on the impossible. India normally exports five times as much to South Africa as she imports, a major item of import being coal from Natal, which is already in short supply in this country. It is suggested that India should stop the export of jute to the Union

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and the import of wattle bark which is used in tanning. Both are vital war materials.

The Government of India is moved by even wider Imperial considerations. A press correspondent in touch with official circles in Delhi reported that such circles believed it unwise to embarrass Marshal Smuts on the eve of a general election. "Between London and Delhi," wrote this correspondent, "the conclusion seems to have been reached that the South African Premier deserves sympathy rather than hostile criticism. The recall of the High Commissioner might seem an obvious step but an appointment secured after considerable negotiation should not be thrown away as a mere gesture. On the other hand, by staying on he would do much to soften the blow."

That is plain enough and all the protest resolutions in the world are not likely to make it different. If the Government of India will not move, what about the public? A very effective boycott of Zanzibar cloves was once organised, but there is no real comparison between Zanzibar which depends on the Indian market and South Africa which does not. The Indian public certainly does sympathise with the Indians in the Union but Indian nationalists have their own problems. They are themselves not yet assured of liberty on their own soil and most of their leaders are actually behind prison walls.

In South Africa, the Indian community was quite alive to these facts. The South African

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Congress met at Johannesburg to decide on what action they should take. Opening the session on June 25, the High Commissioner, Sir Shafaat Ahmed Khan, made a powerful speech in which he described the unjust and humiliating character of the Pegging Act and pointed out that it played into the hands of propagandists in Berlin and Tokyo who applauded it in their propaganda against the United Nations. But he took the view that it was the work of an irresponsible minority, and ended his address on an optimistic note.

Much of the value of the meeting was taken away, however, by the disunity apparent among the Indian groups. In Natal, the story of that disunity goes back to the days of the Colonisation Enquiry of 1933 when Indians who refused to co-operate with the enquiry broke away from the Natal Congress and formed the Colonial Born and Settlers' Association. The breach was healed only in 1939 when the two groups fused into the Natal Indian Association. Shortly after, a group led by Mr. A. I. Kajee withdrew and revived the Natal Congress. Both bodies claim to be the rightful affiliates of the general body—the South African Congress. Both the Natal Congress and the Natal Indian Association support the war effort—following the example set by Gandhiji in the Boer War and the first world war. The Indian and African soldiers are not, however, given arms by the Union Government. This policy is not followed by a third body in Natal, the Nationalist Group

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which holds that such support cannot be given until rights of citizenship are conceded.

In the Transvaal, the difference is mainly between the Transvaal Indian Congress and the Nationalist Group of that Congress which split off passive resistance to the Asiatic Bill of 1939. Dr. Dadoo, the leader of the Nationalist Group is also Secretary of the non-European United Front which held its first meeting in Cape Town in April 1939. The Front was formed to take common action by all non-Europeans—Africans, Coloureds, Indians—to combat the menace of segregation and other disabilities.

Both the Natal Indian Association and the Nationalist Group of the Transvaal Congress refused to take part in the meeting of the general body at Johannesburg on the ground that the Transvaal Congress had allowed the Nationalist bloc to send only five delegates who could attend only as individuals and not as a representative group of delegates. This unfortunate secession took away much of the force of the decisions reached at the meeting.

Yet the Conference at Johannesburg revealed a new line of thought among Indians in the Union. The most striking feature of the Conference was the insistence on solidarity with other oppressed groups in Africa. Councillor K. Ismail underlined the need, not only for Indian unity but for a united front with other non-European groups in

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his presidential address, and the speeches of Mrs. V. M. Ballinger and Mrs. Gool (non-European) continued the theme.

Mr. Ismail had tabled a motion calling upon the Congress to open negotiations with African, Malay and coloured bodies to convene a National Conference this year to form a united front, but a certain amount of opposition being feared, this was whittled down to a resolution merely stating that the time had come for the S. A. Congress to co-operate with non-European bodies on such specific purposes as the Congress might deem fit.

Equally significant of the new way of thinking was the rejection of a motion calling on the Indian Government to convene a round table conference to examine the working of the Cape Town Agreement in the light of the Pegging Act. This was coupled with the passing of a resolution demanding that India should break relations with the Union by recalling the High Commissioner. Obviously, the Congress suffered from no illusions about the intentions of the Government of India.

The Congress unanimously adopted a motion to prepare and submit to Marshal Smuts a "Charter of Indian Rights" demanding civil rights, franchise, the repeal of anti-Indian laws, equal opportunities in trade, industry and so on. In the event of refusal, the Executive was to enlighten opinion in India, Britain and America on the disabilities of Indians in the Union and to contact Allied

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leaders at the Peace Conference to get their grievances redressed.

It may not be uncharitable to remark, that the Johannesburg Conference in suggesting the need for joint action with the African was to some extent stealing the thunder of the Nationalist Groups in Natal and the Transvaal. The old policy, that is, the policy followed by Gandhiji which was perhaps appropriate in the pioneer days, was for the Indian to stand firm on his nationality and appeal to the country of his origin for assistance and encouragement, while at the same time carrying on the struggle in Africa. Gandhiji as a satyagrahi favoured compromise, negotiation and self-denial as far as they would go, using as a last resort the weapon of passive resistance. His doctrine took root in the Indian community but as time passed there was more compromise and less satyagraha. Today Gandhiji has himself passed beyond the stage of believing in equality within the Empire. In 1939 the Congress Working Committee promised its support to passive resisters in the Transvaal.

In recent years, it is the younger and more radical groups in the Union who have appealed to the masses to rise rather than rely on round table conferences. The Nationalist Group in the Transvaal is the chief exponent of this policy. What is even more important is the fact that these groups reject the isolationism of the older generation. They are willing to face the consequences of being

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South Africans first and Indians second. When Africans and coloureds are equally the victims of the racial arrogance of the whites, it is suicidal for the small Indian group to isolate itself because it happens to be today slightly better treated than the mass of the people, who are the natives of the country.

The Indian problem is part of the South African problem. The South African problem must be seen against the immense background of the continent of Africa, a country seven times the size of India, inhabited by 140 million Africans. What future have the few million whites in Africa,—the invaders who have parcelled out territories among half-a-dozen European powers, themselves engaged in frequent wars?

Like India and China, Africa is a country of incredible poverty and misery where the old village economy has been shattered and which stands sorely in need of industrialisation, education, health services and all the other amenities that are possible only with a new redivision of capital and labour.

South Africa is the most industrialised area in the continent. But its top-heavy economy depends on the helotry of the African, and, in Natal, of the Indian worker. There is no space here to tell in detail the full story of that exploitation, but a few facts may be quoted from the statement made by Dr. Dadoo before a Magistrate in the Transvaal when he was arrested for issuing a pamphlet just

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after the war broke out, in his capacity of Secretary of the non-European United Front.

"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 work, (c) Special Pass required to be on the streets after 9 p.m., (d) Poll Tax Kecept. 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 in 1938, (all males over 18) £2,310,747. The number of non-Europeans prosecuted in 1938 was 700,000 Out of this number the number convicted was 588,329. Approximately 66 per cent. of those convicted were sent to prison for paltry and, at times, inadvertent breaches of such iniquitous laws like pass laws, location regulations, municipal by-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 the leading newspapers like the *Star* and the *Rand Daily Mail* have openly called for an abolition of the pass laws and the poll tax.

"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

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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.

"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.

"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 £6 to £12. Unskilled labour; £22/6 per week in Capetown; £17/11 in Durban, £19/7 in the Witwatersrand £11/- in the Sugar Mills.

" Thousands of Africans in the engineering and building industry earn just over a pound per week on which an African is expected to bring up himself and his family. The African workers have managed to obtain a slight increase in their wages

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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 dozens of press editorials from time to time are demanding that there should be a rise in African wages.

" Poverty is rife among non-Europeans especially Africans. Rents paid by non-Europeans are very high. For example, the rents in Sophiatown and yrededrop are as high as £1. 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 Unem-

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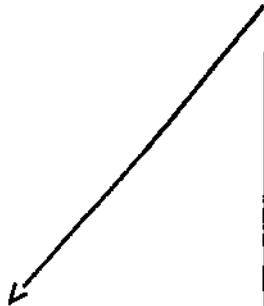
ployment Benefit Act operates in certain scheduled industries such as Mining and Motor, but the Africans are deliberately excluded though they are the lowest paid and the first to lose their jobs.

"These are too numerous to quote in full. Suffice it to say one sees the revolting signs: "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.

"Total expenditure on education in 1938 was £9,819,804, on which on African education was £827,058, and on Coloured and Asiatics was £812,325; which means, in other words, that the amount spent on European education per head of population was £4.16s., whereas on African it was 2s, 9d., and on Coloured and Asiatic it was 18s. 2d.

" 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

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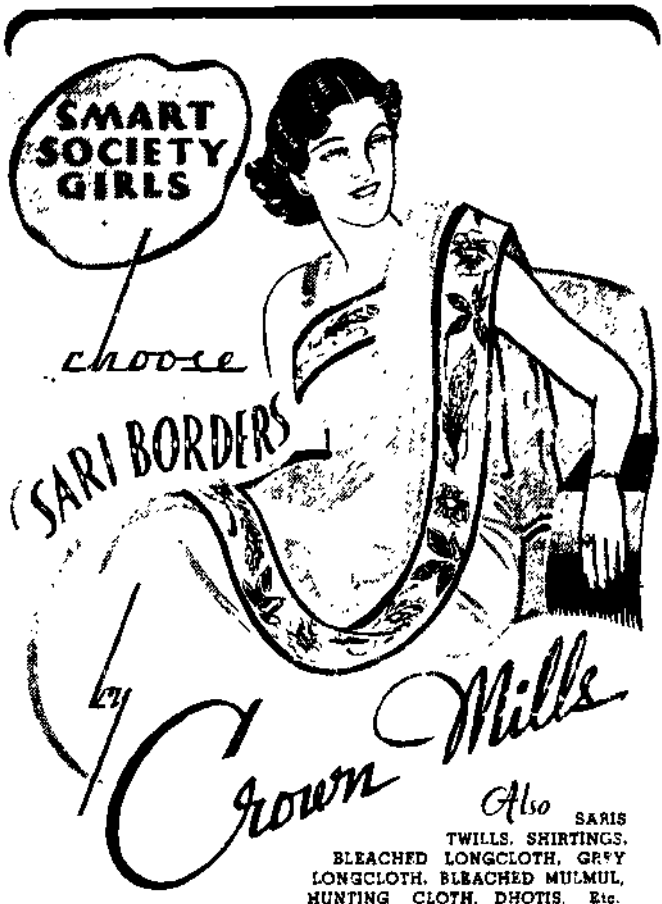
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